Navajo Nation Council enacts the Healthy Diné Nation Act of 2013

WINDOW ROCK – On the final day of the Winter Session the Council voted 12-7 to enact the Healthy Diné Nation Act of 2013, which imposes a two-percent sales tax, in addition to the Navajo Nation’s current five-percent sales tax, on “junk food” sold within the Navajo Nation.

In his opening address to Council, legislation sponsor Council Delegate Danny Simpson (Becenti, Crownpoint, Huerfano, Lake Valley, Nageezi, Nahodishgish, Tse’ii’ahi, Whiterock) said the sales tax increase is part of an overall effort to promote healthy living and to bring awareness to the diabetes epidemic that is affecting a growing number of Navajo People.

“Each one of us here has a relative that’s diabetic and we face that fact every single day,” said Delegate Simpson.

According to the legislation, “junk food” is defined as sweetened beverages and pre-packaged and non-prepackaged snacks low in essential nutrients and high in salt, fat, and sugar including snack chips, candy, cookies, and pastries, excluding nuts, nut butters, and seeds.

The legislation also states that all of the revenue collected from the two-percent sales tax will be deposited into a Community Wellness Development Projects Fund to be administered by the Navajo Nation Division of Community Development, following the development of a fund management plan.

The revenue will be used by chapters to develop wellness centers, community parks, basketball courts, walking, running and bike trails, swimming pools, community gardens, family picnic grounds, and health education classes.

Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) expressed skepticism, saying the sales tax increase would potentially drive consumers to purchase “junk food” off the Navajo Nation to avoid paying the tax and might end up benefitting businesses in border towns.

Despite the uncertainties expressed by Delegate Tsosie, he voted in favor of the legislation largely due to a sunset clause which was added as an amendment to the bill by the Naabik’iyáti’ Committee on November 7.

The sunset clause states that the two-percent sales tax will expire at the end of calendar year 2018, unless extended by the Navajo Nation Council.
Council Delegate Joshua Lavar Butler (Tó Nanees Dizi) said he supports the efforts to promote healthy living and deterring the diabetes epidemic, however, he also stated that imposing the sales tax increase is a decision that should be left to Navajo People in the form of a referendum.

Council Delegate Nelson BeGaye (Lukachukai, Rock Point, Round Rock, Tsaile/Wheatfields, Tsé Chʼizhi) expressed appreciation to members of the grassroots organization known as the “Diné Community Advocacy Alliance” who worked with Delegate Simpson for two years to develop the legislation at the urging of community members.

“You have really opened the eyes of the people. You’ve truly opened my eyes and you’ve truly opened the delegates’ eyes and it’s starting to reach the chapters as well,” Delegate BeGaye said. “You’ve done a good job. We need to figure out how we can all continue to work together to continue lowering the diabetes rate.”

Also speaking in support of the bill, Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts’ah Bii Kín) said that public awareness needs to continue even after passage of the bill.

“People out there are talking about this and it’s even international and national news,” said Delegate Nez. “I see this as a step toward self-sufficiency and an exercise of our sovereignty and if we move this forward I think it will show that we are the leader of American Indian nations.”

Following the passage of the Healthy Diné Nation Act, Council members also passed Legislation No. 0290-13, a separate bill also sponsored by Delegate Simpson that eliminates the current five-percent sales tax on fresh fruits and fresh vegetables.

President Shelly will have 10 calendar days to consider the bills once they are sent to the Office of the President and Vice President.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
Council votes down legislation to refer a Title II referendum measure

WINDOW ROCK – On the third day of the Winter Session, Council voted down Legislation No. 0369-12, which sought to refer a referendum measure that would have amended Title II of the Navajo Nation Code if the measure was voted on and approved by a majority of eligible registered voters who cast a vote.

In his opening remarks to Council, legislation sponsor Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts’ah Bii Kin) said that the proposed changes to Title II were intended to empower Navajo People and to restore their trust and confidence in the government.

The proposed referendum measure was one of three measures approved by the Commission on Navajo Government Development through a resolution passed on June 23, 2012.

One proposed change stated that the Navajo people delegate to the Navajo Nation Council the authority, subject to certain limitations, to legislate on behalf of the Navajo Nation. Another proposed change asserted that the power and authority to govern the Navajo Nation originates from the Navajo People.

“Some have asked if [the legislation] means we as delegates don’t need to be here to vote and if everything should be voted on by the people. No, this is to say it’s through the people we are given that authority,” explained Delegate Nez.

Council Delegate Russell Begaye (Shiprock) argued that the legislation would not truly empower Navajo People and suggested that a more comprehensive proposal be developed to allow the people to choose their form of government through a referendum.

“I agree with the wordings, but they should’ve brought the entire package together,” said Delegate Begaye. “To me it’s just good words, just rhetoric. We’re not really giving the power to the people.”

Council Delegate Mel Begay (Coyote Canyon, Mexican Springs, Naschitti, Tohatchi, Bahastl’a’a’) said the legislation needs further development to provide future leadership with more guidance.

“It needs a little more work and it needs direction and the Commission on Navajo Government Development failed in its thought process by putting a fraction of language in,” said Delegate Begaye. “The way this is set up, there’s very minimal guidance.”

At the conclusion of the lengthy discussion, Council voted down the legislation with a vote of 8-9.

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Vice President Jim delivers State of the Navajo Nation
Shares information on The Five Pillars of Nation Building

On Jan. 27, 2014, Navajo Nation Vice President Rex Lee Jim delivered the State of the Navajo Nation address to the 22nd Navajo Nation Council for the start of the 2014 Winter Session.

Flanked by Navajo Nation Chief of Staff Arbin Mitchell and Division of Economic Development Director Albert Damon, Vice President Jim reported on “The Five Pillars of Nation Building: Providing Stability and Accountability for the Future of the Navajo Nation.”

Beginning with an overview of the Navajo Nation’s finances when the Shelly-Jim administration took office in Jan. 2011, the vice president said much progress has been made on behalf of the Navajo people.

“The Navajo Nation was in the red and we rolled up our sleeves and took ownership of the daunting task of bringing economic solvency back to the Nation,” he said. “Today, we are happy to report that the Nation is in the black and the Undesignated Unreserved Fund Balance now has over $8 million in its coffers to provide resources for any unforeseen emergencies.”

Vice President Jim explained that the fund balance was the result of exercising the line item veto authority to keep the Nation’s fiscal house in order. He said although the measures were unpopular, the Shelly-Jim administration took a hardline approach to the dark clouds of federal sequestration and decreasing royalties looming over the Nation.

“We must think outside the box and find progress in the oldest of Navajo philosophies: T’áá hwó ájit éego,” he said.

Vice president said through self-sufficiency, the Shelly-Jim administration found success in the five pillars of infrastructure development; economic prosperity and job creation; healthy lives; open and accountable government; and educational opportunities. He noted these were collaborative efforts with the 22nd Navajo Nation Council.

Infrastructure Development

Under the first pillar of infrastructure development, he said Navajo Division of Transportation (NDOT) remained committed to paving a solid infrastructure for the Nation’s 14,733 miles of road. Seventy-six percent, or 11,352 miles, are unpaved.

The reality of paving these roads is an expensive task, he said, and that NDOT entered into partnerships with counties in Arizona, New Mexico and Utah to address these priorities.

In Nov. 2013, NDOT’s partnership with Sandoval County for the Torreon Road rehabilitation effort was the only TIGER grant project selected for the state of N.M.

Vice President Jim said, “This $3.3 million project has improved over seven miles of road, which was previously potholed and dangerous for travelers, especially school children riding on the bus.”

He also highlighted the Division of Health’s (DOH) infrastructure development efforts for health care facilities in Bodaway-Gap, Dilkon, Gallup, Kayenta and Pueblo Pintado. All five projects are on the Indian Health Service national priority listing.

The Kayenta Health Center is under construction and received $96.6 million in federal funding, $18.6 million of which was received in the past quarter. At a completion rate of 65 percent, the project has stimulated the local economy and job market, with an 80 to 90 percent Navajo workforce, including many in top positions.

Economic Prosperity and Job Creation

For the second pillar of economic prosperity and job creation, the vice president said Division of Economic Development (DED) played a major role in the past quarter, especially the Smith Electric licensed
Another delegate, Nelson BeGaye, had said the $8 million surplus in the Undesignated Unreserved Fund Balance needs to be spent and not just sit in the account for unforeseen emergencies.

Delegate Dwight Witherspoon said he supported the Local Governance Support Center decentralization effort. He brought up concerns with legal assistance at the chapters, water, roads, taxation and support for establishing the Navajo Department of Health.

The gallery of the council chamber fluctuated throughout the day, with many waiting impatiently for council legislation that required two-thirds majority vote of the membership.

Healthy Lives

From Oct. 20 to 26, 2013, Vice President Jim spearheaded “Running for a Stronger and Healthier Nation” at various chapters across the Navajo Nation. The event had 200 runners, 1,500 walkers and over 2,000 community members receiving health education.

“I ran a majority of the route to promote wellness among Navajo people,” he said.

Through gang and drug interdiction efforts, the Division of Public Safety also contributed toward the Nation’s health and welfare over the past quarter. The Drug and Gang Unit conducted 40 drug and alcohol distribution operations across the Nation and seized five cannabis plants, 600 grams of processed marijuana, 45-ounces of methamphetamines, oxycodone pills, and arrested 27 individuals under federal distribution and possession charges. The street value of the seized contraband was $10,000.

The Department of Fish and Wildlife was another major player in the health of the Nation through disposal of 3,913 animals, investigation of 118 animal bite cases, investigation of 87 incidents of livestock damage, 321 rabies vaccinations, and an animal sweep at NHA Ojo Amarillo housing resulting in 57 animal impoundments and 13 animal control citations for failure to restrain animals.

Open and Accountable Government

Division of Community Development’s (DCD) efforts to decentralize the Local Governance Support Centers (LGSC) was at the head of the table over the past quarter for the pillar of open and accountable government.

The Budget and Finance Committee issued a directive on July 5, 2013 to decentralize the LGSC offices and was memorialized through Navajo Nation Council Resolution No. CS-47-13. DCD was allocated $3 million for the formation of a task group and planning for the decentralization endeavor.

“The plan is to decentralize the five LGSC offices into 16 Administrative Service Centers that will provide chapters with legal services, financial accounting, capacity building for Local...
Governance Act certification, and assistance with planning, completion, operation and maintenance of chapter projects,” Vice President Jim reported.

The Navajo Nation General Leasing Act was another major step toward open and accountable government, allowing the Nation true self-determination in exercising leasing authority over home sites, grazing, business sites and more. This legislation is currently under review by the Secretary of the Interior and upon approval, will streamline the bureaucratic processes of the Bureau of Indian Affairs.

Vice president said the Navajo Land Title Data System works hand-in-hand with the Act and is another effort from the Navajo Land Department. The new database streamlines tribal processes through technology.

**Educational Opportunities**

The Division of Dine’ Education took the lead role for this pillar and provided outreach to all five agencies of the nation through after school programs, tutoring services and field trips focused on physical activities.

“We encourage Dine’ bizaad and incorporating our language and culture into the education of our children. This is important because it provides our kids with self-identity through Ke’ and our parents and grand parents must be proactive in this effort,” Vice President Jim said. “The future of our Navajo Nation depends on it.”

Another major initiative was the delivery of books from the Reader-to-Reader Organization to the Navajo Nation Library in Oct. 2013. The library in turn distributed 2,000 books to the Office of the First Lady, 6,501 books to St. Michaels Indian School, 120 books to Hopi Junior and Senior High School, 621 books to Jeddito School, 122 books to St. Bonaventure Mission School, 100 books to Navajo Pine High School, 175 books to Thoreau Community Center and 2,000 books to Chinle Head Start. The library added 7,888 books to their shelves.

The vice president reiterated the success of the five pillars for the Nation.

“These five pillars have provided stability to the Nation and we will continue to build upon this foundation for the years to come. We will continue to work with the Navajo Nation Council to bring these important projects to reality,” he said.

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Vice President Jim said the Executive and Legislative Branches must work together in order to achieve goals and objectives for the Navajo Nation. No one branch, division, department or program can do it alone, he said. “We must work together,” Vice President Jim said. (Photo by Rick Abasta)

Delegate Josh Butler said he did not understand the need for assessments in the former Bennet Freeze area. He said he supported the decentralization efforts in addition to the development of the Navajo Department of Health. (Photo by Rick Abasta)
Navajo Nation Council takes action on several key legislations on second day of Winter Session

WINDOW ROCK – On Tuesday, the Navajo Nation Council acted on Legislation No. 0340-13, which attempted to override Navajo Nation President Ben Shelly’s veto of Council Resolution CO-57-13, the Navajo Housing Authority Reform Act of 2013.

The NHA Reform Act aimed to amend Title 6 of the Navajo Nation Code, relating to the selection and appointment of Commissioners to the NHA board. The act would have allowed the President to appoint Commissioners, who would then be confirmed by the Naabik’íyáti’ Committee.

Legislation sponsor Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) explained his concern regarding the President’s veto of the bill and his attempts to meet with President Shelly to clarify any discrepancies.

“I have tried to meet with the President, and each time I went to his office, he was not available to meet with me. In one instance, I followed him to Twin Arrows to meet with him briefly after a meeting, but he did not say whether he would say yes or no [to veto the legislation],” said Delegate Tsosie. “He could’ve called me to meet and discuss the intent of the legislation and any concerns he had.”

According to a memorandum dated Nov. 5, 2013, President Shelly said that the veto was due to unclear language regarding the number of Commissioners, the selection and confirmation of Commissioners when the President does not appoint Commissioners within 60 days, and concerns over the authority of the board to appoint Commissioners to national boards.

Immediately following Delegate Tsosie’s presentation, Council voted 10-10 to vote down Legislation No. 0340-13. The legislation required a two-thirds vote, or 16 supporting votes, to pass.

Council approved Legislation No. 0364-13, which amends Title II of the Navajo Nation Code to change the meeting dates for the Law and Order Committee.
Council Delegate Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichii, Steamboat), who sponsored the legislation and serves as the vice chair of the LOC, stated that the change is due to conflicting schedules of LOC members, and has led to quorum issues.

The legislation says the LOC will meet three times a month—on the second, third, and fourth Mondays of each month.


Lastly, Council voted down Legislation No. 0003-14, which sought to remove Speaker Johnny Naize (Low Mountain, Many Farms, Nazlini, Tachee/Blue Gap, Tselani/Cottonwood) from his position as Speaker of the Navajo Nation Council, due to recent bribery and conspiracy charges filed in the District Court of the Navajo Nation.

Legislation sponsor Delegate Shepherd stated that the Speaker “shall be in good standing” as a member of the Council, and that the charges hinder his responsibilities as Speaker and reflects negatively on Council.

Council Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta) voiced support for Speaker Naize, stating that he is innocent until proven guilty in the court of law, adding that Council should be reminded to leave any “personal vendettas” out of their decision and continue to support one another to work toward the betterment of the Navajo Nation.

Council voted down Legislation No. 0003-14 with a vote of 12-11. The legislation required two-thirds approval by Council to pass.

The Navajo Nation Council serves as final authority for each of the three legislations.

Council is scheduled to reconvene for day three of the Winter Session on Wednesday at 10 a.m. in the Council Chamber.

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FOR IMMEDIATE RELEASE
January 28, 2014

Speaker Naize highlights Council accomplishments and outlines objectives

WINDOW ROCK – On the opening day of the Winter Council Session, Speaker Johnny Naize (Low Mountain, Many Farms, Nazlini, Tachee/Blue Gap, Tselani/Cottonwood) provided a report that focused on the accomplishments of the 22nd Navajo Nation Council and also outlined goals and objectives for the last year of the current term.

Although Speaker Naize did not provide his report orally on Monday, the report was made available for the public.

Among Council’s accomplishments, Speaker Naize recognized the efforts of the due diligence team, Navajo Nation Department of Justice, Office of the President and Vice President, and members of his own staff for completing the acquisition of the Navajo Mine from BHP Billiton.

“I believe that we have not only side-stepped a potentially disastrous situation in the near closing of the Navajo Mine but we have preserved over $100 million dollars annually for our Nation, revenue that has put our Nation in a position to double their investment in the next four years,” wrote Speaker Naize.

In the written report, Speaker Naize also addressed the need to begin looking into potential renewable energy resources using 10 percent of annual net income from NTEC.

When Council established the Navajo Transitional Energy Company, LLC on April 29, 2013 the Council also approved language within the legislation which specifically states that NTEC will invest 10 percent of its annual net income into the research and development of renewable and alternative sources of energy, storage, and transmission technologies and infrastructure, with an emphasis on solar technology and facilities.

The report also touched on H.R. 3822, the Fort Wingate Land Division Act of 2014 introduced on Jan. 8 by U.S. Reps. Ben Lujan (N.M.) and Steve Pearce (N.M.) which seeks to divide approximately 21,000 acres of parceled land known as the Fort Wingate Military Depot, located six-miles east of Gallup, N.M.

Speaker Naize mentioned that members of affected communities such as Churchrock and Iyanbito had expressed “discontent” and “concern” regarding the proposed land division and urged Rep. Lujan to meet with the affected community members to address their concerns.

“Delegate Edmund Yazzie wanted to ensure that his communities were heard as the negotiated land division is brought to conclusion through a congressional resolution,” Speaker Naize wrote.
Speaker Naize also continued to advocate for the New Mexico State Legislature’s approval of the Nation’s proposed Gaming Compact which was discussed by the state’s Committee on Compacts at an informational meeting held last Wednesday.

“Representatives from the Navajo Nation Gaming Enterprise, Navajo Nation Department of Justice, Office of the President, and outside consultants worked tirelessly to successfully negotiate a compact that is agreeable with the Governor’s Office,” Speaker Naize wrote. “I look forward to completing the compact by the end of the month.”

A vote on the proposed Compact is expected to take place during the State Legislature’s 30-day legislative session which began on Jan. 21.

In the written report, Speaker Naize also noted several ongoing issues that he feels need to be completed in the upcoming year including working toward a viable solution to the ongoing efforts to establish the Nation’s “Department of Health”, finalizing a compact for Navajo Technical University, creating a cooperative agreement for conducting the Land Buy-Back Program on the Navajo Nation, and developing a Veterans Act to benefit Navajo Veterans.

To view Speaker Naize’s full report, please visit: 


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THE STATE OF THE NAVAJO NATION
President Ben Shelly and Vice President Rex Lee Jim

The Five Pillars of Nation Building
Providing Stability and Accountability for the Future of the Navajo Nation

Presented to the
22nd Navajo Nation Council
January 27, 2014
FOR IMMEDIATE RELEASE
March 31, 2014

Resources and Development Committee receives report regarding the proposed Navajo Rangeland Improvement Act

WINDOW ROCK – Last Tuesday, the Resources and Development Committee received a report regarding the draft of the Navajo Rangeland Improvement Act from the Navajo Nation Department of Agriculture.

In 2012, the Resources and Development Committee directed the Department of Agriculture to initiate solutions to address the long-debated issues surrounding grazing regulation.

“There are a lot of misconceptions of this process that we are undertaking and it does complement a lot of concerns in our culture and Navajo way of life. The purpose of this legislation is trying to provide Navajo grazing codes to address drought,” stated Leo Watchman, Jr., director of the Department of Agriculture.

The Naabik’iyati Committee recently held a meeting in regards to the proposed Navajo Rangeland Improvement Act. In addition, a total of six public hearings were conducted across the Nation to gain input and to address questions from the public.

“All of these comments, suggestions, recommendations that were made at all of the six public hearings, were held in regards to the existing Navajo Grazing Act. We wanted to share with the full council what the draft was so that we can have an impact on why those changes were recommended,” stated RDC chair Council Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta).

The proposed act will apply to all of Navajo Nation and the new grazing permits will be issued solely by the Navajo Nation. This will have no impact on current valid grazing permits, according to the report.

However, grazing permits will no longer be renewed automatically and will require the permittee to apply to have their permit renewed, if the proposed changes are implemented.

“There was a discussion pertaining to grazing fees. It was recommended that there needs to be some kind of fee imposed. The general public said they are willing to pay a grazing fee as long as they know where the money is going and it goes back to the improvement of the land. Currently, Eastern Navajos pay a grazing fee,” stated Watchman.

The proposed Navajo Rangeland Improvement Act also proposes to end permit probate which means that grazing permits will no longer be eligible for probate in a Navajo Nation court. For example, if a permittee is deceased, their grazing permit reverts back to the Nation upon co-permittee designation.
According to Watchman, there are approximately 11,000 grazing permits within the Navajo reservation and roughly only 3,000 of those grazing permits are active.

“There is a concern that what we have is inactive permits that should be probated but haven’t been probated for whatever reason. If a permit has not been probated, there should be no activity but as we know our Navajo people continue to raise livestock,” stated Watchman.

Changes to the proposed Navajo Rangeland Improvement Act drew skepticism from RDC member Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) regarding the probate issue.

“Every probate of grazing permits has ended up in dismantle. Every one of them. In some cases, relatives do not talk to each other anymore because of it. Which is the better thing to do? Do you want Navajo K’é to be lost? Or should we do away with the probate issue?” asked Delegate Tsosie.

Delegate Benally added that stronger enforcement by grazing officials needed to be implemented as well as making them full-time employees, rather than elected officials.

“The problem is enforcement. We do not have proper enforcement and the grazing officials are the enforcers of all of the grazing laws. Make them full-time employees. It is because they are part-time the services are not adequately provided,” stated Delegate Benally.

According to the report, it proposes that the Navajo Rangeland Improvement Act will hire qualified range technicians that will be responsible for helping permittees to manage stocking rates, improve grazing practices, and to mediate grazing disputes.

“We need to know the number of misleads that are happening out there. This is why we need to seriously reexamine the whole system. We should be telling the Navajo people that this is why we are changing the system so we can do better. Also, bringing to attention that grazing permits is not a feasible land ownership,” stated Delegate Tsosie.

RDC members voted 3-0 to accept the report.

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FOR IMMEDIATE RELEASE
March 31, 2014

Budget and Finance Committee receives report on external funds for the Navajo Nation Special Diabetes Program

WINDOW ROCK – The Budget and Finance Committee received a report last Wednesday, regarding external fund carryovers and reversions for the Navajo Nation Special Diabetes Program, which is under the Navajo Nation Division of Health.

NNSDP director Betty Delrow said the special diabetes program received approval in March 2013 by the U.S. Department of Health and Human Services to carry forward unused grant funding for approximately $3.5 million.

“The $3.5 million carryover from FY2013 to FY2014 was approved, however we did not have access to the funds until late September 2013,” said Delrow. “The process to finally release these funds to our program is a concern for our department.”

According to the report, Delrow explained to the committee that her department waited nearly six months before the carry forward was released to their program, and added that after the funds were received, her program had utilized approximately 25% of the carryover to date.

BFC member Council Delegate Nelson BeGaye (Lukachukai, Rock Point, Round Rock, Tsaile/Wheatfields, Tsé Chizhi) observed some possible reversions of external funds when reviewing the Special Diabetes Program report.

“So your program lost about $7.1 million from the grant, but were able to recover the $3.5 million? That is a near loss of $3.6 million and that is a big problem for us as the oversight committee,” said Delegate BeGaye.

After further review of the report, BFC chair Council Delegate LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse’Daa’Kaan, Upper Fruitland) expressed concerns regarding all the external funding that comes to the SDP.

“As my colleague has indicated, the reversions are a concern of this committee. Has their been any further reversions since 2011 until now?” asked Delegate Bates.
Delrow confirmed that the NNSDP had lost approximately $12 million in grant or external funding which had reverted back to the funding source.

“I find this very concerning because the money the program is losing could be used for diabetes programs throughout the entire Navajo Nation, for the children, adults, and elders, “ said BFC vice chair Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts’ah Bii Kin). “What is the problem? Is their no communication between NNSDP, the Office of Management and Budget, and the Office of the Controller?”

Delrow said the NNSDP did have external funds revert back to the funding sources, however, since the Navajo Nation had not approved a final indirect cost rate for FY2008-2013, it affected the programs ability to expend the funds entirely and to receive approval to carry forward the $12 million that had accumulated over the past several years.

The IDC rate for FY2013 was established by the Navajo Nation at 16.95 percent and has yet to be determined for FY2014. The Nation is entitled to collect IDC recovery costs from the federal government through grants, contracts, and agreements.

Office of the Controller FMIS project manager Laura Johnson provided clarification to the committee regarding the programs attempt to collect IDC’s, saying that although the IDC was recently approved it ultimately caused issues for the program in collecting external funds.

“Although the program has reverted a large amount of external funds, we have to work back from FY2008 to now, because of the delay of the approval of the Nation’s IDC rate, however we will be collecting the entire $12 million in carry forwards for NNSDP,” said Johnson.

Delgate Nez suggested that as the oversight committee, the BFC should be more proactive in getting funds to programs as quickly as possible and to find an alternative way to streamline the process through amending the Navajo Nation Budget Instruction Manual.

BFC members voted 2-1 to accept the report.

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FOR IMMEDIATE RELEASE
March 28, 2014

Naabik’iyáti’ Committee opposes liquor license renewal for Sanders liquor establishment; tables bill opposing disparaging references to Native People

WINDOW ROCK—On Thursday, Naabik’iyáti’ Committee members approved Legislation No. 0059-14, urging the Apache County Board of Supervisors, the Arizona Department of Liquor Licenses and Control, the Arizona State Liquor Board and any other appropriate agencies to reject the renewal of a liquor license for “Ole Red Barn Liquor,” owned by Gary McDonald.

Legislation co-sponsor Council Delegate Lorenzo Curley (Houck, Klagetoh, Nahata Dziil, Tsé Si áni, Wide Ruins), pointed out that the owner of the establishment, Gary McDonald, is currently facing federal charges for manufacturing and distributing methamphetamine drugs in addition to weapons charges.

Such activity has led to increased drug use and other criminal activity involving surrounding community members including Diné people, according to Delegate Curley.

Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) called on state leaders to also address the ongoing issues concerning the “Red Barn” liquor establishment.

“Where are Rep. [Albert] Hale and Sen. [Carlyle] Begay? They should be leading the charge on these issues,” stated Delegate Tsosie.

During the discussion, committee members approved two amendments including one to change language to urge the disapproval of the “transfer” of the liquor license, in addition to its renewal and to add three additional liquor establishments to the legislation.

The committee approved a second amendment proposed by Delegate Tsosie, to use the term demand instead of the word “urge” in an effort to strengthen the language of the bill.

At the conclusion of the discussion, Naabik’iyáti’ Committee members voted 12-0 to approve Legislation No. 0059-14.

The Naabik’iyáti’ Committee serves as the final authority for the legislation.

In a separate bill, the Naabik’iyáti’ Committee voted 5-4 to table Legislation No. 0078-14, opposing the use of disparaging references to Native People by professional sports franchises.

Sponsor of the bill, Council Delegate Joshua Lavar Butler (Tó Nanees Dízi), called upon his fellow Naabik’iyáti’ Committee members to support the legislation while emphasizing that the Navajo Nation is the leader among Native American tribes and should “blaze the trail” for other tribes to
oppose disparaging references such as the term, “Redskins” used by the Washington Redskins—a professional football team of the National Football Association.

“This unfortunate practice of using such insulting names as Redskins without regard to Native people and our unique identity has to stop. It is blatant discrimination, racism, and ignorance. It exploits our sovereign identity as Diné,” Delegate Butler stated.

Delegate Butler also cited the psychological ramifications of disparaging remarks on Navajo youth and provided a brief history of the term “redskins,” explaining that bounties were once offered for the murder of “redskins.”

“What do our youth think of themselves when they see team names and mascots that ridicule and deride our culture?” asked Delegate Butler. “This becomes a roadblock preventing them from achieving success, and being secure in their identity as a Native person, as Diné—contributing to unemployment, domestic and family violence, substance abuse, and other social ills prevalent on our lands.”

At the request of Council Delegate Charles Damon II ( Bááháááíí, Chichiltah, Manuelito, Tsé Lichíí’, Rock Springs, Tsayatoh), former Navajo Nation Chairman and Navajo Code Talkers Association President Peter MacDonald was provided the opportunity to respond to the legislation.

MacDonald said the term “Redskins” should be viewed in a positive light that honors Native Americans instead of in a manner that demeans Diné people.

In addition, Delegate Butler noted that U.S. Congressman Eni Fa’aua’a Hunkin Faleomavaega Jr. of American Samoa has introduced legislation that would prohibit the registration of new trademarks using the term “redskin” or “redskins,” and would provide a mechanism to petition for the cancellation of existing trademarks using disparaging epithets.

Near the end of the two-hour long discussion, Council Delegate Russell Begaye (Shiprock) requested the input of administrators from schools within the Navajo Nation that utilize similar mascots and names for their sports teams.

Naabik’íyáti’ Committee members voted 5-4 to table the legislation to provide time to gather input from school administrators.

# # #

For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
Navajo Nation Council approves supplemental funding for Navajo chapters

WINDOW ROCK – During a special session held on Wednesday, the Navajo Nation Council voted 14-0 to approve Legislation No. 0027-14, to provide supplemental funding from the Navajo Nation’s Unreserved, Undesignated Fund Balance for various renovation and repair projects at several sites throughout the Nation.

Legislation sponsor Council Delegate Charles Damon II (Bááháálí, Chichiltah, Manuelito, Tsé Lichíí’, Rock Springs, Tsayatoh) urged his Council colleagues to pass the bill to assist with what he described as “dire” conditions at several chapter facilities.

“The chapters are really in dire need of [funding] to begin renovations this summer. If we approve this today, they’ll start right away and possibly within six months they should be ready to have people move back into those chapters,” said Delegate Damon.

Delegate Damon also stated that President Ben Shelly has been waiting “for some time” for the legislation to make its way through the legislative process.

Council Delegate Lorenzo Curley (Houck, Klagetoh, Nahata Dziil, Tsé Si áni, Wide Ruins) advocated for the Tsé Si áni Chapter which he represents, explaining that damaged roofing has led to a buildup of mold and mildew resulting from roof leaks.

The legislation initially sought $90,000 for Tsé Si áni Chapter for roof repairs, $600,000 for Chichiltah Chapter for renovations, and $300,000 for Chilchinbeto Chapter for the planning and design of a new chapter house.

However, Council on Wednesday also passed a total of four amendments

Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts’ah Bii Kin) proposed three of the four amendments which included $500,000 for the architectural design of a new governmental complex in Oljato, $75,000 for a chain-link fence at Navajo Preparatory School, and approximately $180,000 for a multi-purpose modular unit for the Cameron Chapter.

The other amendment, proposed by Council Delegate LoRenzno Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse’Daa’Kaan, Upper Fruitland) sought $150,000 for the planning, engineering, and construction of a waterline extension for the Newcomb Chapter.
On Feb. 4, the Budget and Finance Committee also considered the bill and referred it to the Naabik’iyáti’ Committee with a “do pass” recommendation along with one amendment to include $135,000 for the planning and design of a new chapter house for the Mexican Springs community.

President Shelly will have 10 calendar days to consider the bill once it is sent to the Office of the President and Vice President.

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For news on the latest legislative branch activities, please visit [www.navajonationcouncil.org](http://www.navajonationcouncil.org)
President Shelly, Gov. Brewer sign $7 million agreement for NTU

PHOENIX — Education is a cornerstone for the Shelly-Jim administration.

In support of this, Navajo Nation President Ben Shelly met with Arizona Gov. Jan Brewer on March 26 to sign a funding agreement between the Navajo Nation, the State of Arizona, Dine’ College and Navajo Technical University.

A funding agreement between the Nation and Arizona has been in place since 1999, but recent amendments to the legislation allowed for funding to also be provided for Navajo Technical University.

While signing the agreement into law next to President Shelly, Gov. Brewer said, “It is an honor today to be able to participate with you.”

He responded, “Well, it’s an honor to be with you today. I was supposed to be with Gov. Martinez, but I chose to be here with you today.”

Flanked by Speaker of the 22nd Navajo Nation Council Johnny Naize, delegate Dwight Witherspoon, Dr. Maggie George, Dr. Elmer Guy and former delegate Andy Ayze, President Shelly and Gov. Brewer signed the agreement into law.

After the agreement was signed, President Shelly joined the group for photos and expressed appreciation for the funding.

“The Navajo Nation is thankful for the support we have received from Governor Brewer and the State of Arizona,” President Shelly said. “This legislation gives our Navajo students a healthy learning environment and the necessary infrastructure at our tribal institutions of learning.

“Chief Manuelito instructed the Navajo people to climb the ladder of education. We are still climbing,” he added.

Under terms of the agreement, Transaction Privilege Tax revenues collected on the Navajo Nation will be utilized to provide up to $1.75 million annually for Dine’ College and $875,000 annually for Navajo Technical University. This will continue through 2020.

Gov. Brewer presented the “$7 million pen” to President Shelly after the signing was completed. He gave the pen to Dr. Guy as commemoration of the historic event for NTU.

On Feb. 7, 2014, Resolution No. 0038-14 was sponsored by Dwight Witherspoon (Black Mesa, Forest Lake, Hard Rock, Pinon, Whippoorwill) and introduced to the 22nd Navajo Nation Council as an action relating to Health Education and Human Services and the Budget and Finance Committees.

The funding compact with the state has been in place since Oct. 19, 1999 and was originally only for Dine’ College. TPT funding collected on the Nation was provided to the college to support maintenance, renewal and capital expenses.

In 2013, amendments to the agreement passed through the Arizona Legislature with House Bill 2009. The bill made provisions to the existing agreement to include NTU, with funding allocations of $875,000 per year.

-30-
FOR IMMEDIATE RELEASE
March 27, 2014

Law and Order Committee receives update on the Dilkon justice center

LEUPP, Ariz. – On Monday, the Law and Order Committee received a report from the Navajo Nation Division of Public Safety, Judicial Branch, Design and Engineering representatives, Department of Justice, Office of Contracts and Grants, and the Office of Management and Budget, regarding the status of the Dilkon justice center.

According to the report, Navajo Nation Design and Engineering project manager Scott House said the development of the proposed Dilkon justice center is experiencing grant funding issues which is affecting the planning and design of the building.

“We received a grant in the amount of $150,000 from the American Recovery and Reinvestment Act of 2009,” said House. “It was leftover money from the Tuba City judicial center, and we transferred that remaining grant to the Dilkon project.”

House clarified that the grant funding for the design of the Dilkon justice center is set to expire on March 31 and hopes to receive an extension to expend the entirety of the funds. The initial deadline passed in Sept. 2013 and was extended for an additional six months.

The U.S. Department of Justice awarded the Navajo Nation the ARRA funds to be allocated for infrastructure improvement and development, enhance energy independence, expand educational opportunities, etc. that relate to judicial and criminal justice programs in the Nation.

LOC vice chair Council Delegate Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichii, Steamboat) expressed his concern regarding the upcoming grant deadline and suggested that a deadline extension be requested from the U.S. DOJ.

“We need to find a way to get the funds and deadline extended, we do not want to lose out on any external funding for this project,” said Delegate Shepherd.

House explained to committee members that the Dilkon justice center would need an additional $39 million to complete the design, engineering, and construction of the facility, adding that it is time to begin seeking funds for construction after the planning and design phases are completed.

Delegate Shepherd said the procurement process for design, engineering, bidding, and construction need to be made simpler due to issues that arise with funding and deadlines,
especially in regards to the disbursement process of the Navajo Nation OMB, and the Office of the Controller.

“I think we as lawmakers need to amend the procurement process to rectify the issues we run into when it comes to capital projects,” said Delegate Shepherd. “We have to find a more streamlined process to ensure these projects do not run into any more obstacles.”

LOC members voted 2-0 to accept the report.

# # #
For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
Gov. Martinez announces $78 million funding for U.S. Route 491

SHEEP SPRINGS, N.M. — It was a celebration. Although there was no groundbreaking, no ribbon cutting or any other ceremony indicative of celebration, the announcement by New Mexico Gov. Susana Martinez that four-lane highway construction for the completion of U.S. Route 491 improvements would be funded was enough cause for celebration.

On the Tuesday afternoon, a crowd of 50-plus people gathered alongside U.S. Route 491 while commercial trucks and other vehicles sped by. A makeshift stage on a tractor-trailer bed faced an audience seated on folding chairs.

Navajo Nation President Ben Shelly was the first to speak and he began by giving recognition to Sen. John Pinto.

“I’d first like to start by recognizing the hard work and dedication of a man that made the four-lane construction of U.S. Route 491 a priority in his service to the State and the Navajo Nation: Senator John Pinto,” President Shelly said.

He said Sen. Pinto got the ball rolling for the four-lane construction on U.S. Route 491, which was formerly named U.S. 666 and called the “Devil’s Highway” because of the large number of fatalities on the road.

President Shelly also thanked Gov. Martinez for her commitment to working with the Navajo people, which he said was “unquestionable.” He presented a letter of appreciation for her recent approval of capital outlay funding to the Navajo Nation.

He recalled how the importance of U.S. Route 491 was underscored back on July 5, 2013, when a portion of the road between Naschitti and Sheep Springs was closed after heavy flooding damaged a portion of the roadway.

“The rest of the country quickly realized how vital this road is to travel in the Four Corners region,” he said.

Sen. Pinto spoke next and was assisted to the podium by Gov. Martinez.

He gave thanks for those in attendance and recalled how he and others began advocating for widening the roadway more...
President Shelly first acknowledged the dedicated efforts of Sen. John Pinto in his unending quest to have U.S. Route 491’s four-lane construction completed. He recounted reporting before the New Mexico Transportation Commission in 2007, along with Sen. Pinto, to request funding for the highway. (Photo by Rick Abasta)

Sen. John Pinto said he spent the past 20 years lobbying and advocating for the four-lane construction of U.S. Route 491. He expressed sadness for the many lives lost on the roadway and said with the completion of construction, that perhaps now the destruction will end. (Photo by Rick Abasta)

Tom Church, cabinet secretary and director of New Mexico Department of Transportation, said he has worked for the highway department for more than 21 years.

“During my entire career, we have talked and promised that this highway improvement to the people of northwest New Mexico would be completed and I am proud today that Gov. Susana Martinez will keep that promise,” Church said.

The funds were generated from the sale of bonds with a triple-A rating, he explained.

“Three years ago, the state transportation department could not have done this project. We were operating at about $100 million in the red,” Church said. “It’s been the sound financial and fiscal policies the governor and transportation that really turned the department around.

“Now, we’re operating $100 million in the black,” he added.

Gov. Martinez agreed with Church and gave him praise for his leadership in turning the department around.

She credited him with being smart about the money that taxpayers pay to the state government and making it stretch, making the best of it and being able to complete a project as big as U.S. 491.

With over 21 years experience in the state transportation department, N.M. Department of Transportation Cabinet Secretary Tom Church said during his entire career, he’s heard the state promise that construction of the roadway in northwestern New Mexico would be completed. He was proud to announce Gov. Martinez’s decision to finish the road. (Photo by Rick Abasta)
Navajo Nation finalizes the amended Arizona Funding Compact

to provide $875,000 annually for Navajo Technical University

PHOENIX – On Wednesday, Speaker Johnny Naize (Low Mountain, Many Farms, Nazlini, Tachee/Blue Gap, Tselani/Cottonwood) and Council Delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill) were in attendance at a signing ceremony for the recently amended Arizona Funding Compact between the Navajo Nation and the State of Arizona.

Delegate Witherspoon sponsored Legislation No. 0038-14, which was unanimously approved by the Budget and Finance Committee on Feb. 19, allowing Navajo Technical University to receive a portion of Transaction Privilege Tax revenues collected on the Navajo Nation.

“I fully support the purpose of educational capital projects for both of our Navajo Nation higher education institutions. The easiest way to raise the quality of life for individuals, families, and extended families is through education,” said Delegate Witherspoon following the signing.
ceremony. “Education provides the opportunity for more choices in life. Greater choices provides for enhanced quality of life.”

Gov. Jan Brewer and Navajo Nation President Ben Shelly signed off on the amended compact which will provide approximately $875,000 on an annual basis to support maintenance, renewal, and capital expenses for NTU.

The funding was made possible by Arizona H.B. 2009, which amended the state’s TPT Code to allow for the allocation of tax revenues for NTU, in addition to the $1.75 million that the Navajo Nation currently receives annually for Diné College under the same compact.

Following the signing ceremony, Speaker Naize said the additional funding will help NTU to further expand educational opportunities for Navajo students living in remote areas of the Navajo Nation and thanked members of the 22nd Navajo Nation Council for their assistance in developing and approving the amended compact.

NTU President Dr. Elmer Guy was also in attendance and has previously stated that the funding will be used for capital outlay projects at NTU’s smaller sites in the communities of Chinle and Teec Nos Pos.

The compact will remain in effect until the year 2020, unless extended prior to its expiration.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
Department for Self Reliance Makes an Impression at the Six Tribal TANF Conference in Tucson, Arizona.


DSR’s Assistant Department Manager, Deannah Neswood-Gishey announced to the Tribal Liaisons of Arizona’s Department of Economic Security (ADES) and the Arizona Tribal TANF programs (Pascua Yaqui Tribal YOEME Services Program, Hopi Tribal TANF Program, Salt River Pima – Maricopa Indian Community Life Enhancement and Resource Network, San Carlos Apache Tribal Nnee Bicho’nii Program and the White Mountain Apache Tribal TANF Program) that in result of the restructuring of some Navajo Division of Social Services programs the Department for Self Reliance was established.

“We were known as the Navajo Nation Program for Self Reliance who implemented just the Tribal TANF program. Since January 2014, we have been given the added responsibility of the Low Income Home Energy Assistance Program (LIHEAP), General Assistance (GA), Funeral Assistance (FA) and Emergency Assistance (EA) for the Navajo Nation,” stated Neswood-Gishey.

Neswood-Gishey gave an overview of the statistics generated by the DSR’s Case Management software, Tribal Assistance System (TAS) for each of DSR’s assistance programs.

FY 2014 (October 1, 2013 to current):
• DSR Tribal TANF has 7,718 recipients for a total assistance amount of $5,449,318.00.
• DSR General Assistance has 1,553 recipients for a total assistance amount of $1,031,394.00.
• DSR Funeral Assistance has 174 recipients for a total assistance amount of $411,054.00.
• DSR LIHEAP assistance has 718 recipients for a total assistance amount of $205,013.00.
• From January 7th to February 3rd, 2014 the DSR LIHEAP program has done 89 Orientations throughout the Navajo Nation with 3,614 attendees.

Statistics provided by Dr. Konstance Shirley, DSR’s Senior Statistical Research Analyst

“Using our TAS and TANF program as a model for the new programs we oversee, we have been able to organize and incorporate the two new programs to assist thousands of people within a very short period of time,” stated Neswood-Gishey.
The Navajo Nation was the first of the Six Tribal TANF programs to process its eligibility and payments to not be dependent on the state of Arizona.

The TAS provides the DSR with a central database of information which is accessible to each of its field offices.

Neswood-Gishey explained that the TAS allows the DSR to collect and generate its own federal data report, make faster local eligibility determinations, and quickly process payment for assistance. The TAS also allows the DSR to monitor suspected fraud, waste and abuse.

If the DSR did not administer its own Tribal TANF program with the TAS it would have no choice but to rely heavily on the Arizona Department of Economic Security (DES).

During the conference, four of Arizona’s Six Tribal TANF programs have reported that it has been very challenging to work with DES due to the cut backs of DES State Employees. “We have been getting applications denied by DES because we are a Tribal TANF. Being a Tribal TANF we are allowed to set up our TANF as we choose but our applications are being denied because state employees don’t realize that we have different eligibility criteria. Our funding is in jeopardy because we are not meeting our deadlines and it is out of our hands. We are waiting on DES to process our applications, and they are already under staffed,” stated, Hugo Guerra, Program Specialist for the Pascua Yaqui Tribal TANF.

The White Mountain Apache Tribe is the other Arizona Tribal TANF program that uses the TAS. “After seeing what the Navajo Nation can do with their TAS, we decided to get our own TAS program,” stated Colleen Faden, Acting Director for the White Mountain Apache Tribal TANF program.

At the conference, the San Carlos Apache tribe and the Pascua Yaqui tribe expressed their strong interest in the TAS due to the proven success the Navajo Nation has shown with their program.

For more information contact the DSR Public Relations Section at 928.810.8553.

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FOR IMMEDIATE RELEASE  
March 18, 2014

Law and Order Committee approves support of Arizona H.B. 2559 to aid in the construction of a Navajo Nation Supreme Court complex

CHURCHROCK, N.M. – The Law and Order Committee met on Monday and discussed Legislation No. 0072-14, which seeks support from the Navajo Nation for Arizona House Bill 2559, sponsored by Representative Albert Hale, D – St. Michaels (District 7).

According to the legislation, H.B. 2559 aims to appropriate approximately $7.5 million to the Arizona Department of Economic Security, which would then distribute the funding to the Navajo Nation to aid in the construction of the Supreme Court complex. The total cost to construct the complex currently sits at $15 million.

Navajo Nation Chief Justice Herb Yazzie explained that the Nation’s support of H.B. 2559 would not only benefit the initial construction of the complex, but it would mark the second time the state of Arizona has contributed to the development of a court complex on the Navajo Nation.

“We’ve gone through one [other] similar experience with the Arizona legislature four to five years ago, and through coordinated efforts and the Navajo Nation’s support, [the state of Arizona] appropriated $2 million for the construction of the courthouse in Dilkon,” said Chief Justice Yazzie. “We are trying to repeat that [effort].”

LOC member Council Delegate Russell Begaye (Shiprock) voiced his support of the legislation and suggested that the Judicial Branch remind the state of Arizona of the many tax revenues the Navajo Nation has contributed to the state over the years.

“We have contributed to the state through the Navajo Nation fuel excise tax and gaming revenue from our casinos,” said Delegate Begaye. “I think it is appropriate to ask the state of Arizona to support and approve this appropriation.”

Chief Justice Yazzie added that the Navajo Nation also provides Transaction Privilege Taxes to the state from coalmine operations and revenues on the reservation, noting that it is time the Navajo Nation receives a return on the taxes paid to the state of Arizona.

The TPT is a sales tax imposed by the state of Arizona on non-Indian owned businesses operating on Indian lands, such as Peabody Coal Company in Kayenta.
The fuel excise tax is derived from gasoline sales on the Navajo Nation, and the state of Arizona also receives a percentage of the Nation’s gaming revenue on an annual basis.

LOC member Council Delegate Duane Tsinigine (Bodaway/Gap, Coppermine, K’ai’bi’i’tó, LeChee, Tonalea/Red Lake) applauded the Judicial Branch’s efforts to seek state funding, and encouraged other Navajo Nation departments to begin lobbying for financial assistance from the states of Arizona, New Mexico, and Utah.

LOC members voted 4-0 to approve Legislation No. 0072-14. The legislation now moves forward to the Naabik’íyáti’ Committee who serves as the final authority for the legislation.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
Law and Order Committee receives report on law enforcement and criminal justice programs at Navajo Technical University and Diné College

CROWNPOINT, N.M. – On Monday, the Law and Order Committee received a report on law enforcement and criminal justice programs currently offered at Navajo Technical University and Diné College, and discussed the development of a public safety program to train Navajo Nation police officers.

According to the report provided by the Navajo Nation Division of Public Safety director John Billison, the recruitment and training process for potential Navajo Nation police officers has raised some challenges, especially the intellectual portion of police training, which includes reading and writing skills.

“Currently, our recruitment process is not a problem and we have many candidates applying to the police program,” said Billison. “The recruits pass the physical portion of the police training with flying colors, however, when it comes to the reading and writing portion of the process, many fail the program making it difficult for us to hire more police officers.”

Dr. Elmer Guy, president of Navajo Technical University, said that it is possible to develop a program that would aid in the expansion of the recruits academic and critical thinking skills. He added that there are already existing criminal justice programs available to recruits, however it would be more beneficial to create a program that is specific to the needs of a Navajo Nation police officer.

In agreement, Diné College president Dr. Maggie George added that both educational institutions are open to working together to develop the curriculum to aid in ensuring that recruits have all the necessary skills to be successful law enforcement agents.

LOC member Council Delegate Russell Begaye (Shiprock) advocated for the professional development of Navajo Nation police officers and said that it is essential they be trained to serve at a high level similar to other law enforcement agencies in the U.S.

“We do not want to lower the standards of becoming a police officer,” said Delegate Begaye. “We need to help the recruits succeed in these programs and we can even go as far as creating an
internship program to incubate them, so they can be confident and efficient officers on the Navajo Nation.”

LOC vice chair and former police officer, Council Delegate Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichíí, Steamboat), mentioned that there would be a new Navajo police academy facility built in the community of Chinle in the near future.

“We requested both institutions [NTU and Diné College] here today to discuss what programs you can offer so we can prepare for the new Navajo police academy and improve the recruitment process to increase higher success rates,” said Delegate Shepherd.

LOC chair Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau), who also served as a police officer, added that the curriculum would need to be geared toward the understanding of the unique issues and challenges that Navajo police encounter, in relation to the needs of a tribal reservation and its people.

LOC members voted 3-0 to accept the report.

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For news on the latest legislative branch activities, please visit [www.navajonationcouncil.org](http://www.navajonationcouncil.org)
Delegate Butler introduces legislation opposing the use of disparaging references to Native People by professional sports franchises

WINDOW ROCK—Council Delegate Joshua Lavar Butler (Tó Nanees Dizi) has introduced Legislation No. 0078-14, opposing the use of disparaging references to Native People by professional sports franchises.

The legislation was posted on the Navajo Nation Council’s website on March 13 for the five-day comment period and will become available for committee action on March 19.

The legislation seeks to establish an official position of the Navajo Nation to oppose the use of such derogatory terms as “Redskins,” as used by the Washington Redskins—a professional football team of the National Football Association.

Language in the legislation states that several professional sports franchises, including the Washington Redskins, continue to utilize references to Native Americans in mascots and team names. The term “redskin” or “redskins” originated from a time when bounties were offered for the murder of Native Americans and their scalps turned in for money.

“The use of terms referencing Native Americans in professional sports has a negative psychological effect on Native Americans,” said Delegate Butler. “Such terms only promote low self-esteem and self-image in Native youth who are already disadvantaged by social ills beyond their control.”

According to a 2004 report by Stephanie A. Fryberg of Stanford University, usage of such terms actually promotes and increases the self-esteem of non-native people.

Today, tribes across the country fight against higher-than-average statistics of suicide, violence against Native women, racial and hate crimes, poverty, unemployment, and with the loss of Native identity and culture, according to language within the legislation.

“The continued usage of Native American mascots and team names in professional sports franchises is damaging to Native Americans. Such usage only perpetuates racism, stereotyping, ignorance and misrepresentation of indigenous peoples,” stated Delegate Butler.

U.S. Congressman Eni Fa’aua’a Hunkin Faleomavaega Jr. of American Samoa has introduced legislation that would prohibit the registration of new trademarks using the term “redskin” or “redskins,” and would provide a mechanism to petition for the cancellation of existing trademarks using disparaging epithets.
“It is time for the Navajo Nation to finally take a firm position on this national issue that hurts Indian Country. The Navajo Nation can no longer afford to sit back and remain neutral on this issue,” added Delegate Butler. “We have found that our lack of action on this topic undermines our overall advocacy efforts at the state and federal government levels and it affects our inter-tribal relations as well. We must make a strong position and say enough is enough. It’s about time the largest tribe in the United States speaks and is heard across this land.”

The Naabik’iyátí’ Committee serves as the final authority for the legislation.


Digital comments may be emailed to comments@navajo-nsn.gov, written comments may be mailed to the executive director of the Office of Legislative Services at P.O. Box 3390, Window Rock, AZ 86515.

Comments may be in the form of chapter resolutions, letters or position papers. You must include your name, position title, address for written comments and a valid email address is required. Anonymous comments will not be included in the legislation packet.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
ALBUQUERQUE — Sometimes, the strength of a unified collective has to power to defeat the machinations of industry and development.

Such was the case with the traditional cultural property (TCP) designation of Mount Taylor in New Mexico.

Since time immemorial, Mount Taylor has been known as Tsoodzil to the Navajo people and has been revered as the southern mountain of the Four Sacred Mountains.

The traditional homeland of the Navajo people is located between the Four Sacred Mountains of Sisnaajini (Mount Blanca) to the east, Tsoodzil (Mount Taylor) to the south, Dook’o’olslii (San Francisco Peaks) to the west and Dibé Nitsa (Mount Hesperus) to the north.

On March 18, 2014, Navajo Nation Vice President Rex Lee Jim provided the welcome address at Casa Esencia Hotel to celebrate the designation of Mount Taylor as a TCP. The event was hosted by the Society for Applied Anthropology and the National Trust for Historic Preservation.

“Within Navajo, Tsoodzil means ‘strong tongue.’ So we speak with the power of Tsoodzil,” Vice President Jim said. “We are taught that the sacred begins at the tip of our tongue.

“So when we speak of Tsoodzil, we speak of our ability to articulate, to express ourselves in ways that convinces others,” he added.

Vice President Jim said Mount Taylor allowed Navajos, pueblos and tribes to speak what’s on their mind and in their heart and that it will always be the cultural property of native people.

“Some of us have been fighting on the international level through the United Nations, creating the Declaration of the Rights of Indigenous Peoples, so that all people, wherever they live, where they have sacred sites, that they will be protected,” he said.

The effort to protect Mount Taylor from uranium mining and other industrial development coalesced in 2007, when the Pueblo of Acoma began coordinating the effort for the TCP designation.

The TCP Workgroup was created as a partnership of five tribes – the Navajo Nation, Hopi Tribe and Pueblos of Acoma, Laguna and Zuni – to nominate Mount Taylor as a TCP with the New Mexico Register of Cultural Properties.

Tribal cultural advisors, elders and traditional practitioners provided narratives on the cultural significance of the mountain and worked in tandem with GIS professionals, hydrologists, environmental specialists and archaeologists to document tribal relationships.
Theresa Pasqual, director of the Pueblo of Acoma Historic Preservation Office, took the lead role in the effort, after being inundated with mail from tribal members opposing the uranium mining.

The spark that ignited the effort to protect the mountain came Pasqual’s phone call to the Hopi Tribe and Pueblo of Zuni. “I wanted to know if they were seeing the same things that I was seeing at my office: the enormous amount of letters regarding the proposed development happening on Mount Taylor,” she recalled.

A series of meetings titled “Protecting the Sacred” convened after that phone call and over the past seven years, the tribes worked together to map the mountain and reach out to national organizations to bring attention to preserving the mountain.

The Navajo Nation Land Department and Historic Preservation Department provided the maps and GIS data used for the technical aspects of the TCP designation.

“What came out of the effort was truly a partnership and that’s what we’re celebrating,” Pasqual said.

In 2009, the state provided the original TCP designation, which resulted in a mountain of opposing legislation and lawsuits from private landowners, Spanish land grant members and uranium mining companies.

Pasqual said the slew of legislation was meant to undermine the cultural property laws in the State of New Mexico. The case navigated through the state courts for five years and on Feb. 6, 2014, the New Mexico Supreme Court affirmed the TCP designation.

The high court’s decision to uphold the designation of 400,000 acres and assign it TCP status was unprecedented and profound, according to Dr. Jeffery Pappas, N.M. State Historic Preservation Officer and director of the N.M. Historic Preservation Division. “It’s an immensely important recognition of a very important traditional and cultural property that is unprecedented throughout the American southwest,” Pappas said.

While the mood at Casa Esencia was celebratory, all agreed that the TCP designation of Mount Taylor was only the beginning and tribes and pueblos must continue working together for the protection of sacred sites and tribal sovereignty.

“Within Navajo, Tsoodził means ‘strong tongue.’ So we speak with the power of Tsoodził. We are taught that the sacred begins at the tip of our tongue.”
FOR IMMEDIATE RELEASE
March 12, 2014

Resources and Development Committee receives report regarding awareness of agricultural-related injury risk to Navajo youth

BÁÁHÁÁLÍ, N.M. – On Tuesday, the Resources and Development Committee received a report on a project entitled, “Diné Parents and Community Leaders Perceptions of Agriculture-Related Injury Risk to Youth: A Social Narrative,” presented by Michael L. Pate, a former high school agriculture teacher.

The project’s initiative is to educate Navajo community members and youth about agricultural-risk related injuries and to seek solutions to prevent injuries.

“We wanted to do a formative needs assessment as far as parents and community members and what they would like relating to farm safety and health issues. We want to provide training to prevent injuries to youth and what the parents are engaged in such as farming or ranching needs,” stated Pate.

According to the report, Navajo people are engaged in livestock production but very little is understood about the perceived risks to their youth and agricultural safety training needs. Particularly in the southwest, livestock production is important, but along with that comes the risk of injury by animal, whether thrown, kicked, or bucked.

“When it comes down to livestock safety, there are a lot of injuries that occur with our livestock that doesn’t get reported. If I got injured, it was my fault for not being safe,” stated Gloria Skeet de Cruz, Bááháálí Chapter manager.

Currently, the project is limited to areas near Farmington and the Shiprock, but Pate hopes to reach more agencies as it seeks involvement from more communities.

“One of the biggest challenges facing youth is issues with the language barrier amongst elders, lack of a consistent learning environment and social pressures within the youth communities which pose at risk behaviors such as peer pressure,” stated Pate.

According to surveys from 96 community members, the majority of their farming operations included tending to sheep or goats, followed by horses and beef cattle. Another finding indicates that the most concerning injuries involving youth are broken bones and head injuries associated with horsemanship.
“An important thing that would be good to show the youth and community is a video about injury prevention dealing with livestock during our summer youth programs. There’s a lot of opportunity out there and we need to partner up with the Navajo Office of Diné Youth,” stated Skeet de Cruz.

The project is funded by the National Children’s Center for Rural and Agricultural Safety.

“Do you have any base information as to the current number of injuries to be used for monitoring livestock injuries and is there any other organizations that are able to contribute to this cause?” asked RDC member Council Delegate Roscoe Smith (Crystal, Fort Defiance, Red Lake, Sawmill).

Pate said that data pertaining to Diné youth injuries is very limited and there are very few researchers that are able to pinpoint the exact number of injuries related to livestock. Pate proposed that hospitals implement a log book to record individuals who have been treated for traumas related to livestock activity.

“There is a need for safety training and this project would like to be able to provide that to their youth. We would like to provide access to youth programs that would develop horse and livestock safety practices. We can do that by developing user-friendly networking that involves the internet, Youtube, and Facebook,” stated Pate.

According to Pate, more funding can be generated through a number of programs that are willing to work with issues that are not solely geared toward agricultural safety but interweaving education, technology, safety, and health initiatives. Once all relationships conjoin, educational opportunities grants will hopefully expand, added Pate.

“Shiprock is the worksite where the research was funded and this program is asking for more funding for more research to expand across the [reservation],” stated RDC chairperson Council Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta).

The RDC will vote on whether to accept the report at their next scheduled RDC meeting.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
March 12, 2014

Health, Education, and Human Services
Committee opposes the legalization of marijuana in Arizona

WINDOW ROCK – During a special meeting held on Tuesday, Health, Education, and Human Services Committee members voted 3-0 to approve Legislation No. 0071-14, requesting the Navajo Nation to oppose Arizona H.B. 2558.


If approved, the bill would also permit individuals 21 years of age or older to consume, purchase, and transport up to an ounce of marijuana and allow individuals to grow up to five marijuana plants. However, the use of marijuana in public would remain prohibited.

Legislation sponsor Council Delegate Jonathan Hale (Oak Springs, St. Michaels) said the legalization of marijuana would add to the many problems the Nation is already facing such as substance abuse and domestic violence.

“We’re not in a capacity to allow such because we already see the effects of alcohol, so legalizing marijuana is not the right path for the Navajo Nation,” Delegate Hale stated.

Also included in the legislation packet are two chapter resolutions from Oak Springs and St. Michaels chapters, which are both represented by Delegate Hale, opposing the legalization of marijuana. Both resolutions cite the harmful effects of the drug on adolescents and young adults, particularly high school and college students.

HEHSC member Council Delegate Joshua Lavar Butler (Tó Nanees Dizi) informed his committee colleagues that the Tó Nanees Dizi Chapter unanimously passed a similar resolution to oppose marijuana legalization on March 9, adding that the resolution will be added to Delegate Hale’s legislation in the form of an exhibit.

In his address to Tó Nanees Dizi chapter members on March 9, Delegate Butler said the Navajo Nation is a sovereign nation and should maintain its current law under Title 17 of the Navajo Nation Code which prohibits the possession of marijuana.

“This is not the way to generate money for the state. We know Arizona has no money, but this is not the way to go—regardless of the possible tax revenue the state may generate,” stated Delegate Butler in reference to supporters of H.B. 2558 who have cited tax revenues as a major upside to legalizing marijuana,

“We all know the negative effects of drugs on our children and families, and this is the last thing our community needs,” concluded Delegate Butler.

Legislation No. 0071-14 now goes to the Naabik’iyáti’ Committee for final consideration.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
March 11, 2014

Department for Self Reliance Offices to Remain Open

Window Rock, Ariz. - The Department for Self Reliance (DSR) announces that due to recent accommodations, the DSR field offices will remain open during their Quarterly Staff Meeting, Wednesday, March 19th through the Friday, March 21st, 2014.

Be advised that the Fort Defiance Field Office will be operating out of the Window Rock DSR Support Services Office at the Quality Inn Office Complex, Suite 110 in Window Rock, AZ.

Below are the DSR Field Offices that will be open for emergency assistance with Low Income Home Energy Assistance Program (LIHEAP) and Funeral Service Assistance.

The DSR customers are encouraged to contact their Case Workers prior to these dates with any issues regarding their case.

CHINLE
Imperial Mart Circle Route 7 (across from Cellular One)
Chinle, AZ
TOLL FREE: 866.700.5175
T: 928.674.8194
F: 928.674.2351

CROWNPOINT
Dine Family Empowerment Office Complex
Lower Point Road HWY 371, Route 9
Crownpoint, NM
TOLL FREE: 866.784.1694
T: 505.786.2384
F: 505.786.2394

FORT DEFIANCE
Window Rock Support Services Office
Quality Inn Office Complex - Suite 110
Window Rock, AZ
TOLL FREE: 866.347.2403
T: 928.810.8553
F: 928.810.8557

GALLUP
2907 E. Aztec
Gallup, NM
TOLL FREE: 866.704.6940
T: 505.722.8415
F: 505.722.8959

KAYENTA
1000 Main Street Pony Road
Kayenta, AZ
T: 928.697.5661
F: 928.697.5665

SHIPROCK
101 Ayani Nez Blvd SE
(next to Navajo Ace Home Ctr)
Shiprock, NM
TOLL FREE: 866.309.0346
T: 505.368.1457
F: 505.368.1456

TUBA CITY
North Main Street, Suite 103 (behind Shell Gas Station)
Tuba City, AZ
TOLL FREE: 866.731.7015
T: 928.283.6613
F: 928.283.3407

For more information please contact the DSR Support Services Office at 928.810.8553 or 866.347.2403.
FOR IMMEDIATE RELEASE
March 10, 2014

Health, Education, and Human Services Committee approves legislation to amend the plan of operation for the Office of Background Investigations

WINDOW ROCK – Last Wednesday, the Health, Education, and Human Services Committee approved Legislation No. 0060-14, which seeks to amend the plan of operation for the Navajo Nation Office of Background Investigations.

Proposed language in the legislation states that the Navajo Nation Office of Background Investigations will provide professional background investigations for individuals that require services for program recipients, positions under schools, enterprises, boards, tribal programs, non-profit organizations, and contractors, excluding the U.S. Indian Health Services and Bureau of Indian Affairs Personnel and tribal commissioned law enforcement and tribal gaming enterprise personnel.

“This legislation is meant to improve and expand the services within the Navajo Nation, to have greater sustainability and financial liability that affects the operating service delivery to the Navajo people. This is a safe way to allow us to increase clients served by expanding our markets,” stated manager of the Office of Background Investigations Perry B. Yazzie.

Investigative services will include verification services, character references, civil searches, fingerprinting services, criminal record searches, credit checks, program specific searches and employment stability.

In addition, civil court searches will include FBI fingerprinting, federal nationwide and statewide criminal database searches, tribal court searches, sex offender registry searches, warrant searches, and tribal audit general.

“I make an amendment to add the Enterprise personnel and the Tribal Gaming Regulatory Office to be included in this exclusion as well. The Tribal Gaming Enterprise is regulated by the Navajo Regulatory Office in accordance with the Navajo Nation Gaming Regulatory Act,” stated HEHSC Council Delegate Joshua Lavar Butler (Tó Nanees Dizi).

HEHSC members approved Delegate Butler’s amendment with a vote 3-0.

“The Enterprise and Regulatory are still covered under the public law and the authorities to do the background checks according to their public law and compacts,” added Yazzie.

According to the legislation, the Office of Background Investigations would be under the Division of Human Resources as an independent department to eliminate any potential political influences.
of sensitive background investigations and matters and it will operate under the legislative 
oversight of the HEHSC.

Part of the overall process includes drafting a Fund Management Plan, a plan aimed at generating 
revenue for operating and supporting costs of the program. Currently, the Fund Management 
Plan is being drafted and will go to the Budget and Finance Committee for consideration.

“With this legislation, if we follow the procedure, the Fund Management Plan would go first and 
then the Plan of Operation would go second, in case you needed to change anything. However, 
this committee can push for this option for this department,” stated legislation sponsor Council 
Delegate Dwight Witherspoon(Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill).

HEHSC members approved Legislation No. 0060-14 with a vote of 2-1. The HEHSC serves as the 
final authority for this legislation.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
March 7, 2014

President Shelly praises nomination of Estevan Lopez to U.S. Bureau of Reclamation

WINDOW ROCK, Ariz. — Navajo Nation President Ben Shelly lauded the nomination of Estevan Lopez to serve as Commissioner of the U.S. Bureau of Reclamation.

The U.S. Department of Interior reported that President Barack Obama nominated Lopez to serve as commissioner. An engineer by profession, Lopez has more than 20 years experience in water resource management.

Michael Connor, the former commissioner, was confirmed by the U.S. Senate to serve as Deputy Secretary of the DOI on Feb. 27.

“Mr. Lopez is a welcomed public servant who will do well in serving as Commissioner of the Bureau of Reclamation,” President Shelly said. “His years of service is impressive and shows his support for clean up work and remediation on the Navajo Nation and for tribes.

“Mr. Lopez has our full support,” he added.

Stanley Pollack, assistant attorney general for the Navajo Nation Department of Justice Water Rights Unit, said Lopez previously served as executive director of the N.M. Interstate Stream Commission.

“He was very instrumental in getting the approval of the Interstate Stream Commission for the Navajo Nation water rights settlement. He’s a great guy and a friend of the Nation,” Pollack said.

The agreement provides the Navajo Nation with 130,000 acre feet of water from the San Juan for farming. This is in addition to the 195,400 acre feet the Navajo Nation currently uses.

The water rights settlement for the Navajo Nation for the San Juan River was approved by the NMISC in 2005 and by Congress in 2009. The Eleventh District Court in San Juan County approved the water rights settlement in August 2013.

Lopez awaits confirmation by the U.S. Senate before taking the reins for a federal agency with a $1 billion annual budget serving 17 western states with more than 5,000 employees.

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FOR IMMEDIATE RELEASE
March 7, 2014

Budget and Finance Committee receives update on feral horse roundup

WINDOW ROCK – The Budget and Finance Committee received a report on Tuesday, regarding the feral horse roundup on the Navajo Nation, which included a status update on expenditures and the number of horses rounded up.

Leo Watchman, director of the Navajo Nation Department of Agriculture, stated that the Navajo Nation Department of Natural Resources received approximately $3 million, which was approved on July 18, 2013 by the Navajo Nation Council. The appropriation went towards their program to address the extreme drought conditions and feral horse problem on the Navajo Nation.

“Of the $3 million allocated to the NNDNR, the NNDA received around $1.4 million and have expended about $862,000,” said Watchman. “This has resulted in a carryover amount of [approximately] $535,000 and we are hoping to have that processed soon.”

BFC member Council Delegate Danny Simpson (Becenti, Crownpoint, Huerfano, Lake Valley, Nageezi, Nahodishgish, Tse’ii’ahi, Whiterock) voiced his frustration in regards to the carryover process and budget transfers by the Navajo Nation Office of the Controller and Office of Management and Budget.

“It should not take two to three months to process a carryover. OOC and OMB should process these transfers as soon as possible,” said Delegate Simpson. “Especially important programs such as this, they should not have to wait this long, or any other program for that matter. Timelines need to be established.”

According to Watchman, $250,000 went to the veterinary program that aided in castrating stud horses and administering contraceptive drugs to mares. To date, Watchman said they have rounded up roughly 7,000 feral horses, which has contributed to the decrease in overgrazing that affects the foliage on Navajo land.

“At this point, 72 chapters have passed resolutions to receive aid in rounding up feral horses in their areas and we are trying to get to all of them as soon as we can,” said Watchman. He added that they are currently waiting for the carryover to be approved and processed so they can continue their efforts to round up the feral livestock.
BFC chair LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse‘Daa’Kaan, Upper Fruitland) reminded the committee that Navajo Nation President Ben Shelly had halted the roundup of feral horses in Oct. 2013, and requested an update on the President’s current stance on the issue.

“We need to know whether the President will continue to support this initiative, especially given that you have captured over 7,000 feral livestock and it is definitely a significant progress,” said Delegate Bates. “We need to make sure we are all on board if it is our goal to continue the roundup program.”

In support of the initiative, BFC member Council Delegate Nelson BeGaye (Lukachukai, Rock Point, Round Rock, Tsaile/Wheatfields, Tse Ch’izhi) commended the Navajo Nation Department of Agriculture and Department of Resource Enforcement for not only rounding up the wild horses, but also capturing other feral animals such as livestock, cats, and dogs.

BFC members voted 2-1 to accept the report.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
March 6, 2014

Resources and Development Committee tables legislation to grant right-of-way to develop optic telephone cable within the Chichiltah Chapter

WINDOW ROCK – On Tuesday, the Resources and Development Committee discussed Legislation No. 0051-14, approving a right-to-way to Century Link LLC, to construct, operate, and maintain a fiber optic telephone cable within New Mexico State Road No. 602, on approximately 2.57 acres of Trust Lands located within Chichiltah Chapter.

Pursuant to 2 N.N.C. Section 501 (B)(2), the RDC has the authority to grant right-of-way on Navajo Trust Land and unrestricted (fee) land.

One portion of the legislation in which Century Link LLC requests that all rent and fees be waived because the improvements will benefit the Navajo Nation, drew skepticism from RDC members.

“We’ve granted right-of-ways to 50% of our land, free of charge and we keep doing this and other tribes take Navajo Nation for granted. If we waiver this, we just give them everything. We should say that we won’t waive these fees, but we reserve the cost of it, for fees that [Century Link] are supposed to pay and credit that to a development that benefits the Navajo people,” stated RDC member Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake).

According to a letter addressed to Howard Draper, Program and Project Specialist with the Navajo Land Department, the new telephone cable will serve the local residences, Chichiltah Chapter, Chichiltah BIA School, Breadsprings Chapter, and the Vanderwagon Fire Department.

“I’m wondering why the Navajo Tribal Utility Authority is not doing the project out there. They are already doing fiber optic lines in Shiprock. We charge them. We charge them a fee and that’s our own Navajo Nation company. And this company [Century Link], wants to put up their line and they charge everybody else and they have other companies that piggy-back off of them,” stated RDC chair Council Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta).

According to the Right-of-Way Terms and Conditions, the right-of-way would be in effect for 20 years at a cost of approximately $25,000 to be paid in full to the Controller of the Navajo Nation.

“If we look at this legislation and pass it as it is, we will be waivering that $25,000 and it will benefit the Century Link LLC rather than the Navajo people. The improvement that they are calling for is minimal,” stated RDC member Council Delegate Roscoe Smith (Crystal, Fort Defiance, Red Lake, Sawmill).
According to a Final Environmental Assessment by Tierra Right-of-Way Services, a third party consultant, Century Link is requesting that the BIA Zuni Agency and the Navajo Nation grant an easement across tribal lands so that the project may be constructed.

“The BIA told us from early on that New Mexico Department of Transportation wanted the Nation’s consent for issuing a permit and they felt like Century Link could not proceed with the project without the Nation’s consent,” explained Katherine Grounds, attorney for the Navajo Nation Department of Justice.

In the letter addressed to Mr. Draper it states, “the Zuni Tribal Government and the New Mexico State Highway Department have been notified and pending approval from both entities.”

“So, the permission from New Mexico is not final yet. And we don’t even have the final approval yet from NMDOT. I’m wondering how they are going to work this because you have a right-of-way within a right-of-way which creates all sorts of legal scenarios,” added Delegate Tsosie.

RDC members agreed to table the legislation to modify the Terms and Conditions that Century Link has provided and also to seek approval from certain entities so that the project can proceed.

RDC members tabled Legislation No. 0051-14 with a vote of 5-0. The RDC serves as the final authority for the legislation.

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President Shelly meets with Deputy Assistant Secretary Fiala

On Feb. 13, President Shelly met with Duane Hall, federal project officer with the Department of Labor on issues facing the NNDWD. Hall was inspecting the Nation’s program and explained the federal process in detail.

“What’s happening is the federal money is given to Arizona, New Mexico and Utah. They figure out how much is for the Navajo Nation and then send it back into the account in Washington so we can send it back out,” Hall said.

The process ultimately delays funding distribution for up to seven months or longer before it finally reaches the Navajo Nation. By the time Workforce Development receives the funding, they have a short timeframe to expend the funds.

Another area was the eligibility requirements for program participants. Hall said the federal government requires that participants are Native American and that they are either low income or unemployed.

The NNDWD mandated that participants were both low income and unemployed. Over income families for the youth program was also reviewed. Five percent over established income levels was allowable, provided participants had an additional barrier to employment or training such as low reading skills.

“There’s barriers in place that the department has imposed on itself. They misread the guidelines and said all youth have to be Native American, low income and have one of those barriers,” Hall said.

Workforce Development has the potential to be an economic development generator, especially through the work experience program. Employers can provide participants the necessary work experience to compete in the job market and in return, they will have employees working for at least three months with wages provided by Workforce Development funding.

“I think there are some economic development opportunities there,” Hall said.

President Shelly is placing a high priority on the use of technology for the eligibility and intake processes to remove barriers for chapter participants from having to drive to Window Rock for services.

“We need to invest Workforce Development funding in software and high speed Internet access. We also have broadband data centers available on the Nation and we can store the data securely on the cloud,” President Shelly said.

This will help the department and participants to communicate, instead of making a trip down here, he added.

President Shelly is also going to nominate a new representative for the Native American Advisory Council, which meets twice a year with the U.S. Department of Labor.

“It’s a great opportunity to convey your messages,” Hall said of the council. “The secretary believes it’s important the Navajo Nation have representation on the council because of the size of the Nation.”
Hall agreed with President Shelly and said information technology is a critical component for the success of NNDWD.

They need faster Internet speed and good bandwidth, he noted.

“There’s no web-based workforce system in place in the U.S. by any tribe. But when you have remote agencies, you definitely need something web-based,” Hall said. “You can develop that with all the criteria that we need.

“You would be helping out the tribes of the U.S. if you licensed it,” he added.

The other area of concern for the department audit was the cost allocation system. Establishing a plan for the cost allocation system and review of disallowable costs will clear up this area, Hall explained.

The carryover for unspent monies was another issue. Hall said his office has drafted a policy for this and that the NNDWD must immediately begin implementation.

Workforce staff reconciled accounts with Hall and developed caseload limits for case managers working in the five agencies. The next step is development of a plan and implementation.

President Shelly said effective communication is the key to success for NNDWD. He noted that the annual competitive grant funding process for the allocation of federal dollars is an unknown and tribes never know what is going to be funded.

“This is why we’re running around like ants. When you kick the anthill, everybody’s running into each other and asking, ‘What’s the reduction percentage?’ That’s what everybody’s worried about,” he said.

Hall said his week spent with Workforce Development on the Navajo Nation was an eye-opening experience.

“You’re going to get criticism from the feds and any other tribe because you’re so much bigger than other tribes,” he said.

President Shelly ordered that the memorandum of agreement with the states be revised, so funding can reach the Nation faster for immediate spending. He also instructed Workforce Development to invest in broadband access and a web-based platform for intake and eligibility services at the chapter level.

His nomination for a suitable candidate to the advisory council is forthcoming.

“President Shelly met with Duane Hall from the U.S. Department of Labor on Feb. 13 to discuss the audit of Navajo Department of Workforce Development. They both agreed technology must be implemented. (Photo by Rick Abasta)“

“In addition to the U.S. Department of Labor, President Shelly also met with representatives from Office of Management and Budget, Division of Human Resources and Workforce Development. (Photo by Rick Abasta)“

“This is why we’re running around like ants. When you kick the anthill, everybody’s running into each other and asking, ‘What’s the reduction percentage?’ ”
Public hearing held to address the Fort Wingate Land Division Act of 2014

Legislation to support H.R. 3822 to be introduced to Council


The Fort Wingate Land Division Act of 2014 seeks to divide approximately 21,000 acres of parceled land between the Navajo Nation and the Zuni Tribe, which was previously used by the military to store ammunition and explosive materials.

Delegate Yazzie, who represents the communities of Churchrock and Iyanbito, said it was critical to hear the concerns of his community members because the proposed land division will have lasting impacts on their land and their families.

In addition, Delegate Yazzie noted that he recently sent a letter to Rep. Luján inviting him to meet with several of the local chapters and said he continues to urge the congressman to do so to address the bill and to answer questions from community members.

Approximately 150 community members attended the public hearing and many shared ancestral stories of Navajo people residing within the disputed land boundaries dating back centuries.

Some expressed concern over the contamination caused by the storage of ammunition and explosive materials for decades and urged the Navajo Nation Council to ensure that proper land restoration is conducted by the federal government prior to the passage of the congressional bill.

“We need to look at the air quality, water quality, and vegetation to make sure the U.S. is not going to place those responsibilities on us to restore,” stated community member Ted Nez.

On July 8, 2013, members of the Fort Wingate Army Depot Task Force met in Washington, D.C. with Reps. Luján (D-N.M.), Steve Pearce (R-N.M.), Don Young (R-Alaska), and Pueblo of Zuni Gov. Arlen Quetawki, Sr. to negotiate and discuss the proposed land settlement.

As a result of the negotiations, the Navajo Nation would receive approximately 10,000 acres and the Zuni Tribe approximately 9,000 acres of the parceled land, with the remaining 2,000 acres to remain under the U.S. Department of Defense due to high levels of contamination in the area.
Throughout the day-long public hearing, numerous community members thanked Delegate Yazzie for bringing the issue to their attention and for listening to their concerns.

The Iyanibito Chapter also held a public hearing on Aug. 25, 2013, in which Delegate Yazzie was joined by Speaker Johnny Naize (Low Mountain, Many Farms, Nazlini, Tachee/Blue Gap, Tselani/Cottonwood) who chairs the Fort Wingate Army Depot Task Force.

During a meeting held on Feb. 14, task force members voted in support of H.R. 3822, along with a directive to introduce legislation to Council in support of the congressional bill.

On Feb. 26, Speaker Naize issued a memo informing members of Council of the task force’s support of H.R. 3822 and requested that legislation be drafted to support the land division.

“The best course of action is to seek a resolution of the Council supporting H.R. 3822 and approving the Fort Wingate MOU Task Force’s negotiated resolution of this matter,” wrote Speaker Naize.

Legislation is expected to be drafted and introduced by next week.


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WASHINGTON, D.C. — Providing affordable mobile communications on the Navajo Nation is a challenge. Navajo people now have another wireless provider to choose from for services.

Last week, Navajo Nation President Ben Shelly met with the Federal Communications Commission in Washington, D.C. regarding Navajo Tribal Utility Authority Wireless, LLC and telecommunications on the Nation.

Telecommunications is an important component of the five pillars of nation building for the Shelly-Jim administration, specifically with regard to infrastructure development.

The FCC issued an order on Feb. 18, 2014, designating NTUA Wireless as an eligible telecommunications carrier on the Navajo Nation.

NTUA Wireless’ designation as a limited ETC for Lifeline Service and conditional ETC status to participate in Tribal Mobility Fund Phase I is another major step toward connectivity in rural parts of the Nation.

The ETC designation was an exercise in Navajo sovereignty, especially with regard to jurisdictional authority.

President Shelly lauded the designation and the efforts of Brian Tagaban, executive director of the Navajo Nation Telecommunications Regulatory Commission for their work with the FCC.

“Telecommunications and technology is our priority,” said President Shelly, who championed broadband as vice president. “We dedicated our efforts and formed a broadband team, that worked to completion, creating a middle and last mile network for the future.”

The FCC order stated “NTUA Wireless is Navajo owned and submits to the jurisdiction over its operations by the NNTRC. Therefore, we find that NTUA Wireless is a tribally-owned commercial mobile radio service provider subject to the laws and jurisdiction of the tribal authority of the Navajo Nation.”

“The NNTRC is specifically
Navajo Nation President Ben Shelly and Vice President Rex Lee Jim traveled to Capitol Hill last week to share concerns from the Navajo Nation with federal officials and congressional members. (Photo by Jared King)

Navajo Nation President Ben Shelly, along with Brian Tagaban, executive director of the Navajo Telecommunications Regulatory Commission and Deswood Tome, special advisor to the president, spoke with FCC Chief Geoffrey Blackwell on Feb. 18, 2014 about the NTUA Wireless designation. (Photo by Rick Abasta)

Navajo Nation President Ben Shelly and Vice President Rex Lee Jim traveled to Capitol Hill last week to share concerns from the Navajo Nation with federal officials and congressional members. (Photo by Jared King)

Clara Pratt, executive director of the Navajo Nation Washington Office joined President Shelly and Brian Tagaban in a meeting with the FCC last week in Washington, D.C. (Photo by Jared King)

named in the order as the regulatory oversight and sets precedence for other telecommunications companies to be regulated by the Nation. This is a big step for us to be a true regulator,” Tagaban said.

The NNTRC’s mission is to regulate the telecommunications industry on the Navajo Nation. It is committed to the protection of the public welfare, regulation and security of tribal telecommunications.

Tagaban said NTUA Wireless is a mobile wireless carrier that has committed to being regulated by the NNTRC.

“The Navajo Nation has committed to a mobile market that is competitive under a regulatory oversight,” he said. “All other phone companies or carriers like Frontier, Sacred Wind and Cellular One get their ETC designation from the state utility commission.”

Only the FCC and state utility commissions are authorized to designate phone companies with ETC status. For the Navajo Nation, the ETC designation of NTUA Wireless began in March 2011, two-months after the Shelly-Jim administration took office.

NTUA Wireless is a for-profit entity and is 51 percent owned by NTUA. Commnet, a wholly owned company of Atlantic Tele-Network, Inc., owns the remaining 49 percent. Atlantic Tele-Network has more than $900 million in investment capital.

Tagaban noted that NTUA Wireless is an example of mitigating risk while bringing capital and expertise to the Navajo Nation.

The FCC order also recognized the exterior boundaries of the Navajo Nation and is significant because the checkerboard area of the Nation has been included for service.

“We are committed to a fair market for telecommunication providers in order for the people of the Navajo Nation to have a choice,” Tagaban said.

“Owning and operating critical telecommunications infrastructure empowers tribal nations to protect the health and safety of consumers living on tribal lands, to spur local economic development, to preserve tribal language and culture, and to further the education of residents through federal distance education programs,” the FCC stated.

The Communications Act of 1934 as amended, provided that, “Only an eligible telecommunications carrier designated under section 214(e) shall be eligible to receive specific federal universal support.”

“This was not easy, nor was it short. Once again, the Navajo Nation has helped the FCC forge some new ground here,” said Geoffrey Blackwell, chief of the FCC Office of Native Affairs and Policy.

Blackwell thanked President Shelly for his assistance and patience with the process.

He expressed hope for other government bureaus to understand the complexities of the effort, which included the Jeddito chapter area.

“Our door at the FCC is always open. Brian (Tagaban) and other folks know they can always reach out to us for issues on the Navajo Nation,” Blackwell said.

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Window Rock, Ariz. - Through its Nutrition, Education and Obesity Prevention (NEOP) program, First Things First collaborated with the Department for Self Reliance (DSR) to focus on the nutritional needs of children, healthy activity for the family, and strategies to prevent childhood malnutrition and obesity.

Customers of DSR’s Temporary Assistance for Needy Families (TANF) program are given an opportunity to earn a certificate from the NEOP program.

According to the DSR Senior Caseworkers, the certificate benefits DSR’s customers on many levels. The certificate can be referenced on early childhood job applications; it is recognized by DSR as job training; and it can be applied as credit towards Northern Pioneer College’s, Child Development Associate (CDA) credential.

DSR customers, Jacqueline Nez and Teresa Begay are NEOP certificate recipients and are earning their CDA credentials. The CDA program consists of two years of class room study and 480 hours of work experience. Nez and Begay both confess that taking the classes has improved their parenting skills and they do more activities with their children. “I like spending time with my kids and the classes do help,” said Nez.

Cassandra Bitsuie, NEOP Instructor, explained that the certificate is earned over eight sessions. Some of the NEOP classroom activities include, “learning to build a better plate with nutritional food items like fruits, veggies, wheat and dairy; family style dining; nutritional story time with reading and singing to the children; and exercising with the children with movement and activity,” explained Bitsuie.

Fort Defiance DSR Senior Case Workers are all very excited that the program is being offered to their customers. “Parents have a lot of fun in the NEOP program, they have the opportunity to bring their children with them to the training,” explained Marlene Smith, DSR Senior Case Worker.

For more information about DSR assistance programs please visit or call your local DSR office: Gallup, NM: (866) 704-6940; Kayenta, AZ:(928) 697-5660; Montezuma Creek, UT Sub-office: (435) 651-3535; Shiprock, NM: (866) 309-0346; Tuba City, AZ: (866) 731-7015; Chinle, AZ: (866) 700-5175; Crownpoint, NM: (866) 784-1694; Fort Defiance, AZ: (866) 860-9549; or Greasewood, AZ Sub-office: (928) 654-3910.

For more information about the NEOP program, contact First Things First Navajo Nation Regional Office at (602) 265-0009.
FOR IMMEDIATE RELEASE
March 3, 2014

Council Delegate Edmund Yazzie advocates for improvement of the Nation’s transportation systems

GALLUP, N.M. – Last Wednesday, Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) met with the New Mexico Department of Transportation Regional Working Group 4 to discuss a Long-Range Multimodal Transportation Plan.

Currently, there are seven Regional Working Groups assigned to develop a Regional Transportation Plan in coordination with NMDOT to create a statewide, regional, and metropolitan plan to build an efficient transportation system by the year 2040.

The key components of this planning scope involve the data and needs of existing plans of transportation, the current supply and demand of transportation, the performance and statewide strategies of transportation infrastructure, and services and programs throughout the region.

Delegate Yazzie said the most challenging aspect on the New Mexico side is getting the local chapters to become certified which would enable the chapters to receive funds from the State, expediting the improvement process.

“If the chapters become certified, they will be entitled to be 110% reliable on running their chapter on their own instead of depending on Window Rock but it has been a big challenge for our chapters to do that. The multi-jurisdictional complexity and bureaucratic issues weighs down the entire process of trying to get transportation systems met,” stated Delegate Yazzie.

The majority of those in attendance agreed that there were many cross-jurisdictional collaborations among all entities and that all jurisdictions need to be on the same page when improving roads in rural communities.

“It is reflective in Council Delegate Yazzie’s point that in his case the decision-making is never local enough. All these decisions are going one way and the ‘so-called’ revenues for improvement are not happening,” stated executive director Jeffrey G. Kiely, of Northwest NM Council of Governments.

Another challenge is obtaining funding to implement transportation infrastructure, services, and programs throughout the state.
“Even though we may never have the money to do all these projects, we are still planning. We are still planning because we have to, legally. Otherwise, we are giving in. The point is, that this is an ongoing challenge,” stated Tim Karpoff, owner of Karpoff & Associates.

At the conclusion of the discussion, the Regional Working Groups agreed to meet again in May or June to discuss a state wide plan that will develop more goals on transportation systems.

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For news on the latest legislative branch activities, please visit [www.navajonationcouncil.org](http://www.navajonationcouncil.org)
President Shelly meets with officials on General Leasing Act

WASHINGTON, D.C. — The U.S. Department of Interior is moving forward with the Navajo Nation General Leasing Regulation Act of 2013, after meeting with Navajo Nation President Ben Shelly last week.

President Shelly traveled to Washington, D.C. and met with federal officials on a host of issues, including leasing provisions, telecommunications, housing and Navajo Head Start. He is awaiting the official approval letter from the DOI for the Act.

In 2013, the General Leasing Regulation Act was enacted to streamline residential and business site leasing on the Navajo Nation by providing the Nation authority to approve such leases without involvement from the Bureau of Indian Affairs.

However, mineral and right-of-way leases were excluded from the legislation and still require DOI approval, he said.

“The approval of the General Leasing Act by the Department of Interior is another step toward self-sufficiency,” President Shelly said. “This provides the Navajo Nation the authority to approve leases for homes and businesses.

“New business means growth and economic development for the Nation,” he added.

The decision to use the Navajo Nation Leasing Act as a template occurred in 2010, when Halona and others met with the BIA and DOI to request for seed money for the Navajo Land Title Data System.

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“New business means growth and economic development for the Nation,” he added.

The decision to use the Navajo Nation Leasing Act as a template occurred in 2010, when Halona and others met with the BIA and DOI to request for seed money for the Navajo Land Title Data System.

The Navajo Land Department is currently uploading data to the NLTS. All current conveyances are being uploaded to the database and Halona said the department is simultaneously entering past data records. He anticipates completion in one to two years.

“Then we’ll have the government certify our system as a title plant,” he said.

Twelve tribes are already on the waiting list for the chance to follow the NLTS as a template for their own automated database.

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Streamlining the land conveyance process will provide users with access to personal, industrial and economic leases, including community land use plans. Since 2006, the Land Department has invested $1.2 million into the database.

“Which is peanuts when you consider what we’ve been able to develop. We developed a system that you cannot get anywhere else and helped all tribes,” Halona said.

The Navajo Land Department will have an enterprise license in place by summer and will begin providing other tribal departments and entities with access to their automated land title plant.

Twelve tribes are already on the waiting list for the chance to follow the NLTS as a template for their own automated database.

“I imagine the independence that we’ll have. We’ll know every square inch of our land,” Halona said.

-30-
FOR IMMEDIATE RELEASE
March 3, 2014

Health, Education, and Human Services Committee approves $200,000 for the Navajo Air Transportation Department

WINDOW ROCK – On Wednesday, the Health, Education, and Human Services Committee approved Legislation No. 0043-14, approving supplemental funding from the Unreserved, Undesignated Fund Balance in the amount of $200,000 for the Navajo Air Transportation Department to maintain aging aircraft fleet and to purchase jet fuel.

According to the Supplemental Funding Proposal Summary submitted by Air Transportation Director Joe Berardesco, the Nation owns two 29 year-old Beechcraft King Airs aircrafts that are in need of maintenance to comply with standards governed by the Federal Aviation Administration Regulations.

“The way the [proprietary] account is set up is we maintain the airplanes and we buy fuel. If we have a lot of revenue coming in, it’s a break even account,” stated Barardesco. “When revenue goes down, our propriety funds go down as well.”

Proprietary Funds are used for government business-type activities which are later recovered by fees charged to those who use their services.

Whether the aircraft is in use or not, the department is still incurs to calendar costs due to periodic inspections that are required on all aircrafts.

“Within one week, how many airplanes are out in the air working?” asked HEHSC chair Council Delegate Jonathan Hale (Oak Springs, St. Michaels).

Barardesco explained that there usually two planes in use even though there is a shortage of pilots and staff.

According to a memo dated Nov. 12, 2013, the Air Transportation Department spent approximately $200,000 on expenses associated with maintaining aging aircraft since the start of FY 2014.

“Every year, costs go up and our planes get older. They are almost 30 years old. So now the cost of fuel and repairs, parts and engines are sky high. We do need some help with this amount of money that we are requesting,” stated Division Director of Division of General Services, Virgil Brown.
The funding shortfall could result in a shutdown of air transportation services to the entire Navajo Nation government in the near future according to the Supplemental Funding Proposal Summary.

“Right now we have three airplanes, and it works out well. But, if you got one plane, you still got to do your scheduling maintenance out of a 12-month period and within that timeframe, 4 months is accounted for repairs and maintenance. One plane is not going to cut it,” stated Barardesco, while also noting that the Navajo Air Transportation has saved $300,000 by performing in-house maintenance on the aircraft.

“I can certainly see your need for the $100,000 to work on the repair maintenance of the aircrafts but the request for $100,000 for fuel, to me, seems very suspect. You charge the Nation for flights to Phoenix and many other places, and account for the fuel costs, but are you going to reduce the cost? How is this going to benefit at the expense of the Nation’s funds?” asked Council Delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill).

Barardesco refuted that although the department does charge for fuel, their flights are still down by 50% and flying about 600 hours a year compared to 1200 hours a year.

“Our fuel is maintained from the propriety fund. It costs so much money with the aging aircraft issues on maintenance that last year our propriety fund decreased. That basically came out of buying fuel and maintenance on the aircraft. Every year, I hear about budget cuts and cutting back on travel, but we are still flying a lot. So the need is there,” stated Barardesco.

HEHSC members approved the legislation with a vote of 2-1.

Legislation No. 0043-14 now goes to the BFC for consideration.

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FOR IMMEDIATE RELEASE
February 27, 2014

Naabik’iyáti’ Committee establishes the ‘Department of Health Creation Task Force’

WINDOW ROCK—During a special meeting held on Wednesday, the Naabik’iyáti’ Committee voted 8-5 to approve Legislation No. 0029-14, establishing the “Naabik’iyáti’ Committee Department of Health Creation Task Force” to consult and work with various individuals and entities to revise a separate legislation which proposes the establishment of a Navajo Nation Department of Health.

Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) introduced Legislation No. 0029-14 following a meeting on Jan. 3 between Naabik’iyáti’ Committee members, Navajo Division of Health, Vice President Rex Lee Jim, and representatives from various health providers.

The Jan. 3 meeting was held to address Legislation No. 0346-13, the proposed Navajo Department of Health Act of 2013, which aims to rename the Nation’s current Division of Health and to consolidate certain responsibilities and authorities under the proposed department.

The Naabik’iyáti’ Committee considered and tabled Legislation No. 0346-13 on Dec. 5.

Council Delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill) who sponsored the bill to establish the Department of Health said the proposed establishment is needed, “because no entity currently has the responsibility to monitor, evaluate, regulate and protect Diné citizens regarding quality and culturally appropriate health care.”

Following the approval of several amendments on Wednesday, including one proposed by Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts’ah Bil Kin) to include five representatives from various “638 programs” the committee approved the establishment of a task force consisting of a total of 16 members.

Council Delegate Charles Damon II ( Bááháálí, Chichiltah, Manuelito, Tsé Lichíí’, Rock Springs, Tsayatoh) and Navajo Nation Vice President Rex Lee Jim will serve as co-chairs of the task force.

The other 14 members include Council Delegates Dwight Witherspoon, LoRenzó Bates, and Leonard Tsosie, five “638 program” representatives, Home Care Health Providers representative Elvina Emerson, and one representative from each of the following: Division of Health, non-emergency health care transport provider, Diné Traditional Healers, non-Indian health care provider, one health care provider to represent the communities of Alamo, Ramah, and Tohajíílee.
“638 programs” are defined under Public Law 93-638, the Indian Self-Determination and Education Assistance Act of 1975, which authorizes the U.S. Secretaries of the Interior, Health, Education, and other government agencies to enter into contracts with federally recognized tribes to allow tribes to administer funds, giving them greater control over their welfare.

The legislation states that the co-chairs are tasked with keeping the Naabik’íyáti’ Committee and the Council informed of the status and progress of the revisions, to produce a revised legislation for the Naabik’íyáti’ Committee no later than April 10 and for the Council no later than the start of the Spring Council Session which begins on April 21.

The Naabik’íyáti’ Committee serves as the final authority for Legislation No. 0029-14.

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FOR IMMEDIATE RELEASE
February 26, 2014

Health, Education, and Human Services Committee approves legislation regarding Corrective Action Plan for Department of Workforce Development

ALAMO, N.M. – Last Wednesday, the Health, Education and Human Services Committee approved Legislation No. 0032-14 regarding the follow-up of Navajo Department of Workforce Development Corrective Action Plan implementation and imposing sanctions against the department manager for failure to implement the CAP.

NDWD provides two types of services called comprehensive and supplemental programs to assist adults, dislocated workers and youth that reside within the Navajo Nation.

The Navajo Nation Office of the Auditor General conducted a follow-up review of the NDWD corrective action plan (CAP) to determine whether NDWD implemented the CAP to resolve findings outlined in an audit report which found that the financial and management control systems remain weak and operational deficiencies did not meet its mandates.

The original CAP was approved by the Budget and Finance Committee in Feb. 2009.

“Overall, the corrective measures within the CAP were not implemented by NDWD. Therefore, the deficiencies presented in the initial audit report still exist. NDWD Program Manager could not provide evidence of ensuring staff adherence with program guidelines,” stated Auditor General Elizabeth Begay.

“I am aware Alamo School Board is one of the grantees that received Workforce Investment Acts monies. Since our grant fund has been in place since 2010, we comply with funding paperwork and our funding allocations have been extended based on our grant plan,” stated Roselyn Shirley, Department Manager of Navajo Department of Workforce Development.

The Office of the Auditor General reviewed activities covering a sixth-month period beginning October 1, 2012 through March 21, 2013.

“They had three years to correct the deficiencies and we found out on our follow-up review that they failed. They had a timeline to implement these measures so that they can improve their operation. Their deficiencies still remained,” stated Begay.

HEHSC member Council Delegate Walter Phelps (Cameron, Coalmine Canyon, Leupp, Tolani Lake, Tsidi To ii) suggested a directive to create a Task Force Group to assist with the Corrective Action Plan.
“The value of a task group would be that it will provide the program with a preventative measure to strengthen and help make the program strong. So it can serve our children, and our people that are trying to make use of the program,” stated Delegate Phelps.

According to the follow-up review, NDWD was unable to meet its 20-business day goal for processing payments to students in a timely manner. Students were left without funds at the start of their training and in the initial audit, 94 student files were reviewed and revealed that students did not receive their financial assistance until 40-60 days after the Authorization for Payment was submitted.

“When a program does not meet the needs of individuals then what good is the government? What good are those people that serve in those positions?” asked Council Delegate Jonathan Hale (Oak Springs, St. Michaels) who sponsored the legislation.

Also included in the follow-up review results are sanctions against the Department and Department Manager for failure to comply with the CAP.

“There are system problems we acknowledge. We understand that the delegates’ concern and constituency bringing forth their concerns. But, I think if we work together, we can solve the problem. Looking for solutions is very critical at this time. This can be improved,” stated Thomas Ranger, Division Director for the Division of Human Resources.

HEHSC members approved the legislation with a vote of 3-0, which included a directive to implement a Task Force group.

Legislation No. 0032-14 now goes to the BFC for final consideration.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
February 26, 2014

Law and Order Committee receives report on law enforcement concerns in Alamo

ALAMO, N.M. – The Law and Order Committee received a report on Monday regarding law enforcement concerns in Alamo, and discussed the possibility of assigning a full-time Navajo Nation police officer to the area, located approximately 85 miles southeast of Albuquerque.

Alamo School Board executive director and former Socorro County Sheriff’s Office deputy chief Michael Hawkes, said he has advocated to have a police officer assigned to the Alamo area due to safety concerns regarding school children and the community.

“We are not out of the norm as far as criminal activity, in fact I can tell you that what is most daunting is the increased influx of heroin use, burglaries, and violent crimes in Alamo,” said Hawkes. “We are willing to assist in any way we can to make this happen.”

Hawkes stated that the Alamo School Board would provide free housing and office space to the officer who would be working and patrolling the school grounds and community full time.

Representative and longtime advocate for the improvement of public safety in the area, Council Delegate George Apachito (Alamo, Ramah, Tohajiilee), voiced his concern regarding the police response time.

“The police response time to Alamo is disheartening because it can take anywhere from 3-6 hours for an officer to respond and we need to fix that delay,” said Delegate Apachito.

LOC vice chair Council Delegate and former police officer Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichii, Steamboat) expressed his support of the school board’s initiative and suggested that they also implement an educational public safety program for kids at the community schools.

“I was a school resource officer in Ganado, and although I was there as an enforcer, I was able to interact and teach kids regarding potential problems they may face such as peer pressure, drugs, gangs, and alcohol,” said Delegate Shepherd. “It would be beneficial to also look at grants that can aid in offering a program like this to Alamo.”

LOC members voted 2-0 to accept the report.
A report later provided by the Navajo Nation Department of Justice informed the committee that the Memorandum of Agreement between Socorro County and the Navajo Nation is currently in place, and cross-commission training and certification will begin in the near future.

For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
IMMEDIATE RELEASE

Mike Halona, Department Manager III
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928) 871-6401
February 26, 2014

NLD & DNR to vacate contaminated building by Friday, February 28, 2014

Window Rock, AZ – The Navajo Occupational Safety and Health Administration (OSHA) served the Navajo Land Department a notice to vacate the 74 year old building adjacent to the Navajo Nation President & Vice-President’s Office on Monday, January 27, 2014 due to high level of contaminates which have been endangering the lives of the employees and causing imminent danger to the employees health and to the general public. The building will officially close on Friday, February 28, 2014.

The 74 year building housed the Division of Natural Resources administration, Division of Human Resources and Navajo Land Department - a total of 28 employees. The following offices will be relocating to the following buildings within Window Rock vicinity and Tse Bonito, NM:

1. The Ft. Defiance Homesite Lease Office, Project Review Office and some of the GIS Staff will join the staff at the Navajo Historic Preservation Department East of the former Navajo Land Department building in Window Rock, Arizona.

2. The Navajo Land Department Administration, Title & Records/Navajo Land Title Data Systems and the Division of Natural Resources administration are temporary moving to Western Indian Ministries, Hilltop, Tse Bonito, NM.

We urged the public to give the Navajo Land Department about 6 months to get back into full operation. All Ft. Defiance Agency homesite leases and documents, as well as, Project Review documents will need to be decontaminated before files can be moved out of the former Navajo Land Department building. We urge the public to be patient with our office and allow time for the Navajo Land Department to get back into full operation. However, the other agency homesite offices are continuing to provide direct services. Navajo Land Department and staff apologizes for the inconvenience this may have caused your families and other entities. For more information, please call (928) 871-6401.

- 30 -
FOR IMMEDIATE RELEASE
February 24, 2014

Resources and Development Committee
accepts the financial audit of Alamo Chapter

WINDOW ROCK – Last Tuesday, the Resources and Development Committee approved Legislation No. 0031-14, accepting the financial audit of the Alamo Chapter for the 15-month period ending December 31, 2012, submitted by the Office of the Auditor General and approving a Corrective Action Plan.

“For the 15-month audit period, we identified funds that did not have an approved budget in place. The staff could not locate the budgets and there was no evidence of budget discussions. Furthermore, by expending the funds in the absence of approved budgets, the Chapter incurred unauthorized expenditures,” stated Robert Jumbo with the Office of the Auditor General.

“How can you have a chapter run without a budget? I don’t understand why chapters are being allowed to expend money without a budget. Who suffers in the end? Our Navajo people. They don’t get the service and everybody is shamed and we go on with life like nothing happened,” stated RDC member Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake).

The majority of the Chapter resources are provided through appropriations from the Navajo Nation central government and Socorro Electric Cooperative (SEC). The Alamo Chapter entered into a contract with SEC, Tri-State Generation and Transmission Association, Inc., also known as Tri-State and agreed to an allocation of electric power to Alamo Chapter.

For the 15-month audit period, the audit findings reported that the Chapter expended $41,244 from Tri-State Funds for Chapter Officials, committee members and staff travel expenses.

“The Tri-State fund was depleted to pay for Chapter Officials, committee members and staff travel expenses. The fund could have been otherwise available to provide services to the community members,” stated Jumbo.

According to Jumbo, the standard Five Management System policies and procedures manual require Navajo Nation Chapters to exercise adequate internal controls in daily operations and in the expenditure of its funds. The internal controls within the Alamo Chapter five management system are deficient in several areas. Such control weaknesses pose risks such as misuse of funds, authorized expenditures, thefts, unnecessary costs and poor financial decisions.

Delegate Tsosie voiced his frustration with the audit findings.
“How do we handle this? Especially when former officials run off? It is just not Alamo. It is happening all over. It’s getting to be sickening. I think when the Office of Auditor General is auditing, they need to implement an internal policy that allows you to interview former officials to explain their actions,” stated Delegate Tsosie.

A corrective action plan was discussed and created with the Alamo Chapter Officials and Administration which states the audit findings, corrective goals and timeliness to accomplish the CAP.

“We worked with the chapter to develop a corrective action plan. The chapter does have the corrective action plan on what they plan to do to correct the deficiencies identified in the report,” stated Jumbo.

The RDC committee directed the Office of the Auditor General to conduct a follow-up review in 12 months after the approval of the resolution of indication that Alamo Chapter is implementing the CAP.

The RDC members approved the legislation with a vote of 4-0.

Legislation No. 0031-14 now goes to the Budget and Finance Committee for final consideration.

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2014 Navajo Nation Gaming Compact stalls in N.M. Senate

NAVajo Nation President Ben Shelly and Sen. John Pinto convene in the halls of the Roundhouse in Santa Fe while awaiting the Senate’s vote on the 2014 Navajo Nation Gaming Compact. (Photo by Rick Abasta)


Navajo Nation President Ben Shelly expressed disappointment after the vote and said the extensive lobbying effort by the pueblos was evident in the final tally.

“The Navajo people will be negatively impacted by this vote, especially if we are forced to close our casinos.”

The stakes could not have been any higher, he said, as compact affects more than 950 current gaming positions and a vital revenue stream for the Nation.

“The Navajo people will be negatively impacted by this vote, especially if we are forced to close our casinos,” President Shelly said. “It’s upsetting that each of the pueblos claimed to support tribal sovereignty, but yet they voted against our compact.

“We are thankful for our Navajo leaders in the legislature for working tirelessly on this,” he added.

The Navajo Gaming Task Force was also commended for the countless hours they poured upon deaf ears and they ultimately voted down the compact. Many senators were talking during Sen. Pinto’s statement, another issue President Shelly took note of.

“It irked me that (the senators) were so disrespectful to not only a senior member of the Senate, but a senior citizen and a World War II veteran. Navajo people are taught to respect their elders. Seeing that disrespect really bothered me,” he said.

Only days earlier, on Feb. 18, the gaming compact passed the House of Representatives by a vote of 36-30 and President Shelly was optimistic about passage in the Senate.

“I want to thank the legislators who supported the terms of our Navajo Gaming Compact. Now, we have to go back to the drawing board and see what we have to do next,” President Shelly said.

The Navajo people invested over $250 million in the casinos and closing the doors to any of the facilities would have a damaging effect on the Nation’s budget.

In the past week, President Shelly traveled to Santa Fe four times to garner support for the compact. He met with legislators and tried to share information on Navajo gaming. His concern was the upcoming election, especially if legislators were voted out.

Such an event would mean educating the new members on the importance of the gaming compact to the Navajo Nation and an inadequate timeframe to get it approved.

However, the lobbying effort from the pueblos was intense and was ongoing since the Nation first began negotiations for the compact.

President Shelly said the joint compact with Navajo and the pueblos was troubled early on because of staunch opposition to Navajo’s proposed number of casinos.

“Navajo is unique because of our population and our land base, which is why we needed to negotiate our compact separately. This compact was not a template for the pueblo gaming compacts with the state,” he said.

Heather Clah, legal counsel for President Shelly, said the compact was fair and that she stood firmly by its contents.

“We have a good gaming compact for the Navajo Nation and it’s unfortunate that we must now evaluate our next move,” she said.

Clah said the leadership of President Shelly was admirable throughout the process.

“The gaming task force spent over three years negotiating the compact and it basically reflected the 2007 compact, so it was puzzling why it did not pass,” she said.

“We’ll regroup and find a proper solution, that is the strength of the Navajo Nation,” President Shelly said. “We’ve worked with the pueblos and supported them in the past. We need to find common ground and not work against each other.”
FOR IMMEDIATE RELEASE

February 20, 2014

Contact: Navajo Nation Division of Community Development
Albert Wallace, PIO
Phone: 505-371-8460
Email: awallace@nndcd.org

The Navajo Nation Community Housing and Infrastructure Development (CHID) receives $5.1 million dollar grant award

Window Rock, AZ - The Navajo Nation Community Housing and Infrastructure Development (CHID) received $5.1 million dollar grant award as a sub-recipient under Navajo Housing Authority (NHA) for fiscal year 2013 Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) grant funding.

The NAHASDA funding is authorized under the Department of Housing and Urban Development (HUD) to provide grants, loan guarantees and technical assistance to Indian tribes for the development and operation of low-income housing on tribal lands and to promote self-sufficiency.

Mr. Chavez John, CHID department manager said that NHA receives the primary grant funding and will provide the department the funds to implement the housing construction projects; in addition they will provide the necessary oversight on these projects.

A Sub-recipient Agreement with between CHID and Navajo Housing Authority would be entered into to ensure compliance to federal statutes and HUD regulations. This agreement will be subjected to the Navajo Nation 164-review process, before the required environmental reviews can be completed.

“After these initial steps, a Notice to Proceed will issued by NHA, then construction will begin immediately,” said John. “Then we will have two years to close-out these projects.”

According to John, the department’s construction crews, who have a proven track record of completion of high quality homes, will do the all the
construction. This will allow for department to save funds, control the
construction schedules and provide quality assurance on these homes.

John states that the pre-planning of these homes was completed and now
awaits initial start-up construction. These homes will feature the
installation of energy efficient materials and construction methods.

“Our entire department staff and myself are excited and ready to begin
these homes, and reassert our vital partnership with NHA,” said John. “We
fully understand the housing needs of the Navajo people, in this era of
diminishing federal funds we have formed partnerships with other entities
who have the same service delivery goals, and this is part of our strategic
vision to address their needs”

The award funding is for planning and engineering of fifty (50)
Homeownership homes and the construction of four-five (45) Scattered
Homeownership units on the Navajo Nation.

The two programs authorized for Indian tribes under NAHASDA are the
Indian Housing Block Grant (IHBG) that is a formula based grant program
and Title VI Loan Guarantee which provides financing guarantees to Indian
tribes for loans to develop affordable housing. For additional information
call the Community Housing and Infrastructure Department at (928) 729-
4303.

xxx
FOR IMMEDIATE RELEASE
February 19, 2014

Law and Order Committee receives update report on Chinle Judicial Facility

GANADO, Ariz. – On Tuesday, the Law and Order Committee received an update status report regarding the Chinle judicial facility, the active cleanup of the proposed construction site, and the operation and maintenance costs.

Bureau of Indian Affairs Navajo Regional Office director, Sharon Pinto, reported to the committee that the land relinquishment of approximately eight acres for the facility has been completed, and currently cleanup of the site is the primary focus.

“The BIA has contributed about $500,000 to the cleanup of the [proposed] building site, and it will cost an additional $1 million to complete the cleanup,” said Pinto.

Pinto added that the cleanup of the site must meet the stringent standards of the Navajo Nation Environmental Protection Agency’s protocols prior to the start of construction.

LOC vice chair Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichii, Steamboat) suggested a follow up meeting with the Navajo Nation Department of Corrections and Navajo Nation Division of Public Safety, to discuss the operation and maintenance needs of the Chinle project, as well as the facilities in Crownpoint and Tuba City.

“The Navajo Nation has put a lot of investment into the judicial facilities and we need to examine the specific needs of each site so we can prepare for the future facilities to be built,” said Delegate Shepherd.

In agreement, Pinto added that all entities involved with the judicial facilities should reevaluate the needs for each facility because it may not be cost effective for the Nation.

“We also need to be reasonable and realistic regarding the design and location of the judicial facilities. If we replicate the facilities, it will cost the Navajo Nation more to build and operate them because they are very large structures,” added Pinto.

According to the report, the Crownpoint facility is not receiving sufficient operation and maintenance funding and is not being used to its full capacity yet, whereas another area could have benefited from the same type of facility and services.
LOC member Council Delegate Elmer Begay (Dilkon, Greasewood Springs, Indian Wells, Teesto, Whitecone) expressed his support for the judicial facility projects, and said he hopes that Chinle will serve as an example to the Nation as a well-planned complex that will serve the needs of Navajo communities.

LOC members voted 2-0 to accept the report.

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For news on the latest legislative branch activities, please visit [www.navajonationcouncil.org](http://www.navajonationcouncil.org)
Navajo Nation Council Special Session to be streamed live on the web

WINDOW ROCK — The Navajo Nation Council’s special session on Feb. 21, scheduled to begin at 10 a.m., will be streamed live on the web through the Council’s designated USTREAM channel.

“I invite Diné people from all corners of the world to tune into Council’s USTREAM channel to view Council’s proceedings during the Council’s special session,” said Speaker Johnny Naize (Low Mountain, Many Farms, Nazlini, Tachee/Blue Gap, Tselani/Cottonwood).

The special session will be held to address Legislation No. 0118-13, recommending and approving the Navajo Nation chapter’s infrastructure improvement priority projects for FY 2013 through FY 2018, sponsored by Council Delegate Jonathan Hale (Oak Springs, St. Michaels).

The legislation was considered and tabled by the Council during its Winter Session in January. The tabling motion included a directive to allow the delegates additional time to obtain chapter resolutions and documents to be added to the priority listing and to hold a special session no later than 30 days following the Winter Session.

To view the memo from Speaker Naize regarding the special session, please visit: http://www.navajonationcouncil.org/MeetingSchedules/2014/FEB/21FEB2014_NNC_Special_Session_Announcement.pdf

The Office of the Speaker continues its partnership with the Navajo Nation Office of Broadcast Services to provide the live-streaming service to the public.

Visit http://www.ustream.tv/channel/navajo-nation-council to view the live-streamed proceedings of the Council’s special session. Alternatively, viewers may log onto the USTREAM home page and search for ‘Navajo Nation Council’ in the search box.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
February 19, 2014

Budget and Finance Committee approves amending the Arizona Funding Compact to benefit Navajo Technical University

WINDOW ROCK – On Tuesday, the Budget and Finance Committee voted 3-0 to approve Legislation No. 0038-14, amending the funding compact between the Navajo Nation and the State of Arizona to allow Navajo Technical University to receive a portion of Transaction Privilege Tax revenues collected on the Navajo Nation.

In his address to BFC members, legislation sponsor Council Delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill) explained that pursuant to Arizona House Bill 2009, the state’s TPT Code was amended to allow $875,000 to be used by NTU on an annual basis for the remaining term of the current compact which expires in 2020.

The funding is in addition to the $1.75 million that the Navajo Nation currently receives annually for Diné College from TPT revenues.

According to the compact, the $850,000 tax revenue is designated to support the maintenance, renewal, and capital expenses of NTU.

Delegate Witherspoon was joined by NTU President Elmer Guy, who said he along with Council Delegate Jonathan Hale (Oak Springs, St. Michaels) testified before the Arizona State Legislature to explain to lawmakers that the funding will be used for capital outlay projects at NTU’s smaller sites in the communities of Chinle and Teecnospos.

President Guy also thanked members of the Health, Education, and Human Services Committee, Rep. Albert Hale D-St. Michaels (District 7), and former Sen. Jack Jackson Jr. D-Ganado (District 7) for their support and assistance in securing the additional funding.

The Health, Education, and Human Services Committee also considered the legislation during a special meeting held earlier in the morning, and referred it to the Budget and Finance Committee with a “do pass” recommendation with no amendments.

The Budget and Finance Committee serves as the final authority for the legislation.

The compact will take effect when signed by Gov. Jan Brewer which was initially scheduled to take place on Feb. 27; however, the signing may take place in March, according to President Guy.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
February 18, 2014

Health, Education, and Human Services Committee approve grant for Alamo/Tohajiilee Veterans Outreach Initiative

WINDOW ROCK – Last Wednesday, the Health, Education, and Human Services Committee approved Legislation No. 0017-14, approving approximately $673,000 to fund the Alamo/Tohajiilee Healing to Wellness Court for the Veterans Outreach Initiative beginning October 1, 2013 to September 30, 2016.

Regina Roanhorse, a court administrator with the Navajo Nation Judicial Branch, spoke on behalf of the 11 judicial districts and said the Veterans Outreach Initiative is a product of the C Task 11, which is an established drug court for veterans, now called a “healing to wellness court.”

“We developed a really strong relationship within the veteran’s administration to try to connect their efforts with culturally appropriated services that needed our help,” stated Roanhorse.

Legislation sponsor Council Delegate Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichíí, Steamboat) said the Veterans Outreach Program would be the first of its kind within Indian Country and the United States.

“For me, I am for anything that can support our Veterans when they come home and this is a start even though it is in the area of Tohajiilee and Alamo, a remote area of the Navajo Nation. We can expand off of this and be able to bring some more Veterans Outreach Programs towards Navajo Nation. With your support, it will pave the way for future endeavors,” stated Delegate Shepherd.

According to the narrative submitted by the Alamo-Tohajiilee District Court, behavioral services are essential to health, that prevention works, and that treatment is a challenge but people can recover if they have access to services.

“We are finding out a lot of Navajo veterans have benefits through [Veterans Assistance] or through their own medical insurance, but they are not applying those benefits. They are not accessing these services and in order to access these services, it has to have a coordinator which leads to the Veterans Outreach Program,” stated Roanhorse.

Based on the narrative, there are 1,205,056 Native American Veterans in the United States and of that are 206,267 Navajo veterans.

“What we want is a tribal action plan that will invite our health providers to get people that have mental health issues, drug addiction and substance abuse addiction, which is co-occurring
disorders, to build a partnership to work effectively and efficiently to provide access for rehabilitation,” stated Roanhorse.

Veterans access to mental health and substance abuse services which include screening and clinical assessments are difficult to initiate at the local and federal level, according to Roanhorse.

Based on the narrative, 17% of combat veterans develop Post Traumatic Stress Disorder and other co-occurring illnesses that go untreated, therefore, it places veterans at a higher risk of being involved in the justice system.

“Certainly looks like a program that could pave the way for establishing a model that can be replicated,” stated HEHSC member Council Delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill).

The HEHSC members approved the legislation with a vote of 4-0.

Legislation No. 0017-14 now goes to the Budget and Finance Committee for final consideration.

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For news on the latest legislative branch activities, please visit [www.navajonationcouncil.org](http://www.navajonationcouncil.org)
FOR IMMEDIATE RELEASE
February 13, 2014

Council Delegate Danny Simpson will request override of
President Shelly’s veto of the Healthy Diné Nation Act of 2013

Bill to eliminate sales tax on fresh fruits and fresh vegetables also vetoed

WINDOW ROCK – On Thursday, Council Delegate Danny Simpson (Becenti, Crownpoint, Huerfano, Lake Valley, Nageezi, Nahodishgish, Tse’ii’ahi, Whiterock) addressed Navajo Nation President Ben Shelly’s veto of Resolution CJA-04-14, the Healthy Diné Nation Act of 2013 which sought to impose a two-percent sales tax, in addition to the Navajo Nation’s current five-percent sales tax, on “junk food” sold within the Navajo Nation.

The tax revenue generated would have been used by chapters to develop wellness centers, community parks, basketball courts, walking, running and bike trails, swimming pools, community gardens, family picnic grounds, and health education classes.

Delegate Simpson who sponsored the bill said by vetoing the resolution, President Shelly is not upholding “healthy living” which is one of the” five main pillars of focus” that his administration has continuously promoted since taking office.

“President Shelly outright contradicted his stance on healthy living by vetoing the resolution,” said Delegate Simpson. “The President is sending a message that minor issues such as changing tax forms and reprogramming cash registers to identify junk food outweigh the health of Navajo people and the need to address the diabetes epidemic on our Nation.”

In President Shelly’s memo to Speaker Johnny Naize (Low Mountain, Many Farms, Nazlini, Tachee/Blue Gap, Tselani/Cottonwood), President Shelly said “the Navajo Nation government is not currently prepared to implement and collect taxes on junk food.”

“This legislation is an unfunded mandate, as there are no funds identified or appropriated to pay for the tax administration. Although the Office of the Navajo Tax Commission has a primary responsibility of collecting and regulating taxes, if imposed on the ONTC, this new responsibility would only increase the burden on the already underfunded tax office,” President Shelly wrote.

The Navajo Nation Council passed the Healthy Diné Nation Act on Jan. 30, along with a separate bill that sought to eliminate the current five-percent sales tax on fresh fruits and fresh vegetables, which was also vetoed by President Shelly on Wednesday.

President Shelly also cited a “lack of regulatory provisions” as it relates to overseeing the collection of the sales tax.
In response, Delegate Simpson said the President has not established a tax regulatory office to oversee or to regulate any of the Nation’s current tax revenues.

“If the President wants to use a lack of regulation as his reason for vetoing, why hasn’t he established a tax regulatory office to oversee all of the Nation’s tax revenues?” asked Delegate Simpson.

Delegate Simpson began working on the initiative over two years ago with the help of community members who are part of group known as the Diné Community Advocacy Alliance.

DCAA member Denisa Livingston, expressed disappointment in President Shelly’s decision, adding that by vetoing the Healthy Diné Nation Act the President is “leaving the responsibility to the federal government to address our health concerns.”

“In all fairness, DCAA should have been given the opportunity to respond to the questions and concerns that President Shelly had. We have been diligent to respond to any issues regarding the two pieces of legislation. Unfortunately, the president did not have the courtesy to meet with us to discuss the issues to resolve any concerns,” Livingston stated.

Delegate Simpson said the group has continued to receive support despite the President’s veto.

“One supporter called it a ‘great loss for the Navajo people and a win for the food and beverage industry,’” Delegate Simpson said.

Delegate Simpson plans to introduce legislation to override President Shelly’s veto of both resolutions, which will require two-thirds approval, or 16 supporting votes, from the Council.

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For news on the latest legislative branch activities, please visit [www.navajonationcouncil.org](http://www.navajonationcouncil.org)
MEMORANDUM

TO: Honorable Johnny Naize, Speaker
   The 22nd Navajo Nation Council

FROM: Ben Shelly, President
       THE NAVAJO NATION

DATE: February 12, 2014

SUBJECT: Legislation CJA-04-14; Relating to Law and Order, Resources and Development, Budget and Finance, Health, Education and Human Services, and Naabik'iyáti'; Amending Title 24 of the Navajo Nation Code by Enacting the Healthy Diné Nation Act of 2013.


Pursuant to 2 N.N.C. §1005(C)(10), the above titled Legislation CJA-04-14 and CJA-05-14 is being submitted to the Navajo Nation Council, through the Office of the Speaker, within the ten (10) days requirement.

The Navajo Nation President has veto authority that is subject to Navajo Nation Council override by two-thirds (2/3) vote before the end of the next regular session. 2 N.N.C. §1005(C)(11). I hereby exercise my veto authority for Legislation CJA-04-14 and CJA-05-14.

It is important to mention first, that, Vice President Jim and I fully support healthy living and is a priority in our administration. We believe it is important to draw awareness of responsibility to the Navajo Nation and to promote healthy living by reducing obesity and other diseases. We further believe that the Nation will become a national leader in community health-based prevention and intervention through awareness.

However, after review of Legislation CJA-04-14, the Navajo Nation government is not currently prepared to implement and collect taxes on junk food.
This legislation is an unfunded mandate, as there are no funds identified or appropriated to pay for the tax administration. Although the Office of the Navajo Tax Commission (ONTC) has a primary responsibility of collecting and regulating taxes, if imposed on the ONTC, this new responsibility would only increase the burden on the already underfunded tax office.

We also need to consider other applications, such as educating our retail sales taxpayers, communication with all retail outlets, change of tax forms and instructions, reprogramming cash registers and other consistent regulatory operations. Although the Nation currently has compliance officers, additional resources would be needed to ensure proper education, training and implantation that will be necessary to address questions which may arise with this legislation.

Furthermore, due diligent research in the areas of Navajo business and consumers is needed. It is important to consider the implication it would make on our local businesses, especially the small businesses. For that reason, Legislation CJA-05-14, being a concurrent legislation, will hinder our tax revenue if such taxes are eliminated. This proposed legislation (CJA-05-14) would decrease the tax revenue to Chapters, Judicial/Public Safety Facilities fund, Scholarships and Economic Development by a significant amount.

The Navajo Nation is not ready to implement the collection of taxes on junk food. However, it is important that we must explore other alternatives, such as education on health issues. It is for that reason, I directed our Tax Commission, Social Services and Health departments to come together and pull recommendations, so that the Nation may be better prepared if such legislation should arise again.
RESOLUTION OF THE
NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL – FOURTH YEAR, 2014

AN ACT

RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT,
BUDGET AND FINANCE, HEALTH, EDUCATION AND HUMAN SERVICES,
AND NAABIK’ÍYATI’; AMENDING 24 N.N.C. §§605 ET SEQ. APPROVING
THE ELIMINATION OF THE SALES TAX ON FRESH FRUITS, FRESH
VEGETABLES, WATER, NUTS, SEEDS AND NUT BUTTERS

BE IT ENACTED:

Section 1. Findings

The Navajo Nation finds the following with respect to this resolution:

A. According to Navajo Area Indian Health Service there are
25,000 Navajos with diabetes and another 75,000 are pre-
diabetic. The Sweet Success data reports the following in
2011: 31% of Navajo pregnancies were complicated by
diabetes; 89% of these women had pre-pregnancy Body Mass
Index (BMI’s) in the overweight or obese range. Division
of Diabetes Treatment and Prevention, Indian Health
Service Headquarters. (2012) Unpublished; Centers for
Disease Control and Prevention and the Indian Health
Service, Division of Diabetes Treatment and Prevention,
Annual Diabetes Clinical Outcomes Audit (2012); Navajo
Sweet Success Annual Audit (A Tracking Tool), 2012.
(Unpublished.) Navajo Area Indian Health Service, St.
Michaels, Arizona.

B. At an average, it costs over $13,000 per person annually
to treat diabetes. The cost for treating diabetes related
complications can exceed $100,000. O’Connell JM, Wilson
C, Manson SM, & Acton KJ. (2012). The Costs of Treating
American Indian Adults with Diabetes within the Indian
Health Service. Research and Practice. American Indian
C. Overweight and obesity are significant risk factors for many debilitating diseases and conditions that include heart disease, hypertension, colon and breast cancer, arthritis, sleep apnea, respiratory problems, reproductive complications, and diabetes. Overweight is the most important risk factor for the development for Type 2 Diabetes Mellitus in youth. Jacobson, MF (June 2012). Liquid Candy How Soft Drinks are Harming America’s Health. Center for Science in the Public Health Interest. Washington, D.C. 2005.


E. In 2009 the obesity rate within the eight service units of the Navajo Area Indian Health Service range from 23% to 60% and the overweight rate ranged from 17% to 39% for all age groups. Indian Health Service, Government Performance Results Act, (GPRA) Program Assessment Rating Tool (PART) Report (07/1/08-06/30/09) Unpublished GPRA Report). Navajo Area Indian Health Service, St. Michaels, Arizona.

F. The current Navajo Nation sales tax rate is five (5) percent. The Navajo Tax Commission resolution, TAX-12-221, amending the Sales Tax Regulations reflecting the five (5) percent sales tax rate is attached hereto as Exhibit A. The proposed amendment to 24 N.N.C. §605 updates the change made by the Navajo Tax Commission resolution, TAX-120-221.

G. It is the intent of the Navajo Nation Council, by approving the elimination of a sales tax on fresh fruits, fresh vegetables, water, nuts, seeds, and nut butters, to diminish the human and economic costs of obesity and
diabetes on the Navajo Nation. The intent is to encourage the purchase and consumption of fresh fruits, fresh vegetables and water to prevent obesity, Type 2 Diabetes Mellitus and other such health conditions.

H. The Navajo Nation finds it is in the best interest of the Navajo Nation to amend 24 N.N.C. §§605 et seq. by hereby approving the elimination of the sales tax on fresh fruit, fresh vegetables, water, nuts, seeds, and nut butters.

Section 2. Elimination of the Sales Tax on Fresh Fruits, Fresh Vegetables, Water, Nuts, seeds, and Nut Butters

The Navajo Nation hereby approves the elimination of the sales tax on fresh fruits, fresh vegetables, water, nuts, seeds, and nut butters.

Section 3. Amendments to Title 24 of the Navajo Nation Code.

The Navajo Nation hereby amends the Navajo Nation Code, Title 24, §§ 605 et seq., as follows:

________________________

NAVAJO NATION CODE ANNOTATED

TITLE 24. TAXATION

§ 605. Rate of tax

A. The tax imposed by this Chapter is imposed at a rate of not less than two percent (2%), nor more than six percent (6%), which shall be specifically established by regulations promulgated by the Navajo Tax Commission. This tax shall not be imposed on the purchase of fresh fruits, fresh vegetables and filtered bottled water including nuts, nut butters, and seeds. Until another rate is established, the rate shall be four—five percent (4 5%) of the applicable gross receipts from all retail sales (x .05 x applicable gross receipts).

****
§ 607. Definitions

Subject to additional definitions (if any) contained in the subsequent sections of this Chapter, and unless the context otherwise requires, in this Chapter:

****

F. "Fresh fruits and fresh vegetables" means produce in fresh form generally considered as perishable fruits and vegetables, whether or not packed in ice or held in common or cold storage.

****

J. "Nut Butters" means ground nuts blended to make a paste or spread

K. "Nuts" means a fruit consisting of hard or tough shell around an edible kernel.

****

R. "Seeds" means the grains or ripened ovules of fruits, vegetables, or plants such as sunflower seeds, flax seeds, pumpkin seeds, mixed nuts without sugared candies.

****

W. "Water" means drinking water that has no added sugar or other artificial sweeteners. It includes artisan, fluoridated, mineral, purified, sparkling, spring, or sterile (distilled) water.

[Paragraphs to be re-lettered in alphabetical order to accommodate amendments.]

Section 3. Effective Date

The amendments enacted herein shall be effective pursuant to 2 N.N.C. §221.
Section 4. Codification

The provisions of the Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

Section 5. Savings Clause

Should any portion of the amendment enacted herein be determined invalid by the Navajo Nation Supreme Court, or the District Court of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, those portions not determined invalid shall remain the law of the Navajo Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 17 in favor and 1 opposed, this 30th day of January 2014.

Johnny Naize, Speaker
Navajo Nation Council

Motion: Honorable David L. Tom
Second: Honorable Katherine Benally

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this ____ day of ___________ 2014.

______________________________
Ben Shelly, President
Navajo Nation
2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this 12th day of February 2014, for the reason(s) expressed in the attached letter to the Speaker.

[Signature]
Ben Shelly, President
Navajo Nation
MEMORANDUM

TO: Honorable Johnny Naize, Speaker
    The 22nd Navajo Nation Council

FROM: Ben Shelly, President
      THE NAVAJO NATION

DATE: February 12, 2014

SUBJECT: Legislation CJA-04-14; Relating to Law and Order, Resources and Development, Budget and Finance, Health, Education and Human Services, and Naabik'íyáti'; Amending Title 24 of the Navajo Nation Code by Enacting the Healthy Diné Nation Act of 2013.


Pursuant to 2 N.N.C. §1005(C)(10), the above titled Legislation CJA-04-14 and CJA-05-14 is being submitted to the Navajo Nation Council, through the Office of the Speaker, within the ten (10) days requirement.

The Navajo Nation President has veto authority that is subject to Navajo Nation Council override by two-thirds (2/3) vote before the end of the next regular session. 2 N.N.C. §1005(C)(11). I hereby exercise my veto authority for Legislation CJA-04-14 and CJA-05-14.

It is important to mention first, that, Vice President Jim and I fully support healthy living and is a priority in our administration. We believe it is important to draw awareness of responsibility to the Navajo Nation and to promote healthy living by reducing obesity and other diseases. We further believe that the Nation will become a national leader in community health-based prevention and intervention through awareness.

However, after review of Legislation CJA-04-14, the Navajo Nation government is not currently prepared to implement and collect taxes on junk food.
This legislation is an unfunded mandate, as there are no funds identified or appropriated to pay for the tax administration. Although the Office of the Navajo Tax Commission (ONTC) has a primary responsibility of collecting and regulating taxes, if imposed on the ONTC, this new responsibility would only increase the burden on the already underfunded tax office.

We also need to consider other applications, such as educating our retail sales taxpayers, communication with all retail outlets, change of tax forms and instructions, reprogramming cash registers and other consistent regulatory operations. Although the Nation currently has compliance officers, additional resources would be needed to ensure proper education, training and implantation that will be necessary to address questions which may arise with this legislation.

Furthermore, due diligent research in the areas of Navajo business and consumers is needed. It is important to consider the implication it would make on our local businesses, especially the small businesses. For that reason, Legislation CJA-05-14, being a concurrent legislation, will hinder our tax revenue if such taxes are eliminated. This proposed legislation (CJA-05-14) would decrease the tax revenue to Chapters, Judicial/Public Safety Facilities fund, Scholarships and Economic Development by a significant amount.

The Navajo Nation is not ready to implement the collection of taxes on junk food. However, it is important that we must explore other alternatives, such as education on health issues. It is for that reason, I directed our Tax Commission, Social Services and Health departments to come together and pull recommendations, so that the Nation may be better prepared if such legislation should arise again.
RESOLUTION OF THE 
NAVAJO NATION COUNCIL 

22nd NAVAJO NATION COUNCIL – FOURTH YEAR, 2014 

AN ACT 

RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, HEALTH, EDUCATION AND HUMAN SERVICES, AND NAABIK'ÍYÁTI'; AMENDING 24 N.N.C. §§605 ET SEQ. APPROVING THE ELIMINATION OF THE SALES TAX ON FRESH FRUITS, FRESH VEGETABLES, WATER, NUTS, SEEDS AND NUT BUTTERS 

BE IT ENACTED: 

Section 1. Findings 

The Navajo Nation finds the following with respect to this resolution: 

A. According to Navajo Area Indian Health Service there are 25,000 Navajos with diabetes and another 75,000 are prediabetic. The Sweet Success data reports the following in 2011: 31% of Navajo pregnancies were complicated by diabetes; 89% of these women had pre-pregnancy Body Mass Index (BMI’s) in the overweight or obese range. Division of Diabetes Treatment and Prevention, Indian Health Service Headquarters. (2012) Unpublished; Centers for Disease Control and Prevention and the Indian Health Service, Division of Diabetes Treatment and Prevention, Annual Diabetes Clinical Outcomes Audit (2012); Navajo Sweet Success Annual Audit (A Tracking Tool), 2012. (Unpublished.) Navajo Area Indian Health Service, St. Michaels, Arizona. 

C. Overweight and obesity are significant risk factors for many debilitating diseases and conditions that include heart disease, hypertension, colon and breast cancer, arthritis, sleep apnea, respiratory problems, reproductive complications, and diabetes. Overweight is the most important risk factor for the development for Type 2 Diabetes Mellitus in youth. Jacobson, MF (June 2012). Liquid Candy How Soft Drinks are Harming America’s Health. Center for Science in the Public Health Interest. Washington, D.C. 2005.


E. In 2009 the obesity rate within the eight service units of the Navajo Area Indian Health Service range from 23% to 60% and the overweight rate ranged from 17% to 39% for all age groups. Indian Health Service, Government Performance Results Act, (GPRA) Program Assessment Rating Tool (PART) Report (07/1/08-06/30/09) Unpublished GPRA Report). Navajo Area Indian Health Service, St. Michaels, Arizona.

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G. It is the intent of the Navajo Nation Council, by approving the elimination of a sales tax on fresh fruits, fresh vegetables, water, nuts, seeds, and nut butters, to diminish the human and economic costs of obesity and
diabetes on the Navajo Nation. The intent is to encourage
the purchase and consumption of fresh fruits, fresh
vegetables and water to prevent obesity, Type 2 Diabetes
Mellitus and other such health conditions.

H. The Navajo Nation finds it is in the best interest of the
Navajo Nation to amend 24 N.N.C. §§605 et seq. by hereby
approving the elimination of the sales tax on fresh
fruit, fresh vegetables, water, nuts, seeds, and nut
butters.

Section 2. Elimination of the Sales Tax on Fresh Fruits, Fresh
Vegetables, Water, Nuts, seeds, and Nut Butters

The Navajo Nation hereby approves the elimination of the
sales tax on fresh fruits, fresh vegetables, water, nuts, seeds,
and nut butters.

Section 3. Amendments to Title 24 of the Navajo Nation Code.

The Navajo Nation hereby amends the Navajo Nation Code,
Title 24, §§ 605 et seq., as follows:

NAVAJO NATION CODE ANNOTATED

TITLE 24. TAXATION

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fresh vegetables and filtered bottled water including nuts,
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the rate shall be four—five percent (4 5%) of the
applicable gross receipts from all retail sales (.04 .05 x
applicable gross receipts).

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Page 3 of 6
§ 607. Definitions

Subject to additional definitions (if any) contained in the subsequent sections of this Chapter, and unless the context otherwise requires, in this Chapter:

****

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****

J. "Nut Butters" means ground nuts blended to make a paste or spread.

K. "Nuts" means a fruit consisting of hard or tough shell around an edible kernel.

****

R. "Seeds" means the grains or ripened ovules of fruits, vegetables, or plants such as sunflower seeds, flax seeds, pumpkin seeds, mixed nuts without sugared candies.

****

W. "Water" means drinking water that has no added sugar or other artificial sweeteners. It includes artisan, fluoridated, mineral, purified, sparkling, spring, or sterile (distilled) water.

[Paragraphs to be re-lettered in alphabetical order to accommodate amendments.]

Section 3. Effective Date

The amendments enacted herein shall be effective pursuant to 2 N.N.C. §221.
Section 4. Codification

The provisions of the Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

Section 5. Savings Clause

Should any portion of the amendment enacted herein be determined invalid by the Navajo Nation Supreme Court, or the District Court of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, those portions not determined invalid shall remain the law of the Navajo Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 17 in favor and 1 opposed, this 30th day of January 2014.

Johnny Naize, Speaker
Navajo Nation Council

Motion: Honorable David L. Tom
Second: Honorable Katherine Benally

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this _____ day of ___________ 2014.

   Ben Shelly, President
   Navajo Nation
2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this 12th day of February 2014, for the reason(s) expressed in the attached letter to the Speaker.

[Signature]

Ben Shelly, President
Navajo Nation
FOR IMMEDIATE RELEASE
February 12, 2014

Resources and Development Committee approves report regarding Solid Waste Management on Navajo Nation

WINDOW ROCK – On Tuesday, the Resources and Development Committee approved a report regarding the Solid Waste Management Program on the Navajo Nation.

The SWMP was established under the Navajo Nation Division of Community Development to ensure that solid waste management is disposed of in a safe manner and that recycling options are available throughout the Nation, to provide a healthier environment.

Speaking on behalf of SWMP, Deputy Director of DCD said the primary purpose of the program is to develop a self-sustaining solid waste disposal system for the Nation’s 110 chapters. Yazzie stated that educating the chapters on how to handle their solid waste management has been a challenge.

“We’ve learned through the years that solid waste management is not a priority for chapters. Trash does not seem like a big issue at the chapter level,” stated Yazzie.

RDC member Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) expressed concern over the current status of projects involving the SWMP, adding that residents are illegally dumping ashes from their coal stoves due to a lack of dispensaries.

“I don’t know what this department does. It cannot even provide the simple job of providing at least one landfill in the Navajo Nation. Where is our solid waste program? Why can’t this program encourage the need for landfills within our community? It is our own department and structure that prohibits us from achieving these goals,” stated Delegate Tsosie.

Delegate Tsosie also pointed out that a large amount of money is spent off the Navajo Nation because people are forced to transfer their solid waste to the Gallup Solid Waste Division, located in Gallup, for a fee.

“We need a study to be conducted and a feasible place to analyze a system of landfills. These border towns are getting rich off us and our trash. We need a plan. How do we do it so that the chapters can make a business out of solid waste management?” asked RDC chair Council Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta).

Delegate Tsosie recommended that the Navajo Nation emulate Gallup’s Recycling Center because they have an effective recycling center in place that recycles metal, newspapers, plastic, electronic waste and small appliances.
“We need some type of recycling center like this. We need to find a way to regionalize this service. Maybe have four chapters per transfer station. Once we set that into place, Navajo Nation can buy trucks that can haul trash away. We need to utilize Navajo dollars because we are spending a lot of money hauling trash to landfills outside the reservation,” stated Delegate Tsosie.

Yazzie noted that the SWMP is providing training and educational seminars to local communities about the development of transfer stations to regulate the Navajo Nation’s solid waste.

“The program promotes and provides chapter officials with workshops on developmental waste management plans pertaining to this issue. This is a continuous effort on part of the SWMP,” stated Yazzie.

Yazzie said that a recent effort to develop a landfill in the community of Rough Rock was unsuccessful due to land issues, adding that it would be a costly setup due to the operations and maintenance associated with operating a solid waste facility, which is estimated to be $400,000.

“So, what is the plan for the Nation as far as SWMP is concerned? We have been asking for this plan, last year, and the year before. We need landfills and transfer stations. If it is in the best interest of the Navajo people, we will go with it,” stated Delegate Benally.

A request for a follow-up meeting between RDC and SWMP is scheduled to take place on April 1.

RDC members approved the report with a vote of 5-0.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
President Shelly vetoes junk food tax, cites regulatory concerns

WINDOW ROCK—On Feb. 12, 2014, Navajo Nation President Ben Shelly penned his signature to veto the Healthy Diné Nation Act of 2013 and cited concerns with funding, regulatory considerations that were not included in the legislation passed by the 22nd Navajo Nation Council during the winter session.

The Shelly-Jim administration has focused on wellness and has healthy lives as one of the five main pillars of focus since taking office. However, the lack of sufficient regulatory provisions limited the legislation’s chance for approval.

After meeting with his general counsel and the Office of the Navajo Tax Commission, President Shelly said the legislation would create an unfunded mandate, as there were no funds identified or appropriated to pay for the tax administration. In addition, the new responsibilities would increase the burden on the already underfunded tax office.

“There is no impact analysis. What’s the impact on the local businesses, especially the small businesses? Is this tax legislation going to become law without the Nation clearly understanding its impact on Navajo businesses,” he questioned.

A Jan. 23 memo from Martin Ashley, executive director of ONTC, responded to questions posed by the Speaker Johnny Naize on Jan. 15 regarding the amount of funds collected from junk food items and the impact of the tax elimination on fresh fruits and vegetables.

“Office of the Navajo Tax Commission has not surveyed the retailers to determine how much of the sales is derived from junk food to answer the questions posed,” the memo stated.

ONTC provided a schedule with estimated percentages of junk food revenues based on FY 2013 gross retail sales on the Navajo Nation, which totaled $172.9 million. Included was a projection on the impact of decreasing revenue to the Navajo Nation general fund. The cost estimates were based on 79 retail site locations on the Navajo Nation.

More research in these areas of concern need to addressed before the legislation is signed into law, President Shelly said, because Navajo businesses and consumers warrant due diligence on the matter.

Other considerations included questions if restaurants, fast food chains and mutton stands would also be subject to junk food taxation.

“The bottom line is that Navajo people will be taxed to pay for community wellness projects to address health concerns that are the trust responsibility of the federal government,” he added.

Other considerations included questions if restaurants, fast food chains and mutton stands would also be subject to junk food taxation.

“This proposed tax will be imposed on the Navajo people, not the food and beverage industry or its distributors.”

“The Navajo Nation is not ready for implementation of collecting taxes on junk food. President Shelly said we must explore other alternatives like focusing on education of health issues. Taxation is not the answer.”

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FOR IMMEDIATE RELEASE
February 12, 2014

Law and Order Committee approves fund expenditure plan for fire safety services at Twin Arrows Navajo Casino Resort

WINDOW ROCK – On Monday, the Law and Order Committee approved a fund expenditure plan to allow the Navajo Nation Department of Fire and Rescue Services to provide fire, rescue, and pre-hospital care services at the Twin Arrows Navajo Casino Resort.

Legislation sponsor, LOC vice chair Council Delegate Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichii, Steamboat), said the NNFRS has entered into a Memorandum of Agreement with the Navajo Nation Gaming Enterprise to provide safety services to the casino.

According to the MOA, the NNGE will deposit approximately $6,000 on a monthly basis into an account established by the Office of the Controller, totaling approximately $75,000 annually.

“The NNFRS is in need of resources for personnel, trainings, and updated fire safety equipment,” said Delegate Shepherd. “I am asking for the support of the [LOC] committee to approve this fund expenditure plan to meet the needs of the NNFRS.”

Navajo Nation Fire Department fire chief Larry Chee said that the NNFRS is also seeking external funding through grants and federal funding for fire safety programs.

“We are going after outside funding to aid us at the Twin Arrows Casino, and our ultimate goal is to have a new public safety [substation] constructed on site,” said Chee.

Speaking in support of the fund expenditure plan, LOC member Council Delegate Elmer Begay (Dilkon, Greasewood Springs, Indian Wells, Teesto, Whitecone) urged the NNFRS to seek additional funding for the general operations of the substation, and said it is important to educate the public regarding fire safety.

“After the fire station is in full operation, maybe the NNFRS can also provide fire safety training to the Navajo people at the Southwest Navajo Nation Fair, or even at other fairs throughout the Nation. We don’t have to limit it to just fairs, but as a regular training when the public requests for it,” added Delegate Begay.

The MOA will remain in effect as long as the NNGE conducts gaming at the site or until either party provides written notice of their intent to terminate the agreement.
At the end of the discussion, LOC members commended the NNFRS and fire chief for their continued advocacy of fire safety at the Twin Arrows Navajo Casino Resort, and stressed the importance of ensuring public safety at the highest level at the casino location, as well as the surrounding Navajo communities.

LOC members voted 3-0 to approve Legislation No. 0033-14.

The legislation now moves forward to the Budget and Finance Committee, who also serves as the final authority for the bill.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
February 11, 2014

Health, Education, and Human Services Committee requests public comments regarding the Navajo Nation Human Research Review Board

WINDOW ROCK – In accordance with a directive issued on Sept. 26 by the Naabik’iyáti’ Committee, the Health, Education, and Human Services Committee is requesting public comments from individuals regarding their experience with the Navajo Nation Human Research Review Board.

“Our committee needs feedback from students and researchers to determine how we can improve the Human Research Review Board,” said HEHSC chair Council Delegate Jonathan Hale (Oak Springs, St. Michaels). “The feedback and recommendations that we receive will play a very instrumental role in improving the overall process and hopefully lead to increased research that will benefit our Nation.”

Established by the Navajo Nation Council in 1995, the HRRB is comprised of 15 members who are tasked with ensuring compliance with provisions outlined in Title 13 of the Navajo Nation Code, which are intended to protect against research that may be harmful to individuals and communities.

Applicants are required to follow a review and approval process and must obtain approval from the HRRB prior to conducting research within the boundaries of the Navajo Nation.

Delegate Hale also noted that students pursuing a masters or doctorate degree are often required to conduct research within a specified time period and in some cases, students have expressed concerns over delays in obtaining approval from the HRRB in a timely matter.

“We just need to concentrate on the student’s at hand in obtaining their research so that they can benefit the Navajo Nation. These students are on a budget. They have timelines and deadlines as well. Navajo Nation needs to consider a one-stop shop for these students to submit their requests and to get their research submitted, rather than the students jumping through hoops,” stated Delegate Hale.

The public comments will be compiled and made available for each council delegate to review and consider when addressing the overall structure of the HRRB.

For more information regarding the HRRB, please visit: http://www.nnhrrb.navajo-nsn.gov/.

The HEHSC requests that comments and recommendations be sent by e-mail to comments@navajo-nsn.gov or be mailed to the Office of Legislative Services at P.O. Box 3390 Window Rock, AZ 86515. Please submit comments no later than 5:00 p.m. on March 12, 2014.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
President Shelly orders Navajo Nation flags at half-staff
In honor and respect for the late Arthur J. Hubbard, Sr.

WINDOW ROCK—Today, the Navajo Nation mourns the loss of a living treasure, an American hero and a role model for young kids across the Nation. Arthur J. Hubbard, Sr. has passed and is no longer with us.

Hubbard stepped forward and volunteered to serve in the U.S. Marine Corps as a Navajo Code Talker as World War II plunged man against man and country against country from 1939 to 1945.

Beyond his military volunteerism, Hubbard also served in the Arizona Legislature from 1972 to 1984 as a senator and again worked for the Navajo people.

On Feb. 7, 2014, Hubbard passed at the age of 102. In honor and respect of his passing, Navajo Nation President Ben Shelly ordered the Navajo Nation Flags across the Nation to be flown at half-staff.

“The Navajo Code Talkers are living treasures of the Navajo Nation. With the passing of Arthur Hubbard, Sr., we have lost a true American hero. The Nation offers our heartfelt condolences to the family during this time,” President Shelly said.

He noted that Hubbard lived a full life at 102 years and undoubtedly saw the growth of the Navajo Nation over the past century. President said Hubbard also witnessed the strength and power of the Navajo language firsthand.

“Dine’ bizaad (the Navajo language) saved the world from tyranny and oppression. It is our language that will carry us forward into the next century and beyond,” President Shelly said. “We thank Arthur J. Hubbard, Sr. for his faithful military service and all other Code Talkers that protected our sovereignty and way of life.

“May the Holy People continue to look upon you and your families,” he added.

From 1942 to 1945, over 400 Navajo Code Talkers from the U.S. Marine Corps were trained as radiomen for service in the Pacific Theater during World War II. Their mission was not declassified until 1968 and the enemy was never able to break the code of the Navajo Code Talkers.

In 2001, the original 29 Code Talkers were awarded Gold Congressional Medals and the remaining 225 Navajo Code Talkers received Silver Congressional Medals.

The flag of the Navajo Nation shall be flown at half-staff from sunrise on Feb. 10 until sunset on Feb. 14, 2014 at all public buildings and grounds across the Nation.
THE NAVAJO NATION

Proclamation

IN HONOR AND RECOGNITION OF THE LATE NAVAJO CODE TALKER
AND ARIZONA STATE SENATOR ARTHUR J. HUBBARD, SR.

WHEREAS, The Navajo Nation is greatly saddened by the loss of the late Arthur J. Hubbard, Sr., who served in the U.S. Marine Corps; and

WHEREAS, The late Arthur J. Hubbard, Sr. was a Navajo Code Talker who served the United States of America, the Navajo Nation, and U.S. Marine Corps with courage, honor and distinction; and

WHEREAS, The late Arthur J. Hubbard, Sr. served as a Private in the U.S. Marine Corps and was stationed in Camp Pendleton as one of four instructors for the Navajo Code Talkers from March to November 1945; and

WHEREAS, The late Arthur J. Hubbard, Sr. also served the Navajo people as a Senator in the Arizona Legislature from 1972 to 1984, contributing to the welfare, health and education of many Native American Tribes; and

WHEREAS, The Navajo Nation unites and offers prayers for his family and friends during this time of grief;

NOW, THEREFORE, I, BEN SHELLY, President of the Navajo Nation, do hereby proclaim that all Navajo Nation flags shall be flown at half-staff in honor of the late Navajo Code Talker Arthur J. Hubbard, Sr., from sunrise on February 10 to sunset on February 14, 2014.

ORDERED THIS 10TH DAY OF FEBRUARY 2014

Ben Shelly, President

THE NAVAJO NATION
FOR IMMEDIATE RELEASE
February 10, 2014

Speaker Naize expresses condolences over the passing of Navajo Code Talker and former Arizona State Senator Arthur J. Hubbard, Sr.

WINDOW ROCK – On behalf of the 22nd Navajo Nation Council, Speaker Johnny Naize (Low Mountain, Many Farms, Nazlini, Tachee/Blue Gap, Tselani/Cottonwood) extends his heartfelt condolences to the family of the late Arthur J. Hubbard, Sr., a former Arizona State Senator and Navajo Code Talker, who passed away on Feb. 7 at the age of 102.

“Our Nation and Diné Citizens were truly blessed to have had such a highly respected and distinguished warrior on our side that fought for our Nation, both as a Navajo Code Talker and as a state leader,” said Speaker Naize. “We will always honor and cherish his sacrifices to make our Nation stronger.”

Code Talker Hubbard was born on Jan. 23, 1912 in Topawa, Ariz., located on the Tohono O’odham Nation. He later answered the call to enlist with the U.S. Marine Corps and trained hundreds of men to transmit coded messages using the Navajo language during World War II.

In 1972, he became the first Native American to be elected to the Arizona State Legislature, serving as a State Senator for 12 years. Sen. Hubbard is recognized for his tremendous contributions in areas such as welfare, education, and health care which benefited many people across the Navajo Nation and the State of Arizona.

Code Talker Hubbard also served as a water rights advisor to the Tohono O’odham Nation, a Navajo culture and language instructor at Arizona State University, and played an instrumental role in establishing Diné College, the first college established within the Navajo Nation.

“My sincerest sympathies go out to the family of Code Talker Arthur Hubbard, Sr., an honorable and kindhearted person who served our country, state, and the Navajo Nation with great integrity,” Speaker Naize said.

President Ben Shelly is expected to order the Navajo Nation flag to be flown at half-staff in honor of Code Talker Hubbard.

Funeral services will be held at 10:30 a.m. on Tuesday, Feb. 11 at Pinnacle Presbyterian Church in Scottsdale, Ariz. Burial service will take place at 1:00 p.m. at the Cave Creek National Cemetery.

For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
February 6, 2014

Resources and Development Committee approves supplemental funding for Tsé Si áni, Chichiltah and Chilchinbeto Chapter Houses

WINDOW ROCK – On Tuesday, the Resources and Development Committee approved Legislation No. 0027-14, which seeks supplemental funding from the Navajo Nation’s Unreserved, Undesignated Fund Balance in the amount of $90,000 for Tsé Si áni Chapter for roof repairs, $600,000 for Chichiltah Chapter for renovations, and $300,000 for Chilchinbeto Chapter for renovations, totaling approximately $990,000.

RDC chair Council Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta) emphasized that a total of eight communities throughout the Navajo Nation do not have a chapter house.

“We don’t have a building there and they haven’t had a building in over ten years. I believe that it is the government’s responsibility to provide the facility for the community,” stated Delegate Benally, in reference to the Chilchinbeto community.

The original Chilchinbeto Chapter House has reached its full depreciation and is over 30 years old. Currently, the Chilchinbeto Chapter conducts its business out of a temporary modular home that was deemed unfit for occupancy, according to the Navajo Nation Office of Environmental Health.

Delegate Benally proposed an amendment to change the word “renovation” to “planning and design” of a new facility to house the Chilchinbeto Chapter House.

“This really isn’t for renovation. This is for planning and designing of a new building. I do not want [the Office of Management and Budget] to say, ‘it’s for renovation but over here, you are asking for a contract for architectural work,’ I’m just making sure all our bases are covered,” stated Delegate Benally.

RDC members approved the amendment with a vote of 3-0.

The urgency of the matter was reiterated by legislation co-sponsor Council Delegate Lorenzo Curley (Houck, Klagetoh, Nahata Dziil, Tsé Si áni, Wide Ruins) who noted that the Tsé Si áni Chapter is currently dealing with roof leaks caused by rain and snow build up.
The Tsé Si ání Chapter House was constructed in 1966 and since then, the roof has become ineffective and now requires removal and replacement, according to a memo dated Sept. 16, 2013, from chapter manager Laura Lee Yazzie to Delegate Curley.

“Now that this legislation has gone through the SAS process, let’s agree on it to be forwarded to the Budget and Finance Committee for approval. I graciously plead for a favorable vote to secure funds for this meaningful project,” stated Delegate Curley.

Documents contained in the legislation packet also note that the Chichiltah Chapter House is temporarily closed due to unforeseen problems with water drainage and electrical maintenance.

According to a memo dated Feb. 3 from the Office of the Controller, the UUFB currently has approximately $30 million remaining.

RDC members approved the legislation with a vote of 3-0.

Legislation No. 0027-14 now moves onto the Budget and Finance Committee for consideration. The Navajo Nation Council serves as the final authority for the legislation.

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For news on the latest legislative branch activities, please visit [www.navajonationcouncil.org](http://www.navajonationcouncil.org)
Health, Education, and Human Services Committee receives report on Little Singer Community School

LEUPP, Ariz. – On Monday, the Health, Education, and Human Services Committee received a report on the proposed planning and design phase of a new facility that will house the Little Singer Community School, which would replace the existing school in Birdsprings, Ariz.

Council Delegate Walter Phelps (Cameron, Coalmine Canyon, Leupp, Tolani Lake, Tsidi Tó’ii), who represents the community of Birdsprings, said he has advocated for the construction of the new school and expressed his concerns regarding the funding for the project.

“Our community wants to help because that is our role, to support the education of the children in our community,” said Delegate Phelps. “Currently, we are projecting that the construction project itself will cost about $18 million.”

According to project manager Jeremiah LeMesa, construction is nearing the “shovel ready” stage, and is anticipating a grant from the Bureau of Indian Education for the design phase, which is based on a priority basis.

“The BIE has allocated $950,000 to aid in the design [phase] of three tribal schools—two here on the Navajo reservation [Birdsprings and Cove, AZ], and one in [the state of] Maine,” said LaMesa. “We have completed the planning phase of the school and we are ready to begin the design phase.”

The BIE established a priority listing for the three schools, and is based on the project-readiness of each respective school. The funds will be awarded to the schools after funding for construction is fully obtained.

LaMesa also noted that funding from the BIE grant would be divided equally between the three schools, however, the community has advocated for Little Singer Community School to receive two-thirds, or approximately $600,000 of the potential funding. Currently, the planning phase for the proposed school in the community of Cove has yet to be completed, added LaMesa.
HEHSC chair Council Delegate Jonathan Hale (Oak Springs, St. Michaels) expressed his support for the proposed construction and suggested that the committee begin lobbying efforts for the approval of the BIE grant funding in Washington, D.C. in March.

“We will be meeting with Congressional leaders soon, so we need to go through the necessary channels to begin lobbying for the BIE funds, as well as to amend the priority listing to put Little Singer at the top of the list,” said Delegate Hale.

At the conclusion of the discussion, HEHSC members agreed to a deadline to collect the necessary information needed to begin lobbying for BIE funds for the design phase of the school, and to amend the BIE priority listing. The deadline is set for Feb. 24.

HEHSC members voted 4-0 to accept the report.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
February 4, 2014

Budget and Finance Committee approves cross-commission agreement with Coconino County for the Twin Arrows region

WINDOW ROCK – The Budget and Finance Committee voted 5-0 on Tuesday to approve a cross-commission agreement between the Navajo Nation and Coconino County to allow for greater public safety measures through increased law enforcement presence at the Twin Arrows Navajo Casino Resort, located near Interstate-40, approximately 24-miles east of Flagstaff, Ariz.

The intergovernmental agreement will allow the Coconino County Sheriff’s Department to enforce Navajo Nation criminal and traffic laws within the 405-acre parcel of land that encompasses the Twin Arrows Navajo Casino Resort, which lies within Coconino County.

In his presentation to fellow BFC members, co-sponsor of the legislation Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts’ah Bii Kin) said the agreement is very similar to other cross-commission agreements that the Nation has entered into with McKinley County, San Juan County in New Mexico, Navajo County, San Juan County in Utah, and with Arizona’s Department of Public Safety.

Delegate Nez added that he hopes the agreement will soon be expanded to include the rest of the Nation’s land that lies within the Coconino County boundaries.

“I am hoping that this will be the next step to cross-commissioning the entire county,” said Delegate Nez. “All of the other agreements have been approved for the entire county. So I’m hoping this will be the springboard for making that happen.”

Coconino County Supervisor, Lena Fowler represented the county at the committee meeting and extended her appreciation to the Navajo Nation Department of Justice, the Navajo Nation Gaming Enterprise, and the Office of the President and Vice President.

“The [Coconino County] Board of Supervisors has approved the agreement and we look forward to implementing it,” Supervisor Fowler stated.

Similar to requirements under previous cross commission agreements, Coconino County Sheriff’s Officers will be required to complete a 16-hour training course prior to receiving a “mutual aid law enforcement” certification card to allow the officers to enforce laws on the “Twin Arrows parcel.”

The legislation was first considered by the Law and Order Committee on Monday, which referred it to the Budget and Finance Committee with a “do pass” recommendation with no amendments.
Following the BFC meeting on Tuesday, legislation prime sponsor Council Delegate Walter Phelps (Cameron, Coalmine Canyon, Leupp, Tolani Lake, Tsidi To ii) said the legislation will provide a mechanism for law enforcement officials to handle situations involving “non-Indians” and also allows for increased public safety for all patrons of the casino, adding that the agreement is only in place for 18 months with the option to renew.

BFC members voted 5-0 to approve Legislation No. 0019-14. The Budget and Finance Committee serves as the final authority for the legislation.

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For news on the latest legislative branch activities, please visit [www.navajonationcouncil.org](http://www.navajonationcouncil.org)
FOR IMMEDIATE RELEASE  
February 4, 2012

Law and Order Committee receives report from the Ethics and Rules Office

WINDOW ROCK – On Monday, the Law and Order Committee approved a report by the Navajo Nation Ethics and Rules Office, regarding the misuse of tribal purchase cards. Much of Monday’s discussion centered on the statute of limitations outlined in the Nation’s ethics code.

Currently in subsection 3769 of Title II of the Navajo Ethics in Government Law, it states “no action shall be brought under this chapter four years after cause of action has accrued,” in regards to the statute of limitation. In other words, by law, cases can go back only four years “based on discovery.”

LOC member Council Delegate Russell Begaye (Shiprock) expressed his support to change the law by stating that the statute of limitations should begin at the “point of discovery.”

“We need to modify and reword this legislation because there is a lot of P-card abuse that is happening. Right now, there are neither policies nor procedures in place. Transactions are not being reported and documentation from different departments do keep track of some records but not all transactions are recorded. Some departments even refuse to give us their records, so we have to issue subpoenas,” stated executive director of the Ethics and Rules Office, Vernon Roanhorse.

Roanhorse has worked with the Ethics and Rules Office for over a year and said his staff has been working on backlogged cases with statute of limitations dating back to 2009.

“Our biggest obstacle is trying to get documentation from these departments. They keep some of their records but not all the records that they should. This is the number one reason why we aren’t able to get these cases fully investigated,” stated Roanhorse.

Currently, the Ethics and Rules Office is investigating 133 active cases with only two investigators for the entire Navajo Nation, according to Roanhorse.

Delegate Begaye advocated to make the “statute of limitation” retroactive.

“Give us the part of the law that we need to change to make that happen because just making that change is significant. If you used the P-cards in a way that was disallowable in the past, then you should be held accountable for it,” stated Delegate Begaye.

According to Roanhorse, there have also been some cases in which employees are being forced to sign documents that do not justify the documentation of transactions.
“A lot of these transactions have no supporting documents which leave us to believe that they are fraudulently done,” said Roanhorse.

“We are working with the IRS as well. We may be the first Indian tribe to start intercepting tax returns. The IRS is really working with us because a lot of chapter houses are not reporting their income to the IRS. They are available and they are offering training but several of these chapter houses are not reaching out for help,” added Roanhorse.

LOC members accepted the report with a vote of 2-0.

Last week, Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Ojato, Ts’ah Bii Kin) introduced Legislation No. 0028-14, seeking approval of purchase card policies and procedures.

Legislation No. 0028-14 is currently in the five-day comment period and will be available for committee action on Feb. 6.

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For news on the latest legislative branch activities, please visit [www.navajonationcouncil.org](http://www.navajonationcouncil.org)
President Shelly reports before Committee on Compacts
Urges Legislature to approve 2014 Navajo Nation Gaming Compact

For the second time in many weeks, President Ben Shelly presented the Navajo Nation Gaming Compact to the N.M. Legislature Committee on Compacts at the Roundhouse on Jan. 31, 2014.

President Shelly said it was important for the Committee on Compacts to be well informed regarding the Navajo Nation Gaming Compact because their decision would have a major impact on the tribal economy and jobs.

He spoke about the geographic restrictions raised by other tribal leaders at the first meeting a week earlier.

“At the last committee hearing, several tribal leaders raised concerns on the future locations for the Navajo Nation’s gaming facilities along the I-40 corridor and Albuquerque area,” President Shelly said. “While I respect the recommendations from the other tribes, the Navajo Nation will not agree to any geographic restriction.”

He said the provision infringed upon Navajo sovereignty and cited three reasons why the Nation will not agree to the geographic restriction provision.

It is the Navajo Nation’s inherent right to develop and pursue any economic venture on our tribal trust lands, he said.

President Shelly said with over 50 percent unemployment on the Nation, any restriction on tribal economic development is not only unfair, but also immoral.

He noted that the geographic restrictions are in violation of the Indian Gaming Regulatory Act and that the Department of the Interior would not approve such a provision.

Case in point is the August 2013 opinion from DOI regarding the Menominee Tribe, which stated that IGRA does not grant an affirmative right for any nearby tribes to be free from economic competition.

In response to comments that gaming facilities should compete with outside gaming industries such as Las Vegas, President Shelly said the Navajo Nation Gaming Compact does adopt additional industry standards that meet the Nation’s needs.

The two main provisions in the industry standards would allow the Nation’s gaming facilities to be open 24 hours a day, seven days a week; and that food and drinks would be available at a reduced rate under the player’s club program.

The third issue raised by President Shelly was in regard to the timeline for the approval of the gaming compact.

“During the last hearing, a tribal leader requested that the Navajo Nation Gaming Compact be tabled. We cannot endure further delay. We are on a very strict timeline to extend the term of the compact before it expires in 2015,” President Shelly said.

Upon approval by the Committee on Compacts, the Navajo Nation Gaming Compact would still need to be moved to the floor of the House and Senate for vote. After the N.M. Legislature’s approval, the compact would be sent to DOI for final approval in accordance with IGRA.

“Considering that this legislative session ends in approximately 20 days, it does not give us much time,” President Shelly said. “I respectfully request that this committee no longer delay and act on this matter.”

The first Committee on Compacts meeting convened on Jan. 22, and was scheduled as an education meeting focused on public comments. During that round of discussions, many pueblo leaders aired their grievances about the Navajo Nation Gaming Compact.

The common thread through all the public comments was the Navajo Nation’s five casinos and language on the population measure for the number of
On Jan. 22, 2014, President Shelly first reported before the Committee on Compacts and said the Navajo Nation worked tirelessly on the gaming compact in 2013, only to be disappointed when it was not placed on the floor for vote.

“We are neighbors and we need to foster the government-to-government relationship between the State of New Mexico and the Navajo Nation.”

During both hearings, President Shelly stressed the importance of the gaming compact to the Navajo Nation and reminded the Committee on Compacts that they approved and moved the 2013 compact to the floor by a vote of 11-4 on March 11, 2013.

“The Navajo Nation worked tirelessly on the 2013 gaming compact and we were very disappointed that it was not placed on the Senate floor for a vote,” President Shelly said.

After the 2013 legislative session, the Nation met with DOI to discuss the 2013 compact. Under provisions in IGRA, DOI is the final authority for approval of tribal state gaming compacts.

From those discussions with DOI and Interim Legislative Committees, free play, Class II gaming and the condition that the Nation will have to pay any debts to the state before the execution of the gaming compact were all raised as issues.

“Taking all of these factors into account, the Navajo Nation made the decision to request amendments to address the concerns of the Department of the Interior and the State Legislature,” he said.

Amendments to the 2014 compact either removed or amended the provisions of those three issues. Specifically, the free play formula was removed and the accounting methods of free play will be conducted in accordance with Generally Accepted Accounting Principles and the National Indian Gaming Commission Standards.

Amendments to the 2014 compact also removed any reference to Class II gaming.

Finally, the 2014 compact amended Section 9B by stipulating that the state will continue to have a remedy on any payment claims of the 2001 compact, as long as the state provides notice within two years after the effective date of the gaming compact.

“We are neighbors and we need to foster the government-to-government relationship between the State of New Mexico and the Nation,” President Shelly said. “As two sovereign and independent governments, we must be respectful to the positions, concerns and struggles that the Nation and New Mexico face.

“The Navajo Nation has given its best good faith efforts to negotiate and present a compact to the state that is in the best interest for our Navajo people, New Mexicans and economic development,” he added.

The third and final meeting of Committee on Compacts will take place on Feb. 5, beginning at 10 a.m. in Room 322 of the State Capitol in Santa Fe, N.M. to consider and take action the Navajo Nation Gaming Compact.

The N.M. Legislative Session ends at noon on Feb. 20, 2014.
LEADING THE NAVAJO NATION TO STABILITY AND TRUE SELF-DETERMINATION

Navajo Nation President Ben Shelly
Navajo Nation Vice President Rex Lee Jim
January 27, 2014

When the Shelly-Jim Administration took office in 2011, the Navajo Nation was in the red and we rolled up our sleeves and took ownership of the daunting task of bringing economic solvency back to the Nation. Today, we are happy to report that the Nation is in the black and the Undesignated Unreserved Fund Balance now has over $8 million in its coffers to provide resources for any unforeseen emergencies. This was the result of exercising the line item veto to keep our fiscal house in order.

Some of these measures were unpopular, but we had to maintain a hardline approach to the dark clouds of federal sequestration and decreasing royalties looming over the Nation. As leaders, we are charged with the responsibility providing for our people, similar to our Navajo ranchers overseeing their ranches. Ask any of our elders about the important responsibility and livelihood of raising livestock for a living. They will tell you this duty requires patience, love and above all, commitment. The Shelly-Jim Administration is committed to the Navajo people.

The Navajo Nation has always had to adapt and survive with less to provide direct services to our people. We have done this through partnerships and leveraging funds with tribal, state and federal agencies. We have done this through true self-determination. Job creation and economic development remain at the forefront of our efforts, especially since we must now face the harsh reality that the once steady stream of revenues pouring into the Navajo Nation General Fund from our mineral royalties are beginning to dry up. We must think outside the box and find progress in the oldest of Navajo philosophies: T'áá hwó ájit’ éego.

There are five pillars of nation building we have focused on since we took office. We believe these pillars are the foundation for continuing to house our tribal government for the years to come. The platform of the Shelly-Jim Administration sits atop these pillars and although we have completed much work in collaboration with the 22nd Navajo Nation Council, there is still much more to be done as we look into the horizon.

PILLAR 1
Infrastructure Development

The Navajo Division of Transportation remains committed to paving a solid infrastructure for the Nation’s 14,733 miles of roads. Seventy-six percent, or 11,352 miles, are unpaved. The reality of maintaining these roads is an expensive task and NDOT has entered into several partnerships with counties in Arizona, New Mexico and Utah to address this task.
2014 is the second year NDOT has executed the direct funding agreement with the Federal Highway Administration. Through this agreement, there are no external funding reversions or losses from unspent funds. Instead, every dollar of the $10 million provided is utilized for transportation planning and road maintenance. Furthermore, the direct funding agreement provides true self-determination for the Nation in prioritizing our road projects for the future.

In Nov. 2013, the Torreon Road Project was completed and was the only TIGER grant project selected for the State of New Mexico. This $3.3 million project has improved over seven miles of road, which was previously potholed and dangerous for travelers, especially school children riding on the bus. This was a partnership between NDOT, Sandoval Country and the federal government to address deteriorating infrastructure in the heart of the northwestern N.M. community.

There’s more to infrastructure development than just roads, however. Some of these efforts truly provide for the future of the Nation. Like the work performed by the Facilities Maintenance Department. Under the guidance of the Division of General Services, the department worked with Navajo Head Start to address facilities in need of major repairs at Navajo Mountain, Lupton, Pinon and Pinedale. The facilities must be safe and sanitary for the benefit of our Navajo school children beginning their education.

The Division of Health has also provided infrastructure development through health care facility construction. Five Navajo projects are on the Indian Health Service national health care facilities construction priority list, including health centers in Bodaway-Gap, Dilkon, Gallup, Kayenta and Pueblo Pintado. The Kayenta Health Center project is under construction and received a total of $96.6 million in federal funding. $18.6 million was received in the past quarter and the project is 65 percent complete. In addition to infrastructure development, this project has also created jobs and economic development, with an 80 to 90 percent Navajo workforce.

The Division of Economic Development has also stepped forward with infrastructure improvements, although the entirety of their contribution isn’t based on new development. One such project was the cleanup of the former Navajo Forestry Products Industry site located in Navajo, N.M.

For decades, the vacant structures have withstood the forces of nature and slowly deteriorated with time. Not only were they an eyesore, but a safety liability. The old buildings at NFPI have been dismantled and shipped out to recycling centers in California. The concrete structures still remain and work continues with the crushing of remaining concrete for recycling as well.

Division of Economic Development is also moving forward with plans for construction of the Thoreau Industrial Park Railhead. A Navajo owned company, Blue Horse Energy, LLC has been selected to provide development, operations, financing and management of the operation, which
is slated to begin in June 2015. This will be a major victory for the Nation upon completion.

Other infrastructure developments include the continuation of Public Facility Projects funded by Navajo Abandoned Mine Lands. Under the umbrella of the Division of Natural Resources, Navajo AML continues to provide infrastructure development for communities on the Nation that were impacted by mining. Previously, the funding ceiling amount from AML for PFP projects was $300,000 but that figure has been increased to $400,000. PFP funding proposals for FY 2014 have been reviewed and scored by the PFP Committee and these projects are scheduled for development.

The Mariano Lake Chapter waterline and water system improvement project is underway and currently going through the 164 Review process. Another PFP project, the FY 2010 Cudei Chapter Home for Women and Children, is in the construction phase. For FY 2011, the Round Rock Chapter completed a pre-construction meeting and is moving forward with their PFP project. In 2013, the Crystal Chapter Multipurpose Building was issued a conditional certificate of occupancy by Design and Engineering Services.

For FY 2012, the Whitehorse Lake Chapter northeast waterline extension is under construction, as is the Supervisory Control and Data Acquisition project. FY 2013 PFP projects include Leupp parking lot and power line extension projects for Ganado, Steamboat, Tonalea, Tuba City and Wide Ruins. Other PFPs include the Cameron modular building infrastructure site development, Tachee-Blue Gap road improvement, Teec Nos Pos waterline extension, and the Mexican Water Senior Citizens Center. Six chapter projects for FY 2014 were recommended for Indian Wells, Red Lake, Smith Lake, Tiis’ Tsoh’ Siikaad, Tohajilee and Tselani-Cottonwood.

PILLAR 2
Economic Prosperity and Job Creation

The Division of Human Resources plays a vital role in stimulating the Navajo economy with the creation of jobs. The division stood at the forefront of legislation passed by the 22nd Navajo Nation Council to eliminate the equivalency standard for employment with the Nation and thereby opened the door for college educated Navajos for employment. Additionally, the Navajo Department of Workforce Development continues to provide employment and training for Navajo citizens. A total of 1,266 program participants were enrolled in the three Workforce Development programs this quarter.

The Division of Economic Development also has a major role for the pillar of Economic Prosperity and Job Creation. One exciting development is the Smith Electric licensed manufacturing effort. Smith Electric is an electric car manufacturing company from the United Kingdom. They are seeking international expansion for licensed manufacturers and the Navajo Nation has the opportunity to be a licensee in the U.S. The Dine’ Development Corp., a wholly owned holding company of the Navajo Nation, is positioned to take the lead on this development.
The Division of Public Safety has also provided contributed to Economic Prosperity and Job Creation, in particular, their efforts with the U.S. Department of Justice for the drawdown of funds. Through efforts from the past two quarters, Division of Public Safety was able to drawdown $52 million for USDOJ grants to reimburse the Nation for funding invested on the construction cost of new public safety buildings. The construction of those buildings created jobs in addition to new building infrastructure.

The Division of Health also provided opportunities for the Nation under this pillar. Specifically, the Office of Uranium Workers assisted Navajo uranium miners, millers, ore transporters, down-winders and their survivors through applications for Radiation Exposure Compensation Act benefits and required documentation for eligibility. The office successfully processed claims for 10 individuals that received $1,045,000 collectively in compensation over the past quarter.

Additionally, the division’s memorandum of agreement between the Navajo Nation, City of Gallup and McKinley County for the Gallup Detoxification Center was signed on Oct. 24, 2013. This provided the framework for the Department of Behavioral Health Services to assume operation of the center and continue providing direct services to individuals suffering from alcohol and substance abuse disorders. The department implemented an integrated approach to address behavioral and mental health issues.

According to Indian Health Service, Native Americans are significantly more likely to report past year alcohol and substance abuse disorders than any other race. Suicide rates for Native Americans are 1.7 times higher than all other races in the U.S. Additionally, domestic violence rates are alarming, with 39 percent of Native American women experiencing intimate partner violence, which is the highest rate in the U.S.

The Office of the Navajo Tax Commission is the primary revenue source for the Nation’s success under this pillar. For FY 2014, the total tax revenue for the first quarter totaled $35,812,548. From this amount, $25,574,016 is earmarked for the Navajo Nation General Fund and equals 35 percent of the General Fund revenue projection.

**PILLAR 3**

**Healthy Lives**

The Navajo-Hopi Land Commission Office has advanced this effort through rehabilitation and recovery work in the Former Bennett Freeze Area. Specifically, they have worked with Navajo Housing Authority for a NAHASDA grant to conduct a housing assessment and development of a housing plan. Additionally, the office worked in the former Join Use Area to produce a new scope of work for the project of 48 homes in the Hopi Partitioned Land region.

It goes without saying the Division of Health takes the lead for this pillar of Healthy Lives. Through
their efforts, the Navajo Nation Health Survey ended data collection on Oct. 31, 2013 for the Central Agency. A total of 713 completed surveys and samples were collected. The survey had 199 questions on various health behavior indicators. Phase II of the data collection study is slated to begin in the Northern and Eastern Agencies in the summer of 2014.

The division is committed to protect the health, wellness and safety of Navajo individuals, their families and communities. The Kayenta Public Health nursing program provided direct services to 5,000 people in the surrounding communities, which included flu vaccinations, school health screenings and patient education. The Breast and Cervical Cancer Prevention Project provided services to 7,328 women with mammogram and cervical cancer screenings and education on breast, cervical, ovarian, colorectal and prostate cancers.

On Oct. 24, 2013, the Public Health Emergency Preparedness Program facilitated the Navajo Nation Prophylaxis Functional Exercise, a Navajo Nation-wide functional exercise. The objectives were to train and establish Point of Dispensation teams, build operational POD sites, and test communications at six sites. The Navajo Nation Public Health Command Center was operational from St. Michaels, Arizona and communicated with the six sites to dispense antibiotic pills during an anthrax exposure incident. Overall, the exercise was a success.

From Oct. 20-26, 2013, the Running for a Stronger and Healthier Navajo Nation was held at various chapters across the Navajo Nation. The event netted 200 runners, 1,500 walkers, and over 2,000 community members receiving health education. Navajo Nation Vice President Rex Lee Jim spearheaded this event and ran a majority of the route to promote wellness among Navajo people.

Division of Public Safety also contributed to the health of the Nation through efforts from the Drug and Gang Unit to seize illegal drugs. The unit conducted 40 drug and alcohol distribution operations throughout the Nation Nation. The operations resulted in seizure of five marijuana plants, 600 grams of processed marijuana, 45-ounces of methamphetamines, two oxycodone pills, and arrests of 27 individuals under federal distribution and possession charges. The street value of the seized contraband was $10,000.

Division of Natural Resources was another contributor to the Nation’s health. The Department of Fish and Wildlife disposed of 3,913 animals, investigated 118 animal bite cases, investigated 87 incidents of livestock damage, and completed 321 rabies vaccinations. Additionally, the Animal Control Program conducted an animal sweep at Ojo Amarillo NHA housing and impounded 57 animals and issued 13 animal control citations for failure to restrain animals.

Additionally, the Department of Water Resources repaired 26 equipment items used for drilling construction, repair and maintenance purposes. They also inspected and repaired 106 windmills, rehabilitated five earthen dams for livestock and installed two 4,000-gallon water storage tanks.
in Lake Valley and St. Michaels. Three troughs were also installed in Dilkon Chapter areas. The Department of Resource Enforcement assisted with the feral horse roundup in the Chinle Agency. Since July 29, 2013, a total of 1,778 horses have been seized in the horse roundups across the Nation and have either been returned to their rightful owners, put up for adoption, or sold.

**PILLAR 4**

**Open and Accountable Government**

We have worked hard in the area of providing transparency through maintaining an Open and Accountable Government. When the Shelly-Jim Administration first took office, we held numerous town hall meetings across the Nation for the development of our energy policy and to hear the concerns of our citizens on other issues. We continue progress in this area and the movement toward decentralization is an ongoing effort.

The Division of Community Development hosted Local Governance Support Center decentralization meetings in all five agencies over the past quarter. The decentralization effort was a directive from the Budget and Finance Committee on July 5, 2013 and is memorialized through Navajo Nation Council Resolution No. CS-47-13. $3 million was allocated for DCD to form a task group and develop an action plan for decentralization.

The plan is to decentralize the five LGSC offices into 16 Administrative Service Centers that will provide chapters with legal services, financial accounting, build capacity for Local Governance Act certification, and assist with planning, completion, operation and maintenance of chapter projects. Presently, there are 34 LGA certified chapters and the decentralization effort will address this disparity.

The Administration Service Centers will be focused on four areas, the Five Management System, Project Management, Post LGA Certification and Professional Development. DCD utilized information from the Office of the Auditor General LGSC performance audit, Pacific Western Technology organizational study, Arizona State University land use planning study, and Harvard University LGA post certification study to develop the decentralization plan.

Focusing on Open and Accountable Government, the Navajo Division of Transportation hosted the NDOT Chapter Work Session in Nov. 2013 and provided transportation information from NDOT departments, Bureau of Indian Affairs and counties to provide data for direct services. The two-day work session included financial information from the Office of the Controller, Employee Benefits Program and Risk Management.

The Division of General Services provided Open and Accountable Government through efforts from the Fleet Management Department. Fleet Management held three meetings of the Motor Vehicle Review Board and issued 19 notices to appear and five second notices to appear for supervisors.
that did not respond to vehicle abuse and misuse complaints. They are currently reviewing 64 such complaints.

The Division of Natural Resources and the Navajo Land Department have worked hard on the Navajo Nation General Leasing Act, which is currently under review by the Secretary of the Interior. The provisions in this Act will bring the Nation closer to true self-determination in exercising leasing authority over home sites, grazing, business sites and more. The General Leasing Act streamlines several bureaucratic processes the Bureau of Indian Affairs once had authority over.

In tandem with the Act is the implementation of the Navajo Land Title Data System by the Navajo Land Department. This new database again streamlines tribal processes related to land through technology. By making data available digitally, it also eliminates costs and waste associated with paperwork that is often lost or misfiled in some instances. The database is also a foundation and model for other tribal departments to begin automating their direct services.

The Office of the Controller completed the Sales Tax Form 600 for 2013 and submitted it to the Navajo Tax Commission on a quarterly basis. The Controller is also calculating carryover and encumbrance amounts for the Navajo Nation General Fund for the FY 2013 closeout. Additionally, they are conducting adjustments to Indirect Costs for all open business units based on the negotiated IDC cost adjustment for FY 2009-2013. For the current period the IDC rate of 16.95 percent is being utilized.

OOC also pursued the closing of the NTUA $2.8 million loan, which is in the final stage of review before the drawdown of funds. A daily deposit total of $18,546,599.53 was recorded for the quarter ending Dec. 31, 2013. A total of 12,912 cash receipts and 559 ACH receipts were recorded. The total revenue for the first quarter ending Dec. 31, 2013 was $309,548,204.48 for the Nation.

PILLAR 5

Educational Opportunities

The Division of Dine’ Education provided outreach to all five agencies of the Navajo Nation. These efforts included after school programs, tutoring services and field trips focused on physical activities, Toys For Tots distribution and academic achievement.

We encourage fostering Dine’ bizaad and incorporating our language and culture into the education of our children. This is important because it provides our kids with self-identity through Ke’ and our parents and grandparents must be proactive in this effort. The future of our Navajo Nation depends on it.

The State Tribal Education Partnership Grant provided an exchange of academic performance data between the Navajo Nation, two school districts and one state agency – Gallup McKinley
County Schools, Central Consolidated School District, NM Public Education Department – for data collection.

The foundation of Indian education is reading. To this end, the Office of the Navajo Nation Library received books from the Reader-to-Reader Organization in Oct. 2013 and distributed 7,888 books to the NNL, 2,000 books to the Office of the First Lady, 6,501 books to St. Michaels Indian School, 120 books to Hopi Junior and Senior High School, 621 books to Jeddito School, 122 books to St. Bonaventure Mission School, 100 books to Navajo Pine High School, 175 books to the Thoreau Community Center, and 2,000 books to Chinle Head Start.

The Dr. Kenneth F. Gose Scholarship Award was presented to Kathi Stanford, a teacher and librarian at Red Mesa High School. As 2013 Teacher of the Year, she presented a common vision for higher expectations among students, faculty and the education community; demonstrated a record of significant and distinguished contribution to the education profession; provided a lasting positive impact on student learning; and demonstrated a significant professional contribution.

We held several meetings and requested updates from administrators of Navajo Head Start, in order to bring the program into compliance with federal policies. Lingering issues from past audits need to be corrected and we firmly stand committed to addressing these deficiencies. The ultimate goal is to provide our young Navajo students with a safe and sanitary learning environment for their formidable years of learning. Media accounts of our oversight in these areas have been sensationalized and only increase the capacity for excuses in bringing the program into compliance.

These five pillars have given stability to the Navajo Nation for the first quarter of FY 2014. We will continue to build upon this foundation for continued success in the years to come. The Shelly-Jim Administration continues to work closely with our Navajo Nation divisions, departments and programs to streamline services through technology and maintain a strong foundation for our future.

These pillars for building our nation will foster partnerships, stimulate our economy and sustain employment for our Nation. We continue to work with the Council to bring these important projects to reality. A decade ago, nobody on the Nation or the country would have ventured a prediction that we would one day own a coal mine and secure the future of one of our most abundant natural resources. By working together, we have succeeded in this dream and other goals. Ahe’hee.
FOR IMMEDIATE RELEASE
January 24, 2014

Health, Education, and Human Services Committee update regarding the Thoreau Community Youth Center

WINDOW ROCK - On Thursday, the Health, Education, and Human Services Committee met with Priscilla Manuelito, manager of the Thoreau Community Youth Center, to discuss the current status and issues concerning the youth center.

Manuelito said the youth center has implemented two suicide prevention and intervention programs to help children at the middle school level within their community.

“About five years ago, Thoreau had a serious issue of high amounts of suicides that happened in our area. The State of New Mexico and even at the national level, indicated that Thoreau had the highest level of suicides,” stated Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau), who represents the community of Thoreau, located approximately 32-miles east of Gallup, N.M.

The creation of one program, called “Project K’é” is a mid-school curriculum that works in collaboration with other organizations such as Signs of Suicide, Natural Helpers, and National Indian Youth Leadership, which will be incorporating their programs into the middle schools to ensure the prevention of suicide in the Thoreau area.

“We have intervened as a community center. We found out from a youth one day that they were contemplating suicide and was seeking assistance from a caring adult and that’s where we stepped in,” explained Manuelito.

According to Manuelito, the youth center was on the verge of closing due to funding shortfalls, however, the center received financial support through grants.

Manuelito has also created a “post-vention” team that is designed to help the families of children that take their life, if needed. Taking careful precautionary initiatives for prevention and intervention and educating the community about suicide is the primary goal of Project K’é and the “post-vention” team, she added.

“I wanted to thank [Council Delegate Edmund Yazzie and Jonathan Hale] for being presenters during some of our youth conferences. They stepped in to help with that. Much of our
motivational speakers have really benefited our children. These are the type of programs we are trying to implement,” stated Manuelito.

Manuelito further explained that the community of Thoreau receives help from the county, state and Navajo police and hospitals.

“The assistance that we need from the Navajo Nation Council is to encourage the Department of Behavioral Health in our area and any other people that you might think who may benefit our program to continue to meet and form that collaboration with each other,” stated Manuelito.

HEHSC member Council Delegate Joshua Lavar Butler (Tó Nanees Dizi) advocated for continued partnership between all entities, and expressed appreciation for the program’s initiative by paying special attention to the needs of Navajo youth.

“This is valuable information. Attention needs to be brought to this. This is the type of information that the committee is always hearing about and we need this information to be disseminated,” stated Delegate Butler.

HEHSC members accepted the report with a vote of 5-0.

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FOR IMMEDIATE RELEASE  
January 24, 2014

Law and Order Committee receives report from Alamo Resources Committee

ALAMO, N.M. – The Law and Order Committee on Wednesday, received a report from the Alamo Resources Committee regarding public safety concerns within the community.

Earl Apachito, vice president for the Alamo Chapter, said that his community had three main concerns that has made it difficult to ensure public safety in his community: cross-commissioning agreements/training with New Mexico law enforcement, lack of Navajo Nation police coverage in Alamo, and a detention facility to house offenders.

ARC is comprised of members from the Alamo School Board, Navajo Nation Police, Socorro County Sheriffs Office, social services, prevention programs, and community members. ARC aims to address matters in the Alamo community through the cooperation of school, law enforcement, health, and social service entities.

“The Alamo Resources Committee meets about twice a month, or when we find available time to discuss issues concerning our committee,” said Apachito. “Right now our biggest concern is public safety emergencies and the lack of law enforcement presence.”

In support of the ARC, Council Delegate George Apachito (Alamo, Ramah, Tohajiilee) explained to his LOC colleagues the frustration Alamo community members have expressed to him and the committee.

“As anyone can see, Alamo is in a very remote area where emergency response can take hours, and I believe it would be beneficial for this community to have a [Navajo] police substation,” said Delegate Apachito. “Right now, Crownpoint police is assigned to our community and they are hours away.”

Delegate Apachito said the lack of police coverage could also be resolved through the implementation of cross-commissioning agreements between the Navajo Nation, the State of New Mexico, and Socorro County. He also noted that currently, only one Navajo police officer patrols Alamo on an extremely limited basis, and response time can take 6-8 hours if they are dispatched to Alamo.
LOC chair Council Delegate Edmund Yazzie (Churckrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) informed the committee that cross-commissioning agreements between the Nation and New Mexico are in place, and it is only a matter of training Navajo, state, and county police officers.

Delegate Yazzie suggested stationing one police officer full-time in the Alamo community, and to provide rent-free housing to the officer.

“I have stated this challenge to all chapters before, and that is to set aside a salary in their budgets to hire a full-time police officer that would be dedicated to that specific area, so there is coverage in the community at all times,” said Delegate Yazzie. “I encourage all chapters to try and implement this.”

LOC member Council Delegate Duane Tsinigine (Bodaway/Gap, Coppermine, K’ai’bi’ito, LeChee, Tonalea/Red Lake) also suggested that the courthouse might be able to spare some office space for an officer to use.

“I would imagine the new courthouse in Alamo can provide a police sub-office until a justice center is built here, but in the meantime, the community needs to compromise soon to find a resolution for an officer,” said Delegate Tsinigine.

Delegate Tsinigine stated that Alamo is on the capital projects priority listing for a justice center, and the list can be amended in the future. Currently, Alamo is number nine on the list of ten proposed justice centers to be built on the Navajo Nation.

“If Alamo is able to show they are shovel-ready, the community can have the opportunity to move up on the list, but right now there are other communities that have approved land areas, designs, have obtained grants, and are ready to begin construction,” said Delegate Tsinigine.

At the end of the discussion, Delegate Yazzie encouraged the ARC to begin planning for their justice center, and requested to meet with them soon to discuss further cross-commissioning issues and obtaining additional law enforcement coverage for Alamo.

The LOC is scheduled to meet with the ARC on Feb. 24.

LOC members voted 2-0 to accept the report.

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President Shelly voices concerns from Navajo Nation

Featured guest speaker at 19th Annual Indian Nations and Tribes Legislative Day

PHOENIX—Tribal nations across Arizona convened at the State Capitol for the 19th Annual Indian Nations and Tribes Legislative Day on Jan. 21, 2014.

Navajo Nation President Ben Shelly was the featured speaker for the legislative session, including Diane Enos, President of the Salt River Maricopa-Pima Indian Community and Terry Rambler, Chairman of the San Carlos Apache Tribe.

Prior to the session, President Shelly met with Sen. Carlyle Begay and students from Northern Arizona University. Delegate Walter Phelps of the 22nd Navajo Nation Council was also in attendance.

The message from the Navajo leadership was clear and direct – obtain your education – with the encouragement to return home to improve the Nation.

President Shelly encouraged the students to be resilient and maintain focused on their goal of improving their lives. He spoke about the circle of life and said education is a large part of that process.

“Nobody can do it for you. You have to do for yourself,” President Shelly said. “You’re going to school and trying to make something of yourself. Don’t depend on somebody else.”

The students also heard comments from Sen. Begay who told them, “Never forget who you are and where you come from. Never forget your heritage.”

Delegate Phelps said the Navajo Nation looks at the college students as the cream of the crop and that they will hit the ground running after they’re done with school.

“Maintain your values, your commitment and your focus. It’s your values that will keep you steady,” he said.

The Legislative Day festivities included an exhibitor fair on the Senate Lawn, where many tribal leaders and representatives from various interests mingled and conversed.

The Joint Protocol session took place in the House of Representatives and the gallery was packed with tribal members from across the state.

The Ira H. Hayes American Legion Post No. 84 posted the colors, while Miss Indian Arizona recited the pledge of allegiance.

Speaker of the House Andy Tobin and Senate President Andy Biggs provided the opening remarks before inviting President Shelly to the podium to speak.

His remarks to the body were focused on resilience and self-determination.

“The Navajo people live in the concept of T’áá hwó ájit’ éego, or self-reliance, President Shelly said. “In this time of federal sequestration and budget cuts, this philosophy of T’áá hwó ájit’ éego is more important than ever.

“This doesn’t only apply to the Navajo Nation, but to all Indian tribes across the country,” he added.

During his address, President Shelly lauded the Navajo Nation Energy Policy of 2013 as a major accomplishment, providing the Nation with employment, economic development and continuing relations with Arizona.

Navajo Nation President Ben Shelly said Indian Country must heed the concept of T’áá hwó ájit’ éego, the Navajo philosophy of self-reliance, especially in this age of federal sequestration and budget cuts. (Photo by Rick Abasta)
“I’ve always said, what is good for Navajo is good for our neighbors,” he said.

President also reminded the legislators that the federal government has a trust responsibility to Native Americans and that they include vital revenue streams for areas such as health care and education.

He noted that North America once had 100 million Native Americans from hundreds of tribes who thrived and lived on these lands.

Where we stand today was once Indian land and I must give recognition to our host tribes of this area for allowing us into their territory – the Gila River Indian Nation, Salt River Maricopa-Pima Indian Community and the Ft. McDowell Yavapai Nation, he said.

Other featured speakers and legislators echoed this sentiment for the duration of the joint session, especially SRPMIC President Enos.

President Shelly touched on the Arizona Indian Education Act, data sharing and the promotion of STEM careers for students interested in Science, Technology, Engineering and Math.

He also spoke of the importance of supporting the Transaction Privilege Tax, which is up for discussion this legislative session.

Proposed amendments to the TPT legislation would send 25 percent of all state TPT funds generated on the Navajo Nation back to the Nation. Additionally, 75 percent of TPT funds would go back to counties serving the Nation for infrastructure development.

President said the TPT efforts were in step with Navajo Nation’s efforts to retain funding from the Fuel Excise Tax that currently funnels into the state budget at an average of $4 million per year.

“We ask that these FET funds remain on the Navajo Nation and allow us to address the 14,733 miles of road that are on the Nation,” he said. “A total of 76 percent, or 11,352 miles, are unpaved and cost the Nation and counties a large amount of money to maintain.”

President Shelly also highlighted successful government-to-government relations with Arizona, in particular, the paving of Navajo Route 20 in August 2013.

He said the $35 million project was a tremendous effort between Navajo Division of Transportation, Arizona Department of Transportation and the Federal Highway Administration to restore essential traffic from U.S. 89, which collapsed in Feb. 2013.

These partnerships are important because they foster intergovernmental relations and cooperation between the tribal, state and federal government for the benefit of all Americans,” President Shelly said. “We look forward to continuing positive relations with Arizona and the federal government.
FOR IMMEDIATE RELEASE  
January 22, 2014

Budget and Finance Committee receives update on external funds reversions

WINDOW ROCK – On Tuesday, the Budget and Finance Committee received a report on federal and state external fund reversions, as of November 2013.

According to the Navajo Nation Office of the Controller accounting manager Laura Johnson, state and federal reversions have decreased from FY2008-2012.

“These reversions are a reflection of lost opportunities by the Navajo Nation, however state and federal reversions decreased substantially,” said Johnson.

According to Johnson’s report, state reversions were reduced from $15.8 million to $14.1 million, a decrease of $1.7 million, and federal reversions were reduced from $55.2 million to $49.7 million, a decrease of $5.5 million.

BFC member Council Delegate Nelson BeGaye (Lukachukai, Rock Point, Round Rock, Tsaile/Wheatfields, Tsé Ch’izhi) voiced concerns and inquired about the expenditures of external funds that are awarded to the Nation.

“Are we where we should be? Are we spending the money like we should be?” asked Delegate Begaye.

In response, Johnson stated that there is room for improvement to expend the money, and these are issues NNOOC plans to address in the near future to ensure that external funds are spent in a timely and efficient manner.

BFC vice chair Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts’ah Bii Kin) raised another concern regarding divisions that receive external funding.

“Much of the road blocks are the divisions themselves because they are not being held accountable in spending these funds, and they report to the state and federal agencies regarding the awards,” said Delegate Nez. “That definitely needs to be addressed as well.”

Delegate Nez added that he hopes the divisions, under the Navajo Nation Office of the President and Vice President, address the external funds reversion issues to improve external funds spending.

BFC members voted 2-1 to accept the report.

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FOR IMMEDIATE RELEASE
January 21, 2014

Council Delegates meet with Arizona House and Senate leaders


PHOENIX – On Tuesday, Speaker Johnny Naize (Low Mountain, Many Farms, Nazlini, Tachee/Blue Gap, Tselani/Cottonwood) along with several other Council Delegates, attended the 19th Annual Indian Nations and Tribes Legislative Day at the Arizona State Capitol, to meet with state leaders to advocate for a variety of issues facing the Navajo Nation.

Among the issues discussed were the state’s budget allocations, revenue distribution from the state’s Transaction Privilege Taxes, the Arizona Corporation Commission, the proposed compact with Arizona to benefit Navajo Technical University, the Nation’s proposed 911 response system, and the AHCCCS program.

During a meeting with Arizona House Speaker Andy Tobin, Council Delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whipplepoorwill) said the Navajo Nation should receive a fair distribution of the state’s Transaction Privilege Taxes to assist Diné College and Navajo Technical University with infrastructure development projects.

According to Delegate Witherspoon, the Nation currently receives only a small portion of the revenue from the TPT, adding that the Nation should receive an increased amount.
Council Delegate Walter Phelps (Cameron, Coalmine Canyon, Leupp, Tolani Lake, Tsidi To ii) urged Speaker Tobin to work collaboratively with Navajo leaders to fully establish and implement a 911 response system for the Navajo Nation.

Last October, Council members passed an enabling legislation to authorize the Navajo Nation Telecommunications Regulatory Commission to implement and manage a 911 emergency response system for the Navajo Nation.

Delegate Phelps, who sponsored the legislation in response to the needs and safety concerns expressed by Navajo people living in rural areas, said the Nation needs assistance from the state, particularly in working with the Federal Communications Commission.

Speaker Naize expressed his appreciation to Speaker Tobin for advancing the Nation’s lobbying efforts which brought an end to the Arizona Corporation Commission’s inquiry into the possible deregulation of Arizona’s electric market, last September.

The outcome resulted in the Nation’s successful acquisition of the former BHP Navajo Mine and also saved hundreds of direct jobs at the coal mine and at the Four Corners Power Plant, said Speaker Naize.

Following several meetings with state leaders, Council Delegate Joshua Lavar Butler (Tó Nanees Dizi) called the Indian Nations and Tribes Legislative Day a “success.”

“I was able to meet with several state leaders, both on the House and Senate, to talk about Medicare and Medicaid issues and to continue supporting [Gov. Jan Brewer’s] initiative and support of it as well,” said Delegate Butler.

Delegate Butler also thanked state leaders for taking time to discuss issues affecting Navajo people and said he looks forward to continuing working toward solutions that will benefit the Navajo Nation.

“I really appreciate Senator Carlyle Begay’s open-door policy that he’s established in the short time he’s been in office,” said Delegate Butler. “He is able to schedule meetings and bring in decision-makers, such as the [Arizona] Secretary of State and the [Arizona] Superintendent of Education and really begin that dialogue for our benefit and those in his district.”

Several Council Delegates are scheduled to continue meeting with state leaders throughout the Arizona’s 2014 Legislative Session, which commenced on Jan. 13 and is scheduled to convene through the end of April.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
January 17, 2014

Resources and Development Committee approves $65,000 for Thoreau Senior Citizen Center Project

WINDOW ROCK – The Resources and Development Committee on Tuesday, approved Legislation No. 0372-13, a budget reallocation in the amount of $65,000 for the Thoreau Senior Citizen Center Project under the Capital Improvement Office.

According to the legislation, in 2008 the Navajo Nation approved $70,000 to renovate the Lake Valley Senior Citizen Center. However, other General Funds and External funds from the State of New Mexico were used to renovate and construct the facility, leaving the Nation’s funds unused.

The $65,000 will be used to finish construction of the Thoreau Senior Citizen Center, located approximately 32 miles east of Gallup, N.M.

“This is important to our community and there is much need for this senior center. In the beginning there was a lot of misinterpretation on the construction team, which resulted in the shortfall. So, we have been working with the designing and engineering and the Capital Improvement Office,” stated legislation sponsor Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau), who represents the community of Thoreau.

“I have attended many chapter meetings and the concern of the senior citizen center is being addressed by the elders and they ask ‘when is this going to happen?’” The building is there and it is a nice building but just needs approval. I don’t know how many times I can stress how important this is to us back in the Thoreau area,” stated Delegate Yazzie.

RDC Council Delegate Leonard Pete (Chinle), added that from the start of the project, federal policy acts were set into place and chapter house members began working on getting the senior citizen center up and running. It was through the Attorney General, that the legalization and opinion of how the transfer of funds, through the chapter, was going to be utilized.

The Attorney General said these things are provided for us, and I don’t think they really know how that opinion might affect or cost the Navajo Nation. It doesn’t provide a solution of how to deal with these problems that arise from that opinion and how the Navajo Nation ends up dealing with that. So, it really wasn’t a well thought through situation, stated Delegate Pete.
According to Delegate Yazzie, a minor electrical problem stalled the next phase of construction. Upon approval, the electrical problem will be fixed and Delegate Yazzie expects the facility to be in full-use within two weeks thereafter.

Currently, activities such as quilt making, game festivities and birthday celebrations are conducted regularly at two locations: Ramah Detention Center and the County's Senior Center.

According to the discussion, in some cases, other chapter houses do not have a senior citizen center and utilize their chapter facility as a senior citizen center.

“One example of a senior center that is not being used is in Churchrock. Churchrock is a strong chapter but they are advocating for a senior center and we are working on that project as well,” stated Delegate Yazzie.

The RDC committee voted 4-0 to approve Legislation No. 0372-13. The RDC serves as the final authority for the legislation.

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For news on the latest legislative branch activities, please visit [www.navajonationcouncil.org](http://www.navajonationcouncil.org)
FOR IMMEDIATE RELEASE
January 16, 2014

Law and Order Committee approves
the Navajo Adult Guardianship Act of 2014

WINDOW ROCK – On Wednesday, the Law and Order Committee considered Legislation No. 0007-14, a bill that aims to approve and enact the Navajo Adult Guardianship Act of 2014 and amendments to Title 9 of the Navajo Nation Code.

According to legislation sponsor Council Delegate Danny Simpson (Becenti, Crownpoint, Huerfano, Lake Valley, Nageezi, Nahodishgish, Tse’ii’ahi, Whiterock), the proposed amendments create a statute that protects the rights of individuals facing guardianship issues based on perceived disabilities.

“This current code regarding adult guardianship was written in 1945, and has not been updated since,” said Delegate Simpson. “Even at that, the law itself is meager and has little guidance on how to handle guardianship issues, and it is time to change that.”

President of the Native American Disability Law Center Hoskie Benally, said that there is no current Navajo law that protects the right of decision-making in the daily lives of disabled individuals who are deemed competent enough to make judgments in their own best interest.

“When guardianship is awarded over another person [with disabilities], that person begins to lose freedom of decision-making, such as where they will attend school, where they shall live, or what type of medical care they require. The freedom of choice should be afforded to these individuals through Navajo law,” said Hoskie.

LOC member Council Delegate Russell Begaye (Shiprock) voiced his concerns regarding additional protections for financial assistance that disabled individuals may receive.

“We do not want disabled adults to be taken advantage of by family members or other institutions if the individual receives some sort of monetary assistance from Social Security or other programs,” said Delegate Begaye. “That money belongs to them and should not be exploited by anyone.”

In support of the legislation, LOC member Council Delegate Elmer Begay (Dilkon, Greasewood Springs, Indian Wells, Teesto, Whitecone) said there should also be protections against scams that
may take advantage of disabled persons that seek assistance from chapters or businesses, such as home repair, traditional healing services, etc.

“It is important to take care of our disabled people and I believe there should be protections to also protect from home repair, ceremony, vehicle repair scams,” said Delegate Begay, “and protecting them is all a part of K’é as Diné.”

At the conclusion of the meeting, LOC members expressed their encouragement of the legislation, saying that it is time to revise the Navajo guardianship laws and return the respect and decision-making to disabled persons, and ensure their liberties are protected under Navajo law.

LOC members voted 3-0 to approve Legislation No. 0007-14. The legislation now goes to the Health, Education, and Human Services Committee for consideration.

# # #
For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
On Jan. 6, 2014, Navajo Nation President Ben Shelly signed Executive Order No. 09-2014, which provides policies and procedures to administer FEMA grants and projects. Navajo Nation Department of Emergency Management, FEMA and the Public Health Emergency Preparedness Program joined President Shelly for the signing ceremony in Window Rock. (Photo by Rick Abasta)

On Jan. 15, 2014, Nancy Casper, federal coordinating officer for FEMA Region VI and the New Mexico disaster and public assistance team met with Navajo Nation President Ben Shelly.

The FCO cadre is currently conducting site visits across the Nation for damages from the monsoon of 2013 and scheduling training for FEMA-sponsored classes.

The visit came a week after President Shelly signed Executive Order No. 09-2014 into law on Jan. 6. The executive order provides policies and procedures to administer grants and projects from FEMA. President Shelly said, “This executive order will streamline the process for the Navajo Nation and FEMA to respond to emergencies quickly and efficiently.”

The order mandates internal policies that will govern FEMA grants awarded to the Nation as the grantee. Additionally, the Navajo Nation may also be designated as a sub-grantee of FEMA grants awarded to Arizona, New Mexico and Utah.

“These policies and procedures are not only instrumental for the Nation to administer FEMA grants, but they also strengthen our ability to work with the states during times of disasters,” President Shelly said.

“The executive order assists with our rollout of new policies and procedures that will get the FEMA funds to chapters and programs a lot faster than previous years,” said Rose Whitehair, director for the Navajo Nation Department of Emergency Management.

“For Indian Country, we need emergency managers and trained personnel in the worst way,” she said.

FEMA personnel from the national level have been on the Navajo Nation for weeks now identifying New Mexico chapters that incurred damage from the summer monsoons.
The need for Navajo-speaking emergency coordinators is legitimate, especially at the chapter level for communication purposes. Beyond the obvious interaction considerations, trained tribal personnel are also needed to provide appropriate cultural sensitivity during emergency situations.

“This is an opportunity for us to do the right thing,” said George Kelly Casias, FEMA Tribal Liaison assigned to the Navajo Nation.

Casias has been on the Nation assisting Whitehair with project worksheet development for chapters wallop by the 2013 monsoon. The storms resulted in major flooding in 86 of the 110 chapters on the Navajo Nation.

He noted that the worksheets detailed the community, the county in which the incident occurred, extent of damages, and the number of families that were affected.

“We are trained to deal with disasters,” Whitehair said. “When bad things happen, they call us. It’s our passion to be here to help our people.”

She explained that every disaster occurrence is given a number by FEMA.

DR-4148 is for disaster flooding between July 23 to 28, 2013. DR-4152 reported on flooding from Sept. 9 to 22, which hit some communities three times.

The new executive order provides policies and procedures for payout of disaster funds for NNDEM, which was previously guided by the Mechanism of Instruction and through advice and counsel from Office of the Controller, Office of Management and Budget, Department of Justice and Office of the President and Vice President.

Whitehair said the guidelines follow the framework of the MOI and allows pass-through funding of FEMA grants.

FEMA’s public assistance money is based on cost estimates from chapters, which the agency determines is qualified or not qualified for 75 percent reimbursement for costs incurred during the disaster emergency.

“Public assistance funding is for roads, buildings, playgrounds and other infrastructure the Navajo Nation is responsible for,” Whitehair said.

There were a lot of the problems with the old system, she said, such as overpayments to chapters, wrong account and project numbers, and improper reimbursements.

NNDEM had roughly $11 million in funding, the majority of which passed through the department to chapters and programs on the Nation.

“We help all the agencies to turn in their proper documentation. We go out there (to the chapters), look at the site, document the site damages and write a cost estimate,” Whitehair said.

The cost estimates are detailed in a project worksheet, which specifies the disaster, description of damages, and the necessary scope of work to return the site to pre-disaster conditions.

Chapters are encouraged to take photos of the damage during the disaster and after conditions are restored to normal conditions.

“The policies and procedures are going to make this process a lot smoother and faster for the chapters and programs. We’re excited about this,” Whitehair said.
FOR IMMEDIATE RELEASE
January 14, 2014

Naabik’iyáti’ Committee approves amending the term sheet for the proposed Gaming Compact with the State of New Mexico

WINDOW ROCK – During a special meeting held on Monday, Naabik’iyáti’ Committee members voted 16-0 to approve Legislation No. 0002-14, to amend Resolution No. NABIMA-14-13, a term sheet for an amendment to the proposed Gaming Compact between the Navajo Nation and the State of New Mexico.

The Naabik’iyáti’ Committee initially approved the term sheet on March 8, 2013 which was later approved by the New Mexico State Legislative Committee on Compacts. However, the Compact was not introduced to the Senate floor for a vote during last year’s state legislative session.

Chair of the Naabik’iyáti’ Committee’s Gaming Task Force Subcommittee Council Delegate LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse’Daa’Kaan, Upper Fruitland), said that a result of concerns brought forth by various New Mexico gaming tribes and by the U.S. Department of the Interior, Naabik’iyáti’ Committee members determined that it was necessary to reopen negotiations to amend the proposed Gaming Compact.

Among the concerns addressed were revenue sharing as it relates to “free play” in casinos, the removal of all references to Class II gaming within the Compact, the removal of internet gaming provisions, contributions to problem gambling programs, and the number of gaming facilities the Nation is allowed to operate within the State of New Mexico, according to Delegate Bates.

One of the subcommittee’s top priorities when negotiating the Compact, said Delegate Bates, was to secure five Class III gaming facilities for the Navajo Nation. Currently, the Nation operates two Class III facilities, which include Fire Rock Navajo Casino and Northern Edge Navajo Casino.

“The state—throughout negotiating from the very beginning—up until the eleventh hour, wanted the Nation to reduce its [gaming] facilities all the way down to three,” stated Delegate Bates. “The gaming task force team stayed firm from day one, all the way up to where we are today.”

According to the term sheet, the Nation will be able to establish a third Class III gaming facility after 5 years from the date of execution of the Compact, a fourth after 10 years, and a fifth after 15 years. In addition, the Nation is required to have 15,000 enrolled members residing in New Mexico for each additional facility.

Delegate Bates also explained that the Nation was able to lower the percentage of revenue sharing from 10.25% to 10% from years 2015-2030, as a result of recent negotiations. Beginning in 2030, the percentage would increase to 10.75% until the expiration of the Compact in 2037.
Delegate Bates reaffirmed the Nation’s position that the negotiated Compact is fair to both the State of New Mexico and the Navajo Nation.

The current Compact, which the Nation signed onto in 2003, is scheduled to expire in June 2015. Along with the Navajo Nation, four other tribes in New Mexico are also a party to the 2001 Compact.

Upon approval by the Committee on Compacts, the proposed Compact will be forwarded to the New Mexico State Legislature for consideration. The legislature, however, cannot offer any further amendments to the Compact.

If approved, the Compact will then be submitted to the U.S. Department of the Interior for final approval, as required by the Indian Gaming Regulatory Act.

Near the conclusion of the meeting, Naabik’íyáti’ Committee members voted to enter executive session to discuss Legislation No. 0003-14, sponsored by Council Delegate Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichíí, Steamboat), which seeks the removal of Speaker Johnny Naize (Low Mountain, Many Farms, Nazlini, Tachee/Blue Gap, Tselani/Cottonwood) from his position as Speaker of the Council.

The item was added to the committee’s agenda at the start of the meeting, however, several delegates questioned whether or not the legislation had completed the five-day comment period, as mandated by Navajo Nation law.

The item failed to receive a motion to bring forth the legislation for discussion.

Following the three-hour executive session, Speaker Naize said he remains optimistic, adding that he admires the perseverance and collectiveness displayed by the Council members during this time of adversity.

“When our Diné people were forced into captivity in Fort Sumner, our leaders stood united and remained strong throughout,” stated Speaker Naize. “It is that same type of dignity and resilience within our current leaders that will maintain unity and prosperity amongst Council and will continue to move this Nation forward in a positive direction.”

The Naabik’íyáti’ Committee has yet to take official action on Legislation No. 0003-14. The Navajo Nation Council serves as the final authority for the legislation.

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FOR IMMEDIATE RELEASE  
January 14, 2014

Council Delegate Jonathan Hale encourages enrolled Navajos to apply for health coverage to avoid paying tax penalties under the Affordable Care Act

WINDOW ROCK – In accordance with the Affordable Care Act, beginning in 2014, individuals are required to have health coverage or pay a tax penalty, also known as the “individual shared responsibility payment,” unless they qualify for an exemption.

Enrolled members of the Navajo Nation may apply for an exemption from this requirement and are urged to apply prior to filing their 2014 taxes in 2015.

“The importance of the ACA is to recognize the strain on the economy of the health care industry and how that relates to personal health at home. Congress realized that it’s a subsidy to allow people to live as they please but if they don’t tend to their health, it's an inherited unhealthy lifestyle which eventually affects family, social factors, and appropriation factors in Congress and states,” stated Council Delegate Jonathan Hale (Oak Springs, St. Michaels), who also chairs the Health, Education, and Human Services Committee.

On March 23, 2010, President Obama signed the Affordable Care Act in an effort to establish comprehensive health insurance improvements to help make health insurance coverage more affordable and accessible for millions of Americans.

For Native Americans and Alaska Natives, the law is intended to address inequities and increase access to quality, affordable health coverage, to invest in prevention and wellness, and to give Native American individuals and families more control over their care.

“The ACA is an opportunity to understand the health disparities we face as Navajo and how that affects our children. By learning this, we gain knowledge of good eating, healthy living and exercise. We must also understand how outside hospitals provide patient care and how we can emulate that with our 638 entities and request of them to provide that education and prevention through clinics. This is also for the 638 programs the Navajo Nation has under its responsibility to adjust to changes and capitalize on prevention,” said Delegate Hale.

According to the U.S. Department of Health and Human Services website, the Affordable Care Act will provide 579,000 uninsured American Indians and Alaska Natives an opportunity to get affordable health insurance coverage.

The Tribal Exemption form can be accessed at the website below:
In-person assistance is available for those that need help with the application form. Please visit the following site to locate a local application assistant: https://localhelp.healthcare.gov/.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
January 14, 2014

Council Delegate Katherine Benally advocates for acceptance of modular buildings for Navajo Head Start

WINDOW ROCK – Council Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta) met with Navajo Head Start administrators last Wednesday to discuss concerns regarding the Navajo Nation’s pending acceptance of used modular buildings donated by Gallup-McKinley County Schools, authorized by superintendent Frank Chiapetti.

Delegate Benally explained that the acceptance of the modular buildings could only be made official through the approval of Navajo Nation President Ben Shelly.

According to Delegate Benally, she began advocating for the initiative when it was known that GMCS superintendent Chiapetti approached NHS assistant superintendent Sharon Singer, and offered the Nation approximately 90 modular buildings for the NHS program in September 2013.

“We are imploring the President to accept these modular buildings, and if he does not approve them, he is doing a disservice to the Navajo people and children. Otherwise, I will gladly draft legislation to approve the building donations,” said Delegate Benally. “We have over 200 students on a waiting list in Kayenta, waiting to begin head start—this is unacceptable.”

Kayenta Chapter President Stanley Clitso, added that the Kayenta Unified School District has already set aside land areas for future head start infrastructures. Currently, Kayenta’s head start program is housed in two mobile homes that house a maximum of 30 students per building.

In a statement received from the Office of the President and Vice President, President Shelly stated that he is aware of the situation and would like to ensure that the buildings are safe and sufficient for children and staff. He said his chief concern is the current state of most Navajo Head Start buildings, in which he said were “outdated and dilapidated.”

President Shelly said he is looking forward to signing the agreement to accept the modular buildings as soon as the Navajo Nation Division of Diné Education Board and Policy Council approve resolutions to support the efforts of the initiative.

“This is a wonderful opportunity for the Nation to take advantage of,” said Delegate Benally. “Our focus should be on the education and safety of Navajo children, and I believe the acceptance of the modular buildings accomplishes that.”

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FOR IMMEDIATE RELEASE
January 13, 2014

Law and Order Committee receives report from Navajo County officials

WINDOW ROCK – On Monday, the Law and Order Committee received a report from Navajo County officials, regarding public safety, public works, health, and an upcoming emergency management summit, from Navajo County Supervisor Jonathan Nez and Navajo County Sheriff Kelly Clark.

Supervisor Nez, who also serves as a Council Delegate, stated that the relationship between the Navajo Nation Division of Public Safety and Navajo County Sheriff’s Office is very positive, particularly as it relates to cross commissioning of Navajo Nation and Navajo County law enforcement agencies.

“I think it is important to state that the cross commissioning agreements between the Nation and Navajo County are working,” said Supervisor Nez. “And we hope that this can serve as a model to other counties that lie within the Navajo Nation boundaries.”

In appreciation of the relationship between the Navajo Nation and Navajo County, LOC member Council Delegate Elmer Begay (Dilkon, Greasewood Springs, Indian Wells, Teesto, Whitecone) expressed his gratitude for the continued work between both governmental entities and requested for a thorough report regarding public safety relations in the future.

“It is important for the Navajo Nation and Navajo County to meet and report regularly to update us on the status of the cross commissioning initiative,” said Delegate Begay. “I commend the relationship between both public safety agencies because the communities I represent lie within Navajo County.”

Sheriff Clark said that Navajo County has worked with the Navajo Nation on other public safety issues such as aiding in serving federal arrest warrants, K-9 drug searches in reservation schools, community checks, and community outreach programs.

Supervisor Nez added that Navajo County also aided the Navajo Nation in other areas, such as improving and maintaining roads due to natural disasters, recertifying BIA officials to climb and repair windmill towers, teen pregnancy programs, drug prevention in schools, physical fitness and wellness programs, and a tri-county emergency management summit held in November 2013.
“Navajo County, Coconino County, and Apache County met with Navajo Nation officials to discuss how we can all collaboratively respond to emergencies and natural disasters,” said supervisor Nez.

Supervisor Nez said that another summit would take place soon to inform all Navajo chapters of the partnership between the three counties and the Navajo Nation, adding that they hope to include the Hopi Tribe in the summit and begin discussion with their leaders.

At the conclusion of the meeting, LOC members voiced their support for the cross commissioning initiative, as well as the strengthened relationship between the Navajo Nation and Navajo County, and said they hope this will serve as a model to other tribal/county governmental entities.

LOC members voted 3-0 to accept the report.

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FOR IMMEDIATE RELEASE

January 13, 2014

Contact: Albert Wallace
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Division of Community Development to host Summit on the Local Government Support Centers (LGSC) Decentralization plan in Chinle, AZ

Window Rock, AZ - The Division of Community Development (NNDCD) will host the LGSC Decentralization Summit at the Chinle High School Gymnasium, in Chinle AZ on Thursday, January 16, 2014.

NNDCD developed a proposed plan to transition the five agency Local Governance Service Centers (LGSC) into regional Administrative Service Centers. The LGSC office currently provides administrative and technical services to all 110 chapters.

There are currently 16 proposed centers under consideration, and each service center will have an accountant and senior planner and legal services from regional attorneys.

These proposed positions would provide immediate administrative and technical support to chapters, to increase chapter projects, planning and direct services to the people.

This proposed plan is a result of Budget and Finance Committee (BFC) directive issued to NNDCD on July 05, 2013, to develop a comprehensive decentralization plan to transition the LGSC into regional Administrative Support Centers.

The Navajo Nation Council allocated funds in the amount of 3.0 million dollars to establish the regional service centers by fiscal year 2014.

Under the NNDCD decentralization plan, some of the authority of the central administration is re-delegated to lower levels of management to minimize the lengthy bureaucratic process and increase direct services to chapters.

The Summit will begin at 1 P.M. in the afternoon. The Decentralization Task Group presentation will be followed by public discussion and comment.

For additional information, please contact Ms. Shirlene Jim, Legislative Associate with the Division of Community Development at (505) 371-8468.
Health, Education, and Human Services Committee receives report from the Navajo Utah Commission

MONTEZUMA CREEK, Utah – On Wednesday, the Health, Education, and Human Services Committee received a report from the Navajo Utah Commission, regarding a plan of operation and various issues and concerns including funding shortfalls, educational deficiencies and safety issues.

Clarence Rockwell, executive director of the Navajo Utah Commission, stated that currently, the Commission has a small operation budget which allows for three staff members to meet ten times a year. Under such conditions, Rockwell noted that it has been difficult for the Navajo Utah Commission to communicate effectively with state legislators.

“We want our voices to be heard in the tribal government that was the basis of forming this Commission. Sometimes, our issues aren’t really heard or recognized nor discussed. We are supposed to interact and work on our people’s behalf and improve services and resources,” stated Rockwell.

According to the report, the State of Utah recognizes the right of Native American tribes to self-government; therefore, the State of Utah continues to work with Native American tribes on a government-to-government basis. This includes issues addressing tribal self-government, trust resources, tribal treaties, and other rights.

“The issue of education is always a major issue because of the poor performing schools we have here on the reservation. We talked to the State’s Department of Education this fall, and they initiated a grading system all across the State of Utah, and unfortunately for us, the schools they were given failing grades. We talked with the school districts to improve the performance of our schools but it seemed like we are not making progress or advancing,” said Rockwell.

Recently, the Utah State Office of Education began a new grading system for schools that is designed to provide school accountability. Navajo Utah Commission proposes the Utah State Office of Education and San Juan District to work diligently with schools, parents, and community leaders in reaching academic success.
“All the schools within San Juan District that reside and operate near Navajo Nation are D’s and F’s. That’s bad. I think that we need to get more analyses on this or possibly work with the Department of Dine’ Education,” said Council Delegate Joshua Lavar Butler (Tó Nanees Dizi).

HEHSC members also discussed a recent incident that occurred at the Montezuma Creek Elementary School involving carbon monoxide poisoning due to the malfunction of a water heater, resulting in dozens of students needing medical help. As a result, the Navajo Utah Commission is urging the State to support the installation of monoxide detectors and emergency evacuation plans for schools state-wide.

“Carbon monoxide is a poisonous gas that you cannot see or smell. What if something like this happens again? Why can’t we have these carbon dioxide detectors? I think that this committee needs to somehow enforce a letter to get carbon monoxide detectors. There is only one [detector] in the chapter house,” said Council Delegate Kenneth Maryboy (Mexican Water, Ante, Teecnospos, Tólikan, Red Mesa).

At the conclusion of the meeting, the HEHSC members expressed their continued support in advocating for the issues affecting Navajo constituents living in the State of Utah.

HEHSC members voted 3-1 to accept the report.

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FOR IMMEDIATE RELEASE
January 9, 2014

Budget and Finance Committee receives update on regionalization plan

WINDOW ROCK – On Tuesday, the Budget and Finance Committee received an update report regarding the regionalization/decentralization plan, an initiative currently headed by Navajo Nation Division of Community Development executive director Leonard Chee.

According to the report, Chee stated that the initiative has placed an emphasis on developing the staff positions that will operate the Agency Support Centers, as part of the decentralization plan.

“The Local Governance Service Centers will be phased out, so this is a decentralization transition,” said Chee. “The new positions will be created and current positions will transfer, however some positions require [college] degrees and a certain amount of experience.”

Chee said the regionalization plan is an attempt to decentralize the Navajo Nation government to provide direct services to chapters at the local level, to lessen the hurdles that agencies face when trying to obtain services that are generally available in Window Rock, where the central government functions.

BFC chair Council Delegate LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse’Daa’Kaan, Upper Fruitland) expressed his concern regarding the implementation of the regionalization plan.

“How are you going to implement this plan? The reason I ask is I don’t think we all expect this to be a smooth transition all at once because the intent might go away,” said Delegate Bates. “You will need to work through those challenges that you will face when you implement this plan.”

Chee said that preparation for staff positions and the number of Administrative Service Centers are still being finalized, and that the next step is to decide where the ASC’s will be located and when they will begin to function after funding has been allocated for specific purposes.

The Navajo Nation Council approved $3 million for FY2014 to be used for the regionalization of chapter agencies.

Although BFC members voiced their support for the regionalization/decentralization initiative, Council Delegate Lorenzo Curley (Houck, Klagetoh, Nahata Dziil, Tse Si’ani, Wide Ruins) expressed
his concerns regarding the lack of timely implementation, while pointing out that Navajo Nation President Ben Shelly’s current term concludes within the next year.

“I think we should cease and desist all of this [regionalization] activity until there is a newly elected administration that comes in, if they decide to, they can pick this [initiative] back up again,” said Delegate Curley. “It is President Shelly who claims ownership over this [project].”

Despite Delegate Curley’s concerns, BFC vice chair Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts’ah Bii Kin) voiced his support and appreciation for the continuation of the regionalization initiative.

“I would like to thank Mr. Chee and his team for their hard work on this plan because a power line, water line, or road, does not end at the chapter boundary, so there is a need for regional planning and the opportunity for chapter communities to work together,” said Delegate Nez.

At the conclusion of the discussion, Delegate Nez said the vision of the regionalization and decentralization plan is to provide direct services to the Navajo people, and that it is for the betterment of chapter communities.

BFC members voted 5-0 to accept the report.

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Program Changes to a Department, Integrity and Mission Remain the Same.

WINDOW ROCK, Ariz. – The Navajo Nation Program for Self Reliance has evolved from a program into a department and will now be known as the Department for Self Reliance (DSR).

On January 2, 2014, the Low Income Home Energy Assistance Program (LIHEAP), General Assistance Program, Burial Assistance Program and Emergency Assistance Program transferred from the Division of Social Services’ Department of Family Services to the Division of Social Services’ Department for Self Reliance (DSR).

Mrs. Roxanne Gorman, NNDSR Department Manager III states, “the program focused on TANF, but with the incorporation of LIHEAP and GA it increases our role and as a result we are now a department. Funding has increased annually from thirty-one million to forty-eight million as well as serving twenty-five hundred (2500) TANF clients to include twelve hundred (1200) GA clients per month and eight to ten thousand (8,000-10,000) LIHEAP clients per year.”

The department goals remain the same, to assist those in need and to empower those in need to become self-sufficient. For more information please visit your local DSR Office or call DSR Support Services toll free at (866) 347-2403 or direct at (928) 810-8553.

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Naabik’iyátí’ Committee members discuss the proposed Navajo Department of Health Act of 2013

FLAGSTAFF – Last Friday, Naabik’iyátí’ Committee members met with the Navajo Division of Health, Vice President Rex Lee Jim, and representatives from various health providers from across the Navajo Nation to discuss the proposed Navajo Department of Health Act of 2013, which aims to rename the Nation’s current Division of Health and to consolidate certain responsibilities and authorities under the proposed department.

According to Legislation No. 0346-13, health care and public health programs and activities including monitoring, evaluation, regulatory, enforcement, and coordinating functions “should be placed within the Navajo Department of Health to appropriately meet the public health needs of the Navajo Nation and the Navajo people.”

On Monday, legislation sponsor Council Delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill) reiterated the need for the proposed Department of Health.

“The establishment of an entity to which will be given responsibilities to address health care across all of the Navajo Nation is very much needed, because no entity currently has the responsibility to monitor, evaluate, regulate and protect Diné citizens regarding quality and culturally appropriate health care,” stated Delegate Witherspoon in an email.

The legislation was previously voted down by the Law and Order Committee and the Health, Education, and Human Services Committee. On Dec. 5, the Naabik’iyátí’ Committee voted 11-0 to table the legislation, which included a directive to conduct a work session to address the bill.

The majority of Friday’s discussion centered on the potential impact on “638 programs” currently operating on or near the Navajo Nation, including the Navajo Utah Health System, Inc. which is a non-profit health care system that operates four health care facilities in Navajo Mountain, Monument Valley, Montezuma Creek, and Blanding, under a P.L. 93-638 Title V Self-Governance Compact with the federal government.

Navajo Utah Health System, Inc. CEO Donna Singer and board member Robert Whitehorse, expressed skepticism over certain parts of the legislation that they say, may cause delays in submitting grant proposals and may interfere with funding received through “638 contracts.”

“638 programs” are defined under Public Law 93-638, the Indian Self-Determination and Education Assistance Act of 1975, which authorizes the U.S. Secretaries of the Interior, Health, Education, and other government agencies to enter into contracts with federally recognized tribes to allow tribes to administer funds, giving them greater control over their welfare.
Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts‘ah Bii Kin) advocated for the “638 programs” saying such programs should be allowed to be “exempt” from the proposed law if they choose to do so.

“These local health care facilities throughout Navajo have the ability to run their own and be self-sufficient based on self-determination and we’ve supported that before,” said Delegate Nez. “We supported regionalization/decentralization to bring services closer to the people, but this legislation before us is kind of going backwards now.”

Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) spoke in support of the legislation and said that “exemption” should not be an option for any health care entity.

“I support Navajo sovereignty and I think we should pass this, but with amendments,” stated Delegate Tsosie, prior to offering numerous recommendations to amend the current bill.

Delegate Tsosie later suggested that Delegate Witherspoon withdraw the legislation, and that a task force be created to work with all sides to develop a more comprehensive legislation that could be brought forth to the Council for consideration, during its spring session.

On Monday, Delegate Witherspoon indicated that he would not withdraw the legislation immediately and would first seek to amend the current bill, adding that he is open to creating a task force if the task force focuses on amendments that improve the legislation.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
January 6, 2014

Law and Order Committee receives report regarding opposition of the Red Barn liquor sales license renewal

WINDOW ROCK – The Law and Order Committee received a report on Monday, regarding the opposition of the Red Barn liquor store liquor license renewal by the local Navajo community residing in and around Sanders, AZ.

Char James, a consultant and leading advocate for the communities opposing the liquor license renewal, said that the initiative aims to prevent the renewal of Red Barn’s liquor license sought by owner Gary Allen McDonald, who was recently indicted on manufacturing and distributing methamphetamine drugs.

“I have statistics that show how this liquor establishment has affected the Sanders area and Navajo people,” said James. “It has caused homicides, suicides, accidents, and drug use.”

James referred to a pending court case in the Apache County Superior Court, in which McDonald is currently facing drug possession, sales of various drugs, and weapons charges.

Council Delegate Lorenzo Curley (Houck, Klagetoh, Nahata Dziil, Tse Si’ani, Wide Ruins) spoke on behalf of the communities he represents that are affected by the Red Barn liquor sales in the Sanders area.

“We are asking for support from the Navajo Nation to aid us in revoking the liquor license of the owner because the communities have expressed their frustration that the establishment has had in their communities,” said Delegate Curley.

Delegate Curley requested the LOC aid in the initiative as far as seeking attorneys, resources, and legislation that would put pressure on Apache County to revoke the liquor license to decrease the negative effects on the surrounding Navajo communities.

“There are people dying and suffering, and I believe there is an alliance between the business and political entities in that area, and they continue to do nothing to help the people they sell to,” said Delegate Curley.
LOC vice chair Council Delegate Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichii, Steamboat) expressed his support of the initiative and provided insight regarding the potential revocation of the liquor license issue.

“Currently, the Red Barn establishment is on private property and is not in the jurisdiction of the Navajo Nation, so this may pose a problem. However, I believe we need to reach out to the [Apache] County leaders that oversee liquor licenses, especially those who issue them,” said Delegate Shepherd.

In agreement, LOC chair Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) suggested the Navajo Nation Human Rights Commission be included in addressing these issues, in hopes they may aid James’ initiative to revoke Red Barn’s liquor license.

At the end of the discussion, LOC members unanimously expressed their support in regards to the initiative and said they hope it sets a precedent to strengthen future regulation of border town liquor businesses by the state.

LOC voted 4-0 to accept the report.

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FOR IMMEDIATE RELEASE
January 6, 2014

Health, Education and Human Services
Committee receives report on Contract Support Cost Claims

WINDOW ROCK – Last Wednesday, the Health, Education, and Human Services Committee received a report regarding Contract Support Cost Claims, based off a submitted claim from the Navajo Area Indian Health Service to President Ben Shelly for approximately $17 million.

Under the Indian Self Determination Act, any tribe or tribal organization can apply with the United States to take over any federal program that provides services to Native Americans. In return, the government provides the contracts and funding for these federal programs.

Steven Boos, attorney for Maynes, Bradford, Shipps & Sheftel, LLP., said the problem with providing funding is that the BIA and IHS have never come to Congress to request for 100% of what tribes need to cover their administrative costs.

“Congress wanted to ensure that tribes didn’t have to take money from direct services out of the administrative functions. So, they added the 106A2 amount or contract support costs, which is an amount of money that is designed to ensure that when a tribal organization takes over a federal program it actually has enough money to pay for all the administrative costs associated with running that program,” said Boos.

There have been decades of litigation over the issue of how much money tribes are entitled to based off their contract support allocation through federal programs.

Boos also stated that there have been some settlements involving the Navajo Nation. However, the Navajo Nation has not participated in all litigations largely due to miscommunication within the Nation’s departments.

According to Boos, agencies are supposed to submit shortfall reports, which is an accurate representation in the difference in the amount of money that the tribe was projected to receive in accordance with their contract and what it actually received. Through these agencies, it is now known that these shortfall reports were only “estimates.”

Council Delegate Walter Phelps (Cameron, Coalmine Canyon, Leupp, Tolani Lake, Tsidi To ii) questioned the time frame and process of retrieving documentation from the Navajo Nation through these shortfall reports.

“Is your goal basically to reach the estimated amounts or to get as much documentation as possible to get as close as possible to that estimated amount?” asked Delegate Phelps.
Boos stated that there are two separate documentations for IHS claims and BIA claims that they have been working on. In both cases, documentation began in 2006, which has enabled them to find some of the documents needed.

Audits will be conducted in the Navajo Nation to show how much is spent on administrative costs.

“Navajo was selected and they want to look at your documents for 2005 calendar year. Most the documents have been collected on how to calculate your contract claims,” stated Boos.

Chair of the Health, Education, and Human Services Committee Council Delegate Jonathan Hale (Oak Springs, St. Michaels) stated that a couple years ago that the Navajo Nation Department of Justice notified all division directors and branches that they needed to document all contract support costs within certain time periods.

“All the monies within the Navajo Nation come from various sources. Even this committee, we are dealing with approving some of these contracts that are coming back down from IHS. In the amount of time we spent talking about funding issues, that would somewhat be administrative support costs and needs to be noted for reimbursement purposes. This was one of the things that the Department of Justice wanted everybody to keep track of,” said Delegate Hale.

The HEHSC will vote whether to accept the report at their next scheduled meeting.

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For news on the latest legislative branch activities, please visit [www.navajonationcouncil.org](http://www.navajonationcouncil.org)
Navajo Transitional Energy Company, LLC closes deal to acquire coal mine

WINDOW ROCK – On Dec. 30, ownership of Navajo Mine was officially transferred from BHP Billiton to the Navajo Transitional Energy Company, LLC following the Navajo Nation’s approval of Legislation No. 0367-13, a bill that grants a limited waiver of the Nation’s sovereign immunity to allow NTEC to obtain performance and reclamation bonds to acquire the coal mine.

Following the Council’s passage on Dec. 27, Speaker Johnny Naize (Low Mountain, Many Farms, Nazlini, Tachee/Blue Gap, Tselani/Cottonwood) signed the bill which was then sent to President Ben Shelly’s office for his signature.

“We have to thank the Council and I know there are delegates who opposed it and they have every right to, but we respect their vote,” said Speaker Naize during the brief signing ceremony.

Speaker Naize also acknowledged and expressed appreciation to members of the Council including Council Delegate LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse’Daa’Kaan, Upper Fruitland) who sponsored the legislation, the NTEC management committee, and others involved in bringing the acquisition to a close.

“I understand there were glitches that we’ve gone through and it was difficult, but in the end you all succeeded,” Speaker Naize stated.

The legislation was first brought forth to Council on Dec. 23 and following a lengthy discussion, Council members voted to table the bill.

In his remarks to Council on Dec. 23, Delegate Bates urged the approval of the mine acquisition to make the Nation a “player” in the energy industry and to end decades of “sitting on the sidelines.”

The finalization of the acquisition also allowed the owners of the Four Corners Power Plant and NTEC to finalize a coal supply agreement that will be in effect beginning in 2016 through 2031, following the expiration of the current coal supply agreement.

On Wednesday, the Four Corners Power Plant permanently closed Units 1, 2, and 3 of its power plant due to an agreement made in compliance with the U.S. Environmental Protection Agency’s final regional haze rule which required the closure by the end of 2013.

Units 4 and 5 of the FCPP will continue to operate using coal supplied from NTEC. Units 4 and 5 will also require selective catalytic reduction controls to be installed and operating by July 31, 2018, in compliance with the agreement with the EPA.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
During the evening hours of Dec. 27, Navajo Nation President Ben Shelly signed into law Resolution No. CD-60-13.

“This legislation allows us to move forward with the purchase of Navajo Mine for the benefit of the Navajo Nation,” President Shelly said. “We have secured a vital revenue stream for the Nation with this purchase.

“The coal mine purchase secures our economic future, strengthens our Navajo Nation Energy Policy and the portfolio of the Nation,” he added.

Martin Ashley, executive director for the Office of the Navajo Tax Commission, said the Navajo Nation receives between $50 to 70 million annually in royalties, taxes and leases from both the power plant and the mine.

“There are people who want renewable energy to fund the Nation, but for the generation of electricity, solar and wind are more expensive than coal. Coal is a cheaper way to produce electricity,” Ashley said.

The 22nd Navajo Nation Council approved the legislation by a vote of 17-5, which was applauded by a majority of the people in the gallery. Speaker Johnny Naize signed the legislation before it was sent across the street to President Shelly to sign into law.

The Council’s resolution outlined provisions for the Navajo Nation to obtain performance and reclamation bonds required to finalize the purchase of the Navajo Mine from BHP-Billiton.

To complete the transaction, an approval of an alternative forum for enforcement of binding arbitration and ancillary proceedings pursuant to the Navajo Nation Sovereign Immunity Act was required.

The special session began after 3 p.m. on Dec. 27, after the day was spent debating the legislation during a work session requested earlier in the week.
Discussion on Legislation No. 0367-13 originally began on Dec. 23 and was debated by the Naabik’iyati’ Committee during a special session.

On that date, delegate Lorenzo Bates (Nenahnezad, Newcomb, San Juan, T’iistoh Sikaa, Tse’ Daa’ Kaan, Newcomb, San Juan, Upper Fruitland) sponsored the legislation and underscored its importance to the Nation.

Bates said, “For 54 years, this Nation has sat on the field, on a bench, collected and had no say on a resource that we have 100 years of. We are here today, by virtue of your vote, to have a say, to be able to determine a future of that coal.”

During the session, discussions were halted after an outburst from protestors opposing the legislation. Subsequently, the committee adjourned and forwarded the legislation for consideration by the full Council, which convened for another special session later the same afternoon.

Navajo Police were also called in to quell any further disturbances.

During that session, delegates reached an impasse from discussions regarding the voting requirements for the legislation.

Delegate Russell Begay (Shiprock) motioned for the legislation to be passed by a supermajority, or two-thirds vote of the Navajo Nation Council. Begay’s motion sparked a flurry of opinions on the floor.

Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta) eventually motioned for a work session to thoroughly discuss the legislation and the voting requirements. Subsequently, the legislation was tabled and a work session was scheduled for Dec. 27.

During the Dec. 27 work session, Navajo Nation Attorney General Harrison Tsosie spoke about the decision to purchase the mine after owners of Four Corners Power Plant and BHP-Billiton could not reach agreement on the price of coal in July 2012.

Other considerations factored into the decision making process included the Arizona Public Service Company’s power plant lease expiration in 2016, which if closed, would have a negative impact on the Navajo Nation’s economy.

“The one thing that I want to reiterate that’s important to this (decision) is the fragile economy of the Navajo Nation,” Tsosie said. “What we’re actually doing here today is in essence, preserving an economy that exists here on the Navajo Nation.”

He explained that coal is extracted daily and is utilized to generate electricity, a product of the Navajo Nation that is sold to the outside world.

“This particular activity generates an income 24 hours a day, seven days a week. It’s one of the few industries that exists on the Navajo Nation that generates that kind of income,” Tsosie said.

Because the legislation passed, the purchase of BHP Navajo Coal Company was completed on Dec. 30, 2013 and ownership was transferred to NTEC. The same day, NTEC and Four Corners Power Plant executed a coal supply agreement from July 2016 through 2031.

Steve Gundersen, chairman of Navajo Transitional Energy Company Board, said the purchase of Navajo Mine saved over 800 direct jobs executed between the mine and the power plant. Additionally, it has maintained a large portion of the Navajo Nation’s budget.

“I’d like to thank the leadership for their vision and commitment to building the Nation’s economy, including the Nation’s commitment to bring about a cleaner and more sustainable world,” Gundersen said.

-30-

President Shelly was happy the legislation was finally passed and signed into law, especially since the future economic stability of the Navajo Nation hinged on its passage. (Photo by Rick Abasta)

Speaker Johnny Naize signed the legislation at his office before sending it across the street to President Shelly to be signed into law. Naize said it was a big step for the Navajo Nation. (Photo by Rick Abasta)

The 22nd Navajo Nation Council passed Legislation No. 0367-13 by a vote of 17-5. Notably absent from the work session and the special session was delegate Russell Begay, who made the motion for the supermajority vote. (Photo by Rick Abasta)
FOR IMMEDIATE RELEASE
January 2, 2014

Law and Order Committee approves grant from the U.S. Department of Justice for the Navajo Nation Integrated Justice Information Sharing Project

WINDOW ROCK – On Monday, the Law and Order Committee approved Legislation No. 0375-13, which seeks to approve a grant from the U.S. Department of Justice for approximately $78,000. The Justice Assistance Grant program would fund the Navajo Nation Integrated Justice Information Sharing Project for the period of Oct. 2012 through Sept. 2016.

According to Judicial Branch grant administrator Raquel Chee, the NNIJISP allows the Nation’s courts and public safety divisions to share information through improving and expanding their case management system through utilization of the JAG program.

“We are hoping to purchase the web application JustWare, which is an Internet site that would enable access to approved case management information by the general public, courts, public safety, and any other entities that utilize the information,” said Chee.

LOC vice chair Council Delegate Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichii, Steamboat) who sponsored the legislation, requested support from committee members in regards to the judicial branch’s effort in improving its information sharing capabilities.

“I am asking for the support of the committee to bring technology to the forefront in our justice system, so that we are not falling behind other agencies nationwide,” said Delegate Shepherd.

Delegate Shepherd added that the judicial branch applied for the grant prior to the Nation’s approval of its indirect cost rate of 16.95 percent for FY2013, however the grant caps indirect costs at 10 percent.

“Because the grant caps their IDC rate at 10 percent, we are also requesting to waive the difference of the IDC rate in the amount of 6.95 percent to meet the grant’s requirements,” said Delegate Shepherd.

The IDC rate for FY2013 was established by the Navajo Nation at 16.95 percent and has yet to be determined for FY2014. The Nation is entitled to collect IDC recovery costs from the federal government, which applies to federal grants, contracts, and agreements.
PNM-Navajo Nation Workforce Training Program
Providing Navajo students with quality of life improvements and opportunities

On April 17, 2014, more than 100 Navajo college students were honored at Navajo Technical University and San Juan College.

Navajo Nation President Ben Shelly joined Patricia K. Collawn of PNM to honor the students. Collawn is chairman, president and chief executive officer of PNM.

Students received scholarships as part of the PNM-Navajo Nation Workforce Training Program for careers in energy, construction, manufacturing and technology.

One such person was Sean Tohannie, a SJC student studying instrument and controls technology.

In a letter to PNM and the Navajo Nation, Tohannie stated, “Since I live in Arizona and San Juan College is in New Mexico, we had to commute to and from for a total of four hours. It took a lot of money and time out of our studying and homework. When we the extra money we were able to stay in motels for another day to catch up.”

Tohannie was one of the 47 NTU and 77 SJC students in certificate, associate and bachelor degree programs to receive scholarships since 2013.

The initiative was created in 2013 by PNM’s $1 million five-year funding commitment. It is designed to prepare Navajos for jobs that are in demand and important to the Four Corners area and the Navajo Nation.

These jobs are in the energy, oil and gas, construction, information technology and manufacturing sectors.

Addressing students at NTU, President Shelly said, “Here on the Navajo Nation, our most important resource is our Navajo people. Our human resources are our heart and mind.”

“To compete globally, we are creating a workforce to attract business. Our resources at home are you and your talent,” he added.

In May 2014, 12 students will graduate from NTU and nine will graduate from SJC.

NTU’s recent effort to offer a four-year degree brought in 15 PNM-Navajo Nation Workforce Training Program participants for enrollment in information technology, engineering and environmental science programs.

“As we move forward as a people, we are making a future to provide for our families, how we’re going to provide for our children and most importantly, how we are going to provide for our elderly,” President Shelly said.
FOR IMMEDIATE RELEASE
May 30, 2014

Budget and Finance Committee receives report regarding Salazar v. Ramah Navajo Chapter litigation

WINDOW ROCK – On Wednesday, the Budget and Finance Committee received a report regarding the status of Salazar v. Ramah Navajo Chapter, a class-action lawsuit seeking reimbursement for unpaid indirect costs for Public Law 93-638 federal programs on the Navajo Nation from the U.S. Bureau of Indian Affairs.

According to the report provided by the Navajo Nation Department of Justice Deputy Attorney General Dana Bobroff, the lawsuit was originally filed in 1990 by Michael Gross, a former DNA People’s Legal Services attorney, in the U.S. Federal District Court for New Mexico on behalf of Ramah Navajo Chapter.

“Currently, Ramah Chapter is the lead plaintiff in the lawsuit, and the Navajo Nation is a member of the class. The case went up to the U.S. Supreme Court, which upheld the lower courts ruling that that U.S. [BIA] was liable to the tribes for all indirect and contract support costs that are a part of the 638 contracts,” said Bobroff.

Bobroff added that the U.S. Supreme Court ruling was decided purely as contractual matter stating that the U.S. cannot fail to pay indirect and contract support costs due to the lack of federal appropriations to the U.S. BIA, because it was a contractual agreement between both entities, adding that the Navajo Nation could possibly collect 90% of IDC’s from the federal government.

BFC member Council Delegate Danny Simpson (Becenti, Crownpoint, Huerfano, Lake Valley, Nageezi, Nahodishgish, Tse’ii’ahi, Whiterock) expressed his concern regarding the amount the Nation would receive in IDC’s and contract support costs.

“I think the Navajo Nation is only getting [approximately] 60-70% [back], because it is our fault we are not requesting the whole 100% back. Like Dana [Bobroff] said, the federal government will only pay us back from what we submit,” said Delegate Simpson.

In agreement, BFC vice chair Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts’ah Bii Kin) said the Navajo Nation needs to request 100% of all IDC’s and contract support costs
Division of Social Service to administer Title IV-E foster program

WINDOW ROCK, Ariz.—Quality foster care is important in keeping children safe and providing a stable living environment.

On June 24, Navajo Nation President Ben Shelly received a letter from the U.S. Department of Health and Human Services stating that the Nation was approved to begin their Title IV-E plan, effective Oct. 1, 2014.

The Navajo Nation set a new precedent in foster care with a recent decision by the U.S. Administration for Children and Families (Children’s Bureau) to execute a direct funding agreement with the Nation.

“We applaud the Navajo Nation’s efforts in bringing approval of this plan to fruition that, once implemented, should help further strengthen the safety, permanency, and well-being outcomes for your most valuable children and families,” stated Joo Yeun Chang, associate commissioner of the Children’s Bureau.

On June 25, President Shelly met with representatives from the Division of Social Services today to discuss this historic achievement.

“The Navajo Division of Social Services is the first tribal program in the country to administer the Title IV-E program,” President Shelly said. “I commend Sharon McCabe and her staff for making this possible.

“Our kids are important and we must do everything we can to protect them,” he added.

Sharon Begay-McCabe is the director for DSS and has been working with the Children’s Bureau to amend the Nation’s foster care program.

According to the Children’s Bureau, the Federal Foster Care Program helps to provide safe and stable out-of-home care for children until the children are safely returned home, placed permanently with adoptive families or placed in other planned arrangements for permanency.

Title IV-E is an annual appropriation with specific eligibility requirements and fixed allowable costs for uses of funds. In FY 2010, the direct funding provision was made available to Indian nations, tribal organizations and tribal consortia with approved plans to operate the program.

The Navajo Nation has qualified for this direct funding agreement.

“Families can now get reimbursed for caring of our children who are in the custody of Navajo Division of Social Services,” Begay said. “This law will ensure and promote stability for our children and their families.”

The three main focus areas are in foster care, adoption and guardianship. The Nation will also be reimbursed for training and administrative costs.

“Running the Title IV-E program is an exercise of tribal sovereignty. We will operate a Title IV-E program that is culturally sensitive,” President Shelly said.

Child welfare partners such as the Casey Family Program, Navajo Nation Judicial Branch, Division of Public Safety, Office of the Chief Prosecutor, Office of the Chief Public Defender, Department of Dine’ Education, Division of Health and Office of the President and Vice President were instrumental in getting the direct funding agreement approval.

A signing ceremony for the direct funding agreement will take place at Window Rock Veterans Park on June 27 beginning at 8 a.m. and ending at 3 p.m.

The public is welcome to attend and encouraged to RSVP.

Information: 928-871-6851

-30-

“Running the Title IV-E program is an exercise of tribal sovereignty.
We will operate a Title IV-E program
that is culturally sensitive.”
MANY FARMS, Ariz. – On Tuesday, the Resources and Development Committee received a report from the Navajo Nation Department of Water Resources director Najam H. Tariq, regarding the conditions of the facilities and the Water Management Plan under the Technical, Construction, and Operations Branch.

Tariq requested to replace the Many Farms Irrigation Office along with other field offices throughout various locations in the Navajo Nation that are in need of new buildings.

“We have a list here of buildings that are not safe and these are all field office buildings. These are the buildings where we provide direct services to our local Navajo Chapter communities and our local people. This office alone takes care of all the irrigation systems throughout various parts of the Navajo Nation,” stated Tariq.

Prior to the meeting, Tariq took the RDC members on a tour of the Many Farms Irrigation office which has a missing roof on the shop building.

“I was appalled when I stopped here, one day, and asked to use the facilities and to see the conditions that we subject our employees to,” stated RDC chair Council Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta).

According to the report, due to the severity of drought conditions that have significantly impacted the Navajo communities and livestock, the TCOB is currently constructing, repairing, maintaining livestock and irrigation water systems, which includes the proposed construction of new field offices.

“Like any other chapter, especially Many Farms Chapter, we need water. Please somewhere along the line, Resource and Development Committee, allocate water for us so we can provide for our rangeland, farmland, and so on,” stated Many Farms Chapter president Katherine O. Arthur.

Other TCOB responsibilities include the maintenance of irrigation water facilities such as, livestock earthen dams, windmills, storage tanks, water lines, water wells, pumping stations, and irrigation canals. The Navajo Nation currently has hundreds of miles of water lines and six irrigation systems.

“We do plan on repairing all the windmills, but it all depends on the availability of the funding, staff, and equipment,” stated Tariq, who also mentioned that the primary objectives are to repair existing water facilities and to maintain existing equipment.
President Ben Shelly declares U.S. Route 491 groundbreaking a historic achievement

TWIN LAKES, N.M.—Navajo Nation President Ben Shelly commended state, county, local and Navajo lawmakers and officials for their support in making U.S. Route 491 safer for all New Mexicans at a groundbreaking ceremony along the highway.

“There are many people we want to thank for making this four-lane construction a reality. First and foremost, thanks are in order for Sen. Pinto. His tireless efforts to widen this road have finally paid off,” President Shelly said.

He also thanked New Mexico Gov. Susana Martinez for her support and willingness to work with the Navajo Nation. The governor announced in March that $78 million was made available for the completion of the U.S. Route 491.

The project includes construction of two additional lanes, increasing capacity from two lanes to four lanes, drainage improvements and construction of acceleration and deceleration lanes in congested and high traffic areas. The project will stretch from mile marker 15.1, north of Twin Lakes to mile marker 36.9, south of Naschitti.

The highway is a major artery for travelers of the Four Corners Region and a hub for school buses, first responders, tourists and commercial truckers. The importance of this road was highlighted in July 5, 2013, when a portion of the road was closed due to monsoon floods. Traffic was detoured and caused a major inconvenience for travelers.

The stretch of highway was formerly known as “Devil’s Highway” due to the high fatality rate and number of vehicle accidents.

“Today, the four-lane highway has decreased the number of deaths and accidents. It as been a sound investment for New Mexico and for the Navajo Nation,” President Shelly added.

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WINDOW ROCK, Ariz.—Navajo Nation Vice President Rex Lee Jim is back home.

On August 28, Vice President Jim was admitted to Tsehootsooi Medical Center and was eventually transferred to the University of New Mexico Hospital on August 30, where he would be hospitalized for more than four weeks.

“I was bit by a brown recluse spider and its venom spread like wildfire through my lower left leg,” Vice President Jim said. “I also found out that after a lifestyle of healthy activities and eating and resting well I still ended up being diabetic.”

The diabetes affected his immune system in combating the venom. Vice President Jim was told that if the infection went above his knees it would have spread to his heart and lungs and took his life.

News of his diabetic status has only redoubled his efforts to fight the disease and encourage the Navajo people to do the same.

“Please continue to eat healthy and live healthy lifestyles. You must ensure you visit the hospital for your yearly checkups,” he said.

News of the vice president’s hospitalization was not released due to privacy considerations and safety concerns with visitors at the hospital, especially given the severity of infection to his leg.

Vice President Jim had to consent to have his leg amputated, if it became necessary. Thankfully, that was not the case and he is now on the road to recovery.

“They did a few surgeries to remove the infection, dead tissue, ligaments and muscles. In the end, they saved my leg and life,” he said.

He is working with physical therapists and is beginning to walk again. Vice President Jim will be at the Northern Navajo Nation Fair this weekend and the State of the Navajo Nation address later in the month.

-30-
Navajo Nation pleased to work with U.S. EPA on proposed carbon rule

The proposed supplemental rule sets tribal-specific goals for reducing carbon dioxide emissions and provides guidance for tribes to achieve those goals. It also allows the Navajo Nation to develop its own tribal carbon reduction plan if it chooses to do so. Tribes also have the opportunity to participate in multi-jurisdictional plans with the states in order to meet their reduction goals. The proposed supplemental rule will not require the existing power plants on the Navajo Nation to make further carbon emissions reductions. The proposed rule recognizes the significant reduction in carbon emissions from the early retirement of three units at Four Corners Power Plan and the one unit closure at Navajo Generating Station, which stemmed from U.S. EPA’s Best Available Retrofit Technology decisions for both plants to reduce nitrogen oxides emissions to improve visibility in Class I areas within the region.

President Ben Shelly led the Navajo Nation Carbon Team in its September 15 consultation with U.S. EPA. In that consultation, President Shelly expressed the Navajo Nation’s concerns with the pending supplemental rule, including the importance of keeping the power plants operating and the retention of carbon credits or allowances. He asked U.S. EPA to “think outside the box” when developing the supplemental rule for the Navajo Nation. Although U.S. EPA did consider future carbon reductions resulting from the BART determinations, they also incorporated the four building blocks used to develop the state emission rates set under the Clean Power Plan. President Shelly is concerned that such an approach is not appropriate for the Navajo Nation because of its unique situation compared to the states, including extremely high levels of poverty and unemployment.

President Shelly also said he believes U.S. EPA did incorporate some the Nation’s concerns into the supplemental rule, but that there is still room for improvement.

“It is clear from reading the supplemental rule that U.S. EPA did listen to the Navajo Nation and reflect on what we had to say,” President Shelly said. “But we know this is an ongoing discussion with them and that there is still room for improvement. I believe we can meet the goals of the Clean Power Plan and also develop a plan that creates a better future for the Navajo people. I look forward to those discussions.”

President Shelly added that the Navajo Nation will continue working in partnership with federal agencies and other stakeholders in addressing climate change, particularly measures directed at reducing carbon emissions, ensuring the continued economic viability of the Navajo, and protecting health and environment on the Navajo Nation.

He said, “Under this proposed scenario, we have an opportunity to optimize our energy resources, including development and management of natural gas resources and other zero-carbon emitting or low-carbon emitting resources. The Navajo Nation Energy Policy of 2013 highlights the importance of future development of cleaner renewable energy for the Nation.”

Stephen Etsitty, executive director for Navajo EPA, was pleased U.S. EPA adopted an emissions reduction plan for the Navajo Nation as a whole, not a plan only focused on NGS and FCPP. Etsitty noted that such a plan would provide the framework the Navajo Nation needs to retain and manage carbon credits and potentially participate in a carbon-trading program with other jurisdictions. Participation in such a trading program could provide an economic boost to the Navajo Nation economy.

The Navajo Nation Carbon Team is the Navajo Nation, Navajo EPA, Division of Natural Resources, Navajo Tribal Utility Authority, Navajo Transitional Energy Corporation and Navajo Nation Oil and Gas Company. Etsitty and Harrison Tsosie, Navajo Nation Attorney General, are co-chairs of the Navajo Nation Carbon Team. The purpose of the Navajo Nation Carbon Team is to take the lead in determining the course of action that will be best from an environmental, economic and cultural perspective in response to U.S. EPA’s Clean Power Plan.

The Navajo Nation looks forward to participating in the public meeting on Nov. 19, 2014 and submitting comments on the proposed supplemental rule by Dec. 19, 2014.
THE NAVAJO NATION

Proclamation

IN HONOR AND RECOGNITION OF THE LATE
NAVAJO CODE TALKER SAMUEL TSOSIE SR.

WHEREAS, The Navajo Nation is greatly saddened by the loss of the late Samuel Tsosie Sr., who served in the U.S. Marine Corps; and

WHEREAS, The late Samuel Tsosie Sr. was a Navajo Code Talker who served the United States of America, the Navajo Nation, and U.S. Marine Corps with courage, honor and distinction; serving from 1943 to 1945, when he was honorably discharged; and

WHEREAS, The late Samuel Tsosie served as a Navajo Code Talker and joined his U.S. Marine Corps brothers as radiomen communicating in every major battle of the Pacific including Iwo Jima, Guadalcanal, Tarawa, Saipan, Guam, Okinawa, and Peleliu; and

WHEREAS, The late Samuel Tsosie Sr. also was a Navajo Code Talker and a beloved member of the Navajo Code Talker Association, traveling to many states to participate in book signings and share the story of the Navajo Code Talkers; and

WHEREAS, The Navajo Nation unites and offers prayers for his family and friends during this time of grief;

NOW, THEREFORE, I, BEN SHELLY, President of the Navajo Nation, do hereby proclaim that all Navajo Nation flags shall be flown at half-staff in honor of the late Navajo Code Talker Samuel Tsosie Sr., from sunrise on November 25 to sunset on November 28, 2014.

ORDERED THIS 25th DAY OF NOVEMBER 2014

Ben Shelly, President

THE NAVAJO NATION
WINDOW ROCK, Ariz.—Yá’át’éeh Késhmish dóó Baa Hózhóógo Nee Nináadoohah!

Navajo Nation President Ben Shelly and First Lady Martha Shelly issued a statement of holiday cheer for the Christmas holidays.

“Christmas is a time for family, friends and goodwill toward all,” President Shelly said. “We wish the Navajo people an enjoyable holiday season and a blessed time with family.

“Please remember to check up on your elders and ensure they are not in need of firewood, food or water,” he added.

Navajo Nation Executive Branch employees have been given 16 hours administrative leave for Dec. 26 and Jan. 2, 2015. This includes temporary employees. In addition, early payroll release will scheduled for Dec 23. Christmas day and New Years day is a tribal holiday.

President Shelly said, “Please take this time to spend with your families during Christmas and to celebrate the New Year with Hozho’.”

He also encouraged the Navajo people to take every precaution to be safe during the holidays and discouraged texting while driving and driving under the influence of alcohol or drugs.

Thank you for your faithful service to the Nation and the Navajo people, President Shelly said to the more than 8,000 tribal employees working for the government. Emergency personnel and other first responders will continue to maintain services as needed, he said.

First Lady was thankful for a successful year filled with many accomplishments, including the free eye exams and eyeglasses distribution for Navajo children and elders through the One Sight Project courtesy of Walking Shield, Inc. and the re-establishment of the Navajo Nation Women’s Commission.

“Ahe’hee to our lady commissioners for bringing the issues many facing Navajo women to light,” First Lady said.

“May your Christmas with your families be a happy time.”

The Toys for Tots distribution has begun across the Navajo Nation, bringing toys to the less fortunate. The First Lady has participated in the event all four years of the administration. She encourages the Navajo Nation to join in the effort, including participation in the food and jacket drives taking place at various tribal communities.

“We wish you a happy holiday season filled with joy, peace and goodwill,” she said.
Vice President Jim on repatriation mission to Paris to retrieve sacred masks

WINDOW ROCK, Ariz.—Navajo Nation Vice President Rex Lee Jim is on a mission. On Dec. 11, he left for Paris, France for the repatriation of Navajo ceremonial masks.

The vice president will attend a meeting with the U.S. Embassy-Paris officials on Dec. 13 at 2 p.m. to discuss strategy for the return of the eight Yei Bi Chei masks on the auction block.

The masks were used in the Tl’ée’jí Hatáál, also known as the Night Way Chant healing ceremony. The nine-day ceremony features the use of Yei Bi Chei masks, which represent the Navajo deities, Talking God and Black God.

A private collector put the items up for auction through the Paris auction house. According to the Eve Company website, their business is operated by professionals recognized for their expertise and service in advising collectors on art, collectibles, furniture, jewelry, insurance estimates and mandatory tax returns. The company was founded in 2002.

The 140-page Eve American Indian and Columbian Art catalog features native masks, garments, sculptures, kachinas, jewelry, rugs, pottery, baskets and other items of cultural significance from tribes across the Americas. These items will be auctioned on Dec. 15.

Jared King from the Navajo Nation Washington Office will accompany Vice President Jim, along with Leonard Gorman and Rodney Tahe, from the Navajo Nation Human Rights Commission.

The Legislative Branch funded the trip for the NNHRC.

The Navajo Nation Council’s Naa’bik’iyati’ Committee and its subcommittee, the Sacred Site Task Force, held several meetings with Navajo Historic Preservation Department to plan for the return of the masks.

On Dec. 10, the task force directed the NNHRC to plan a delegation to retrieve the masks before the close of the auction. Bidding for the items will close on Dec. 15. The vice president was selected to join the delegation because of his knowledge as a Navajo medicine man and ability to authenticate the items.

The goal is the outright purchase of these items before they go on sale. The purpose of this trip is to retrieve eight Yei Bi Chei masks that were taken from the Navajo Nation and transported to Paris, France,” Vice President Jim said. “The goal is to outright purchase these items before they go on sale to the public.”

Each mask is valued from $300 to $1,000.

The Navajo Nation is working with the U.S. State Department, Department of Homeland Security and the U.S. Embassy officials to prepare for the auction.

King said, “Even Auction House has agreed to allow Vice President Jim, Leonard Gorman, Rodney Tahe and I to view the items on Dec. 13. The U.S. government has been notified and is aware of our intentions to retrieve these items and return them home.”

Upon the successful return of the ceremonial items, the Office of the President and Vice President will host a forum to explain that the sale of sacred tribal items is unacceptable. The need for this international dialogue has been growing for years and the Navajo Nation will voice its strong opposition to any such future auctions.
President Shelly executes line-item veto of Legislation No. CN-58-14

WINDOW ROCK, Ariz.—On Dec. 10, President Shelly executed his line-item veto authority on Legislation No. CN-58-14, which was for more than $1 million from the FY 2015 general funds budget.

According to the tribal council resolution, $541,946 was for funding salaries of legislative district assistants and $500,00 was for administrative service centers under the Navajo Division of Community Development.

On Sept. 15, President Shelly line-item vetoed the FY 2015 comprehensive budget because of Navajo Nation Council’s concerns about salaries for politically appointed positions. The reasoning was that the money could best be used for direct services to the Navajo people.

At that time, almost $2 million was earmarked for the legislative district assistants to cover salaries, travel expenses and communications costs in the FY 2015 budget. Because little has changed since that initial veto, the new legislation to fund those positions was vetoed again by the president.

“Little has changed since my last veto and as such, I hereby exercise my line-item veto authority again,” President Shelly said.

The president’s decision to veto $500,00 for the administrative service centers was rooted in the fact that there was no budget attached to the legislation. The funding requested was in support of the decentralization initiative, which was a directive from the Budget and Finance Committee on July 5, 2013.

The decentralization was to transition from five Local Governance Support Centers at the agencies to 16 administrative support centers at the district level.

“No budget forms were attached. Additionally, the legislation does not indicate whether Council intends for unallocated general funds, supplemental funds or the excess indirect cost recovery funds to be used,” President Shelly said.

“For these reasons, I must line-item veto this $500,000.”

-30-
MEMORANDUM

TO: Honorable LoRenzo Bates, Speaker Pro Tem
   The 22nd Navajo Nation Council

FROM: Ben Shelly, President
       THE NAVAJO NATION

DATE: December 10, 2014

SUBJECT: LINE-ITEM VETO OF LEGISLATION NO. CN-58-14:
RELATING TO BUDGET AND FINANCE, NAABIK'ÍYÁTI' AND
NAVAJO NATION COUNCIL; AMENDING CS-46-14
AND APPROVING FY2015 GENERAL FUNDS
OPERATING BUDGET REQUEST IN THE AMOUNT OF
$541,946 FOR THE NAVAJO NATION OFFICE OF
LEGISLATIVE SERVICES/LEGISLATIVE DISTRICT
ASSISTANTS PROGRAM, BUSINESS UNIT #NEW;
ADDING $500,000 FOR ADMINISTRATIVE SERVICES
CENTERS, BUSINESS UNIT NO. 108125

Pursuant to 2 N.N.C. §1005(C)(10), the above titled Legislation CN-58-14 is being
submitted to the Navajo Nation Council, through the Office of the Speaker, within the ten
(10) days requirement.

The Navajo Nation President has line-item veto authority for budget items within the
annual Navajo Nation Comprehensive Budget or Supplemental Appropriations, which are
not subject to override by the Navajo Nation Council. 2 N.N.C. §164(A)(17).

I hereby exercise my line-item veto authority by vetoing $ 541,946 funding from the
Unallocated General Fund Revenue for the Office of Legislative Services/Legislative
District Assistants, Business Unit #New of CN-58-14. On September 15, 2014, I line-
item vetoed similar legislation relating to the Legislative District Assistants (LDAs) and
am doing so again. During the fiscal 2015 budget process, Council Delegates stated that,
in their opinion, there were too many politically appointed individuals working for the
Nation. They stated and that the budget for those positions should be used for direct
services. Following this logic I agreed and line-item vetoed the $2 million approved for
the LDAs so it could be used for direct services for the Navajo People. Little has changed since my last veto and, as such, I hereby exercise my line-item veto authority again.

I hereby exercise my line-item veto authority by vetoing $500,000 for Administrative Service Centers, Division of Community Development, Business Unit No. 108125 of CN-58-14. Legislation No. CN-58-14 states that $500,000 is approved for Administrative Service Centers for the purpose of the Decentralization Initiative. It also states that the budget for the $500,000 is attached as Exhibit B to Legislation No. CN-58-14. No such budget forms are attached. Additionally, Legislation No. CN-58-14 does not indicate whether the Council intends for unallocated general funds, supplemental funds or the excess indirect cost recovery funds to be used. For the above stated reasons, I must line-item veto this $500,000.
RESOLUTION OF THE
NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL -- Fourth Year, 2014

AN ACT

RELATING TO BUDGET AND FINANCE, NAABIK'ÍYÁTI', AND NAVAJO NATION COUNCIL; AMENDING CS-46-14 AND APPROVING FY2015 GENERAL FUNDS OPERATING BUDGET REQUEST IN THE AMOUNT OF $541,946 FOR THE NAVAJO NATION OFFICE OF LEGISLATIVE SERVICES/LEGISLATIVE DISTRICT ASSISTANTS PROGRAM, BUSINESS UNIT #NEW, ADDING $560,600 FOR ADMINISTRATIVE SERVICE CENTERS, BUSINESS UNIT #NO. 108125

BE IT ENACTED:

SECTION 1. FINDINGS

A. The Navajo Nation Council is the governing body of the Navajo Nation, pursuant to 2 N.N.C. § 102 (A); and

B. Pursuant to 2 N.N.C. § 301 (B)(2) the Budget and Finance Committee is authorized to recommend adoption of resolutions related to the expenditure of the Nation’s financial resources; and

C. Pursuant to 2 N.N.C. § 164 (A)(9), a proposed resolution that requires final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee before it is heard by the Navajo Nation Council; and

D. Pursuant to 2 N.N.C. § 701(A)(5) the Naabik'íyáti' Committee shall serve as oversight for the Office of Legislative Services; and

E. The Navajo Nation Council, by the will of the Navajo People, has been reduced in the number of delegates from 88 to 24 and, as a consequence, the Standing Committees of the Navajo Nation Council has been reduced from 12 Standing Committees to five (5) Standing Committees, thereby increasing the workload of all Council Delegates, see generally CO-45-12; and
F. As a result of the increased workload for Council Delegates the position of Legislative District Assistant was created to perform a wide range of professional legislative work of considerable difficulty in providing general support to Council Delegates and specifically addressing inquiries from, and serving as a liaison to, constituents; and

G. For the Fiscal Year 2015 (FY2015) the Legislative Branch is appropriating $16,931,298 for its Operating Budget of which $15,329,977 constitutes General Fund Revenue, see CS-46-14(C)(1); and

H. The President of the Navajo Nation, in exercising line item veto authority, vetoed $1,769,803 from the Legislative Branch appropriation under the General Fund Revenue appropriation which funded the Office of Legislative Services/Legislative District Assistants Program, BU #New, see CS-46-14; and

I. Limited funding in FY2015 of $541,946, from October 1, 2014 to January 14, 2015, for the Office of Legislative Services/Legislative District Assistants Program, BU #New, is necessary to complete the work for the 22nd Navajo Nation Council Delegates, see Program Budget Summary Forms attached as Exhibit A; and

J. The Navajo Nation hereby finds it is in the best interest of the Navajo People to approve this FY2015 General Fund Operating Budget request.

SECTION 2. APPROVAL

A. The Navajo Nation hereby amends CS-46-14 and approves the request for $541,946 funding from the Unallocated General Fund Revenue for the Office of Legislative Services/Legislative District Assistants, Business Unit #New, to fund personnel and non-personnel line items as demonstrated in the Program Budget Summary Forms.

B. The Navajo Nation hereby amends CS-46-14 and approves $500,000 for Administrative Service Centers, Division of Community Development, Business Unit No. 108125, Budget Forms attached as Exhibit "B", for the purpose of Decentralization Initiative.
CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 13 in favor and 5 opposed, this 26th day of November 2014.

Lorenzo Bates, Pro Tem Speaker
Navajo Nation Council

12-1-14
Date

Motion: Honorable Elmer P. Begay
Second: Honorable Leonard Pete

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this ___ day of _________ 2014.

Ben Shelly, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C)(11), this ___ day of _________ 2014, for the reason(s) expressed in the attached letter to the Speaker.

Ben Shelly, President
Navajo Nation
3. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10) and 2 N.N.C. §164 (A) (17), on this 10th day of December, 2014. The justification of my line-item veto is set forth by memorandum.

[Signature]

Ben Shelly, President
Navajo Nation
GALLUP, N.M.—Alcohol is big business.
Efforts to come to grips with alcohol related fatalities and crimes in the city of Gallup isn’t anything new. In the 1980s, the city was dubbed “Drunk Town, USA” and sensationalized news reports spread the name nationally.

City leaders from that era joined forces with tribal and county leadership to march on Santa Fe to bring attention to the issue. During that time, McKinley County Commissioner Ben Shelly joined the contingent of citizens fed up with the alcohol related fatalities and crimes.

The group’s efforts eventually resulted in closure of drive-up package liquor sales in Gallup and millions of dollars in federal funding for the construction and operation Na’nízhoozhi Center, Inc. In June 2013, the funding dried up for NCI and the non-profit organization was forced to close their doors after more than 20 years of service.

On Oct. 24, 2013, the Navajo Nation entered into a memorandum of agreement with the city of Gallup and McKinley County to reopen the center. Since taking over management of the Gallup Detoxification Center on Jan. 1, 2014, the Navajo Department of Behavioral Health Services has spent more than $582,000 providing services.

The city of Gallup has contributed $320,000 to DBHS for an operating budget of close to $1 million. The city funds were collected from the Alcohol Excise Tax at a rate of 10 percent. Despite this joint effort to fight alcoholism, the MOA has fallen short of meeting the full extent of needs related to providing treatment to those in need.

**Partnership is the key**
On the evening of Dec. 8, President Shelly joined state, county and city officials to focus on the swelling number of people going through the detox center, numbers that have averaged about 2,400 people per month. Sen. George Munoz hosted the meeting at the Lighthouse Church in Gallup, which was packed with hundreds of people.

Munoz encouraged the audience not to dwell on what went wrong with NCI, but to instead focus on solutions and moving forward with the Gallup Detox Center. Given the number of people in attendance, he was determined to maintain a respectful atmosphere.

“I do have some ground rules for the meeting,” Munoz said. “There will be no racial remarks. No outbursts, no speaking out of turn.

“This is not a blame game. This is solution road,” he added.

President Shelly was the first to speak and reflected on the march to Santa Fe with former Gallup Mayor Eddie Munoz.

“We fought the liquor establishments. It’s very hard to fight them, their lobbyists are very powerful,” President Shelly said.

President Shelly said that during his tenure as county commissioner, he never approved the renewal of any alcohol licenses. The effort was often for naught, however, because the N.M. Gaming and Alcohol Division would eventually overrule their decision, he said.
“We need to put our heads together and take care of this alcohol thing. We need to start talking to business people,” President Shelly said, in reference to liquor store and bar owners.

Gallup Fighting Back

David Conejo provided a history of Fighting Back initiative back from 1989, when Gallup was in the headlines for 31 deaths related to alcohol. The fatalities were from exposure, driving while intoxicated and people getting run over by trains. He said the turning point was a head-on collision involving a white DWI motorist that killed three natives in the other vehicle.

“In particular, this accident was important because it was an Anglo that ran into a Native American family. Now we (were able to) bring the attention to the universal aspect of this problem,” Conejo said.

He said the march to Santa Fe resulted in $400,000 in seed money to study the feasibility of a detoxification center in Gallup. Once the center was built, it was under the management of the hospital for a period of two years, and provided medical and social detoxification. A $3 million grant from the Robert Wood Johnson Foundation got the facility off the ground.

People who went through the center were held for three days and some were referred to a 28-day rehabilitation program, and others to an intake-shelter-bed program for adolescents. However, Conejo said the most important aspect was the work rehabilitation program that provided employment through construction and laundry services or a kiln that produced cups, plates and other wares.

“At the end of 90 days, people would be able to go out and seek employment and use us for a reference. We could say they’ve been through treatment, they’ve been through rehab and they’ve been gainfully employed,” Conejo said.

Gallup Detox Center

Since taking over the Gallup Detox Center in Jan., the DBHS has averaged about 2,400 clients per month. The lowest admissions at the center occurred in June with 2,014 people and the highest was in August with 2,699.

Ramona Antone Nez, division director for the Navajo Department of Health, said DBHS is addressing the “revolving door” effect of the center. She said medical detox services will be contracted out and that the 12-hour hold will be increased to 72 hours for protective custody. Her timeline for implementation was one week.

“The Navajo Nation respectfully requests that the Gallup Police Department resume patrolling the ditches, arroyos and alleys for individuals who are intoxicated and the greatest at risk to exposure,” Nez said.

She also mentioned the need to repair the HVAC system of the detox center. With the new policy changes, the annual budget for protective custody, intervention, treatment, medical detox and aftercare treatment will rise up to $2 million.

“We appreciate and accept the assistance of Senator Munoz to advocate for state resources,” Nez said.

The meeting concluded with a question and answer period.

-30-

Ramona Antone Nez, the newly appointed division director for the Navajo Department of Health, said the Gallup Detox Center needs to end the “revolving door” effect by keeping clients longer than 12 hours and providing them with medical detox in some cases. (Photo by Rick Abasta)

Navajo Nation Council Delegate Edmund Yazzie said, “This is not only a Navajo issue, this is an all-races issue.” Yazzie noted the fact that there wasn’t a single liquor store or bar owner in attendance at the meeting to hear the issues facing Gallup. (Photo by Rick Abasta)

David Conejo, a former hospital administrator and mastermind behind the Fighting Back initiative, said that Gallup is in the same position it was in back in 1989, when they made headlines for 31 alcohol related deaths ranging from exposure to DWI. (Photo by Rick Abasta)
President Shelly vetoes Legislation No. CN-55-14, approves two other bills

WINDOW ROCK, Ariz.—On Dec. 5, President Ben Shelly exercised his line item veto authority for Legislation No. CN-55-14, which requested $1 million from the Unreserved, Undesignated Fund Balance for the Office of the Speaker to provide eyeglasses and burial assistance within the five agencies of the Navajo Nation and $300,000 in supplemental funding to provide burial assistance.

“Providing eyeglasses for the youth and elders is of great importance, but the appropriate and capable agency to ensure proper distribution is the Navajo Division of Social Services, not the Office of the Speaker,” President Shelly said.

His reasons for vetoing the $300,000 supplemental funding request from the UUFB to fund burial assistance costs by the speaker’s office was the same.

“Providing burial assistance to our low-income Navajo families is appropriate and of great importance,” President Shelly said. “However, the appropriate and capable agency to ensure proper distribution is the Navajo Division of Social Services, not the Office of the Speaker.”

He said the Office of the President and Vice President would consider funding a similar supplemental legislation that would direct funds to the Division of Social Services.

Currently, the division has offices located in all five agencies and already has programs in place for burial assistance and eyeglasses for low-income families.

President Shelly approved Legislation No. CN-57-14. The bill requested $980,000 for the purchase of 67.39 acres of land located in Farmington, N.M. from Rolling Mesa LLC.

The purchase is in accordance with the Navajo Nation Land Acquisition Policy and has been in progress since Jan. 13, 2014, when the owner accepted the purchase price of $980,000. The land is located at the southwest junction of Highway 371 and N376 in Farmington.

The Navajo Nation Gaming Enterprise, Upper Fruitland Chapter and the Navajo Division of Economic Development will utilize the land for commercial development.

President Shelly also approved Legislation No. CN-62-14. The bill requested a name change for Navajo Mountain Chapter to Naa’tsis’áán Chapter.

Navajo Mountain Chapter approved the name change request on Aug. 24, 2014 through Chapter Resolution No. NM008/323-14. The new name will be incorporated into all appropriate sections of the Navajo Nation Code and shall be recorded and reflected in all records maintained by the Navajo Nation.

-30-
MEMORANDUM

TO: Honorable LoRenzo Bates, Speaker Pro Tem
    The 22nd Navajo Nation Council

FROM: Ben Shelly, President
      THE NAVAJO NATION

DATE: December 5, 2014

SUBJECT: LINE-ITEM VETO OF LEGISLATION NO. CN-55-14: RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE, NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF $1,000,000 FOR THE NAVAJO NATION OFFICE OF THE SPEAKER, BUSINESS UNIT NEW, TO FUND EYEGlasses FOR YOUNG PEOPLE AND ELDERLY PERSONS WITHIN THE FIVE AGENCIES AND $300,000 FOR BURIAL ASSISTANCE

Pursuant to 2 N.N.C. §1005(C)(10), the above titled Legislation CN-55-14 is being submitted to the Navajo Nation Council, through the Office of the Speaker, within the ten (10) days requirement.

The Navajo Nation President has line-item veto authority for budget items within the annual Navajo Nation Comprehensive Budget or Supplemental Appropriations, which are not subject to override by the Navajo Nation Council. 2 N.N.C. §164(A)(17).

I hereby exercise my line-item veto authority by vetoing supplemental funding from the unreserved, undesignated fund balance in the amount of $1,000,000 for the Office of the Speaker, business unit new, of CN-55-14. Providing eyeglasses for the young and elders is of great importance, but the appropriate and capable agency to ensure proper distribution is the Navajo Nation Division of Social Services, not the Office of the Speaker.
I hereby exercise my line-item veto authority by vetoing supplemental funding from the unreserved, undesignated fund balance in the amount of $300,000 for the Office of the Speaker, for burial assistance of CN-55-14. Providing burial assistance to our low-income Navajo families is appropriate and of great importance. However, the appropriate and capable agency to ensure proper distribution is the Navajo Nation Division of Social Services, not the Office of the Speaker.

The Navajo Nation Division of Social Services has and continues to be the most appropriate agency to ensure eyeglasses are supplied to children and elders and burial assistance to families in need. Unlike the Office of the Speaker, the Division of Social Services has a presence within the five Navajo Nation agencies. Additionally, the Division of Social Services has protocols in place that will ensure that those in need can obtain assistance without the worry that issues, similar to those that occurred regarding discretionary funding use.

The Office of the President would consider funding a similar supplemental legislation that will direct the funds to the Division of Social Service.
RESOLUTION OF THE
NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL -- Fourth Year, 2014

AN ACT

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; BUDGET AND FINANCE, NAABIK'ÍYÁTI', AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF $1,000.00 FOR THE NAVAJO NATION OFFICE OF THE SPEAKER, BUSINESS UNIT NEW, TO FUND EYEGGLASSES FOR YOUNG PEOPLE AND ELDERLY PERSONS WITHIN THE FIVE AGENCIES OF THE NAVAJO NATION AND $300,000 FOR BURIAL ASSISTANCE

BE IT ENACTED:

SECTION 1. FINDINGS

A. The Navajo Nation has an unmet need for eyeglasses for young people, Headstart to 12 grade, and elderly persons, 55 years and older.

B. Due to the epidemic of financial hardships for Navajo families, they are unable to purchase eyewear for young family members and elderly persons which then hinders their education, livelihood and stability.

C. Other medical benefit program that cover eyewear, such as New Mexico Medicaid and Arizona Health Care Cost Containment System (AHCCCS), include restrictions, limitations and eligibility requirements that affect Navajo individuals in receiving proper eye care and eyewear.

D. The Plan of Action for eyewear service will include distribution of services to each Navajo Agency to serve an estimated 9,000 young persons and an estimated 9,000 elderly people with frames and single vision or bifocal lenses.

E. Eligibility for services will be based on need as determined by low income eligibility standards for welfare benefit services and application for services will be administered by each Navajo Agency.

F. The Supplemental Funding will be deposited with the Navajo Nation Office of the Speaker; the Program Budget Summary is attached as Exhibit "A."
G. The Navajo Nation hereby finds it is in the best interest of the Navajo People to approve this supplemental funding request.

SECTION 2. APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF $1,000,000 FOR THE NAVAJO NATION OFFICE OF THE SPEAKER, BUSINESS UNIT NEW

A. The Navajo Nation, having received certification by the Office of the Controller that as of July 14, 2014 the balance in the Unreserved, Undesignated Fund Balance is $9,593,752, attached as Exhibit “B.”

B. This supplemental appropriation of $1,000,000 shall be for [redacted for confidentiality] from that amount of funds that exceeds the minimum fund balance of the Unreserved, Undesignated Fund Balance as determined by the Office of the Controller, pursuant to 12 N.N.C. § 820(L).

C. The Navajo Nation hereby approves supplemental funding from the Unreserved, Undesignated Fund Balance in the amount of $1,000,000 for the Navajo Nation Office of the Speaker, business unit #New, to fund eyeglasses for young people and elderly person within the five Agencies of the Navajo Nation, and $300,000 for burial assistance. And for the Office of the Speaker to develop policies and procedures for the application process for distribution of the funds.

D. The supplemental funding request will follow the Navajo Nation Procurement Policies requirements.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 8 in favor and 4 opposed, this 14th day of November 2014.

LoRenzo Bates, Pro Tem Speaker
Navajo Nation Council

Motion: Honorable George Apachito
Second: Honorable Edmund Yazzie
ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C)(10), on this _____ day of ______________ 2014.

   Ben Shelly, President
   Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of ______________ 2014 for the reason(s) expressed in the attached letter to the Speaker.

   Ben Shelly, President
   Navajo Nation

3. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10) and 2 N.N.C. §164 (A) (17), on this _____ day of DEC 05 2014, 2014. The justification of my line-item veto is set forth by memorandum.

   Ben Shelly, President
   Navajo Nation
President Shelly praises Navajo contestants in Wrangler National Finals Rodeo

Kassidy Dennison is contestant number 35 at this year’s Wrangler National Finals Rodeo. She will be joined by fellow Navajos Erich Rogers, number 19 and Aaron Tsinigine, number 82. (Courtesy photo)

WINDOW ROCK, Ariz.—President Ben Shelly said the opportunity to see Navajo contestants performing in the 2014 Wrangler National Finals Rodeo is a source of pride. He wished the contestants the best for tonight’s opening round in Las Vegas.

“These athletes are great role models for our Navajo people,” President Shelly said. “We’ll be cheering you on every step of the way. Make us proud.”

Having Navajo contestants as card-carrying members of the Professional Rodeo Cowboys Association and competing on the big stage is no longer a dream, he added.

One Navajo cowgirl has the opportunity to shatter the glass ceiling this year.

Tohatchi, N.M. cowgirl Cassidy Dennison and her horse, Eagle, will be competing in barrel racing at this year’s NFR. Dennison is an eight-time Indian World Champion and was the 2010 National High School Breakaway Robing Champion.

She’s currently ranked number 10 in the 2014 World Standings and has earned more than $92,051 for the year.

“She’s an exciting cowgirl to watch. Go fast, Cass,” President Shelly said.

One Navajo cowboy is no stranger to the Big Show and has proven his mental and physical toughness time and again.

Erich Rogers, of Round Rock, Ariz., will again be competing in team roping (heading) and tie-down roping. Rogers is no stranger to the NFR and has won big money over the years, including last year’s first place tie in Round 2 of the team roping competition with a time of 4.5 seconds.

Rogers is currently ranked number 2 in the 2014 World Standings and has earned more than $101,421 for the year.

President Shelly said Rogers is another exciting Navajo cowboy to watch because of his timing and quickness. He said Rogers needs to cowboy up for tonight’s opening round.

Also competing in team roping (heading) at this year’s NFR is Aaron Tsinigine of Tuba City, Ariz. This Navajo cowboy is currently ranked number 14 in the 2014 World Standings and has earned $68,074 on the year. It’s his first qualification to the NFR.

Tsinigine’s hasn’t won a world title yet, but President Shelly is confident that he will overcome the nervousness of competing this year to do well for the Finals.

“Good luck to all of our Navajo athletes competing this year. We’ll be tuning in and cheering for our cowboys and cowgirl to show the world how the Navajo Nation rodeos,” President Shelly said.

The NFR will air nightly from 8 to 11 p.m. (MST) from Dec. 5-14, 2014 on CBS Sports Network.

-30-
THE NAVAJO NATION

Proclamation

IN HONOR AND RECOGNITION OF THE LATE
NAVAJO POLICE OFFICER ERNEST J. MONTOYA SR.

WHEREAS, The Navajo Nation is greatly saddened by the loss of the late Ernest J. Montoya Sr., who served as a Navajo Police officer; and

WHEREAS, The late Ernest J. Montoya Sr. was a Navajo Police officer who served the Navajo Nation, and Dilkon District with courage, honor, and distinction from 1993 to 2014, when he reached the End of Watch; and

WHEREAS, The late Ernest J. Montoya Sr. served as a Navajo Police officer and joined his fellow Navajo Police officers with dedication to serving and protecting the Navajo people, in partnership with tribal communities, to enhance the quality of life within the Navajo Nation; and

WHEREAS, The late Ernest J. Montoya Sr. was a Navajo Police officer and a beloved member of the Navajo Division of Public Safety, continually striving to be professional, respectful, and responsive to the changing needs of the Navajo culture, people, and communities; and

WHEREAS, The Navajo Nation unites and offers prayers for his family and friends during this time of grief.

NOW, THEREFORE, I, BEN SHELLY, President of the Navajo Nation, do hereby proclaim that all Navajo Nation flags shall be flown at half-staff in honor of the late Ernest J. Montoya Sr., from sunrise on December 3 to sunset on December 6, 2014.

ORDERED THIS 3rd DAY OF DECEMBER 2014

[Signature]
Ben Shelly, President
THE NAVAJO NATION
President Shelly enacts amendments to criminal code of the Navajo Nation

WINDECK ROCK, Ariz.—President Shelly enacted legislation on Dec. 1 to amend the Navajo Nation Criminal Code, provide Navajo language and culture assistance to residents in Phoenix, and execute the purchase of more than 67 acres of land in Farmington, N.M.

CN-52-14, a bill amending the sentencing provisions of Title 17 of the Navajo Nation Code, was signed into law. Efforts to amend this portion of the code have been ongoing since Jan. 2000, when the Navajo Nation Council eliminated imprisonment and fines for a number of criminal offenses.

The new amendments restore some of those changes made in response to the lack of detention facilities.

“This is a good law,” President Shelly said.

Law and Order Committee members Alton Shepherd (Cornfields, Ganado, Jeddito, Kinlichee, Steamboat) and Edmund Yazzie (Church Rock, Iyanbito, Mariano Lake, Pinedale, Smith Lake) joined President Shelly for the signing and expressed gratitude.

“I just want to say thank you. First and foremost, it was a team effort and I appreciate the task force,” Shepherd said.

“Now that the jails are adequate, we need to update the criminal code to where it is, including giving the judges a little bit more flexibility.”

“President, thank you,” Yazzie said.

The new construction of additional detention facilities has provided the Nation an opportunity to address violent and serious crimes committed within tribal jurisdiction. These are offenses not prosecuted by the U.S. Attorney’s Office.

On July 23, 2012, the Law and Order Committee established a task force to review the sentencing provisions for the criminal code. The task force hosted public hearings and a radio forum for their outreach efforts. Public sentiment was for stronger sentencing provisions.

The amendments were made for enforcement, general provisions, sentencing, offenses, and penalties. The 132-page bill also includes amendments correlating to changes in the Navajo Nation Council standing committees resulting from the 88-to-24-member reduction.

President Shelly also signed into law CN-53-14, which provides $148,325 from the Unreserved, Undesignated Fund Balance for the Phoenix Indian Center to provide Navajo language and culture classes, information seminars and social services for tribal members residing in the Phoenix metropolitan area.

A non-profit entity, the Indian Center relies on funding from the Arizona Inter-Tribal Trust Fund, especially the Navajo Trust Funds to provide services to more than 4,000 Navajos living in the city that utilize their services.

The UUFB funds will cover the salary of two Navajo staff working for the Indian Center to continue providing Navajo language and culture opportunities for urban Navajos.

BN-57-14 was also signed into law by President Shelly to provide $980,000 in closing costs for the purchase of 67.39 acres of land in accordance with the tribal Land Acquisition Policy.

The land, previously owned by Rolling Mesa, LLC, is located at the southwest junction of Highway 371 and N376 in Farmington. The owner agreed upon the fair market value purchase price of $980,000 on Jan. 13, 2014. Funds to purchase the land will come from the FY 2014 Land Acquisition Trust Fund.

The Navajo Nation Gaming Enterprise, Upper Fruitland Chapter and Navajo Nation Division of Economic Development will utilize the land for commercial development. The next step is to put the land into trust status.

President Shelly vetoed Legislation No. CN-56-14. The legislation would have amended Title 5 of the Navajo Nation Code to authorize the formation of a low-profit LLC. However, the president said the uncertainty and confusion of the business structure played a factor in his decision to veto the legislation.

He had particular concerns with the lack of amendments to the internal revenue code to reflect the LLC structure.

-30-
MEMORANDUM

TO: Honorable Lorenzo Bates, Speaker Pro Tem
The 22nd Navajo Nation Council

FROM: Ben Shelly, President
THE NAVAJO NATION

DATE: December 1, 2014

SUBJECT: Legislation No. CN-56-14: RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, BUDGET AND FINANCE COMMITTEE, LAW AND ORDER COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING TITLE 5 N.N.C. §§ 3600, 3601 AND 3605 AND ADOPTING NEW 5 N.N.C. § 36020A IN THE NAVAJO NATION LIMITED LIABILITY COMPANY ACT TO AUTHORIZE THE FORMATION OF A LOW-PROFIT LIMITED LIABILITY COMPANY

Pursuant to 2 N.N.C. §1005(c)(10), the above titled Legislation CN-56-14 is being submitted to the Navajo Nation Council, through the Office of the Speaker, within the ten (10) day requirement. 2 N.N.C. §1005(c)(10) establishes the Navajo Nation President’s authority to veto legislation passed by the Navajo Nation Council. I hereby exercise my veto authority with this legislation.

I understand that this particular language authorizing creation of a Low-Profit Limited Liability Company (“L3C”) has been adopted by several states and two tribes, it is also my understanding that the State of North Carolina has abolished the structure from its code books. There is uncertainty and confusion if this structure benefits all involved this type of business structure within the Navajo Nation. Additionally, it is my understanding, the Internal Revenue code has not been amended to reflect the changes in businesses such as L3C structure, and therefore the charitable investors may find themselves at odd with the IRS.

I strongly suggest the Navajo Nation Department of Justice and Navajo Tax Commission Office do a legal and tax analysis on this structure and what the benefit and concerns the Nation should have in adding the L3C. For the reasons stated above, I hereby veto CN-56-14.

cc: Executive file
RESOLUTION OF THE
NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL—FOURTH YEAR, 2014

AN ACT

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, BUDGET AND
FINANCE COMMITTEE, LAW AND ORDER COMMITTEE, NAABIK’ÍYÁTI’
COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING TITLE 5 N.N.C. §§
3600, 3601 AND 3605 AND ADOPTING NEW 5 N.N.C. § 3620A IN THE
NAVAJO NATION LIMITED LIABILITY COMPANY ACT TO AUTHORIZE THE
FORMATION OF A LOW-PROFIT LIMITED LIABILITY COMPANY

BE IT ENACTED:

SECTION 1. FINDINGS

1. The Resources and Development Committee exercises oversight
authority over economic and community development and commerce
and trade. 2 N.N.C. § 500 (c).

2. The Resources and Development Committee reviews and makes
recommendations to the Navajo Nation Council for final approval
of resolutions requiring Navajo Nation Council approval to
accomplish or impact the Committee purposes. 2 N.N.C. § 501
(B)(4)(f).

3. The Resources and Development Committee serves as the
oversight committee of the Division of Economic Development. 2
N.N.C. § 501 (C)(1).

4. The Budget and Finance Committee has the oversight authority
to recommend to the Navajo Nation Council the adoption of
resolutions designed to strengthen the fiscal and financial
position of the Navajo Nation and to promote the efficient use
of the fiscal and financial resources of the Navajo Nation. 2
N.N.C. § 300 (C)(3).

5. The Law and Order Committee has the power to review and make
recommendations to the Navajo Nation Council on proposed
amendments to and enactments in the Navajo Nation Code. 2.
N.N.C. § 601 (B)(14).
6. The Naabik'íyáti' Committee has the authority to determine whether a resolution shall proceed to the Council or be referred back to a standing committee. 2 N.N.C. § 700 (G).

7. A low-profit limited liability company is a new variation of the limited liability company (LLC).

8. A low-profit limited liability company combines the charitable purposes of a 501(c)(3) organization with the for-profit purposes of an LLC, in which its investors voluntarily accept a lower dividend on the net profits than would be considered appropriate for the financial risk of their investment.

9. A low-profit limited liability company is primarily focused on the achievement of a socially beneficial purpose, with recognition by its investors, and the community at large that its profit making objectives are of secondary importance.

10. The Navajo Nation hereby finds that the authorization of the formation of a low-profit limited liability company in the Navajo Nation Limited Liability Company Act is in the best interests of the Navajo People.

SECTION 2. AMENDING 5 N.N.C. §§ 3600, 3601 AND 3605

The Navajo Nation Council hereby amends 5 N.N.C. §§ 3600, 3601, and 3605 as follows:

NAVAJO NATION CODE ANNOTATED
TITLE 5. COMMERCE AND TRADE
CHAPTER 21. NAVAJO NATION LIMITED LIABILITY COMPANY
ARTICLE 1. GENERAL PROVISIONS

§ 3600. Policy and purpose

The Navajo Nation Limited Liability Company Act is hereby enacted:

A. The purpose of this Act is to permit the formation of various limited liability entities, low-profit limited liability entities (L3C), and require registration of foreign limited liabilities; and to regulate such entities so as to promote economic growth and further exercise Navajo Nation sovereignty in the governance of its territory, and citizens.

Page 2 of 8
§ 3601. Definitions

In this Chapter, unless the context otherwise requires:

A. "Articles of organization" means initial, amended, and restated articles of organization and articles of merger. In the case of a foreign limited liability company, the term includes all records serving a similar function required to be filed in the Department or other official having custody of company records in the State, Indian Nation or country under whose law it is organized.

B. "At-will company" means a limited liability company other than a term company.

C. "Business" includes every trade, occupation, profession, and other lawful purpose, whether or not carried on for profit.

D. "Debtor in bankruptcy" means a person who is the subject of an order for relief under Title 11 of the United States Code or a comparable order under a successor statute of general application or a comparable order under federal, state, or foreign law governing insolvency.

E. "Department" means the Business Regulatory Department within the Division of Economic Development or its designate successor.

F. "Distribution" means a transfer of money, property, or other benefit from a limited liability company to a member in the member's capacity as a member or to a transferee of the member's distributional interest.

G. "Distributional Interest" means all of a member's interest in distributions by the limited liability company.

H. "Entity" means a person other than an individual.

I. "Foreign limited liability company" means an unincorporated entity organized under laws other than the laws of the Navajo Nation which afford limited liability to its owners comparable to the liability under Section 3642 and is not required to obtain a certificate of authority to transact business under any law of the Navajo Nation other than this Act.
J. "Limited liability company" means a limited liability company organized and existing under this Act.

K. "Low-profit limited liability company" means a for-profit limited liability company that is organized and exists pursuant to this Act and that does not have as a significant purpose the production of income or the appreciation of property.

L. "Manager" means a person, whether or not a member of a manager-managed company, who is vested with authority under Section 3640.

M. "Manager-managed company" means a limited liability company which is so designated in its articles of organization.

N. "Member-managed company" means a limited liability company other than a manager-managed company.

O. "Navajo Nation" means:

1. When referring to the body politic, the Navajo Nation government, including its Council and applicable standing committees and boards;

2. When referring to governmental territory, all land within the territorial boundaries of the Navajo Nation, including:

   a. All land within the exterior boundaries of the Navajo Indian Reservation, including the Navajo Partitioned Land, or of the Eastern Navajo portion of the Navajo Nation, including Alamo, Canoncito, and Ramah, or of Navajo dependent Indian communities, including all lands within the boundaries of Navajo chapter governments;

   b. All lands held in trust by the United States for, or restricted by the United States or otherwise set aside or apart under the superintendence of the United States for, the use or benefit of the Navajo Nation, the Navajo Tribe, any Band of Navajo Indians, or any individual Navajo Indian as such; and
c. All other land over which the Navajo Nation may exercise governmental jurisdiction in accordance with federal or international law.

Q. P. "Operating agreement" means any written under Section 3603 concerning the relations among the members, managers, and limited liability company. The term includes amendments to the agreement.

P. Q. "Person" includes any individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, government subdivision, government agency, or instrumentality, or any other legal or commercial entity.

Q. R. "Principal office" means the office, whether or not in the Navajo Nation, where the principal executive office of a domestic or foreign limited liability company is located.

R. S. "Record" means information that is inscribed on a tangible medium or that it stored in an electronic or other medium and is retrievable in perceived form.

S. T. "Sign" means to identify a record by means of a signature, mark, or other symbol, with intent to authenticate it.

T. U. "State" means a state of the United States, a federally-recognized Indian Tribe, the District of Columbia, the Commonwealth of Puerto Rico or any territory or insular possession subject to the jurisdiction of the United States.

U. V. "Term company" means a limited liability company in which its members have agreed to remain members until the expiration of a term specified in the articles of incorporation.

V. W. "Transfer" includes an assignment, conveyance, deed, bill of sale, lease, mortgage, security interest, encumbrance, and gift.

****
§ 3605. Name

The name of a limited liability company as set forth in its articles of organization shall:

A. Contain the words "limited liability company" or limited company" or the abbreviations "L.L.C.," "LLC," "L.C.," or "LC," or if organized as a low-profit limited liability company shall contain the term "L3C", in upper or lower case letters. Limited may be abbreviated as "Ltd.", and "company" may be abbreviated as "Co.".

****

SECTION 3. ADOPTING A NEW 5 N.N.C. § 3602A TO AUTHORIZE THE FORMATION OF A LOW-PROFIT LIMITED LIABILITY COMPANY

The Navajo Nation Council hereby adopts new 5 N.N.C. § 3620A:

NAVAJO NATION CODE ANNOTATED
TITLE 5. COMMERCE AND TRADE
CHAPTER 21. NAVAJO NATION LIMITED LIABILITY COMPANY
ARTICLE 2. ORGANIZATION

****

§ 3620A. Low-profit limited liability company

A. A limited liability company that intends to qualify as a low-profit limited liability company pursuant to this section shall indicate the intention in its articles of organization and further state that:

1. No significant purpose of the company is the production of income or appreciation of property; however, significant income or capital appreciation is not conclusive evidence of a significant purpose in the absence of other factors.

2. No purpose of the company is to accomplish one or more political or legislative purposes within the meaning of Section 170 (c) (2) (D) of the Internal Revenue Code of 1986, 26 U.S.C. § 170 (c) (2) (D), or its successor.
B. A low-profit limited liability company shall at all times significantly further the accomplishment of one or more charitable or educational purposes within the meaning of Section 170 (c) (2) (B) of the Internal Revenue Code of 1986, 26 U.S.C. § 170 (c) (2) (B) or its successor, and would not have been formed but for the relationship to the accomplishment of such charitable or educational purposes.

C. A company that no longer satisfies the requirements of this section continues to exist as a limited liability company and shall promptly amend its articles of organization so that its name and purpose no longer identify it as a low-profit limited liability company.

D. This section does not prevent a limited liability company that is not organized as a low-profit limited liability company from electing a charitable or educational purpose in whole or in part for doing business.

****

SECTION 4. EFFECTIVE DATE

The amendments of the Navajo Nation Code enacted herein shall be effective pursuant to 2 N.N.C. § 221(B).

SECTION 5. CODIFICATION

The provisions of this Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

SECTION 6. SAVINGS CLAUSE

Should any provision of this Act be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation without appeal to the Navajo Supreme Court, those provisions of the Act not determined invalid shall remain the law of the Nation.
CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 14 in favor and 0 opposed, this 14th day November 2014.

LoRenzo Bates, Pro Tem Speaker
Navajo Nation Council

11-21-14
Date

Motion: Honorable Alton Joe Shepherd
Second: Honorable Jonathan Hale

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this ____ day of _______________ 2014.

Ben Shelly, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this ____ day of DEC 01 2014, 2014, for the reason(s) expressed in the attached letter to the Speaker.

Ben Shelly, President
Navajo Nation
RESOLUTION OF THE
NAVAJO NATION COUNCIL

22ND NAVAJO NATION COUNCIL -- Fourth Year, 2014

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT, NAABIK'ÍYÁTI' COMMITTEES
AND NAVAJO NATION COUNCIL; REGARDING THE PURCHASE OF THE ROLLING
MESA, L.L.C. PROPERTY OFFERED FOR SALE TO THE NAVAJO NATION BY
THE OWNER, 67.39 ACRES, MORE OR LESS, LOCATED WITHIN SAN JUAN
COUNTY, FARMINGTON, NEW MEXICO FOR $980,000 PLUS CLOSING COSTS

BE IT ENACTED:

Section One. Findings

1. Pursuant to 2 N.N.C. §501 (B) (4) (a), §501 (B)(1), and 16
N.N.C. §7, the Resources and Development Committee of the
Navajo Nation Council is authorized and empowered to
investigate, negotiate and recommend all purchases and
acquisitions of real estate by and for the Navajo Nation; and

2. Pursuant to 2 N.N.C. §501 (B) (4) (a) and the Navajo Nation
Policy on Acquisition of Lands "Land Acquisition Policy",
16 NNC §§ 1-10, the Resources and Development Committee
oversees the land acquisition proposals and recommends such
proposals to the Navajo Nation Council; and

3. Pursuant to 2 N.N.C. §164(9) a proposed resolution that
requires final action by the Navajo Nation Council shall be
assigned to the standing committee having authority over
the subject matter at issue and the Naabik'íyáti' Committee.

4. The Navajo Nation Council by Resolution CJY-54-94
established a Land Acquisition Trust Fund within the Navajo
Land Department for the purchase of lands for the Navajo
Nation according to the Land Acquisition Policy and
Procedures and the Navajo Land Consolidation Act of 1988; and
5. Tammara A. Price, General Manager, Rolling Mesa, L.L.C., offered for sale 67.39 deeded acres, located within Sections 19 & 20, T29N, R13W, NMPM, San Juan County, at the southwest junction of Highway 371 (Bisti Road) and N376, Farmington, New Mexico; and

6. On January 13, 2014, the owner accepted agreed to a purchase price of Nine Hundred Eighty Thousand Dollars ($980,000) which is within the fair market value allowed by the Navajo Nation Law. Agreed purchase letter is attached hereto as Exhibit E Tab 1" and legal description and map as "Exhibit E Tab 3" which are incorporated herein by these references; and

7. Pursuant to the Navajo Nation Land Acquisition Policy, the Navajo Land Department has obtained from the owner information and data required to complete a purchase package for the acquisition of the Rolling Mesa property, and participated in a tour and inspection of the said property. Mr. James Q. Gipson, Certified Appraiser, valued the property, comprised of 67.39 acres, at $1,050,000 as of October 17, 2013. The appraisal report is attached hereto as "Exhibit E Tab 9" and incorporated herein by this reference; and

8. Funds are available from the FY2014 Land Acquisition Trust Fund Budget Business Unit 415000 to purchase the property. A copy of the funds availability is attached hereto and incorporated herein as "Exhibit E Tab 2"; and

9. Pursuant to 16 N.N.C. §7, the Navajo Land Department has prepared an evaluation report, analysis, and recommendation, which conform to Resolution No. RCAG-28-84 titled "Implementing the Navajo Tribal Policy on Acquisition of Lands". The evaluation report recommends purchase approval of the Rolling Mesa property, which is attached hereto and incorporated herein as "Exhibit D"; and

10. The Resources and Development Committee of the Navajo Nation Council finds that the acquisition of this property is in the best interest of the Navajo Nation, the Navajo Nation Gaming Enterprise, Upper Fruitland Chapter and the Division of Economic Development.
Section Two. Recommending

1. The Resources and Development Committee of the Navajo Nation Council hereby recommends approval to the Navajo Nation Council of the purchase of Rolling Mesa property, 67.39 acres, more or less, at $980,000 plus any closing costs and expenses, consistent with the general terms of the Real Estate Purchase Agreement attached hereto and incorporated herein as "Exhibit C".

2. The Resources and Development Committee of the Navajo Nation Council hereby recommends approval to the Navajo Nation Council the expenditure of the Capital Outland/Land & Improvement Account No. 9012 of FY2014 Land Acquisition Trust Fund Budget, Business Unit 415000, in the amount approved to purchase the Rolling Mesa property to benefit the Navajo Nation.

3. The Resources and Development Committee of the Navajo Nation Council further approves and recommends to the Navajo Nation Council that the Rolling Mesa property be used for commercial development by the Navajo Nation Gaming Enterprise, Upper Fruitland Chapter and the Division of Economic Development.

Section Three. Approval

1. The Navajo Nation Council hereby approves of the purchase of Rolling Mesa property, 67.39 acres, more or less, at $980,000 plus any closing costs and expenses, consistent with the general terms of the Real Estate Purchase Agreement attached hereto and incorporated herein as "Exhibit C".

2. The Navajo Nation Council hereby approves the expenditure of the Capital Outland/Land & Improvement Account No. 9012 of FY2014 Land Acquisition Trust Fund Budget, Business Unit 415000, in the amount approved to purchase the Rolling Mesa property to benefit the Navajo Nation.

3. The Navajo Nation Council approves that the Rolling Mesa property be used for commercial development by the Navajo Nation Gaming Enterprise, Upper Fruitland Chapter and the Division of Economic Development.
4. Land purchase shall be put into trust status as soon as possible with applicable Navajo Nation jurisdiction and the Navajo Nation will pursue a covenant for exemptions of federal restrictions.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 13 in favor and 0 opposed, this 14th day of November 2014.

Edmund Yazzie, Pro Tem Speaker
Navajo Nation Council

Nov 25, 2014
Date

Motion: Honorable Alton Joe Shepherd
Second: Honorable Jonathan Hale

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this _____ day of _______ Dec 01 2014 2014.

Ben Shelly
President
Navajo Nation
2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of __________ 2014, for the reason(s) expressed in the attached letter to the Speaker.

________________________________________
Ben Shelly, President
Navajo Nation
RESOLUTION OF THE
NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL -- Fourth Year, 2014

AN ACT

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; BUDGET AND FINANCE, NAABIK'ÍYÁTI', AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF $148,325.00 FOR PHOENIX INDIAN CENTER, INC. BUSINESS UNIT 707000 TO FUND NAVAJO LANGUAGE AND CULTURE CLASSES, INFORMATION SEMINARS AND SOCIAL SERVICES FOR NAVAJO PEOPLE IN THE MARICOPA COUNTY AREA

BE IT ENACTED:

SECTION 1. FINDINGS

A. The Phoenix Indian Center (PIC) is dependent upon funding from the Arizona Inter-Tribal Trust Fund, particularly the Navajo Trust Funds.

B. The PIC provides services to over 4,000 Navajos living in the Phoenix area each year.

C. The Navajo Nation recently had to terminate the 2014 grant agreement because the company that pays into the trust fund, the Barron Collier Company, has refused to fulfill its contractual obligation to pay into the trust fund since 2011.

D. The U.S. Department of Justice has filed a complaint against the Barron Collier Company for non-payment into the fund.

E. This supplemental funding proposal will supplant the trust fund grant allocation and allow PIC to continue the Navajo Language and Culture classes, informational services, and skill-building classes (services) for Navajos living in the Phoenix area.

F. This supplemental funding covers the payroll for two Navajo staff that provide the services.
G. The $148,325.00 Program Budget Summary for Phoenix Indian Center, Inc. business unit 707000 is attached as Exhibit "A".

H. The Navajo Nation hereby finds it is in the best interest of the Navajo People to approve this supplemental funding request.

SECTION 2. APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDE designated Fund Balance in the amount of $148,325.00 FOR PHOENIX INDIAN CENTER, INC. BUSINESS UNIT 707000

The Navajo Nation hereby approves supplemental funding from the Unreserved, Undesignated Fund Balance in the amount of $148,325.00 for Phoenix Indian Center, Inc. business unit 70700, attached at Exhibit "A".

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 13 in favor and 1 opposed, this 14th day of November 2014.

LoRenzo Bates, Pro Tem Speaker
Navajo Nation Council

11-21-14
Date

Motion: Honorable Alton Joe Shepherd
Second: Honorable Walter Phelps

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C)(10), on this ____ day of ____ 2014.

Ben Shelly, President
Navajo Nation
2. I hereby veto the foregoing Legislation, pursuant to 2 N.N.C. § 1005 (C) (11), this _____ day of __________ 2014 for the reason (s) expressed in the attached letter to the speaker.

________________________
Ben Shelly, President
Navajo Nation

3. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), and 2 N.N.C. §164 (A) (17), on this _____ day of __________ 2014. The justification of my line-item veto is set forth by memorandum.

________________________
Ben Shelly, President
Navajo Nation
RESOLUTION OF THE
NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL -- Fourth Year, 2014

AN ACT

RELATING TO LAW AND ORDER, NAABIK'IYÁTÍ AND THE NAVAJO NATION COUNCIL; AMENDING SENTENCING PROVISIONS OF TITLE 17, CRIMINAL CODE OF THE NAVAJO NATION

BE IT ENACTED:

Section One. Findings and Purpose

A. The Navajo Nation is located in three states - Arizona, New Mexico and Utah. The population of the Navajo Nation exceeds 300,000.

B. In January 2000, the Navajo Nation Council eliminated imprisonment and fines for a number of offenses under the Navajo Nation Criminal Code. CJA-08-00; see also, 17 N.N.C. §101 et seq.

C. The Navajo Nation is currently constructing additional detention facilities, which will include courts and offices for the Police Departments.

D. There are violent and serious crimes being committed within the Navajo Nation. However, currently, not all serious offenses are prosecuted by the U.S. Attorney's Office. For the serious cases that are prosecuted by the Navajo Nation, jail space is limited. Safety of people within the Navajo Nation is an important concern for the Navajo Nation.

E. The Law and Order Committee on July 23, 2012 by resolution LOCJY-08-12 established a Task Force to review and recommend sentencing provisions of Title 17, the Navajo Nation Criminal Code. Public hearings were conducted, as well as a radio forum, regarding sentencing in criminal cases under Navajo Nation law. Generally, there is support for stronger sentencing provisions. (See attached Exhibit "B," a summary of comments from these public hearings.) The review of Title 17 is now complete and the Task Force has submitted its final report with its recommendations. The report is attached as Exhibit "A".
Section Two. Amending Title 17, Navajo Nation Criminal Code

The Navajo Nation Council hereby amends Title 17, the Navajo Nation Criminal Code, as follows:

Chapter 1. Enforcement of the Criminal Code

§ 102. Authority to enter into cooperative agreements with federal and state agencies

The President of the Navajo Nation is authorized to enter into cooperative arrangements and agreements with federal and state law enforcement agencies with the recommendation and approval of the Public Safety Committee, the Judiciary Committee and the Intergovernmental Relations Committee Law and Order and the Budget and Finance Committees for purposes of mutual assistance and definition of responsibilities.

§ 103. Authority to enter into cooperative agreements for incarceration of Navajo prisoners in correctional facilities

The President of the Navajo Nation, with the advice and consent of the Judiciary, Public Safety and Intergovernmental Relations Committees Law and Order and the Budget and Finance Committees of the Navajo Nation Council, is authorized to enter into agreements with federal, state, military and local authorities for the incarceration of Navajo prisoners in correctional facilities within the Navajo Nation.

Chapter 2. General Provisions

Subchapter 1. General

§ 202. Purpose

It is declared that the general purposes of this Code are:
A. To proscribe conduct that unjustifiably and inexcusably threatens or inflicts substantial harm to individual or public interests;

B. To give all persons entering into the territorial jurisdiction of the Navajo Nation Courts a fair warning of proscribed conduct and of the sentences authorized upon conviction;

C. To differentiate on reasonable grounds between serious and minor offenses and to prescribe proportionate penalties for each;

D. To protect the public interest of the Navajo Nation by defining the act or omission which constitutes each offense, and to apply the provisions of this title equally and impartially to all persons within the territorial jurisdiction of the Courts of the Navajo Nation.

§ 203. Territorial applicability

A. The Navajo Nation Courts shall have jurisdiction over any person who commits an offense by his or her own conduct if the conduct constituting any element of the offense or a result of such conduct occurs within the territorial jurisdiction of the Navajo Nation Courts as defined in 7 N.N.C. § 254, or such other dependent Indian communities as may hereafter be determined to be under the jurisdiction of the Navajo Nation and the Courts of the Navajo Nation. The Navajo Nation Courts shall also have jurisdiction over any member of the Navajo Nation who commits an offense against any other member of the Navajo Nation wherever the conduct which constitutes the offense occurs.

B. The Navajo Nation Courts shall also have jurisdiction over any member of the Navajo Nation who commits an offense against any other member of the Navajo Nation wherever the acts or conduct which constitutes the offense occurs. Under this circumstance, the Navajo Nation shall not prosecute the offender if another tribal or state jurisdiction has already initiated a prosecution.
§ 204. Civil prosecutions of non-Indians

A. Any non-Indian alleged to have committed any offense enumerated in this Title may be civilly prosecuted by the Office of the Prosecutor. In no event shall such a civil prosecution permit incarceration of a non-Indian or permit the imposition of a criminal fine against a non-Indian.

B. Procedure. Civil prosecutions under this Section shall be conducted in accordance with the Navajo Rules of Criminal Procedure, and the non-Indian civil defendant shall be afforded all the heightened protections available to a criminal defendant under those rules including, but not limited to, the more stringent beyond a reasonable doubt burden of proof beyond a reasonable doubt.

C. Nothing in this Section shall be deemed to preclude exercise of criminal jurisdiction over any person who, by reason of assuming tribal relations with the Navajo people or being an "in-law" or hadanenadane, nihi zhaa aad, or relative as defined by Navajo common law, custom, or tradition, submits himself or herself to the criminal jurisdiction of the Navajo Nation.

D. Civil Penalties. Upon a finding that a non-Indian has committed any of the offenses enumerated in this Title, the Court may impose any of the following civil penalties in any combination deemed appropriate by the Court:

1. A civil fine (fines listed for offenses under Title 17 may serve as a guideline for the calculation of a civil fine, but the criminal fines are not binding upon the calculation of a civil fine);

2. Any civil forfeiture made appropriate by the penalty Sections of Title 17;

3. Restitution, or nályééh, consistent with the traditional principles of nályééh;

4. Exclusion from all lands subject to the territorial jurisdiction of the Navajo Nation courts.

****
§ 209. General definitions

In this code, unless a different meaning plainly is required:

... 

G. "Deceit" means either any of the following:

1. The suggestion, as a fact, of that which is not true, by one who does not believe it to be true;

2. The assertion, as a fact, of that which is not true, by one who has no reasonable ground for believing it to be true;

3. The suppression of a fact, by one who is bound to disclose it, or who gives information of other facts which are likely to mislead for want of communication of that fact; or,

4. A promise made without any intention of performing it;

Q. "Peace officer" means any person who is a law enforcement officer vested by law with a duty to maintain public order or make arrests, whether that duty extends to all offenses or is limited to specific classes of offenses or offenders;

****

Subchapter 3. Sentencing

§ 220. Criteria

A. No person convicted of an offense pursuant to this Title shall be sentenced otherwise than in accordance with this Subchapter. A sentence of incarceration is always considered an extraordinary measure under any offense enumerated in this Title and should be imposed only as a last alternative where a defendant is found to have caused serious injury to a victim or victims, or other serious circumstances warrant a jail sentence. All jail sentences must be supported by a written statement, by the Court, of reasons for imposition of a jail sentence.
B. Except as otherwise provided in sentencing of a specific offense under this Title, the court may suspend the imposition of sentence of a person who has been convicted of a crime, may order him or her in lieu of a sentence to be committed to a hospital or other institution for medical, psychiatric or other rehabilitative treatment, or may sentence him or her to alternative sentences, which may include any of the following or any combination thereof as follows:

1. To pay a fine;

2. To be placed on probation;

3. To rehabilitative treatment after assessment;

44. To imprisonment for a definite period within the term authorized;

45. To fine and probation or fine and imprisonment;

46. To community service–;

67. To pay full or partial restitution or nályééh.;

8. To restore harmony between victim and offender or between offender and community.

9. To electronic monitoring; or

10. To pay costs or fees associated with incarceration, electronic monitoring, and probation and parole services.

C. The court may, pursuant to its legal authority, decree a forfeiture of property, suspend or cancel a license, require full or partial restitution, remove a non-elected public servant or Navajo Nation government employee from office, or impose any other civil penalty, and such order or judgment may be included in the sentence. Any penalty imposed pursuant to this subsection shall require separate civil court proceedings with a standard of proof of beyond a reasonable doubt.

D. At arraignment, the Court shall inform a defendant who is charged with a sex offense that if he or she is found guilty or pleads guilty or pleads no contest to the offense, the defendant will be ordered to register for a minimum of fifteen (15) years
as a convicted sex offender in any Navajo police district wherein he or she resides, works or goes to school.

E. Recidivism

If a sex offender is subsequently convicted of the same or another sex offense under 17 N.N.C. §§436 - 449, 941, 957, and 558, he or she will be subject to serving a longer period of actual incarceration than he or she served for the previous conviction.

§ 221. Sentencing considerations

A. Before imposing sentence the court shall take into consideration the offender’s prior record, family circumstances, employment status, and any other circumstances which will aid in imposing a just and fair sentence.

B. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and whether restitution or nályééh shall be paid to the victim(s) or the Navajo Nation.

C. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

D. The trial court may consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

E. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

F. The trial court shall consider the utility of labor or community service sentences, under the supervision of the Navajo Nation Department Division of Public Safety or a public or private organization, including the chapter in which the defendant resides.
C. The courts of the Navajo Nation shall establish a fund, to be collected from assessments against persons convicted of any offense under this Title and under Title 14, in addition to any fine, to cover the cost of liability insurance for the community service programs.

H. Notwithstanding any other provision of this Section or Section 220, the trial court may impose any reasonable condition or sentence which serves to rehabilitate the defendant or serves the reasonable needs of the victims of crime and of society and is not inconsistent with the sentencing terms established for the offense or offenses which the defendant is determined to have committed.

§ 222. Fines

A. A person who has been convicted of an offense may be sentenced to pay a fine as designated for that offense.

B. Whether to impose a fine in a particular case, up to the authorized maximum, and the method of payment, shall remain within the sound discretion of the court.

C. The court shall explicitly authorize to permit installment payments of any imposed fine on conditions tailored to considering the means or circumstances of the particular offender.

§ 223. Imprisonment

A person who has been convicted may be sentenced for a definite term not greater than one year (365 days) per offense, up to a maximum of nine years for one incident with multiple sentences.

§ 224. Probation

The court shall have the discretion in any case except where prohibited by statute to suspend all or part of an offender's sentence and release the defendant on probation. The offender shall sign a probationary pledge, which may include the conditions and limitations of which shall be set forth by the court.
§ 225. Multiple sentences

When multiple sentences of imprisonment are imposed on a defendant for more than one crime, such multiple sentences shall run concurrently or consecutively as the court determines at the time of the sentence, up to a maximum of nine years.

§ 226. De Minimis Infractions

A. The court shall dismiss a prosecution if, having regard to the nature of the conduct charged to constitute an offense and the nature of the attendant circumstances, it finds that the defendant's conduct:

1. Constituted was within normally permissible conduct a customary license or tolerance, neither expressly negated by the persons whose interest was infringed nor not inconsistent with the purpose of the law defining the offense; or

2. Did not actually cause or threaten the harm or evil sought to be prevented by the law defining the offense or did so only to an extent too trivial to warrant the condemnation of conviction; or

3. Presents such other extenuation is so far removed from what would reasonably be considered a crime that it cannot reasonably be regarded as contemplated envisaged by the legislature Navajo Nation Council in forbidding the offense.

B. The court shall not dismiss a prosecution under this Section without filing a written statement of its reasons.

Chapter 3. Offenses

Subchapter 11. Obsecenity [Reserved]

400. Definitions

401. Furnishing sexual materials to minors

402. Displaying sexual materials to minors

403. Defenses to prosecution
Subchapter 1. Inchoate Offenses

§ 301. Solicitation

A. Offense. A person commits solicitation if, with intent that another person engage in conduct constituting an offense, he or she commands, entreats, induces, or otherwise endeavors to persuade such person to engage in such conduct.

B. Affirmative defense. It is an affirmative defense to a prosecution under this Section that, under circumstances manifesting a complete and voluntary renunciation of his or her criminal intent, the defendant made a reasonable effort to prevent the conduct or result which is the object of the solicitation.

C. Defense precluded. It is not a defense to a prosecution under this Section that the person solicited could not be convicted of the offense because he or she lacked the state of mind required for the commission of the offense, because the person solicited was incompetent or irresponsible, or because he or she was otherwise not subject to prosecution.

D. Sentence.

1. Any person found guilty of solicitation of any offense under Subchapter 2 of Chapter 3 or Subchapter 7 of Chapter 3 of this Title may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed five hundred dollars ($500.00), or both, but in no case shall the penalty imposed be greater than the penalty imposed for the crime which was the object of solicitation.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the
trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

6. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 302. Conspiracy

A. Offense. A person commits conspiracy if, with the intent to promote or facilitate the commission of an offense, he or she agrees with one or more persons that at least one of them will engage in conduct constituting the offense, and one of the parties commits an overt act in furtherance of the agreement.

B. Affirmative defense. It is an affirmative defense to a prosecution under this Section that the defendant, under circumstances manifesting a complete and voluntary renunciation of his or her criminal intent, gave timely warning to law enforcement authorities or otherwise made a reasonable effort to prevent the conduct or result which was the objective of the conspiracy.

C. Defense precluded. It is not a defense to prosecution under this Section that one or more of the persons with whom the defendant is alleged to have conspired has not been prosecuted or convicted, has been convicted of a different offense, or is immune from or otherwise not subject to prosecution.

D. Duration of conspiracy. Conspiracy is a continuing course of conduct which ends when the offense or offenses which are its object have been committed or when the agreement that they be committed is abandoned by the defendant.
K. Abandonment of conspiracy. A defendant may abandon a conspiratorial agreement and terminate his or her relationship with the conspiracy only if he or she clearly ceases to agree that the conspiratorial objective be committed, takes no further part in the conspiracy, and communicates his or her desire to abandon the conspiracy to other members of the conspiracy.

F. Sentence.

1. Any person found guilty of conspiracy to commit an offense under Subchapter 2 or Subchapter 7 of Chapter 1 of this Title may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars ($5,000), or both, but in no case shall the penalty imposed be greater than the penalty imposed for the crime which was the object of the conspiracy.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemakering Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

6. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.
§ 309. Reckless burning

A. A person is guilty of reckless burning if he or she:

1. Recklessly starts a fire or causes an explosion which endangers human life; or

2. Having started a fire, whether recklessly or not, and knowing that it is spreading and will endanger the life or property of another, either fails to take reasonable measures to put out or control the fire or fails to give a prompt fire alarm; or

3. Damages the property of another by reckless use of fire or causing an explosion.

B. Sentence.

1. Any person found guilty of reckless burning may be sentenced to imprisonment for a term not to exceed 90 days, or ordered to pay a fine not to exceed two thousand five hundred dollars ($2,500), or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.
6. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 310. Threatening

A. Offense. A person commits threatening if he or she threatens by word or conduct to cause physical injury to the person of another or causes serious damage to the property of another:

1. With the intent to terrorize, or in reckless disregard of the risk of terrorizing, another person; or

2. With intent to cause, or in reckless disregard of the risk of causing, serious public inconvenience, including but not limited to evacuation of a public building or transportation facility.

B. Sentence.

1. Any person found guilty of threatening may be sentenced to imprisonment for a term not to exceed 90 180 days, or be ordered to pay a fine not to exceed two hundred fifty five hundred dollars ($2500.00), or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.
§ 311. Unlawful imprisonment

A. Offense. A person commits unlawful imprisonment if without lawful authority he or she intentionally removes, detains, restrains, or confines the person of another without his or her consent.

B. Sentence.

1. Any person found guilty of unlawful imprisonment may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed $1,000, or both.

42. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

23. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

34. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.
§ 312. Interference with custody

A. Offense. A person commits interference with custody if he or she intentionally or knowingly takes or entices any minor child under the age of from the custody of its parent, guardian or other lawful custodian, or any legally committed person from lawful custody, when he or she has no privilege to do so.

B. Sentence.

1. Any person found guilty of interference with custody may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed $500, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.
§ 313. Contributing to the delinquency of a minor

A. Offense. A person commits contributing to the delinquency of a minor if he or she knowingly assists, aids, encourages or advises a minor to commit an offense as defined by the laws of the Navajo Nation, or federal or state law.

B. Sentence.

1. Any person found guilty of contributing to the delinquency of a minor may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay fine not to exceed $1,000, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

6. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.
§ 314. Assault

A. Offense. A person commits assault if he or she:

1. Attempts to commit a battery upon the person of another; or

2. By any unlawful act, threat or menacing conduct causes another person to reasonably believe that he or she is in danger of receiving an immediate battery.

B. Sentence. Any person found guilty of assault may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed two thousand five hundred dollars ($2,500), or both.

§ 314.01. Assault upon a Peace Officer

A. Offense. A person commits assault upon a peace officer, as defined in 17 N.N.C. § 209, if he or she:

1. Attempts to commit a battery upon the person of a peace officer engaged in the performance of his or her official duties; or

2. By any unlawful act, threat or menacing conduct causes a peace officer engaged in the performance of his or her official duties to believe that he or she is in danger of receiving an immediate battery.

B. Mandatory Sentence. The mandatory sentence for this offense shall be imprisonment in active custody for not less than ninety (90) days nor more than one hundred eighty (180) days and ordered to pay a fine, or restitution in lieu of a fine, not to exceed two thousand five hundred ($2,500) dollars. This punishment shall not be suspended or subject to probation or parole.

§ 315. Aggravated assault

A. Offense. A person commits aggravated assault if he or she:

1. Unlawfully assaults or strikes at another with a deadly weapon; or
2. Commits assault by threatening or menacing another while wearing a mask, hood, robe or other covering upon the face or head, or while disguised in any manner, so as to conceal identity.

B. Sentence. Any person found guilty of aggravated assault may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars ($5,000), or both.

§ 315.01. Aggravated Assault upon a Peace Officer

A. Offense. A person commits aggravated assault upon a peace officer, as defined in 17 N.N.C. § 209, if he or she:

1. Unlawfully assaults or strikes at a peace officer engaged in the performance of his or her official duties with a deadly weapon; or

2. Commits assault by threatening or menacing a peace officer engaged in the performance of his or her official duties while wearing a mask, hood, robe or other covering upon the face or head, or while disguised in any manner, so as to conceal identity.

B. Mandatory Sentence. The mandatory sentence for this offense, among other penalties that may be imposed, shall be imprisonment for a term of not less than one hundred eighty (180) days in jail and not less than one hundred eighty (180) days nor more than three hundred sixty-five (365) days in active custody. There shall be no discretion in the imposition of the mandatory sentencing requirements of this section, and no portion of a mandatory sentence under this section shall be suspended or subject to probation or parole.

§ 316. Battery

A. Offense. A person commits battery if he or she unlawfully and intentionally strikes or applies force to the person of another.
B. Sentence. Any person found guilty of battery may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars ($5,000), or both.

§ 316.01. Battery upon a Peace Officer

A. Offense. A person commits battery upon a peace officer, as defined in 17 N.N.C. § 209, if he or she unlawfully and intentionally strikes or applies force to the person of a peace officer engaged in the performance of his or her official duties.

B. Mandatory Sentence. The mandatory sentence for this offense, among other penalties that may be imposed, shall be imprisonment for a term of not less than one hundred eighty (180) days nor more than three hundred and sixty-five (365) days in active custody. There shall be no discretion in the imposition of the mandatory sentencing requirements of this section, and no portion of a mandatory sentence under this section shall be suspended or subject to probation or parole.

§ 317. Aggravated battery

A. Offense. A person commits aggravated battery if he or she:

1. Unlawfully applies force to the person of another, or strikes the person with a deadly weapon; or

2. Intentionally or knowingly causes serious physical injury to the person of another.

B. Sentence. Any person found guilty of aggravated battery may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars ($5,000), or both.

§ 317.01. Aggravated Battery upon a Peace Officer

A. Offense. A person commits aggravated battery upon a peace officer, as defined in 17 N.N.C. § 209, if he or she:

1. Unlawfully applies force to the person of a peace officer engaged in the performance of his or her official
duties, or strikes the person of a peace officer engaged in the performance of his or her official duties with a deadly weapon; or

2. Intentionally or knowingly causes serious physical injury to the person of a peace officer engaged in the performance of his or her official duties.

B. Mandatory Sentence. The mandatory sentence for this offense, among other penalties that may be imposed, shall be imprisonment for a term of not less than three hundred sixty-five (365) days in active custody. There shall be no discretion in the imposition of the mandatory sentencing requirements of this section, and no portion of a mandatory sentence under this section shall be suspended or subject to probation or parole.

Subchapter 3. Weapons and Explosives

§ 320. Unlawful carrying of a deadly weapon

A. Offense. A person commits unlawful carrying of a deadly weapon if he or she carries a loaded firearm or any other type of deadly weapon.

B. Exceptions. Subsection (A) of this Section shall not apply to any of the following:

1. To peace officers in the lawful discharge of their duties;

2. To persons in a private motor vehicle or other means of conveyance, for lawful protection of the person's or another's person or property, while traveling and such weapon is located in a closed trunk, luggage, or glove compartment of a motor vehicle;

3. To a person in his or her residence, or on real property belonging to such person as owner, lessee, tenant, or licensee;

4. To a person or persons carrying or discharging a firearm as an integral part of any traditional Navajo religious practice, ceremony, or service;
5. To persons engaged in the hunting of game or predatory animals.

2. Sentence.

1. Any person found guilty of unlawful carrying of a deadly weapon may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed \$500, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemakering Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consideration the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

6. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 321. Unlawful use of a weapon

A. Offense. A person commits unlawful use of a weapon if he or she:

1. Without lawful authority discharges a firearm in the proximity of a building, or into any building or vehicle so as to knowingly endanger a person or property;
2. Carries a firearm while under the influence of an intoxicant or narcotic; or

3. Handles or uses a firearm or other deadly weapon so as to knowingly or recklessly endanger the safety of another or that person's property.

B. Sentence.

1. Any person found guilty of unlawful use of a weapon may be sentenced to imprisonment for a term not to exceed 90 days, or be ordered to pay a fine not to exceed $250, or both.

22. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

23. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

34. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

55. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.
§ 322. Unlawful sale, possession or transportation of explosives

A. Offense. A person commits unlawful sale, possession or transportation of explosives if he or she:

1. Knowingly sells or possesses any explosive, or causes such explosive to be transported, without having plainly marked in large letters in a conspicuous place on the box or package containing such explosive, the name and explosive character thereof and the date of manufacture;

2. Knowingly makes, buys, transports, or transfers any explosive either with intent to use such explosive to commit a crime or knowing that another intends to use it to commit a crime.

B. Sentence.

1. Any person found guilty of unlawful sale, possession or transportation of explosives as set forth in subsection (A)(1) of this section may be sentenced to imprisonment for a term not to exceed 90 days, or be ordered to pay a fine not to exceed $250, or both. Any person found guilty of unlawful sale, possession or transportation of explosives as set forth in subsection (A)(2) of this section may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed $500, or both.

22. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

23. The trial court may utilize the services of the Navajo Peacemakering Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

34. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.
45. Upon the imposition of a bond or security pledges, the district office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

96. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 323. Dangerous use of explosives

A. Offense. A person commits dangerous use of explosives if he or she maliciously explodes, attempts to explode or places any explosive with the intent to injure, intimidate or terrify another, or to damage another's property.

B. Sentence.

1. Any person found guilty of dangerous use of explosives may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars ($5,000), or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályéeéh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályéeéh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.
6. The trial court may impose sentence of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 324. Negligent use of explosives

A. Offense. A person commits negligent use of explosives if he or she negligently explodes, attempts to explode or places any explosive in such a manner as to result in injury to another or to the property of another, or by such action increases the probability of such injury.

B. Sentence:

1. Any person found guilty of negligent use of explosives may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed $2,500, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

6. The trial court may impose sentence of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public
Subchapter 4. Theft and Related Offenses

§ 330. Theft

A. Offense. A person commits theft if, without lawful authority, he or she intentionally or knowingly:

1. Controls property of another with the intent to deprive him or her of such property permanently;

2. Converts to an unauthorized use services or property of another entrusted to the defendant for a limited, authorized use;

3. Obtains property of another by means of any material misrepresentation with intent to deprive him or her thereof;

4. Comes into control of lost, mislaid or misdelivered property of another under circumstances providing means of inquiry as to the true owner and appropriates such property to his or her own or another's use without reasonable efforts to notify the true owner.

B. Sentence.

1. Any person found guilty of theft may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed $1,000, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

23. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the
The trial court may require the defendant to pay the fee of the peacemaker.

44. The trial court may impose the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

46. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 331. Theft of services

A. Offense. A person commits an offense pursuant to this section theft of services if, without lawful authority, he or she obtains services which such person knows are available only for compensation with the intent of avoiding payment for such services.

B. Sentence.

1. Any person found guilty of theft of services may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed $1,000, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

23. The trial court may utilize the services of the Navajo Peacemaker Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.
34. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

56. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 332. Unauthorized use of automobiles or other vehicles

A. Offense. A person commits an offense pursuant to this Section unauthorized use of automobiles or other vehicles if he or she intentionally or knowingly operates another's automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle, without the consent of the owner. The repossession of any such vehicle in violation of the provisions of 7 N.N.C. § 607 et seq. shall constitute a violation of this Section.

B. Sentence.

1. Any person found guilty of unauthorized use of automobiles or other vehicles may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed $1,000, or both.

42. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

23. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.
34. The trial court may impose or consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

35. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

36. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 333. Receiving stolen property

A. Offense. A person commits an offense pursuant to this Section the offense of receiving stolen property if he or she purchases, receives, conceals, or aids in the concealing of any property of another knowing or having reason to know that such property was obtained by theft, extortion, fraud, or other means declared to be unlawful under the provisions of this title.

B. Sentence.

1. Any person found guilty of stolen property may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed $500, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nahyiéeh shall be paid to the victim(s).

23. The trial court may utilize the services of the Navajo Peacemaker Program Court to determine nahyiéeh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.
34. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

46. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 334. Shoplifting

A. Offense. A person commits shoplifting if he or she obtains the goods of another while in a mercantile establishment in which merchandise is displayed for sale by:

1. Willfully taking possession of any merchandise with the intention of converting it without paying for it;

2. Willfully concealing any merchandise with the intention of converting it without paying for it;

3. Willfully altering any label, price, tag or marking any merchandise with the intention of depriving the merchant of all or some part of the value of it;

4. Willfully transferring any merchandise from the container in or on which it is displayed to any other container with the intention of depriving the merchant of all or some part of the value of it.

B. Detention to effect recovery. A merchant, or his or her agent or employee, upon probable cause, may detain on the premises in a reasonable manner and for a reasonable time any person suspected of shoplifting as defined in Subsection (A) of this Section for questioning or summoning a law enforcement officer. In no event shall such detention exceed one (1) hour. Such detention shall not subject the merchant or his or her agent or employee to criminal or civil liability.
C. Sentence.

1. Any person found guilty of shoplifting goods valued at $100 or over may be sentenced to imprisonment for a term not to exceed 90 days, or be ordered to pay a fine up to $500 but not to exceed the value of the goods taken, or both.

2. Any person found guilty of shoplifting goods valued under $100 may be sentenced to imprisonment for a term not to exceed 30 days, or be ordered to pay a fine up to $100 but not to exceed the value of the goods taken, or both.

3. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or ndééh shall be paid to the victim(s).

4. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine ndééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

5. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

6. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

7. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.
$ 335. Fraud

A. Offense. A person commits fraud if he or she unlawfully obtains the property of another by willful misrepresentation, deceit, false interpreting, or the use of false weights and measures, with the intent of depriving such other person of the property.

B. Sentence.

1. Any person found guilty of fraud shall may be sentenced to imprisonment for a term of 365 days, or be ordered to pay a fine not to exceed $5,000, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

6. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.
§ 336. Theft by extortion

A. Offense. A person commits theft by extortion if he or she intentionally or knowingly obtains or seeks to obtain property by means of a threat to do in the future any of the following:

1. Cause physical injury to any other person; or

2. Cause damage to property, or

3. Accuse anyone of a crime or bring criminal charges against anyone; or

4. Expose a secret or an asserted fact, whether true or false, tending to subject anyone to hatred, contempt or ridicule, or to impair his or her credit or business; or

5. Take or withhold action as public servant or cause a public servant to take or withhold action.

B. Sentence.

1. Any person found guilty of theft by extortion pursuant to Sections 336(A)(1) or (5) may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars ($5,000), or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.
§ 340. Forgery

A. Offense. A person commits forgery if, with intent to defraud, he or she:

1. Falsely makes, completes or alters a written instrument; or

2. Offers or presents, whether accepted or not, a forged instrument.

B. Sentence.

1. Any person found guilty of forgery may be sentenced to imprisonment for a term not to exceed 90 days, or be ordered to pay a fine not to exceed $500, or both.

42. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

43. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.
34. The trial court may impose consideration of the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

35. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

56. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private nonprofit organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 341. Criminal simulation

A. Offense. A person commits criminal simulation if, with intent to defraud, he or she makes, alters, or presents or offers, whether accepted or not, any object so that it appears to have an antiquity, rarity, source, authorship or value that it does not in fact possess.

B. Sentence.

1. Any person found guilty of criminal simulation may be sentenced to imprisonment for a term not to exceed 90 days, or be ordered to pay a fine not to exceed $500, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nélyééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nélyééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

34. The trial court may impose consideration of the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.
45. Upon the imposition of a bond or security pledge, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

66. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 342. Obtaining a signature by deception

A. Offense. A person commits obtaining a signature by deception if, with intent to defraud, he or she obtains the signature of another person to a written instrument by knowingly misrepresenting or omitting any fact material to the instrument or transaction.

B. Sentence.

1. Any person found guilty of obtaining a signature by deception may be sentenced to imprisonment for a term not to exceed 90 days, or be ordered to pay a fine not to exceed $500, or both.

42. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

23. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

34. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.
45. Upon the imposition of a bond or security pledges, the District Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

46. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 343. Criminal impersonation

A. Offense. A person commits criminal impersonation if he or she:

1. Assumes a false identity with the intent to defraud another; or

2. Pretends to be a representative of some person or organization with the intent to defraud.

B. Sentence.

1. Any person found guilty of criminal impersonation may be sentenced to imprisonment for a term not to exceed 90 days, or be ordered to pay a fine not to exceed $500, or both.

42. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályéeh shall be paid to the victim(s).

23. The trial court may utilize the services of the Navajo Peacemaker Program Court to determine nályéeh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

34. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.
45. Upon the imposition of a bond or security pledges, the District Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

46. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

Subchapter 6. Trespass and Burglary

§ 350. Criminal trespass

A. Offense. A person commits criminal trespass if he or she intentionally and knowingly, and without consent or permission of the owner, user, or person in lawful possession thereof enters upon, remains or traverses upon private, allotted or allotted lands or other property not his or her own.

B. Sentence.

1. Any person found guilty of criminal trespass may be sentenced to imprisonment for a term not to exceed 30 days, or be ordered to pay a fine not to exceed $100, or both.

42. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nálýééh shall be paid to the victim(s).

33. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nálýééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

34. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.
49. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

50. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 351. Criminal entry

A. Offense. A person commits criminal entry if he or she intentionally and knowingly, and without consent or permission of the owner, user, or person in lawful possession thereof:

1. Enters upon any lands or buildings whether unenclosed or enclosed by fence, for the purpose of injuring any property or property rights or with the intention of interfering with or obstructing any lawful business or occupation therein;

2. Refuses or fails to leave land, real property or structures of any kind belonging to or lawfully occupied by another, and not open to the general public, upon being requested to leave by a police officer, or the owner, user, or the person in lawful possession thereof;

3. Refuses or fails to leave a public building or a public agency during those hours of the day or night when the building is regularly closed to the public upon being requested to do so by a police officer, a regularly employed guard, watchman or custodian of the public agency owning or maintaining the building or property.

B. Sentence.

1. Any person found guilty of criminal entry may be sentenced to imprisonment for a term not to exceed 90 days, or be ordered to pay a fine not to exceed $250, or both.
42. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

43. The trial court may utilize the services of the Navajo Peacemakering Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

44. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

46. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 352. Trespass with force or violence

A. Offense. A person commits trespass with force or violence if he or she uses force or violence in entering upon or detaining lands, real property or structures of any kind belonging to, or lawfully occupied by another, except in cases and the manner allowed by law.

B. Sentence.

1. Any person found guilty of trespass with force or violence may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars ($5,000) or both.
2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályéeh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályéeh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

6. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 353. Burglary

A. Offense. A person commits burglary if he or she enters or remains unlawfully in a residential or non-residential structure, or motor vehicle, with the intent of committing an offense therein.

B. Sentence.

1. Any person found guilty of burglary may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed $2,500, or both.

42. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályéeh shall be paid to the victim(s).
23. The trial court may utilize the services of the Navajo Peacemaker Program Court to determine nałyeek and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

34. The trial court may impose upon the defendant, including the pledges of family or clan sureties.

45. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

56. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

Subchapter 7. Bribery and Related Offenses

§ 360. Bribery in official and political matters

A. Offense. A person commits an offense pursuant to this Section if:

1. He or she offers, confers, or agrees to confer any benefit upon a Navajo Nation official, Navajo Nation judge or employee with the intention of influencing such person's vote, opinion, judgment, exercise of discretion or other action in his or her capacity as a Navajo Nation official, Navajo Nation judge or employee.

2. While a Navajo Nation official, Navajo Nation judge or employee, he or she solicits, accepts or agrees to accept any benefit upon an agreement or understanding that his or her vote, opinion, judgment, exercise of discretion or other action as a Navajo Nation official, Navajo Nation judge or employee may thereby be influenced.
H. Sentence.

1. Any person found guilty of bribery in official and political matters may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars ($5,000), or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nałyeéh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaker Project Court to determine nałyeéh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

6. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 361. Improper influence in official and political matters

A. Offense. A person commits an offense pursuant to this Section if he or she threatens harm to any person, Navajo Nation official, Navajo Nation judge or employee with the intent of influencing such person's vote, opinion, judgment, or exercise of discretion.
B. Sentence.

1. Any person found guilty of improper influence in official and political matters may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars ($5,000), or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

6. The trial court may impose the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 362. Paying or receiving Navajo Nation Government funds for services not rendered

A. Offense. A person commits an offense pursuant to this Section if he or she knowingly makes or receives payment or causes payment to be made from Navajo Nation government funds when such payment purports to be for wages, salary or remuneration for personal services which have not in fact been rendered.
B. Authorized expenditures. Nothing in this section shall be construed to prevent the payment of Navajo Nation government funds where such payments are intended to cover lawful remuneration to Navajo Nation officers or Navajo Nation employees for vacation periods or absences from employment because of sickness, or for other lawful authorized purposes.

C. Sentence.

1. Any person found guilty of paying or receiving Navajo Nation funds for services not rendered may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars ($5,000), or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

6. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.
§ 363. Making or permitting false Navajo Nation voucher

A. Offense. A person commits an offense pursuant to this Section if he or she knowingly, intentionally or willfully makes, or causes to be made, or permits to be made a material misrepresentation or forged signature upon any Navajo Nation voucher, expense reimbursement form, or invoice supporting a Navajo Nation voucher, with the intent that the voucher, expense reimbursement form, or invoice be relied upon for the unauthorized expenditure of Navajo Nation funds.

B. Sentence.

1. Any person found guilty of making or permitting false Navajo Nation voucher may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars ($5,000), or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

6. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.
§ 364. Abuse of office

A. Offense. A person commits abuse of office if he or she acts or purports to act in an official capacity, or takes advantage of such actual or purported capacity, knowing such conduct is unlawful, and:

1. Subjects another to arrest, detention, search or seizure, mistreatment, or dispossession;

2. Infringes upon the personal or property right of another; or

3. Denies or impedes another in the exercise or enjoyment of any right, privilege, power, or immunity.

B. Sentence.

1. Any person found guilty of abuse of office may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed two thousand five hundred dollars ($2,500), or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaker Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.
§ 365. Forfeiture of Navajo Nation employment or office

Notwithstanding the provisions regarding sentencing of Chapter 2, Subchapter 2 of this Title, a Navajo Nation employee or non-elected public servant convicted of violating any section of this Subchapter shall permanently forfeit any his or her present or future employment or office with any Navajo Nation entity division, department, agency, program, or enterprise.

Subchapter 8. Obstruction of Navajo Nation Administration

§ 370. Obstruction of justice

A. A person is guilty of an offense of obstruction of justice if, with intent to hinder, prevent, or delay the discovery, apprehension, prosecution, conviction, or punishment of another for the commission of a crime, he or she:

1. Knowing an offense has been committed, conceals it from a judge of the Navajo courts;

2. Harbors or conceals the offender;

3. Provides the offender a weapon, transportation, disguise, or other means for avoiding discovery or apprehension;

4. Warns the offender of impending discovery or apprehension;

5. Conceals, destroys, or alters any physical evidence that might aid in the discovery, apprehension, or conviction of the person;
6. Obstructs by force, intimidation, or deception anyone from performing an act that might aid in the discovery, apprehension, prosecution, or conviction of the person; or

7. Having knowledge that a law enforcement officer has been authorized or has applied for authorization to intercept a wire, electronic, or oral communication, gives notice or attempts to give notice of the possible interception to any person.

II. Sentence.

1. Any person found guilty of obstruction of justice may be sentenced to imprisonment for a term not to exceed 90 days, or be ordered to pay a fine not to exceed $250, or both.

42. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

43. The trial court may utilize the services of the Navajo Peacemakering Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

44. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

56. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 370A. [Repealed]
§ 371. Refusing to aid an officer

A. Offense. A person commits an offense pursuant to this Section if he or she, upon a reasonable command by a peace officer, intentionally or knowingly refuses or fails to aid such officer in:

1. Effectuating or securing an arrest;

2. Preventing the commission by another of an offense as defined in this Title.

B. A person who complies with this Section by aiding a peace officer shall not be held liable to any person for civil damages resulting therefrom, provided he or she acted reasonably under the circumstances known to him or her at the time.

C. Sentence.

1. Any person found guilty of refusing to aid an officer may be sentenced to imprisonment for a term not to exceed 80 hours of community service work, or be ordered to pay a fine not to exceed $100, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.
§ 372. Rescue from lawful custody

A. Offense. A person commits an offense pursuant to this Section if he or she intentionally and without lawful authority rescues or attempts to rescue any person in lawful custody or confinement.

B. Sentence.

1. Any person found guilty of rescue from lawful custody may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed $500, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.
56. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 373. Escape from lawful custody

A. Offense. A person commits an offense pursuant to this Section if he or she escapes or attempts to escape from lawful custody or confinement.

B. Sentence.

1. Any person found guilty of escape from lawful custody may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed $500, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

6. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public
§ 374. Tampering with a public record

A. Offense. A person commits tampering with a public record if he or she intentionally or knowingly and without proper authority:

1. Makes or completes a written instrument which purports to be a public record or true copy thereof or alters or makes a false entry in a written instrument which is a public record or a true copy thereof;

2. Presents or uses a written instrument which is or purports to be a public record or a copy thereof, knowing that it has been falsely made, completed or altered or that a false entry has been made therein, with intent that it be taken as genuine;

3. Records, registers or files or offers for recordation, registration or filing in a governmental office or agency a written statement which has been falsely made, completed or altered or in which a false entry has been made or which contains a false statement or false information;

4. Destroys, mutilates, conceals, removes or otherwise impairs the availability of any public record;

5. Refuses to deliver a public record in his or her possession upon proper request of a Navajo Nation official entitled to receive such record for examination or other purposes.

B. Public record, for purposes of this Section, means all official books, papers, written instruments or records created, issued, received or kept by any governmental office, department, division, branch or section or required by law to be kept by others for the information of any governmental office.
11. Sentence.

12. Any person found guilty of tampering with a public record may be sentenced to imprisonment for a term not to exceed 90 days, or be ordered to pay a fine not to exceed $500, or both.

13. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether restitution or nályééh shall be paid to the victim(s).

14. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

15. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

16. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

17. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 375. Malicious criminal prosecution

A. Offense. A person commits an offense pursuant to this Section if he or she maliciously causes or attempts to cause a criminal charge to be preferred or prosecuted against an innocent person, knowing such person to be innocent.
A. Sentence:

1. Any person found guilty of malicious criminal prosecution may be sentenced to imprisonment for a term not to exceed 90 days, or be ordered to pay a fine not to exceed $1,000, or both.

42. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nalyééh shall be paid to the victim(s).

23. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nalyééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

44. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

56. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 376. Unsworn False Falsification

A. Offense. A person commits unsworn false falsification by knowingly:

1. Falsifying, concealing or covering up by any trick, scheme or device a material fact or making any false, fictitious or fraudulent statements or representations or making or using any false writing or document knowing the
same to contain any false, fictitious or fraudulent statement in connection with any matter within the jurisdiction of any Navajo Nation department or agency.

2. Making any false statement or providing any false documents to any prosecutor, special prosecutor or their investigator or agents, or any law enforcement officer, when the person believes the statement or document to be false.

3. Making any statement which he or she believes to be false in regard to a material issue to any Navajo Nation employee in connection with an application for any benefit, privilege, contract, agreement, or license.

B. Sentence.

1. Any person found guilty of falsification may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed $5,000, or both.

22. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

23. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

24. The trial court may impose the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.
§ 377. Unauthorized Practice of Law

A. Offense. The unauthorized practice of law is committed when, without being an active member in good standing of the Navajo Nation Bar Association, a person:

1. Provides legal representation before the Courts of the Navajo Nation, any quasi-judicial, administrative, or legislative body to another person; or

2. Provides legal services within the Navajo Nation or to another person within the Navajo Nation, including but not limited to, the rendering of legal advice to another person, the drafting or completion of legal pleadings for another person, or the legal interpretation of documents for another person.

B. Exception. The acts set forth in Subsection (A) shall not be considered the unauthorized practice of law when legal representation is provided to another person in accord with Navajo Nation Court rules allowing association of lawyers unlicensed in the Navajo Nation with a member of the Navajo Nation Bar Association.

C. Sentence

1. Any person found guilty of unlawful practice of law may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed $5,000, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or náłyééh shall be paid to the victim(s).
23. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééén and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

34. The trial court may impose consider—the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

56. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

Subchapter 9. Criminal Damage to Property

§ 380. Criminal damage

A. Offense. A person commits criminal damage if he or she intentionally or recklessly:

1. Defaces or damages tangible property of another person;

2. Tampers with tangible property of another person so as to substantially impair its function or value;

3. Tampers with the tangible property of a utility;

4. Defaces or damages tangible property of the Navajo Nation, of a political campaign or any public property.

B. Sentence.

1. Any person found guilty of criminal damage involving property damage of less than $100 worth may be sentenced to perform up to 40 hours of community service work, or be ordered to pay a fine not to exceed $100, or both.
2. Any person found guilty of criminal damage involving property damage of more than $100 worth may be sentenced to perform up to 80 hours of community service work, or be ordered to pay a fine not to exceed $500, or both.

3. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályéeh shall be paid to the victim(s).

4. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályéeh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

5. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

6. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

7. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

C. Restitution. The court, in addition to or in lieu of the sentence, may require the offender to pay actual damages to the injured party.

§ 381. Littering

A. Offense. A person commits an offense pursuant to this Section if he or she throws, places, drops, or disposes of any litter, destructive or injurious material upon lands within the territorial jurisdiction of the Navajo Nation which is not a lawful waste disposal site or receptacle for the disposal of litter.
1. Any person found guilty of a first offense of littering may be sentenced to imprisonment for a term not to exceed 10 days, or be ordered to pay a fine not to exceed $100, or both. In lieu of imprisonment or fine, the court may sentence any person found guilty of a first offense of littering may be sentenced to serve perform not less than forty-four (44) hours nor more than 80 hours picking up and clearing litter from the highways, roads, or public places of the Navajo Nation.

2. Any person found guilty of a second or subsequent offense of littering may be sentenced to imprisonment for a term not to exceed 60 days, or be ordered to pay a fine not to exceed $500, or both. In lieu of imprisonment or fine, the court may sentence any person found guilty of a second or subsequent offense of littering to perform not less than 80 hours nor more than 160 hours picking up and clearing litter from the highways, roads or public places of the Navajo Nation.

§ 382. Repealed

§ 383. Desecration of religious or traditional artifacts

A. Any person, group of persons, organization, association or church, who desecrates or unlawfully destroys any religious artifact or traditional relic belonging to another person, group of persons, organization, association or church, or aids, abets or facilitates such desecration or unlawful destruction shall be deemed guilty of an offense, and upon conviction thereof, may be sentenced to imprisonment for a period not in excess of 365 days for a natural person, or shall be fined an amount not to exceed five thousand dollars ($5,000), or both.

1. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

2. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the
trial court may require the defendant to pay the fee of the peacemaker.

3. The trial court may impose a peace or security bond upon the defendant, including the pledges of family or clan sureties.

4. Upon the imposition of a bond or security pledges, the district office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

5. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private organization or an individual designated by the court, including the chapter in which the defendant resides.

B. Each act of desecration or unlawful destruction shall constitute a separate offense.

Subchapter 10. Controlled Substances

§ 391. Possession of marijuana

A. Offense. The Navajo Nation has a zero tolerance policy relative to the possession of marijuana. A person commits an offense pursuant to this Section if he or she possesses any amount of marijuana and such marijuana is intended for his or her personal use.

B. Sentence.

1. Any person found guilty of a first offense of violating this Section by possessing one ounce or less of marijuana may be sentenced to perform up to twenty hours of community service work, or be ordered to pay a fine not to exceed $100, or both.
2. Any person found guilty of a second or subsequent offense of violating this Section by possessing one ounce or less of marijuana may be sentenced to perform up to forty hours of community service work, or be ordered to pay a fine not to exceed $250, or both.

3. Any person found guilty of violating this Section by possessing more than one ounce but less than one pound of marijuana may be sentenced to perform up to eighty hours of community service work, or be ordered to pay a fine not to exceed $2,500, or both.

4. Any person found guilty of violating this Section by possessing more than one pound of marijuana may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed $5,000, or both.

C. Procedure.

1. Any person found guilty of violating this Section and in possession of any amount of marijuana shall be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars ($5,000).

21. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

32. The trial court may utilize the services of the Navajo Peacemakering Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

43. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

54. Upon the imposition of a bond or security pledges, the district office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.
§ 392. Production or delivery of marijuana

A. Offense. A person commits an offense pursuant to this Section if he or she intentionally or knowingly produces, delivers, or possesses marijuana with intent to deliver such marijuana to another.

B. "Deliver" or "delivery" means the actual or constructive transfer of possession of marijuana to another with or without consideration, whether or not there is an agency relationship.

C. Sentence. Any person found guilty of producing, selling or delivering marijuana may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand five hundred dollars ($25,000), or both.

§ 393. Delivery of marijuana to minors

A. Offense. A person commits an offense pursuant to this Section if he or she is at least 18 years of age, and violates 17 N.N.C. § 391 by delivering marijuana to a person under 18 years of age.

B. "Deliver" or "delivery" means the actual or constructive transfer of possession of marijuana, with or without consideration, whether or not there is any agency relationship.

C. Sentence. Any person found guilty of delivering marijuana to minors shall be sentenced to imprisonment for a term of not to exceed 365 days, and to pay a fine not to exceed five thousand dollars ($5,000).

§ 394. Possession or sale of controlled substances

A. Offense. A person commits an offense pursuant to this section if he or she possesses, manufactures, transports, sells, uses, trades or delivers:
1. Opium or coca leaves, or any compound, manufacture, salt, derivative, mixture or preparation thereof, morphine and its salts excepted, and including the following:

   a. Acetorphine;
   b. Acetyldihydrocodeine;
   c. Benylmorphine;
   d. Codeine;
   e. Codeine methylbromide;
   f. Codeine-n-oxide;
   g. Cyprenorphine;
   h. Desomorphine;
   i. Dihyromorphone;
   j. Drotebanol;
   k. Ethylmorphine;
   l. Etorphine;
   m. Heroin;
   n. Hydrocodone;
   o. Hydromorphone;
   p. Hydromorphone;
   q. Methyldesorphine;
   r. Methyldihydromorphone;
   s. Metopon;
   t. Morphine;
   u. Morphine methylbromide;
   v. Morphine methylsulphonate;
   w. Morphine-n-oxide;
   x. Myrophine;
   y. Nalorphine;
   z. Nicocodeine;
3. Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers:

a. Lysergic acid diethylamide;
b. Mescaline;
c. Psilocybin;
d. Psilocyn;
e. Hashish;
f. Peyote;
g. 4-bromo 2, 5-dimethoxyamphetamine;
h. Bufotenine;
i. Diethyltryptamine;
j. 2, 5-dimethoxyamphetamine;
k. Dimethyltryptamine;
l. 5-methoxy 3, 4-methylenedioxyamphetamine;
m. 4-methyl 2, 5-dimethoxyamphetamine;
n. Ibogaine;
o. Lysergic acid amide;
p. Methoxymethylenedioxyamphetamine (MMDA);
q. Methylenedioxyamphetamine (MDA);
r. 3, 4-methylenedioxyamphetamine;
s. 3, 4-methylenedioxy-n-ethylamphetamine;
1. N-ethyl 3-piperidyl benzilate (JB 318);
   a. N-hydroxy 3, 4-methylenedioxyamphetamine;
   v. N-methyl 3-piperidyl benzilate (JB 336);
   w. N-(1-phenylcyclohexyl) ethylamine (PCE);
   x. Nabilone;
   y. 1-(1-phenylcyclohexyl) pyrrolidine (PHP);
   2. 1-(1-(2 thienyl)-cyclohexyl) pyrrolidine;
      aa. Para-methoxamphetamine (PMA);
      bb. Synhexyl;
   cc. Trimethoxyamphetamine.

3. Any material, compound, mixture or preparation which contains an amount equal to or more than 1.4% quantity of tetrahydrocannabinol (T.H.C.).

4. Any material, compound, mixture or preparation which contains any quantity of the following substances and their salts, isomers, and salts of isomers having a potential for abuse associated with a stimulant effect on the central nervous system:
   a. Amphetamine;
   b. Benzphetamine;
   c. Cathine (+)-norpsuedoephedrine);
   d. Clophenterine;
   e. Clortermine;
   f. Diethylpropion;
   g. Fenemfamin;
   h. Fenethylline;
   l. Fenproporex;
   i. Mazindol;
   k. Mefenorex;
   l. Methamphetamine;
   m. 4-methylaminorex;
n. Methylphenidate;

o. N-ethylamphetamine;

p. N, N-dimethylamphetamine;

q. Dexamfetamine;

r. Phendimetrazine;

s. Phenmetrazine;

t. Pipradol;

u. Propylhexedrine;

v. Pyrovalerone;

w. Spa (−)-1-dimethylamino 1,2-diphenylethane).

9. Any material, compound, mixture or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

a. Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, unless specifically excepted;

b. Alprazolam;

c. Bromazepam;

d. Camazepam;

e. Chlora betaine;

f. Chlora hydrate;

q. Chlordiazepoxide;

h. Chlorhexadol;

i. Clorazepate;

j. Clonazepam;

k. Clorazepate;

l. Clorazepate;

m. Cloxazolam;

n. Delorazepam;
88. Oxazolam;
44. Propylhexedrine;
uu. Pethchioral;
vv. Phencyclidine;
ww. Pinazepam;
xx. Praxepam;
yy. Scopolamine;
zx. Sulfoethylenemethane;
xxa. Sulfoethylenemethane
xbb. Sulllemethane;
ccc. Quazepam;
ddd. Temazepam;
eee. Tetrazepam;
fff. Tiletamine;
ggg. Triazolam;
hhh. Zolazepam.

6. Narcotic drugs, including the following, whether of natural or synthetic origin and any substance neither chemically or physically distinguishable from them:

  a. Acetyl-alpha-methylfentanyl;
  b. Acetylmethadon;
  c. Alfentanyl;
  d. Allyprodine;
  e. Alphacetylmethadon;
  f. Alphameprodine;
  g. Alphamethadon;
  h. Alphamethylfentanyl;
  i. Alphamethyllofentanyl;
  j. Alphaprodine;
  k. Amidone (methadone);
l. Anileridine;
m. Benzethidine;
n. Benzylfentanyl;
o. Betacetylmetadon;
p. Betahydroxyfentanyl;
q. Betahydroxy-3-methylfentanyl;
r. Betamiprodine;
s. Betamethadon;
t. Betaprodine;
u. Bezitramide;
v. Buphrenorphine and its salts;
w. Catosfentanil;
x. Clonitazene;
y. Detropropoxyphene;
z. Diampropide;
aa. Diethylthiambutene;
bb. Difenofoxin;
c. Dilhydrocodeine;
d. Dimenoxadon;
e. Dimepheptanol;
f. Dimethylylthiambutene;
g. Dioxaphetyl butyrate;
h. Diphenoxylate;
i. Dipipanone;
j. Ethylmethylthiambutene;
k. Etonitazene;
l. Etoperidine;
m. Fentanyln;
n. Furethidin;
o. Hydroxyxypethidin
pp. Isomamidone (Isomethadone);
qq. Isopipercaine;
rr. Ketobemidone;
ss. Levomethorphan;
tt. Levopramide;
uu. Levophenacylmorphan;
vv. Levorphanol;
ww. Metazocine;
xz. 3-Methylfentanyl;
yy. 1-Methyl-4-phenyl-4-propionoxypiperidine (MPPP);
z2. 3-Methylthiofentanyl;
aaa. Morpheridine;
bbb. Noracymethadol;
ccc. Norlevorphanol;
ddd. Normethadone;
eee. Norpipanone;
fff. Paraflourofentanyl;
ggg. Pentazocine;
hhh. Phendoxone;
iii. Phenampromide;
jjj. Phencacizine;
kkk. 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine
       (PEPAP);
lll. Phenomorphan;
mnn. Phenoperidine;
nnn. Piminodine;
ooo. Piritramide;
ppp. Prohepatazine;
qqq. Properidine;
rrr. Propiram;
B. Defense. It is a defense to a prosecution under this section that the controlled substance or narcotic was obtained directly from or pursuant to a valid prescription or order issued by a practitioner acting in the course of his or her professional practice.

C. Peyote. The listing of peyote (more commonly known as azee') in Subsection A does not apply to the use of azee' by an enrolled member of an Indian tribe for bona fide ceremonial purposes in connection with naaaghá. Individuals who use, possess, or transport azee' for use in naaaghá are exempt from this prohibition. Azee' is lawful on the Navajo Nation.

D. Sentence.

1. Any person found guilty of possession or sale of controlled substances may shall be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars $5,000, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaker Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.
4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

6. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

E. Rehabilitation. At the discretion of the court, any person found guilty of violating this section, and found to be addicted to a controlled substance, may be ordered to receive rehabilitative treatment pursuant to 17 N.N.C. § 220.

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Subchapter 12. Intoxicating Liquors

§ 410. Possession of liquor

A. Offense. A person commits an offense pursuant to this Section if he or she intentionally or knowingly possesses, or transports any beer, ale, wine, whiskey or any other beverage or any other intoxicating substance which produces alcoholic intoxication, and such alcoholic beverage or intoxicating substance is intended for his or her personal use.

B. Sentence.

1. Any person found guilty of violating this Section possession of liquor may for a first offense be ordered to pay a fine not to exceed fifty five hundred dollars ($500.00).
2. Upon subsequent conviction of violating this Section possession of liquor within a period of 180 days of any previous conviction based upon violation of this Section, he or she may be ordered to pay a fine not to exceed one hundred thousand dollars ($1,000,000).

C. Rehabilitation. At the discretion of the court, any person found guilty of violating this Section, and found to be addicted to alcohol or other intoxicating substances, may be ordered to receive rehabilitative treatment pursuant to Section 220 of this Title.

§ 411. Manufacture or delivery of liquor

A. Offense. A person commits an offense pursuant to this Section if he or she intentionally or knowingly manufactures, delivers, or possesses, with intent to deliver, any beer, ale, wine, whiskey, or any other beverage or other intoxicating substance which produces alcoholic intoxication.

B. "Deliver" or "delivery" means the actual or constructive transfer of possession of any alcoholic beverage or intoxicating substance as described above, with or without consideration, whether or not there is an agency relationship.

C. Presumption. The possession of 12 or more bottles of beverages with an alcohol content of ten percent (10%) or greater, or the possession of 24 or more bottles or cans of beverages with an alcohol content of less than ten percent (10%) shall give rise to the rebuttable presumption that the person possessed such quantity of alcoholic beverages intending to deliver the same.

D. Sentence.

1. Any person found guilty of violating this Section may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars ($5,000), or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).
3. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nalyeeh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

6. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

E. Tort liability. Any person who directly gives, sells, or otherwise provides liquor or any alcoholic beverage to any other person shall be strictly liable for any personal injuries, property damage, means of support to any third person (or to the spouse, child or parent of that third person), or to a person who may bring an action for wrongful death where:

1. The person who obtained the liquor or alcoholic beverage consumed the same;

2. The consumption of the liquor or alcoholic beverage was a proximate cause of the injury, death or property damage.

For the purposes of this Subsection, if it is found that the person who obtained the liquor or alcoholic beverage causes injuries or property damage as a result of the consumption of the liquor or alcoholic beverage within a reasonable period of time following his or her first obtaining the liquor or alcoholic beverage, it shall create a rebuttable presumption that the person consumed the liquor or alcoholic beverage provided to him or her by the person who gave, sold or otherwise provided the liquor or alcoholic beverage.
If a person having rights or liabilities under this Subsection dies, the rights or liabilities provided by this Subsection survive to or against that person's estate.

An action based upon a cause of action under this Subsection shall be commenced within five (5) years after the date of injury or property damage.

Nothing in this Subsection precludes any cause of action or additional recovery against the person causing the injury.

F. Civil forfeiture. Any personal or real property of any person found liable for an offense under this Section, whether criminally or civilly, is subject to forfeiture to the Navajo Nation if the following conditions are met:

1. A person is found to have committed an offense under this Section;

2. There is proof, by at least a preponderance of the evidence, that the property was used in connection with the manufacture, delivery, possession, or transfer of any liquor or alcoholic beverage;

3. The person liable for an offense under this Section has received notice of the proposed forfeiture and provided an opportunity to be heard on that issue.

For the purposes of this Subsection, notice of a proposed forfeiture shall be deemed adequate if the forfeiture is alleged in a complaint for an offense under this Section and the property to be forfeited is described with particularity.

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Subchapter 13. Gambling

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§ 421. Promotion of unlawful gambling

A. Offense. A person commits promotion of unlawful gambling if he or she derives or intends to derive an economic benefit other than personal winnings from gambling and:
1. Induces or aids another to engage in gambling; or
2. Knowingly invests in, finances, owns, controls, supervises, manages, or participates in any gambling.

B. Exceptions. It shall not be unlawful for any person to engage in the activities constituting this offense within the Tóhajiilee Chapter of the Navajo Nation and a Navajo Nation certified chapter that approves gaming within the chapter such as Shiprock Chapter, Manuelito Chapter, Tóhajiilee Chapter, Nahata Dzil Chapter, Leupp Chapter and Tsé Daak’áán Chapter, if done pursuant to a gaming compact entered into between the Navajo Nation and the applicable states.

C. Sentence. Any person found guilty of violating this Section shall forfeit to the Navajo Nation any and all proceeds and devices obtained through the activities constituting this offense and may be ordered to pay a fine not to exceed $1,000.

§ 422. Possession of an unlawful gambling device

A. Offense. A person commits possession of an unlawful gambling device if, with knowledge of the character thereof, he or she manufactures, sells, transports, places or possesses, or conducts or negotiates a transaction affecting or designed to affect ownership, custody, or use of, a slot machine or any other gambling device knowing it is to be used in promoting unlawful gambling.

B. Exceptions. It shall not be unlawful for any person to engage in the activities constituting this offense within the Tóhajiilee Chapter of the Navajo Nation and a Navajo Nation certified chapter that approves gaming within the chapter such as Shiprock Chapter, Manuelito Chapter, Tóhajiilee Chapter, Nahata Dzil Chapter, Leupp Chapter and Tsé Daak’áán Chapter, if done pursuant to a gaming compact entered into between the Navajo Nation and the applicable states.

C. Sentence. Any person found guilty of possession of a gambling device shall forfeit to the Navajo Nation any and all proceeds and devices obtained through the activities constituting this offense and may be ordered to pay a fine not to exceed $1,000.

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Subchapter 14. Prostitution

§ 431. Prostitution

A. Offense. A person commits an offense pursuant to this Section if he or she engages in or agrees or offers to engage in sexual conduct with another person under a fee arrangement.

B. Sentence.

1. Any person found guilty of engaging in sexual conduct with another person under a fee arrangement may be ordered to pay a fine not to exceed $1,000.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or náłyééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine náłyééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

6. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.
§ 432. Promotion of prostitution

A. Offense. A person commits promotion or prostitution if he or she knowingly finances, compels, manages, supervises or controls either alone or in association with others, prostitution activity.

B. Sentence.

1. Any person found guilty of promoting prostitution may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed $1,000, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaker Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

6. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.
Subchapter 16. Offenses Against the Family

§ 450. Definition

The following definition is applicable to this Subchapter:

"Sexual contact" and "sexual act" have the same meaning as those terms are defined in Section 435 in Subchapter 15 of this Title.

§ 451. Bigamy

A. Offense. A person commits bigamy if he or she intentionally or knowingly marries or purports to marry another person at a time when either is lawfully married.

B. Sentence.

1. Any person found guilty of bigamy may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed $1,000, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

6. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public
§ 452. Adultery

A. Offense. A person commits adultery if he or she intentionally or knowingly:

1. If married, engages in sexual intercourse with one other than his or her spouse; or

2. If unmarried, engages in sexual intercourse with a married person.

B. No prosecution for adultery shall be commenced except upon complaint of the husband or wife not committing the offense.

C. Sentence.

1. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

2. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

3. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

4. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

5. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private organization or an
§ 453. Reserved.

§ 454. Abandonment of a child

A. Offense. A person commits abandonment of a child if, as a parent, guardian or other person having custody of a child, he or she intentionally or knowingly abandons a child under 18 years of age.

B. Sentence.

1. Any person found guilty of abandonment of a child may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed $1,000, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether restitution or nályéeh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályéeh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

6. The trial court may consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private organization or an individual designated by the court, including the chapter in which the defendant resides.
§ 455. Persistent nonsupport

A. Offense. A person commits an offense pursuant to this Section if he or she intentionally and persistently fails to provide food, shelter, clothing, medical attention, financial support or other necessary care which he or she can provide and is legally obliged to provide to a spouse, child or other dependent.

B. Sentence.

1. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

2. The trial court may utilize the services of the Navajo Peacemakering Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

3. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

4. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

5. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

C. Payment of actual damages. In addition to or in lieu of the sentence described above, the court at its discretion may require the defendant to pay actual damages, plus reasonable interest and costs of collection, for the benefit of the spouse, child or other dependent.
§ 456. Endangering the welfare of a minor

A. Offense. A parent, guardian or any other person commits endangering the welfare of a minor if he or she intentionally or knowingly contributes, encourages or causes a person under 18 years of age:

1. To be subjected to the infliction of physical or mental injury including failing to maintain reasonable care and treatment thereof; or

2. To be habitually truant from school or a runaway from a parent or guardian or otherwise incorrigible; or

3. To live in a home, which by reason of neglect, cruelty or depravity is an unfit place.

B. Construction to be given this Section. This Section shall be liberally construed in favor of the Navajo Nation for the protection of the minor from neglect or omission of parental duty toward the child, and also to protect children of the Navajo Nation from the effects of the improper conduct, acts or bad example of any person which may be calculated to cause, encourage or contribute to the adverse welfare of minors, although such person is in no way related to the minor.

C. Any person having cause to believe that a minor has received physical injury as a result of unusual or unreasonable physical abuse or neglect should report or cause reports to be made in accordance with the provisions of this Section.

D. An oral report should be made as soon as possible by telephone or otherwise and may be followed by a report in writing to the local Navajo Nation Police unit. Such report should contain the name and address of the minor, if known by the person making the report, and any other information the person making the report believes might be helpful in establishing the cause of the injuries and the identity of the perpetrator.

E. Any person or institution making report in good faith pursuant to this Section shall have immunity from any liability, civil or criminal, that might be otherwise incurred or imposed. Any person or institution making a report in good faith pursuant
K. Any person or institution making report in good faith pursuant to this Section shall have immunity from any liability, civil or criminal, that might be otherwise incurred or imposed. Any person or institution making a report in good faith pursuant to this Section shall have the same immunity with respect to participation in any proceeding resulting from such report.

F. Sentence.

1. Any person found guilty of endangering the welfare of a minor may be sentenced to a term of imprisonment not to exceed 90 days, or be ordered to pay a fine not to exceed $500, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaker Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

6. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

Subchapter 17. [Reserved]
Subchapter 18. Interference with Judicial Proceedings

§ 470. Definitions

The following definitions are applicable in this Subchapter:

A. "Benefit" means any present or future gain or advantage to a beneficiary or to a third person pursuant to the desire or consent of the beneficiary.

B. "Juror" means any person who is a member of any impaneled jury and includes any person who has been drawn or summoned to attend as a prospective juror.

C. "Official proceeding" means a proceeding heard before any standing committee of the Navajo Nation Council, judicial proceeding or before an official authorized to hear evidence under oath.

D. "Testimony" includes oral or written statements, documents or any other material that may be offered by a witness in an official proceeding.

§ 471. Influencing a witness

A. Offense. A person commits influencing a witness if he or she threatens a witness, or offers, confers or agrees to confer any benefit upon a witness in any official proceeding, or a person he or she believes may be called as a witness, with intent to:

1. Influence the testimony of that person; or

2. Induce that person to avoid legal process summoning him or her to testify; or

3. Induce that person to absent himself or herself from any official proceeding to which he or she has been legally summoned.

B. Sentence.

1. Any person found guilty of violating this section may be sentenced to imprisonment for a term not to exceed 180
§ 472. Receiving a bribe by a witness

A. Offense. A witness in an official proceeding, or a person who believes he or she may be called as a witness, commits receiving a bribe by a witness if he or she intentionally or knowingly solicits, accepts or agrees to accept any benefit upon an agreement or understanding that:

1. His or her testimony will thereby be influenced; or

2. He or she will attempt to avoid legal process summoning him or her to testify; or
4. He or she will absent himself or herself from any official proceeding to which he or she has been legally summoned.

II. Sentence.

1. Any person found guilty of receiving a bribe by a witness may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed $1,000, or both.

42. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

43. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

44. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

56. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 473. Influencing a juror

A. Offense. A person commits an offense pursuant to this Section if he or she threatens a juror or offers, confers or agrees to confer a benefit upon a juror with the intent to influence the juror’s vote, opinion, decision or other action as a juror.
B. Sentence.

1. Any person found guilty of influencing a juror may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed $1,000, or both.

23. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or náłyééh shall be paid to the victim(s).

23. The trial court may utilize the services of the Navajo Peacemaker Program Court to determine náłyééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

34. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

56. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 474. Receiving a bribe by a juror

A. Offense. A juror commits an offense pursuant to this Section if he or she intentionally or knowingly solicits, accepts or agrees to accept any benefit upon an agreement or understanding that his or her vote, opinion, decision or other action as a juror may thereby be influenced.
B. Sentence.

1. Any juror found guilty of receiving a bribe may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed $1,000, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

6. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 475. Jury tampering

A. Offense. A person commits jury tampering if, with intent to influence a juror's vote, opinion, decision or other action in a case, he or she, directly or indirectly, communicates with a juror other than as part of the normal proceedings of the case.
8. Sentence.

1. Any person found guilty of jury tampering may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed $1,000, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályéeh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályéeh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

6. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 476. Tampering with physical evidence

A. Offense. A person commits tampering with physical evidence if, with intent that it be used, introduced, rejected or unavailable in an official proceeding which is then pending or which such person knows is about to be instituted, he or she:

1. Destroys, mutilates, alters, conceals or removes physical evidence with the intent to impair its verity or availability; or
2. Knowingly makes, produces or offers any false physical evidence; or

3. Prevents the production of physical evidence by an act of force, intimidation or deception against any person.

B. Sentence.

1. Any person found guilty of tampering with physical evidence may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed $1,000, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályéén shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaker Program Court to determine nályéén and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

56. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private organization or an individual designated by the court, including the chapter in which the defendant resides.
§ 477. Interfering with judicial proceedings

A. Offense. A person commits an offense pursuant to this Section if he or she intentionally or knowingly:

1. Engages in disorderly, disrespectful or insolent behavior during the session of a court which directly tends to interrupt its proceedings or impairs the respect due to its authority after being advised by the court to cease; or

2. Disobeys or resists the lawful order, process or other mandate of a court; or

3. Refuses to be sworn as a witness in any court proceeding; or

4. Refuses to serve as a juror; or

5. Fails inexcusably to attend a trial at which he or she has been chosen to serve as a juror.

B. Sentence.

1. Any person found guilty of interfering with judicial proceedings may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed $1,000, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.
46. Upon the imposition of a bond or security pledges, the District Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

56. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 478. Simulating legal process

A. Offense. A person commits an offense pursuant to this Section if he or she intentionally or knowingly sends or delivers to another any document purporting to be an order or other document that simulates civil or criminal process, including process which is otherwise proper but which is not authorized by the laws of the Navajo Nation.

B. Sentence.

1. Any person found guilty of simulating legal process may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed $1,000, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order restitution or Nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine Nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

34. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.
45. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

46. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private organization or an individual designated by the court, including the chapter in which the defendant resides.

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Subchapter 19. Offenses Against the Public Order

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§ 481. Unlawful assembly

A. Offense. A person commits unlawful assembly if being present at any assembly of five or more other persons that either has or develops the purpose to engage in conduct constituting a riot as defined in 17 N.N.C. § 482, he or she knowingly remains there and refuses to obey an official order to disperse.

B. Sentence.

1. Any person found guilty of unlawful assembly may be ordered to pay a fine not to exceed $250.

42. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

23. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.
44. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. Upon the imposition of a bond or security pledges, the District Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

66. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 482. Riot

A. Offense. A person commits riot if, with five or more other persons acting together, he or she intentionally, knowingly or recklessly uses force or violence or threatens to use force or violence, if accompanied by immediate power of execution, which disturbs the public peace.

B. Sentence.

1. Any person found guilty of rioting may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed one thousand five hundred dollars ($1,000.00), or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.
§ 483. Disorderly conduct

A. Offense. A person commits disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or with knowledge of doing so, or recklessly creating a risk thereof, he or she:

1. Engages in fighting, or provokes a fight in a public or private place; or

2. In a public place uses abusive or offensive language or gestures to any person present in a manner likely to provoke immediate physical retaliation by such person; or

3. Makes any protracted commotion, utterance or display with the intent of preventing the transaction of the business of a lawful meeting, gathering or procession; or


B. Sentence.

1. Any person found guilty of a first offense of disorderly conduct may be ordered to pay a fine not to exceed $100.

2. Any person found guilty of a second offense of disorderly conduct within one year may be ordered to pay a fine not to exceed $250.

3. Any person found guilty of a third or subsequent offense of disorderly conduct within one year may be ordered to pay a fine not to exceed $500.
44. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether restitution or nalyeeh shall be paid to the victim(s).

45. The trial court may utilize the services of the Navajo Peacemakering Program Court to determine nalyeeh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

46. The trial court may impose consideration the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

47. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

58. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

484. Obstructing a highway or other public thoroughfare

A. Offense. A person commits obstructing a highway or other public thoroughfare when, having no legal privilege to do so, he or she, alone or with other persons, intentionally, knowingly or recklessly interferes with the passage of any highway or public thoroughfare by creating an unreasonable inconvenience or hazard.

B. Sentence.

1. Any person found guilty of obstructing a highway or other public thoroughfare may be ordered to perform up to eighty hours of community service work.
12. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or náá́łééh shall be paid to the victim(s).

23. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine náá́łééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

34. The trial court may impose consideration the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

56. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 485. False reporting

A. Offense. A person commits false reporting if he or she initiates or circulates a report of a bombing, fire, offense or other emergency knowing that the report is false or baseless and intending or knowing:

1. That it will cause action of any sort by an official or volunteer agency organized to deal with emergencies; or

2. That it will place a person in fear of imminent serious bodily injury; or

3. That it will prevent or interrupt the occupation of any building, room, place of assembly, public place or means of transportation.
B. Sentence.

1. Any person found guilty of false reporting may be sentenced to imprisonment for a term not to exceed 30 days, or be ordered to pay a fine not to exceed $500, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééeh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaker Program Court to determine nályééeh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

6. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 486. Criminal nuisance

A. Offense. A person commits criminal nuisance if:

1. By conduct either unlawful in itself or unreasonable under all the circumstances, he or she knowingly or recklessly creates or maintains a condition which endangers the safety or health of others; or

2. He or she knowingly conducts or maintains any premises, place or resort where persons gather for purposes of engaging in unlawful conduct.
8. Sentence.

1. Any person found guilty of criminal nuisance may be sentenced to a term of imprisonment not to exceed 30 days, or be ordered to pay a fine not to exceed $1,000, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

56. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 488. Public intoxication

A. Offense. A person commits an offense pursuant to this Section if he or she appears in a public place under the influence of alcohol, marijuana, or controlled substances which use of or possession of is prohibited under 17 N.N.C. § 394, not therapeutically administered, to the degree that he or she is unable to care for his or her own safety.
B. Safety detention. Any person arrested for public intoxication may be held in a detention facility of the Navajo Nation Department of Public Safety for not more than 24 hours after arrest.

C. Sentence.

1. Any person found guilty of a first offense of public intoxication may be ordered to attend rehabilitative therapy or pay a fine not to exceed $100 or perform a term of community service not to exceed five days, or both.

2. Any person found guilty of a second offense of public intoxication within one year may be ordered to attend rehabilitative therapy or pay a fine not to exceed $250, or both.

3. Any person found guilty of a third or subsequent offense of public intoxication within one year may be ordered to attend rehabilitative therapy or pay a fine not to exceed $500, or both.

24. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

35. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

46. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

57. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

68. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public
§ 489. Inhalation of toxic vapors

A. Offense. A person commits an offense pursuant to this Section if he or she inhales the vapors or fumes of paint, gas, glue, or any other toxic product for the purpose of becoming intoxicated.

B. Safety detention. A person arrested for inhalation of toxic vapors may be held in a detention facility of the Navajo Nation Department of Public Safety for not more than 24 hours after arrest.

C. Sentence.

1. Any person found guilty of inhalation of toxic vapors may be ordered to attend rehabilitative therapy, or perform a term of community service not to exceed five days eighty hours, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemakering Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.
6. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private organization or an individual designated by the court, including the chapter in which the defendant resides.

Subchapter 20. Robbery

§ 491. Robbery

A. Offense. A person commits robbery if in the course of committing theft, he or she threatens or uses immediate force against any person with intent either to coerce surrender of property or to forestall resistance to his or her taking or retaining of property.

B. Sentence.

1. Any person found guilty of robbery may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars ($5,000), or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.
§ 492. Armed robbery

A. Offense. A person commits armed robbery if in the course of committing robbery as defined in 17 N.N.C. § 491, he or she or an accomplice:

1. Is armed with a deadly weapon; or

2. Uses or threatens to use a deadly weapon or dangerous instrument.

B. Sentence. Any person found guilty of armed robbery may be sentenced to imprisonment for a term not to exceed 365 days, or and to pay a fine not to exceed five thousand dollars ($5,000), or both.

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Subchapter 22. Forests and Woodlands Violations

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§ 521. Resisting or obstructing a forest officer

A. Offense. A person commits an offense pursuant to this Section if he or she intentionally or knowingly obstructs, impairs, hinders or resists any forest officer or Navajo Nation Ranger engaged in the lawful exercise of his or her official duties.

B. Sentence.

1. Any person found guilty of resisting or obstructing a forest officer may be ordered to perform up to eighty hours of community service work, or be ordered to pay a fine not to exceed $1,000, or both.
42. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nalyéeh shall be paid to the victim(s).

43. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nalyéeh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

44. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

46. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

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§ 523. Fire violations

A. Offense. A person commits an offense pursuant to this Section if he or she intentionally, recklessly or negligently:

1. Throws or places any burning, glowing or ignited substance within Navajo forests or woodlands which may start a fire;

2. Causes timber, trees, brush, slash or grass to burn, except as authorized by permit issued by BIA Forestry or their delegated agency;

3. Leaves a fire within Navajo forests or woodlands without completely extinguishing it;

Page 107 of 132
4. Allows a fire to get out of control within Navajo forests or woodlands;

5. Within Navajo forests or woodlands, builds a campfire in a dangerous place, or during windy weather without confining it;

6. Operates equipment within the Navajo forest without approved fire safety and spark arresting devices.

B. Sentence.

1. Any person found guilty of violating the provisions of this Section may be ordered to perform up to eighty hours of community service work or pay a fine not to exceed five thousand dollars ($5,000), or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééeh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaker Program Court to determine nályééeh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

6. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.
C. Restitution. The court, in addition to or in lieu of the sentence, may require the offender to pay the Navajo Nation the full cost of suppression of the fire and/or the fair market value of the timber and improvements destroyed or damaged as a result of the fire.

§ 524. [Reserved]

§ 525. Unauthorized harvesting of timber or forest product

A. Offense. A person commits an offense pursuant to this Section if, after approval of regulations, he or she intentionally or knowingly:

1. Cuts, kills, destroys, chops, boxes, injures or otherwise damages, or harvests any timber, tree or other forest product, except as authorized pursuant to valid permit, approved contract, or Tribal regulation;

2. Harvests any tree pursuant to a valid permit or approved contract before a forest officer has marked it or has otherwise designated it for harvest;

3. Removes any timber or other forest product cut pursuant to a valid permit or approved contract, except to a location designated for scaling, or removes any timber or forest product from a location designated for scaling before it has been scaled, measured, counted, or otherwise inventoried by a forest officer;

4. Stamps, marks with paint, or otherwise identifies any tree or other forest product in a manner similar to that employed by a forest officer to mark or designate a tree or forest product for harvest or removal;

5. Fails to comply with permit requirements or timber harvest standards;

6. Sells or trades any forest product without a valid permit authorizing the commercial sale of the product.
B. Sentence.

1. Any person found guilty of violating the provisions of this Section may be ordered to perform up to eighty hours of community service work or pay a fine not to exceed two thousand five hundred dollars ($2,500), or both, and ordered to forfeit the subject timber or forest product.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemakering Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

6. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

C. Restitution. The court, in addition to or in lieu of the penalty, may require the offender to pay the Navajo Nation the fair market value of the damaged property and/or restoration costs.

§ 526. Unauthorized occupancy and use of Navajo forest lands

A. Offense. A person commits an offense pursuant to this Section if he or she intentionally or knowingly:
1. Constructs or maintains any road, trail, structure, fence, enclosure, or other improvement upon Navajo forests or woodlands without proper authorization;

2. Abandons a motor vehicle, animal or personal property within Navajo forests or woodlands.

B. Sentence.

1. Any person found guilty of violating the provisions of this Section may be ordered to pay a fine not to exceed two thousand five hundred dollars ($2,500).

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

6. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

C. Removal costs. The court, in addition to or in lieu of the sentence, may order the offender to remove the unauthorized improvements or to pay the Navajo Nation the full costs of removal.
§ 527. Unauthorized use of motor vehicles

A. Offense. A person commits an offense pursuant to this Section if he or she intentionally or knowingly:

1. Fails to stop a motor vehicle when directed to do so by a forest officer;

2. Blocks, restricts, or otherwise interferes with the use of a road or trail within Navajo forests or woodlands;

3. Operates any motor vehicle off of established roads in a manner which damages or unreasonably disturbs Navajo forests or woodlands or any Navajo vegetative resource.

B. Sentence.

1. Any person found guilty of violating the provisions of this Section may be ordered to pay a fine not to exceed one thousand dollars ($1,000).

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

6. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private organization or an
individual designated by the court, including the chapter in which the defendant resides.

C. Restitution. The court, in addition to or in lieu of the sentence, may require the offender to pay the Navajo Nation the full cost of restoration of the damaged resource.

Subchapter 23. Curfew Violations

§ 530. Definitions

The following definitions apply in this Subchapter:

A. "Abroad" shall mean when a child is in any place in or out-of-doors other than his/her usual place of abode. However, no child shall be considered "abroad" in any of the following circumstances:

1. When accompanied by a parent or guardian; or

2. When returning home without delay or loitering from a community, school or other activity attended with permission or his/her parent or guardian; or

3. During an emergency.

B. "Child" shall mean any person who has not reached his/her eighteenth birthday.

C. "Curfew hours" shall mean for a child who has not reached his/her eighteenth birthday, between the hours or 10:00 p.m. through 6:00 a.m. on Sunday through Thursday, and 12:00 a.m. through 6:00 a.m. on Friday and Saturday.

D. "Emergency" shall mean an unforeseen circumstance or a combination of circumstances or the resulting state thereof that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life, or damage to or loss of property.
E. "Establishment" shall mean any place or business to which the public is invited, including but not limited to, any place of amusement, entertainment or traditional ceremony.

F. "Guardian" shall mean a person who is:

1. Assigned by a court of law, other than a parent, having the duty and authority to provide care and control of a child; or

2. At least 18 years of age and authorized by a parent to have the care and custody of a child.

G. "Operator" shall mean any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

H. "Parent" shall mean a person who is a natural or adoptive parent but does not include any person whose parental rights have been terminated.

I. "Public place" shall mean any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

J. "Remain" shall mean to:

1. Linger or stay; or

2. Fail to leave the premises when requested to do so by a police officer or the owner, operator, or other persons in control of the premises.

K. "Serious bodily injury" shall mean bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
§ 531. Curfew

A. A parent or guardian of a child commits an offense whenever:

1. The child is found or remains abroad in any public place or on the premises of any establishment within the territorial jurisdiction of the Navajo Nation during curfew hours as defined by Section 530 of this Subchapter; or

2. The parent or guardian fails or refuses to take such child into custody after such demand is made upon him/her by a law enforcement officer who has taken custody of said child for committing an offense pursuant to Section 531 of this Subchapter.

B. A child, who has not reached his/her eighteenth birthday, commits an offense if he/she is found or remains abroad in any public place or on the premises of any establishment within the territorial jurisdiction of the Navajo Nation during curfew hours as defined by Section 530(C) of this Subchapter.

C. The owner, operator or any employee of an establishment commits an offense whenever a child is found or remains abroad upon the premises of the establishment during curfew hours as defined by Section 530(C) of this Subchapter.

D. Sentence.

1. Any Indian, other than a child who is found guilty of committing an offense under this Subchapter may be sentenced to perform up to eighty hours of community service work imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed five thousand dollars ($5,000.00), or both.

2. Any Indian child who commits an offense under Section 531(B) or (C) of this Subchapter shall be deemed to have committed a delinquent act and may be deemed a delinquent child pursuant to 9 N.N.C. § 1001 et seq.

3. Any non-Indian child or non-Indian parent of guardian of a child who commits an offense under Section 531 or this Subchapter may be excluded from the territorial jurisdiction of the Navajo Nation pursuant to 17 N.N.C. § 1901 et seq., or be ordered to pay a civil penalty not to
exceed one thousand five hundred dollars ($1,0500.00), or both.

Subchapter 24. Violence Against Family Act

§ 535. Definitions

The following definitions are applicable to this subchapter:

A. "Advocate" means any individual, including a family member, who provides support for a victim. This individual is not a legal advocate.

B. "Bodily injury" includes but is not limited to the following:

1. A cut, abrasion, bruise, burn, or disfigurement;
2. Physical pain;
3. Illness; or
4. Impairment of the function of a bodily member, organ, or mental faculty.

C. "Deadly Weapon" means any instrument capable of being used in a lethal manner or to cause serious bodily injury, including but not limited to a firearm, cross bow, knife, axe, etc.

D. "Family member" means any individual who is a spouse, former spouse, household member, parent, legal guardian, present or former stepparent or stepchild(ren), or former in-law, or relative to the second affinity which includes aunts, uncles, nieces, nephews, cousins, grandparents, grandchildren; or an individual with whom one has a continued personal relationship.

E. "Family violence" means any criminal act as defined under this subchapter committed by a family member against another family member resulting in:
1. Physical harm, including bodily injury and sexual assault;
2. A threat causing imminent fear of bodily injury, including assault and sexual assault;
3. Emotional distress;
4. Stalking;
5. Harassment;
6. Electronic harassment;
7. Criminal trespass;
8. Criminal damage to property; or

F. "Family violence court order" means a Court order issued pursuant to this subchapter or the Domestic Abuse Protection Act, 9 N.N.C. § 1601, et seq.

G. "Firearm" means any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, including tasers, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectable ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances.

H. "Law Enforcement Officer" means a duly commissioned peace officer, sheriff, or deputy sheriff.

I. "Repeatedly" means more than one time.

J. "Pattern of conduct" means any acts or behaviors which are intentional, regular or repeated.

K. "Serious bodily injury" means the following but is not limited to:
1. A substantial risk of death or loss of life of an individual or transmission of fatal disease;

2. Protracted and obvious disfigurement;

3. Pregnancy or disease or injury resulting from a sexual assault;

4. Extreme physical pain; or

5. Protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

L. "Sexual contact" means any direct or indirect touching, fondling, manipulating of any part of the genitals, anus, breasts or other intimate parts of the individual.

M. "Spouse" means wife or husband, including common law and traditional.

N. "Stalking" means a pattern of repeated, unwanted attention, harassment and contact. It is a pattern of conduct that can include:

1. Following the victim;

2. Appearing at the victim's home or place of work;

3. Making unwanted and frightening contact with the victim through telecommunications technology, including but not limited to phone, texting, mail and/or email;

4. Harassing the victim through the Internet;

5. Making threats to harm the victim, the victim's children, relatives, friends, pets or livestock;

6. Sending the victim unwanted gifts;

7. Intimidating the victim;

8. Vandalizing the victim's property; or

9. Securing personal information about the victim by accessing public records, hiring private investigators,
using Internet search services, contacting friends, family, work or neighbors, or going through the victim’s garbage.

Q. "Victim" for purposes of this subchapter means any individual who meets the definition of "family member" herein and is subjected to a criminal act.

§ 542. Unlawful imprisonment of a family member

A. An individual commits unlawful imprisonment of a family member when, without lawful authority, he/she intentionally detains, restrains, or confines a family member without consent.

B. Sentence.

1. An individual found guilty of unlawful imprisonment of a family member may be sentenced to imprisonment for a term not to exceed one hundred eighty (180) days, and/or be ordered to pay a fine not less than five hundred dollars ($500.00) and not to exceed one thousand dollars ($1,000.00).

2. Upon a second or subsequent conviction of this offense, such person shall be sentenced to imprisonment for a term of not less than one hundred eighty (180) days and not to exceed three hundred sixty-five (365) days, and/or be ordered to pay a fine not less than two thousand dollars ($2,000.00) and not to exceed five thousand dollars ($5,000).

§ 543. Aggravated assault of a family member

A. An individual commits aggravated assault of a family member when he/she intentionally or knowingly assaults or strikes at a family member with a deadly weapon and/or attempts to cause grave bodily injury.

B. Sentence.

1. Any individual found guilty of aggravated assault of a family member may be sentenced to imprisonment for a term not to exceed one hundred eighty (180) days and not to exceed three hundred sixty-five (365) days, and/or be ordered to pay a fine
not less than two thousand five hundred dollars ($2,500.00) and
not to exceed five thousand dollars ($5,000.00).

§ 544. Battery of a family member

A. An individual commits battery of a family member if he/she
unlawfully and intentionally strikes or applies force to a
family member.

B. Any individual found guilty of battery of a family member
may be sentenced to imprisonment for a term not to exceed three
hundred sixty-five (365) days, and/or be ordered to pay a fine
not to exceed five thousand dollars ($5,000.00).

§ 545. Aggravated battery against a family member

A. An individual commits aggravated battery against a family
member if he/she unlawfully:

1. Applies force or strikes a family member with a deadly
weapon; or

2. Causes serious bodily injury to another family member.

B. An individual found guilty of aggravated battery against a
family member shall be sentenced to imprisonment for a term not
to exceed three hundred sixty-five (365) days, and/or be ordered
to pay a fine of not less than one thousand dollars ($1,000.00)
and not to exceed five thousand dollars ($5,000.00).

§ 546. Possession of a firearm

A. An individual commits possession of a firearm when that
individual has been convicted of an offense under this
subchapter and/or a valid protection order issued against
him/her under the Domestic Abuse Protection Act or similar order
by another jurisdiction; and if he/she possesses any firearm.

B. This section shall not apply to law enforcement officers,
unless convicted under this subchapter or found to have violated
the Domestic Abuse Protection Act utilizing a firearm.
C. Sentence.

1. Any individual found guilty of possession of a firearm may be sentenced to imprisonment for a term not to exceed one hundred eighty (180) days, and/or be ordered to pay a fine not less than five hundred dollars ($500.00) and not to exceed one thousand dollars ($1,000.00).

2. Upon a second or subsequent conviction such individual shall be sentenced to imprisonment for a term of not less than one hundred eighty (180) days and not to exceed three hundred sixty-five (365) days, and/or be ordered to pay a fine not less than one thousand dollars ($1,000.00) and not to exceed five thousand dollars ($5,000.00).

§ 547. Trespass with force or violence against a family member

A. An individual commits trespass with force or violence against a family member if he/she uses force or violence to enter the residence, property, vehicle or facility occupied by the family member.

B. Sentence.

1. Any individual found guilty of trespass with force or violence against a family member may be sentenced to imprisonment for a term not to exceed one hundred eighty (180) days, and/or be ordered to pay a fine not less than five hundred dollars ($500.00) and not to exceed one thousand dollars ($1,000.00).

2. Upon a second or subsequent conviction such individual shall be sentenced to imprisonment for a term of not less than one hundred eighty (180) days and not to exceed three hundred sixty-five (365) days, and/or be ordered to pay a fine not less than one thousand dollars ($1,000.00) and not to exceed two thousand dollars ($2,000.00).

§ 548. Burglary against a family member

A. An individual commits burglary against a family member if he/she enters or remains unlawfully in a residential or non-residential structure, or motor vehicle, with the intent of committing any offense and/or in violation of a valid court order.
B. Sentence.

1. Any individual found guilty of burglary against a family member may be sentenced to imprisonment for a term no less than one hundred eighty (180) days, and/or be ordered to pay a fine not less than two hundred fifty dollars ($250.00) and not to exceed five hundred dollars ($500.00).

2. Upon a second or subsequent conviction, such individual shall be sentenced to imprisonment for a term of not less than one hundred eighty (180) days and not to exceed three hundred sixty-five (365) days, and/or be ordered to pay a fine not less than five hundred dollars ($500.00) and not to exceed one thousand five hundred dollars ($1,500.00).

§ 549. Threatening a family member

A. An individual commits the offense of threatening a family member if he/she threatens by word or conduct to cause physical injury to a family member or cause serious damage to the property of a family member:

1. With the intent to terrorize; or

2. In reckless disregard of the risk of terrorizing a family member.

B. Sentence.

1. Any individual found guilty of threatening a family member may be sentenced to imprisonment for a term not to exceed one hundred eighty (180) days, and/or be ordered to pay a fine not less than two hundred fifty dollars ($250.00) and not to exceed five hundred dollars ($500.00).

2. Upon a second or subsequent conviction such individual shall be sentenced to imprisonment for a term of not less than one hundred eighty (180) days and not to exceed three hundred sixty-five (365) days, and/or be ordered to pay a fine not less than five hundred dollars ($500.00) and not to exceed one thousand five hundred dollars ($1,500.00).
§ 550. Custodial interference

A. An individual commits custodial interference if he/she intentionally or knowingly takes or entices a minor child from the custody of his/her parent, guardian, or lawful custodian.

B. Sentence.

1. Any individual found guilty of custodial interference may be sentenced to imprisonment for a term not to exceed one hundred eighty (180) days, and/or be ordered to pay a fine not less than two hundred fifty dollars ($250.00) and not to exceed five hundred dollars ($500.00).

2. Upon a second or subsequent conviction such individual shall be sentenced to imprisonment for a term of not less than one hundred eighty (180) days and not to exceed three hundred sixty-five (365) days, and/or be ordered to pay a fine not less than five hundred dollars ($500.00) and not to exceed one thousand five hundred dollars ($1,500.00).

§ 551. Unlawful use of a weapon against a family member

A. An individual commits unlawful use of a weapon against a family member when he/she during a domestic violence incident:

1. Intentionally, knowingly or recklessly handles or discharges a deadly weapon endangering the safety of his/her family member and/or his/her property, including pets or livestock; or

2. Carries a deadly weapon while under the influence of alcohol, intoxicants or drugs.

B. Sentence.

1. An individual found guilty of unlawful use of a weapon against a family member may be sentenced to imprisonment for a term not to exceed one hundred eighty (180) days, and/or be ordered to pay a fine not to exceed two thousand five hundred dollars ($2,500.00).
2. Upon a second or subsequent conviction such person shall be sentenced to imprisonment for a term of not less than one hundred eighty (180) days and not to exceed three hundred sixty-five (365) days, and/or be ordered to pay a fine not to exceed five thousand dollars ($5,000.00).

§ 552. Criminal entry involving family violence

A. An individual commits criminal entry involving family violence when he/she intentionally, knowingly or recklessly:

1. Enters upon any property occupied by a family member to cause damage to the property or to interfere with or obstruct any business or occupation therein; or

2. Refuses or fails to leave such property upon being requested to leave by a law enforcement officer, owner, user, or family member.

B. Sentence.

1. Any individual found guilty of criminal entry involving family violence may be sentenced to imprisonment for a term not to exceed sixty (60) days, and/or be ordered to pay a fine not to exceed five hundred dollars ($500.00).

2. Upon a second or subsequent conviction such individual shall be sentenced to imprisonment for a term of not less than sixty (60) days and not to exceed one hundred eighty (180) days, and/or be ordered to pay a fine not to exceed one thousand dollars ($1,000.00).

§ 553. Criminal damage involving family violence

A. An individual commits criminal damage involving family violence when he/she intentionally, recklessly or knowingly:

1. Defaces or damages tangible property of a family member; or

2. Tampers with tangible property of a family member so as to substantially impair its function or value.

3. It is not a defense that the property is considered community property.
§ 554. Violation of family violence court order

A. An individual commits an offense pursuant to this subchapter when he/she intentionally, or knowingly, or recklessly disobeys or resists any family violence court order, process, or other mandate of a court entered against him or her.

B. Sentence.

1. Any individual found guilty of a violation of a family violence court order may be sentenced to imprisonment for a term not to exceed one hundred eighty (180) days, and/or be ordered to pay a fine not less than five hundred dollars ($500.00) and not to exceed one thousand five hundred dollars ($1,500.00).

2. Upon a second or subsequent conviction such individual shall be sentenced to imprisonment for a term of not less than one hundred eighty (180) days and not to exceed three hundred sixty-five (365) days, and/or be ordered to pay a fine not less than five hundred dollars ($500.00) and not to exceed one thousand five hundred dollars ($1,500.00).
§ 555. Robbery of a family member

A. An individual commits robbery of a family member when, in the course of committing a theft he/she causes a family member to give up property through the use of coercion, threats and/or immediate physical force.

B. Sentence.

1. Any individual found guilty of robbery of a family member may be sentenced to imprisonment for a term of not less than one hundred eighty (180) days, and/or be ordered to pay a fine not to exceed two thousand five hundred dollars ($2,500.00).

2. Upon a second or subsequent conviction such individual shall be sentenced to imprisonment for a term of not less than one hundred eighty (180) days and not to exceed three hundred sixty-five (365) days, and/or be ordered to pay a fine not to exceed five thousand dollars ($5,000.00).

§ 557. Solicitation against a family member

A. An individual commits solicitation against a family member when he/she commands, entreats, induces, or otherwise endeavors to persuade another person to engage in unlawful conduct against a family member.

B. Affirmative defense. It is an affirmative defense to a prosecution under this section that, under circumstances manifesting a complete and voluntary renunciation of his/her criminal intent, the defendant made a reasonable effort to prevent the conduct or result which is the object of the solicitation.

C. Defense precluded. It is not a defense to a prosecution under this section that the person solicited could not be convicted of the offense because he/she lacked the state of mind required for the commission of the offense, because the person
solicited was incompetent or irresponsible, or because he/she was otherwise not subject to prosecution.

D. Sentence.

1. Any individual found guilty of solicitation against a family member may be sentenced to imprisonment for a term not less than thirty (30) days and not to exceed sixty (60) days, and/or be ordered to pay a fine not to exceed two hundred fifty dollars ($250.00).

2. Upon a second or subsequent conviction such individual shall be sentenced to imprisonment for a term of not less than sixty (60) days and not to exceed one hundred eighty (180) days, and/or be ordered to pay a fine not to exceed one thousand dollars ($1,000.00).

§ 558. Aggravated Solicitation of a Minor Family Member

A. An individual commits aggravated solicitation of a minor family member when he/she knowingly causes a minor to engage in conduct constituting an offense pursuant to this subchapter, and/or he/she commands, demands or coerces a minor to engage in such conduct. Subsections 557(B) and (C) shall apply to this section.

B. Sentence.

1. Any individual found guilty of aggravated solicitation of a minor family member may be sentenced to imprisonment for a term not less than sixty (60) days and not to exceed ninety (90) days, and/or be ordered to pay a fine not to exceed five hundred dollars ($500.00).

2. Upon a second or subsequent conviction such individual shall be sentenced to imprisonment for a term of not less than one hundred eighty (180) days and not to exceed three hundred sixty-five (365) days, and/or be ordered to pay a fine not to exceed two thousand five hundred dollars ($2,500.00).
§ 559. Arson Against a Family Member

A. An individual commits arson against a family member when he/she intentionally, knowingly or recklessly sets fire, or attempts to set fire to a family member’s dwelling/residence, vehicle and/or property.

B. Sentence.

1. Any person found guilty of arson against a family member attempt of arson may be sentenced to imprisonment for a term not less than one hundred eighty (180) days, and/or be ordered to pay a fine not less than two hundred fifty dollars ($250.00) and not to exceed five hundred dollars ($500.00).

2. Upon a second or subsequent conviction such individual shall be sentenced to imprisonment for a term of not less than one hundred eighty (180) days and not to exceed three hundred sixty-five (365) days, and/or be ordered to pay a fine not less than five hundred dollars ($500.00) and not to exceed one thousand five hundred dollars ($1,500.00).

3. Restitution/Nalypeeh. The court, in addition to or in lieu of the sentence described in subsection (B)(1) and (2) above, may require the offender to pay actual damages for the benefit of the injured party.

Subchapter 1. General

§ 2705. Penalties

A. Any person who shall violate 17 N.N.C. § 2702, or having been warned to leave a closed area pursuant to 17 N.N.C. § 2704 shall willfully fail or refuse so to leave, shall be deemed guilty of an offense and, upon conviction thereof, may be sentenced to labor for not more than 60 days ordered to perform up to eighty hours of community service work or to pay a fine of not more than $500 three hundred dollars ($300.00), or both.
II. Any non-member who shall violate this Chapter may be excluded from Navajo Nation land pursuant to the provisions of 17 N.N.C. § 1901 et seq.

Subchapter 2. Navajo Nation Fireworks Code

§ 2737. Violations of Code

Any person who is determined to be in violation of the provisions of this Code or the provisions of any ordinance complying with this Code, shall be sentenced as follows: to perform up to 40 hours of community service work, or be ordered to pay a fine not to exceed $100, or both, and as follows:

1. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether restitution or nályééh shall be paid to the victim(s).

2. The trial court may utilize the services of the Navajo Peacemakering Program Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

3. The trial court may impose the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

4. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

5. The trial court may impose the utility of labor or shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private organization or an individual designated by the court, including the chapter in which the defendant
§ 2737. Violations of Code

Any person who is determined to be in violation of the provisions of this Code or the provisions of any ordinance complying with this Code, shall be sentenced as follows to perform up to 40 hours of community service work, or be ordered to pay a fine not to exceed $100, or both, and as follows:

1. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or náyleéh shall be paid to the victim(s).

2. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine náyleéh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

3. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

4. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

5. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.
Section 4. Codification

The provisions of these amendments which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

Section 5. Savings Clause

Should any provision of these amendments be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation without appeal to the Navajo Nation Supreme Court, those provisions which are not determined invalid shall remain the law of the Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 8 in favor and 4 opposed, this 14th day of November 2014.

LoRenzo Bates, Pro Tem Speaker Navajo Nation Council

Motion: Honorable Joshua Lavar Butler
Second: Honorable Leonard Pete

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C)(10), on this day of DEC 01 2014 2014.

Ben Shelly, President Navajo Nation
I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this ___ day of ___ 2014 for the reason(s) expressed in the attached letter to the Speaker.

Ben Shelly, President
Navajo Nation
President Shelly thanks Navajo people, issues holiday message for peace and unity

WINDOW ROCK, Ariz.—Across the country, Nov. is celebrated as Native American Heritage Month. It is a time of celebration and reflection on the sacrifices our ancestors made for us to be where we are today.

For the Navajo people, our traditional New Year began in Oct., during the time of the annual harvest season. As we transition into winter, it will be a time for coyote stories and a chance to share with our younger generation the origin of our people and culture, as told through the adventures of the Navajo Hero Twins.

We have much to be thankful for this holiday season. As the largest land based tribe in the country, we often set the tone for the rest of Indian Country to follow. Our sophisticated form of government continues to evolve as new challenges emerge to test the strength of our Nation.

Vice President Rex Lee Jim and I want to say thank you for allowing us to serve as your leaders over the past four years. We are thankful for this blessing to serve our Navajo people and move this Nation forward. Let us remain respectful and peaceful during this shift in our presidential election. The teachings of our elders will bring us forward.

The $554 million settlement agreement is a tremendous blessing for our Navajo Nation. We must have due diligence for the investment of these funds on behalf of the Navajo people. Their voice must be included in the decision making process before a single penny of the settlement is spent.

Let us be thankful for Diné bizaad, the Navajo language, which brought our people from the darkness of the Emergence to the Glittering World of today. Let us never forget how our brave Navajo Code Talkers used Diné bizaad to save our earth from the ravages of World War II. Our people have survived the most tumultuous times because of our language and traditions that have withstood the test of time.

We are here today because of the Ana’í Ndáá’ (Enemy Way) and Hózhó ojí (Blessing Way) ceremonies. Diné bizaad and its use is true Navajo sovereignty. The Diyin Diné (Holy People) gave us this language to speak and use as Nahoká Diné (Holy Earth People).

Let us never forget Diné bizaad and be thankful for our great Navajo Nation, from Sisnaajini to Tsoozilí to Dook’óólíd to Dibé Nitsaa, the Four Sacred Mountains that protect us and will take us forward for generations to come.

As you sit down to break bread with family and friends, remember the many Navajo veterans that cannot be with us at the dinner table because they are serving in the U.S. Armed Forces. Let us remember them in our prayers. Be sure to also check on your elders and ensure they have enough heat, food and water for the winter. They need our help.

Thank you for allowing our administration to serve you. We are very proud to serve this great Navajo Nation and our people. Have a wonderful holiday season and take care of each other.
President Shelly signs Healthy Dine’ Nation Act of 2014 into law

WINDOW ROCK, Ariz.—Navajo Nation President Ben Shelly, with a stroke of his pen, signed the Healthy Dine’ Nation Act of 2014 into law today and changed the dynamics for the war on diabetes.

His decision to enact Legislation No. CN-54-14 and amend Title 24 of the Navajo Nation Code came after negotiations with council delegates and food advocacy groups to ensure the proper monitoring provisions were included.

When the legislation was first presented, President Shelly’s concerns with definitions of junk food and the monitoring processes of tax collections resulted in a veto. At the time, he called the Healthy Dine’ Nation Act progressive and asked for further clarification.

“This administration has advocated for healthy living since we took office,” he added.

The amendments to Title 24 of the Navajo Nation Code will be imposed upon gross receipts at a rate of two percent upon minimal-to-no-nutritional value food items sold.

The revenues generated from the sales tax may be utilized for community wellness projects such as farming, vegetable gardens, greenhouses, farmers markets, clean water, exercise equipment, health classes and more.

Legislation sponsor Danny Simpson (Becenti, Crownpoint, Huerfano, Lake Valley, Nageezi, Nahodishgish, Standing Rock, White Rock) and co-sponsor Jonathan Nez (Navajo Mountain, Oljato, Shonto, Tsah Bii Kin) joined supporters of the legislation at the Office of the President and Vice President for the signing.

Simpson said, “From the bottom of my heart, thank you, Mr. President. I think we compromised on (the legislation).”

Denisa Livingston, a member of the Dine’ Community Advocacy Alliance, said food is not only a material pleasure, but nourishment for our bodies, minds and spirit.

“Eating well is what will sustain and empower us for the generations to come. From this day forward, we will move from being a food desert and return to being a food oasis,” she said.

Livingston called the signing a “historical event” and praised the president for his decision to enact the legislation.

“Again, you are leading the way, Mr. President, across the world and across Indian Country. We thank you for your commitment, your leadership and your dedication to a healthy Dine’ Nation. Ahe’hee,” Livingston said.

Nez echoed Livingston’s sentiments and called members of the Alliance “champions” that never gave up.

“Many of our young people out there don’t have the tools to make the healthy and wise decisions on living more healthy and active lifestyles,” Nez said.

“Again, you’re leading the way, Mr. President, across the world and across Indian Country.”

Deborah Cayedito, another member of the Alliance, said she was raised as a farm worker and understood the purpose of food.

“We are making historical movements,” she said, adding, “and from the gathering of data that we’ve done, we can take it back home and start youth planters and teach them how to plant.”

The seed has been planted and the war against diabetes on the Navajo Nation continues.
RESOLUTION OF THE
NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL—FOURTH YEAR, 2014

AN ACT

RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT, BUDGET AND
FINANCE, HEALTH, EDUCATION AND HUMAN SERVICES, NAABIK’IYATI’ AND
NAVAJO NATION COUNCIL; AMENDING TITLE 24 OF THE NAVAJO NATION
CODE BY ENACTING THE HEALTHY DINÉ NATION ACT OF 2014

BE IT ENACTED:

Section 1. Findings

The Navajo Nation finds the following with respect to this resolution.

A. According to Navajo Area Indian Health Service, there are
25,000 Navajos with diabetes and another 75,000 are pre-
diabetic. The Sweet Success data reports the following in
2011: 31% of Navajo pregnancies were complicated (BMI’s) in
the overweight or obese range. Division of Diabetes
Treatment and Prevention, Indian Health Service
Headquarters (2012). Unpublished, Centers for Disease
Control and Prevention and the Indian Health Service.
Division of Diabetes Treatment and Prevention (2012),
Annual diabetes clinical outcomes audit and Navajo sweet
success annual audit (a tracking tool) (2012). Unpublished,
Navajo Area Indian Health Service, St. Michaels, Arizona.

B. At an average, it costs over $13,000 per person annually to
treat diabetes. The cost for treating diabetes related
complications can exceed $100,000 per person. O’Connell JM,
Wilson C, Manson SM, & Acton KJ (2012). The costs of
treating American Indian adults with diabetes within the
Indian Health Service, research and practice. American
C. According to the Navajo Area [Indian Health Service, IHS] CPRA Report 2009, of the obesity rate within the seven (7) Navajo Area IHS service units ranged from 23% to 60%, the overweight rate ranged from 17% to 39% for all age groups, and overall, “the highest percentage of patients identified as obese are those ages 25 to 54, the highest service unit is Tuba City with 60% of those with calculated BMIs.” Navajo Area Indian Health Service (2009). Navajo area GPRA report 2009: government performance results act, (GPRA) program assessment rating tool (PART) report (07/1/08-06/30/09). Unpublished, St. Michaels, Arizona.

D. According to the Center of Disease Control and Prevention, “each year, more than 13,000 young people are diagnosed with type 1 diabetes” and “health care providers are finding more and more children with type 2 diabetes, a disease usually diagnosed in adults aged 40 years or older.” For only American Indians, there is a “statistically significant increase in the prevalence of type 2 diabetes among children and adolescents.” Center of Disease Control and Prevention (2013). Children and diabetes. http://www.cdc.gov/diabetes/projects/cda2.htm

E. According to the Mayo Clinic, primary risk factors of Type 2 Diabetes in children are overweight, obesity, inactivity, race, and family history. Symptoms can include increased thirst, increased urination, increased hunger, weight loss, fatigue, blurred vision, slow-healing sores or frequent infections, areas of and darkened skin. Complications can include heart and blood vessel disease, increased risk cardiovascular problems, including heart disease, stroke, high cholesterol and high blood pressure, nerve damage (neuropathy), kidney damage (nephropathy), eye damage, foot damage, and skin conditions. Mayo Clinic (2014). Type 2 diabetes in children. http://www.mayoclinic.org/diseases-conditions/type-2-diabetes-in-children/basics/definition/con-20030124

F. According to the American Journal of Clinical Nutrition, “consumption of sugar-sweetened beverages (SSBs), particularly carbonated soft drinks, may be a key contributor to the epidemic of overweight and obesity, by
virtue of these beverages’ high added sugar content, low satiety, and incomplete compensation for total energy.” There is a “positive association between greater intakes of SSBs and weight gain and obesity in both children and adults” and the “weight of epidemiologic and experimental evidence indicates that a greater consumption of SSBs is associated with weight gain and obesity.” There is “sufficient evidence [that] exists for public health strategies to discourage consumption of sugary drinks as part of a healthy lifestyle.” Malik, V., Schulze, M., and Hu, F. (2006). Intake of sugar-sweetened beverages and weight gain: a systematic review. *American Journal of Clinical Nutrition.* Aug 2006; 84(2): 274-288. [http://ajcn.nutrition.org/content/84/2/274.long](http://ajcn.nutrition.org/content/84/2/274.long)

G. According to the Navajo Nation Human Rights Commission, “the right to food is a human right recognized under international law that protects the right of all human beings to feed themselves in dignity, either by producing their food or by purchasing it.” Resolution NNHRCFeb-02-09.

H. According to the New York Times Magazine cover story “The Extraordinary Science of Addictive Junk Food” states that people are “addicted to junk food” and “this addiction will only deepen as the food industry continues to find new ways to get people hooked on foods that are convenient and inexpensive.” Kalaidis, Jen. (2013). Should the U.S. adopt a fat tax? *The Week.*

I. According to the British Medical Journal, economists agree that “government intervention, including taxation, is justified when the market fails to provide the optimum amount of a good for society’s well-being.” Kalaidis, Jen. (2013). Should the U.S. adopt a fat tax? *The Week.*

K. According to the Diné Food Sovereignty report, "the United States Department of Agriculture identifies nearly all of the Navajo Nation's 27,000 square miles as a food desert," which is defined as "an area, either urban or rural, without access to affordable fresh and healthy foods" and where "heavily processed foods are often readily available." Diné Policy Institute (2014). Diné food sovereignty: a report on the Navajo Nation food system and the case to rebuild a self-sufficient food system for the Diné people. http://www.dinecollege.edu/institutes/DPI/Docs/dpi-food-sovereignty-report.pdf

L. According to the Tsehootsooi Medical Center Community Health Needs Assessment, 86.74% of respondents recommended facilities needed in their community: walking trails, 42.54%; recreational, 60.87%; playground, 46.87%; and other, 8.47%. Health programs were recommended by 88.77% of the respondents with the following: CPR classes, 33.89%; cultural classes/resources, 34.35%; fitness instruction, 52.95%; health education/programs, 50.09%; nutrition classes, 52.12%; parenting groups, 37.66%; and other, 8.66%. Clichee, Dominic, M. (2013). Tsehootsooi Medical Center community health needs assessment. http://www.fdhb.org/files/downloads/TMC%20CHAH%20v3.2%20without%20implementation%20plans.pdf

M. According to the Chinle Health Council Community Health Assessment, community respondents identified diabetes, obesity, and unhealthy foods as the top three important health issues in their communities, with diabetes as the number one health issue in the Chinle communities. Respondents identified "Wellness/Health education (Nutrition), Community events, Wellness Center" as the "most important factors for a healthy community." Respondents rated the health of their community with the following "Nutrition/bad food, Exercise, Unidentified illness/sickness/disease." Lynch, Patrick D. & Clichee, Dominic M. (2012). Chinle Health Council community health assessment. Unpublished, Chinle Health Council.
The revenue generated from the Healthy Diné Nation Act of 2014 will be earmarked for chapters to plan for community
originated wellness projects such as farming and vegetable
gardens; greenhouses; farmers’ markets; healthy convenience
stores; clean water; clean communities; wellness/exercise
equipment and supplies; skate parks; health classes; parks;
traditional, intergenerational, and contemporary wellness;
traditional and non-traditional healthy food preparation
classes; food processing and storage facilities; health
food initiatives; community food cooperatives; playgrounds;
basketball courts; walking, running, biking trails; picnic
grounds, swimming pools; emergency preparedness;
aricultural, recreational, health, youth clubs; library;
Navajo traditional craft classes, equine therapy, health
coaching; and any other community-based wellness projects
to address improvements to physical and social environment
of the community that are planned, implemented, directed,
and reported by members of the Navajo Nation communities.

The Healthy Diné Nation Act of 2014 is to take
responsibility of our health crisis, to raise awareness of
unhealthy foods, to empower everyone to lead productive and
healthy lives. This Act will impact physical and social
environment where communities are empowered to take
positive action; improve local capacity for wellness and
improved health; make healthy food available and easily
accessible; provide communities with clean water and
recycling centers; reduce rates of chronic diseases such as
obesity, diabetes, heart diseases, cancer, etc.; preserve
Diné tradition, culture, and language; preserve Diné
traditional food; maintain a healthy weight; improve
academic achievement of healthy children and youth;
generate active and healthy communities; foster well-
formed, educated communities about health and wellness to
make positive, healthy choices, healthy individuals and
families; build a healthy, thriving, and productive
workforce; promote healthy businesses; reduce health care
costs; to save lives and money; and to allow the people to
take ownership of healthy initiatives; to protect and
preserve our population for future healthy generations.

It is the intent of the Navajo Nation Council, by approving
the Healthy Diné Nation Act of 2014 to diminish the human
and economic costs of obesity and diabetes on the Navajo
Nation. The intent is to improve health by creating the environment that supports health and wellness with a dedicated revenue source for Community Wellness Projects designed by Navajo Nation Chapters to prevent obesity, Type 2 Diabetes Mellitus, and other such health conditions by discouraging excessive consumption of sweetened beverages and minimal to no nutritional value food items high in sugar, salt, and saturated fat.

Q. There is public support for the proposed tax on sweetened beverages and minimal-to-no nutritional value food items among communities across the Navajo Nation. Navajo Nation Chapter Resolutions and resolutions from other entities in support of a tax on minimal-to-no nutritional value food items are attached hereto as Exhibit A.

R. The Navajo Nation finds it is in the best interest of the Navajo Nation to amend Title 24 of the Navajo Nation Code and to enact the Healthy Diné Nation Act of 2014.

Section 2. Amendments to Title 24 of the Navajo Nation Code

The Navajo Nation hereby amends Title 24 of the Navajo Nation Code, 24 N.N.C. §§ 1001-1024, as follows:

NAVAGO NATION CODE ANNOTATED
TITLE 24. TAXATION
CHAPTER 11. HEALTHY DINÉ NATION ACT OF 2014

§1001. Short title

The tax imposed by this Chapter shall be called the “Healthy Diné Nation Act of 2014”.

§1002. Purpose

The Navajo Nation Council hereby enacts this tax for the privilege of engaging in retail business activity within the Navajo Nation, and for purposes of defraying necessary governmental expenses at the national and local level incurred in providing for the public welfare.
§1003. Tax Imposed

A tax is hereby imposed on the gross receipts of a retail business person. The tax due for a period is determined by first calculating applicable gross receipts from all minimal-to-no nutritional value food items sold for a period, and then multiplying those gross receipts from all minimal-to-no nutritional value food items sold by the applicable tax rate. This tax shall be reviewed at the end of the calendar year 2034 unless extended for extension by the Navajo Nation Council.

§1004. Legal Incidence and Responsibility for Payment

The person liable for the payment of the tax imposed by this Chapter is the person receiving the gross receipts from the sale of minimal-to-no nutritional value food item(s).

§1005. Rate of Tax

The rate shall be two percent (2%) of all minimal-to-no nutritional value food item(s) sold (.02 x all minimal-to-no nutritional value food item(s) sold).

§1006. Administration

All provisions of the Uniform Tax Administration Statute apply to this Chapter.

§1007. Definitions

Subject to additional definitions (if any) contained in the subsequent sections of this Chapter, and unless the context otherwise requires, in this Chapter:

A. "Community Wellness Projects" means Navajo Nation Chapter community-based, community-owned wellness projects to address improvements to the physical and social environment of the community because of the need to prevent and/or reduce the incidence of obesity and Type 2 Diabetes Mellitus. Projects may include: farming and vegetable gardens; greenhouses; farmers’ markets; healthy convenience stores; clean water; clean communities; wellness/exercise equipment and supplies; skate parks; health classes; parks;
traditional, intergenerational, and contemporary wellness; traditional and non-traditional healthy food preparation classes; food processing and storage facilities; health food initiatives; community food cooperatives; playgrounds; basketball courts; walking, running, biking trails; picnic grounds, swimming pools; emergency preparedness; agricultural, recreational, health, youth clubs; library; Navajo traditional craft classes, equine therapy, health coaching; and any other community-based wellness projects to address improvements to physical and social environment of the community that are planned, implemented, directed, and reported by members of the Navajo Nation communities.

B. "Minimal-to-no nutritional value food" means sweetened beverages and prepackaged and non-prepackaged snacks stripped of essential nutrients and high in salt, saturated fat, and sugar including sweetened beverages, sweets, chips, and crisps.

i. "Sweetened beverages" means a beverage, whether carbonated or noncarbonated in any form sold for human consumption. It shall include: soda; flavored water; sports drinks; energy drinks; fountain drinks; iced coffee; iced tea; flavored drinks; drinks containing sugar with natural fruit juice, natural vegetable juice, fruit juice, or vegetable juice; a powder, or base product as a liquid for sale.

ii. "Sweets" means any preparation that has a high content of sugar, sometimes in combination with flour, milk, butter, shortening, eggs, dried fruits, nuts, etc., such as candy, frozen desserts, pastries, pudding and gelatin based desserts or baked and fried goods.

iii. "Snack chips and Crisps" (sodium and saturated fat) means crispy type snack foods that are often fried, baked, or toasted, such as potato chips, tortilla chips, pita chips, or cheese puffs that are high in sodium and fat.

iii. "Snack chips and Crisps" (sodium and saturated fat) means crispy type snack foods that are often fried, baked, or toasted, such as potato chips,
tortilla chips, pita chips, or cheese puffs that are high in sodium and fat.

iii. "Snack chips and Crisps" (sodium and saturated fat) means crispy type snack foods that are often fried, baked, or toasted, such as potato chips, tortilla chips, pita chips, or cheese puffs that are high in sodium and fat.

iv. "Sugar" includes sugar confections but not limited to sucrose, dextrose fructose, corn syrup, high-fructose corn syrup, dextrin, galactose, glucose, honey, lactose, fructose, other processed caloric sweeteners, and those derived from fruit juice.

v. "Corn syrup" means syrup made from cornstarch, consisting of dextrose, maltose and dextrins.

vi. "Sweetener" includes artificial sweetener, which includes aspartame, saccharin, sucralose, stevia, cyclamate, xylitol, mogrosides, and many others.

vii. "Natural fruit juice or fruit juice" means the original liquid resulting from the pressing of fruit, the liquid resulting from the reconstitution of fruit juice concentrate of the liquid resulting from the restoration of fruit concentrate or the liquid resulting from the restoration of water to dehydrated fruit juice.

viii. "Natural vegetable juice or vegetable juice" means the original liquid resulting from the pressing of one or more vegetables. Liquid resulting from the reconstitution of vegetable juice concentrate or the liquid resulting from the restoration of water to dehydrated vegetable juice.

ix. "Powder or base product" means a solid mixture of basic ingredients, including sugar, used in making, mixing or compounding soft drinks by mixing the powder of other base product with water, ice
syrup, simple syrup, fruits, vegetables, fruit juice or any other product suitable to make a sweetened beverage.

x. “Candy” means snacks prepared of sugar, honey, salt, saturated fat, other natural or artificial sweeteners in combination with chocolate; dried fruits; fudge; marshmallows; nuts; mints; peanut brittle; white flour; other ingredients or flavorings in many forms such as soft, hard, bars, drops, liquid, spray, floss, carbonated, crystallized, tape, paper, thread, chewy, jelly, gum, powder or pieces.

xi. “Frozen desserts” means any sweet item made by freezing liquid or semisolids, based on naturally and/or artificially flavored water, fruit purees, dairy or dairy substitutes, custards; combined with fruits, nuts, candy, sweets, or other ingredients.

xii. “Pastries” consist of any mixed, baked, or fried products made primarily but not exclusively from any form of flour, sugar, artificial sweeteners, dairy, shortening, oil, butter, baking powder, nuts, fruits, eggs, jelly, and other filling ingredients.

xiii. “Pudding and gelatin based desserts” means any soft, colorful or colorless, sweet preparation based, which could include dairy, eggs, sugar, or other sweeteners, collagen, cornstarch, or any other flavorings.

xiv. “Baked and fried goods” means baked or fried dough, batter, mixes, and decoration products such as cakes, cookies, and pastries that are high in saturated fat and/or sugar.

§1008 Navajo Nation Government

A. Sales by corporations owned by the Navajo Nation government or any political subdivision thereof shall be fully subject to the tax imposed by this Chapter.
B. Sales by the government of the Navajo Nation, or political subdivisions or enterprises thereof, shall be subject to the tax imposed by this Chapter.

§1009. Reserved

§1011. Reserved

§1012. Filing of Return

A. Each person must file a return indicating all sales from applicable gross receipts and the tax due under this Chapter for each period by the fifteenth day of the second month after the end of each calendar quarter. Returns are due on February 15, May 15, August 15, and November 15 of each calendar year.

B. The Commission may by form or regulation require that other information, records or relevant documents which it deems necessary for the proper and efficient administration of this Chapter be included with the return and signed by a specified person.

C. No return need be filed by any person who is exempt under §609, provided that the Office of the Navajo Tax Commission may require such person to file the information necessary to establish its exempt status.

D. In the case of the exemption provided for in §609(A), the filing by a person of a proper certificate of exemption with the Office of the Navajo Tax Commission shall constitute a claim for exemption.

§1013. Payment of Tax

Payment in full of the taxes owed for a particular period is due on the same date that the completed return for that same period is due. The Office of the Navajo Tax Commission, however, may require payment of any taxes due on a monthly basis.
§1014. Recordkeeping

A. Each person shall keep all records which pertain to or relate in any manner to all sales from any business activity engaged in at any time by such person. Such records shall be maintained separately for each reporting period during which a person is engaged in business activity.

B. Records required to be kept must be preserved for four years beyond the end of the period for which the records relate.

§1015. Reserved

§1016. Reserved

§1017. Reserved

§1018. Reserved

§1019. Reserved

§1020. Allocation of Revenue

After allocation to permanent or special revenue funds as required by Navajo Nation law, and allocation to the Tax Administration Suspense Fund as required by the fiscal policy adopted by the Navajo Tax Commission for such Fund, the net revenue from this Chapter shall be disbursed as follows:

A. One hundred percent (100%) of the Healthy Diné Nation Act of 2014 revenue collected from retail establishments located in the Navajo Nation shall be deposited into the Community Wellness Development Projects Fund to be appropriated pursuant to a fund management plan approved by
the Budget and Finance Committee and administered by the Division of Community Development; and

B. The Division shall disburse the funds to the chapters as seed money for leverage to initiate, match, and/or improve community wellness projects.

1021. No Conflict with Local Governance Act

The provisions of this Chapter and corresponding regulations shall not be construed inconsistently with the Local Governance Act, 26 N.N.C §§ 1-2008.

§1022. Severability

If any provision of this Chapter, as amended, or its application to any person or circumstance, is held invalid by a final judgment of a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the Chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter are severable.

§1023. Reserved

§1024. Repeals

All laws or parts of laws (or attachments thereto) which are inconsistent with the provisions of this Chapter are hereby repealed, including, without limitation, any law purporting to waive any right of taxation by the Navajo Nation.

Section 3. Development of a Fund Management Plan

The Division of Community Development is hereby directed to develop a Community Wellness Development Projects Fund Management Plan.
Section 4. Effective Date

The amendments enacted herein shall be effective pursuant to 2 N.N.C. §221(B), and after the Navajo Tax Commission has promulgated the regulations, but no later than October 1, 2014.

Section 5. Codification

The provisions of the Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

Section 6. Savings Clause

Should any portion of the amendment enacted herein be determined invalid by the Navajo Nation Supreme Court, or the District Court of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, those portions not determined invalid shall remain in law of the Navajo Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 10 in favor and 4 opposed, this 14th day of November 2014.

[Signature]
LoRenzo Bates, Pro Tem Speaker
Navajo Nation Council

[Signature]
Date

Motion: Honorable Jonathan Nez
Second: Honorable Nelson BeGaye
ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C)(10), on this _____ day of ______, 2014.

   ______________
   Ben Shelly, President
   Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C)(11), this _____ day of ______, 2014 for the reason(s) expressed in the attached letter to the Speaker.

   ______________
   Ben Shelly, President
   Navajo Nation
FOR IMMEDIATE RELEASE
November 18, 2014

COUNCIL TO DONATE TURKEYS TO NAVAJO NATION SENIOR CENTERS

WINDOW ROCK – For the upcoming Thanksgiving holiday, the Navajo Nation Council will be donating turkeys to 82 senior centers across the Navajo Nation, to support elderly programs that work and care for Diné senior citizens.

The Navajo Nation Office of the Speaker is collaborating with the Navajo Area Agency on Aging to distribute the turkeys to the senior centers in all five Navajo Agencies.

Speaker Pro Tem LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse’Daa’Kaan, Upper Fruitland) stressed the importance of caring for Navajo elderly through the NAAA program.

“The Navajo elderly are the vessels to our cultural heritage, knowledge, and language,” said Pro Tem Bates. “It is our responsibility to care for the elders and ensure that we can aid programs that support this effort.”

Pro Tem Bates commended NAAA staff for providing services to Navajo elderly on a daily basis, adding that it is a challenging job that takes a special type of work force to carry out the job efficiently.

Council Delegate Jonathan Hale (Oak Springs, St. Michaels) also expressed gratitude to the Navajo elderly for their valuable contribution in promoting cultural knowledge in Navajo homes.

“Aside from the many issues that face the Navajo people, here is but a small token of appreciation and thankfulness to the elders for their teachings and perseverance to their families for carrying on Navajo traditions,” said Delegate Hale.

Senior center representatives are asked to contact Bernita Wheeler at NAAA at (928) 729-4520 to make arrangements to pick up the turkeys.

# # #
For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
Top, President Shelly signs amendments to the Navajo Preference in Employment Act into law on Nov. 17. Bottom, President Shelly signs Navajo Nation Executive Order No. 14-2014 to provide accessibility and services to disabled Navajos across the Nation. (Photo by Rick Abasta)

President Shelly enacts NPEA legislation, signs executive order for disabled

WINDOW ROCK, Ariz.—President Shelly signed into law amendments to the Navajo Preference in Employment Act.

Legislation No. CO-48-14 was approved on Nov. 17 to streamline the grievance process for employees and make changes to the Personnel Policies Manual. It also provides reporting requirements by all employers on the Navajo Nation, as required by the Office of Navajo Labor Relations.

President Shelly said the legislation addresses many longstanding issues of employee grievances and statutes of limitations to address those grievances.

“We heard reports that Office of Navajo Labor Relations had a caseload of 125 cases per year,” President Shelly said. “These new amendments to the Navajo Preference in Employment Act address those needs.”

Other areas amended by the legislation include monitoring and enforcement, remedies and sanctions, grievance procedure of tribal employees, Navajo Nation Supreme Court appeals, and remedies and enforcement of awards.

The effective date for the amendments to be enacted is Jan. 1, 2015.

On the same day, President Shelly also signed Executive Order No. 14-2014: “Ensuring the rights of Navajos with disabilities to full access to all Navajo buildings and services.”

The Navajo Nation Advisory Council on Disability and council delegate Danny Simpson joined the president for the impromptu signing ceremony at the Navajo Nation State Room.

“We have been working hard on addressing the needs of our disabled Navajos during this administration,” said President Shelly.

He explained that the disabled Navajo population is truly the “forgotten people,” a label many different segments of the population have tried to claim through the years. President Shelly said that population is also expanding, as many veterans are returning home from combat with disabilities.

The executive order focuses on ensuring accessibility for the disabled at Navajo Nation government offices, buildings, chapter houses and businesses. These accessibility standards include reasonable alterations to services, polices and procedures to ensure that people with disabilities can benefit from the facilities and services.

Delegate Simpson praised the president’s efforts in addressing the needs of disabled Navajos, including the enactment of the Navajo Nation Guardianship Act earlier this summer.

“We want to say thank you for all your help to get this thing done,” Simpson said.

The executive order was sent to Navajo Nation Attorney General Harrison Tsosie for his attestation.
The Navajo Nation President Ben Shelly and Vice President Rex Lee Jim signing EXECUTIVE NO. 11-2014—Utilizing Professional Development Services of Diné College and Navajo Technical University.

Window Rock, AZ—On November 6, 2014, The Navajo Nation President Ben Shelly and Vice President Rex Lee Jim signed EXECUTIVE ORDER NO. 11-2014—Utilizing Professional Development Services of Diné College and Navajo Technical University, a mark able point in history for Navajo Nation’s higher education system.

Our administration is committed to Growing Our Own by ensuring training, research development, feasibility studies, internship opportunities, scholarships, teacher training, strengthen the Navajo Nation government and build the capacity of Diné College and Navajo Technical University. “It is through our higher education institutions that we can start to build a nation with educated Navajos who will be leading and operating this Nation long after I am out of office,” Vice President Jim expounds. The Navajo Nation Executive Branch and its departments, divisions and programs, will utilize Diné College and Navajo Technical University to provide professional development services when applicable, including, but not limited to: consultancy, business proposals, grant proposals, conjunctional grant submittals, internal program/department/division organizational restructure, and research services, which will promote the “Grow Our Own Initiative.”

It is with this executive order we start to build a stronger partnership with our Higher Education Institutions, where we can start to develop an Office of Higher Education, the Navajo Nation Higher Education Agenda, align our institutions so they are not competing with each other, and to shape policy to ensure academic success is a priority of the nation.
EXECUTIVE ORDER NO. 11-2014

UTILIZING PROFESSIONAL DEVELOPMENT SERVICES OF DINÉ COLLEGE AND NAVAJO TECHNICAL UNIVERSITY

THE NAVAJO NATION
EXECUTIVE ORDER NO. 11-2014

November 6, 2014

WHEREAS:

1. The President of the Navajo Nation serves as the Chief Executive Officer for the Executive Branch of the Navajo government with full authority to conduct, supervise, and coordinate personnel and programs of the Navajo Nation (2 N.N.C. § 1005(A)); and

2. The President shall have the enumerated power of issuing an executive order for the purpose of interpreting, implementing or giving administrative effect to statutes of the Navajo Nation in the manner set forth in such status (2 N.N.C. § 1005(C)(14)); and

3. An executive order shall have the force of law upon the recipient (2 N.N.C. § 1005(C)(14)); and

4. The Navajo Nation recognizes that in today’s global economy, the research generated by both our institutions of higher learning will lead the effort to create intellectual capital, and further develop the social and political infrastructure of our Nation; and

5. Our Administration is committed to training, research development, feasibility studies, internship opportunities, scholarships, teacher training, where these professional services rendered will strengthen the Navajo Nation government and build the capacity of Diné College and Navajo Technical University.

THEREFORE:

I, Ben Shelly, President of the Navajo Nation, by the authority vested in me pursuant to 2 N.N.C. § 1005(C)(14), I hereby issue the following order:
1. The Navajo Nation Executive Branch and its departments, divisions and programs, will utilize Diné College and/or Navajo Technical University to provide professional development services when applicable, including, but not limited to: consultancy, business proposals, grant proposals, conjunctural grant submittals, internal program/department/division organizational restructure, and research services; and

2. When research is needed for a department, division, or program, the department, division or program should first inquire if the particular research project can be completed by the post secondary institutions of Diné College and/or Navajo Technical University to ensure the Navajo Nation has pertinent rights to all research conducted regarding the Navajo Nation and its citizenry.

FURTHERMORE:

1. Ensuring the Navajo Nation purchase services or products is strictly adhere to the procurement policy of Diné College and/or Navajo Technical University; and

2. The Agencies of the Navajo Nation are hereby directed to cooperate with the Vice President and Chief to Staff in promoting the Navajo Nation’s Higher Education College and University including, but limited to workforce training, education, consultancy, and other pertinent services, when applicable to Diné College and/or Navajo Technical University.

Executed at the Office of the President and Vice President of the Navajo Nation
On this 10th day of Nov. 2014.

Ben Shelly, President
THE NAVAJO NATION

Rex Lee Jim, Vice President
THE NAVAJO NATION

ATTEST:

Harrison Tsosie, Attorney General
Department of Justice
THE NAVAJO NATION
FOR IMMEDIATE RELEASE
November 12, 2014

Language requirement override to be considered during special session
Special Session to be live-streamed

WINDOW ROCK— With a vote of 12-5, Naabik’iyáti’ Committee members today moved Legislation No. 0309-14 forward to the Council with a “do pass” recommendation with no amendments.

The bill, which is scheduled to be considered by Council during a two-day special session that begins on Thursday, seeks to override President Ben Shelly’s veto of a resolution which would amend language requirements for elected officials within the Navajo Election Code.

The Council approved a legislation to amend the language requirements on Oct. 24, however, the resolution was later vetoed by President Shelly.

Legislation sponsor Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake), said that if the override is successful he believes the amended requirements could be applied to the upcoming special election to decide the presidency.

“This could help the disenfranchised voters,” stated Delegate Tsosie, referring to votes casted by Navajo voters prior to the General Election held on Nov. 4.

The legislation approved on Oct. 24, included language stating, “Language proficiency shall be determined by the People voting in favor of the person upon the right and freedom of the Diné to choose their leaders.”

Delegate Tsosie urged his colleagues to approve the override, describing the proposed amendments as “a form of a referendum because you’re giving the choice to the people.”

To override the veto will require two-thirds approval from the Council.

The Council is scheduled to begin its two-day special session on Nov. 13 and 14, beginning at 10:00 a.m. in the Council Chamber in Window Rock.

The special session will be live-streamed via the Council’s designated Ustream channel. To view tomorrow’s session, please visit ustream.tv then click “watch” near the bottom of the home page, and search for “Navajo Nation Council” in the search box.

To view the proposed agenda, please visit navajonationcouncil.org and click the “Meetings” tab.

# # #
President Shelly salutes past, present and future Navajo veterans

The Navajo Department of Veterans Affairs is hosting a Veteran’s Day celebration on Tuesday at Navajo Veterans Park in Window Rock, beginning at 7:30 a.m. and ending at 2:45 p.m.

The department continues housing construction across all five agencies of the Navajo Nation. They will construct 75 homes this year and the same amount the following three years for a total of 300 new homes for Navajo veterans.

The veterans housing initiative is for one, two and three bedroom homes. Fifteen homes per agency will be constructed each year.

President Shelly said this housing initiative is important to address homelessness and substandard housing conditions many veterans face on the Navajo Nation. Post traumatic stress syndrome and physical disabilities are other areas that need attention, he said.

For the Veteran’s Day celebration, the Twin Warriors Society will post colors and Miss Navajo Nation McKeon Dempsey will sing the National Anthem in Navajo.

The daylong celebration will feature guest speakers and a ceremony honoring Navajo veterans killed in action. The eastern side of the park features the KIA Wall, which lists the names of veterans killed in battle. Eleven names will be added to the wall this year for those who paid the ultimate sacrifice since 2003.

President Shelly and Speaker Pro Temp Bates will honor veterans with a wreath of honor ceremony at the KIA Wall. During this time, the Navajo Nation Band will be performing “Taps” to honor those lost in battle.

Edsel Pete, department manager for NDV A, said the first 50 people to the event are going to receive duffel bags. The first 150 people will also get a ticket for lunch.

He said the memorandum of understanding with Indian Health Services will be discussed and that representatives from IHS will be available to answer questions. The Veterans Affairs Vet Mobile will also be onsite for services. This mobile hospital travels across the Navajo Nation to provide veterans with limited medical services and screenings.

“Sharon Manuelito from the Navajo Department of Veterans Affairs will provide a presentation on homelessness,” Pete said. “The Navajo Nation Band will also be performing music during lunch.”

Pete is the new department manager for NDVA, after the retirement of David Nez in Oct. He previously served as the administrative services officer for two years before his promotion.

The event is open to the public.

-WINDOW ROCK, Ariz.—Thank you, veterans. Navajo veterans proudly served in the Army, Air Force, Marines and Navy since World War I to our most recent war in Afghanistan.

Navajos have always answered the call to war without hesitation. The most famous are the Navajo Code Talkers, who saved the world from destruction through the use of Diné bizaad, the Navajo language.

Navajo Nation President Ben Shelly salutes these brave men and women for their faithful service to the U.S. and the Navajo Nation.

Let us honor them respectfully on Veteran’s Day, he said.

“Ahe’hee to our brave Navajo veterans for their faithful service. We appreciate your service to our great Navajo Nation,” President Shelly said. “We must do more to meet your needs with health care, employment and housing.

“On behalf of a grateful Nation, we salute and honor you on this day,” he added.
$554 million Presidential Town Hall Meeting finale postponed

WINDOW ROCK, Ariz.—The Presidential Town Hall Meeting finale for the $554 million settlement has been canceled until further notice.

Originally scheduled for Nov. 12 at the Window Rock Sports Center, the meeting was canceled to a later date, which will be announced.

Over the past month, the Executive Branch held town hall meetings at all five agencies across the Navajo Nation. The finale is going to be a culmination of all the public comments gathered from the agencies, which will be compiled into a report.

The report will be shared with the Legislative Branch, which has also been hosting public hearings on the $554 million settlement.

President Shelly gave the directive to host town hall meetings for public feedback to Executive Branch and Office of the President and Vice President staff in May 2014, when news of the $554 million settlement was initially made.

The settlement has been received by the Navajo Nation and is currently accruing interest in a bank account until plans are finalized on how to invest or utilize the funds.
President Shelly signs Navajo Department of Health Act into law

WINDOW ROCK, Ariz.—Navajo Nation President Ben Shelly signed the Navajo Department of Health Act into law on Nov. 6, 2014.

He said the legislation is an unprecedented step for a tribal nation in self-determination.

“This legislation affirms the Nation’s sovereignty by recognizing the Nation’s authority to determine what is in the best interest of our people’s health care in the future,” President Shelly said.

The legislation amends an outdated 20-year-old law that only saw changes in piecemeal efforts. By joining other tribes exercising self-determination through the compaction and contracting of specific health programs, the Navajo Nation established its own Epidemiology Center.

When the administration took office in Jan. 2011, Vice President Rex Lee Jim was tasked with responsibility over health and education. Over the course of the administration, he has worked on the tribal, state and federal level to protect the interests of the Navajo Nation.

“We firmly believe we are a sovereign nation and as a sovereign nation, there are certain essential governmental functions that we cannot, should not, ever give away to other sovereigns, entities and organizations,” Vice President Jim said. “These are basic governmental functions.

“One is our ability to regulate and monitor programs within the Navajo Nation’s jurisdiction,” he added.

The Navajo Department of Health will ensure the public health service needs are met through assessment, policy development and assurance. The department will diagnose and investigate health problems and health hazards in Navajo communities.

President Shelly said, “(The department) will develop policies and plans that support individual and community health efforts. The department will enforce laws and regulations passed to protect health and ensure safety.”

Vice President Jim said this effort wouldn’t happen overnight. Instead, it will take a number of years and a lot of hard work to make sure they are completed.

“This means we will have to build capacity. We will have to hire new people who are experts in policymaking, who are experienced in rulemaking,” he said.

The importance of consultations and public hearings cannot be stressed enough, he added, because the participation from stakeholders will be instrumental in crafting language that provides fair regulations.

In addition to working with health care providers on the tribal, state and federal levels, the department will also work toward another historic step, the creation of the first tribally administered Medicaid agency.

A recent study by the U.S. Department of Health and Human Services found that it is feasible for the Navajo Nation to operate its own Medicaid agency to ensure the Navajo people receive uniform coverage, regardless of the state they reside in.

President Shelly said the legislation does not authorize the Department of Health to intercept or impede existing self-governance funding for contracted and compacted facilities on the Nation. The same holds true for the regulation of traditional practitioners and the use of traditional medicine.

Vice President Jim said the Navajo Department of Health will not only regulate health care facilities and 638 programs, but also health codes at restaurants and safety codes from swimming pools at hotels on the Navajo Nation. The legislation is all encompassing.

-30-
MEMORANDUM

TO:    Honorable LoRenzo Bates, Speaker Pro Tem
       The 22\textsuperscript{nd} Navajo Nation Council

FROM:  Ben Shelly, President
       THE NAVAJO NATION

DATE:  November 6, 2014

SUBJECT: Legislation CO-50-14; An Action Relating to Law and Order;
         Health, Education and Human Services; Naabik’iyati’; Enacting
         the 2014 Amendments of Title 2 of the Navajo Department of
         Health Act by Amending 2 N.N.C. §§ 1601 et seq.

Pursuant to 2 N.N.C. §1005(C)(10), the above-entitled Legislation CO-50-14 is being submitted
to the Navajo Nation Council, through the Office of the Speaker, within the ten (10) days
requirement. I have signed the legislation into law.

The legislation is an unprecedented exercise of tribal sovereignty. It establishes the Navajo
Department of Health, the first tribally operated, state-like health department.

This legislation affirms the Nation’s sovereignty by recognizing the Nation’s authority to
determine what is in the best interest of our people’s health care in the future. By enacting this
legislation into law, it demonstrates a commitment to the Navajo People that we will work to
ensure that they receive quality, comprehensive, and culturally relevant health care and public
health services, no matter where they live within the Navajo Nation.

This legislation amends the 20-year-old enabling legislation for the Navajo Division of Health.
Since the creation of the Navajo Division of Health, the Nation has seen substantial growth and
changes. However, our health laws have remained stagnant or have seen piecemeal changes. In
the past 20 years, the Nation decided to exercise its right to self-determine by compacting and
contracting specific health programs, services, functions and activities. The Nation established its
own Epidemiology Center and the Public Health Emergency Preparedness Program. This
legislation accounts for these developments and brings the Navajo Health System not only up-to-
date, but also mindful of our grandchildren’s children.
The department will ensure the public health service needs are met within the Navajo Nation through assessment, policy development, and assurance. It will investigate health problems and health hazards in our communities. It will inform, educate, and empower the People about health issues. The department will enforce laws and regulations passed to protect health and ensure safety. It will assure competent public and personal health care workforce and evaluate the effectiveness, accessibility, and quality of personal and population based health services. The department will work with health care providers throughout the Nation and federal, state and local governments.

This legislation also provides authority for the department to use due diligence towards another historic step, the possible creation of the first tribally administered Medicaid agency. Recently, a congressionally mandated study, conducted by the Department of Health and Human Services, found that it is feasible for the Navajo Nation to run its own Medicaid agency. If established, a Navajo Medicaid Agency, would ensure that the Navajo People residing within the Nation receive uniform Medicaid eligibility criteria and coverage, regardless of the state they live in.

This legislation does not authorize the department to intercept or impede existing self-determination funding for our contracted and compacted facilities. There is a misconception that the department will apprehend the existing Title I contracts or Title V compacts the monies from the tribal organizations.

Additional concerns or misconceptions encompass the regulation of traditional practitioners and the use of traditional medicine. Access to and the use of such healing is fundamental to the health choice of many of our Navajo People. The department will assist in establishing a structure and system for the practice and retention of traditional medicine. This will be accomplished through consultation with relevant organizations such as the Navajo Medicine Men’s Association and other Hataalii organizations, and to establish a registry of practitioners through said organizations.

The legislation is the beginning of a new era in our health system within the Navajo Nation. It is not perfect, but necessary. We look forward to working with our partners at the local, state, and federal levels, to develop the Department of Health. For the reasons stated above, I sign this legislation.
RESOLUTION OF THE
NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL - Fourth Year, 2014

AN ACT

RELATING TO LAW AND ORDER; HEALTH, EDUCATION AND HUMAN SERVICES; NAABIK'ÍYÁTI'; ENACTING THE 2014 AMENDMENTS OF TITLE 2 OF THE NAVAJO DEPARTMENT OF HEALTH ACT BY AMENDING 2 N.N.C. §§1601 ET SEQ.

BE IT ENACTED:

Section 1. Findings

A. The Navajo Nation Council hereby finds that while limited functions related to the health care and public health needs of the Navajo Nation have been delegated by the Navajo Nation Council to various agencies of the Navajo Nation, there is no division, department, office or program that has been delegated or authorized as the primary agent to monitor, evaluate, regulate, enforce, and coordinate health care and public health programs, functions, services and activities of the Navajo Nation.

B. The Navajo Nation Council further finds that health care and public health programs and activities of the Navajo Nation including monitoring, evaluation, regulatory, enforcement, and coordinating functions should be placed within the Navajo Department of Health to appropriately meet the public health needs of the Navajo Nation and the Navajo people.

C. The Navajo Nation Council further finds that fragmentation of health care systems on the Navajo Nation adversely impacts Navajo people and the Navajo Nation as a whole.

D. The Navajo Nation Council further finds that the lack of a Navajo Nation Medicaid Agency results in Medicaid eligible individuals, health care facilities, and providers operating on the Navajo Nation complying with three separate State Medicaid Agencies in Arizona, New Mexico and Utah. Each State has varying requirements, benefits, services, standards and rates of payment...
for services. This fragmentation adversely impacts access to health care and causes Medicaid eligible individuals to lose eligibility, resulting in the loss of coverage and reimbursement to providers. Additionally, health care facilities and providers must comply with varying requirements, standards, and rates of payment for services especially if they serve Medicaid eligible individuals from more than one State.

E. The Navajo Nation Council further finds that public health actions are generally undertaken and are directed at the population. The Navajo Nation is responsible to develop and ensure the implementation of health codes, regulations, policies, and standards that reinforce and reaffirm Navajo culture and values.

F. The Navajo Nation Council further finds a need for a Navajo Department of Health that is authorized and established to meet the comprehensive health care and public health needs of the Navajo Nation and its population.

G. The Navajo Nation Council further finds States are encroaching on the Navajo Nation's inherent sovereignty to regulate health care.

H. The Navajo Nation Council further finds a need to establish and operate a system for licensure and certification to ensure quality and culturally relevant health care services.

I. The Navajo Nation Council further finds a need for a health data management system to store information of ongoing collection, integration, analysis, interpretation and dissemination of data on health care, behavioral risk factors surveillance system, morbidity and mortality indicators, and health and human research.

J. The Navajo Nation Council finds that the following amendments to Title Two of the Navajo Nation Code will address these findings and are the most appropriate means for addressing the health care and public health needs of the Navajo people.
Section 2. Purpose of the Navajo Department of Health Act of 2014

This Act will establish the Navajo Department of Health as the lead agency delegated to ensure that quality comprehensive and culturally relevant health care and public health services are provided on the Navajo Nation.

Section 3. Enactment of the Navajo Department of Health Act of 2014

The Navajo Nation Council hereby enacts the Navajo Department of Health Act of 2014. This Act amends Resolution CJY-70-95, an amends sections of Title Two codified at 2 N.N.C. §§ 1601 et seq. as follows:

NAVAJO NATION CODE ANNOTATED
TITLE 2 NAVAJO NATION GOVERNMENT
CHAPTER 5. EXECUTIVE BRANCH
SUBCHAPTER 23. NAVAJO DEPARTMENT OF HEALTH

§ 1601. Establishment

The Navajo Division Department of Health is hereby established as a Division Department within the Executive Branch of the Navajo Nation Government.

§ 1602. Purposes

The purpose of the Navajo Division of Health shall be:

A. to provide to the Navajo people such direct health care services as are approved and authorizes by the Navajo Nation Council; and

B. To ensure the highest quality of overall health care for the Navajo people by coordinating with the Indian Health Service and other federal, state and private entities and the appropriate public health and quality assurance regulatory authority

The purpose of Navajo Department of Health is to ensure that quality comprehensive and culturally relevant health care and public health services are provided on the Navajo Nation.
§ 1603. Personnel

The Navajo Nation shall be administered by an Executive Director and deputy Director. The Executive Director shall be appointed by the President of the Navajo Nation, with the approval and recommendation of the Health and Social Services Committee and the consent of the Navajo Nation Council and shall serve at the pleasure of the President of the Navajo Nation. The Executive Director shall cause to be hired a Deputy Director and such other personnel as may be deemed necessary to carry out the purposes of the Division. All personnel other than the Executive Director, shall be subject to the Personnel Policies and Procedures of the Executive Branch of the Navajo Nation.

§ 1603. Definitions

A. "Agreement" shall mean grants, contracts, compacts, Intergovernmental Agreements and other agreements.

B. "Data" shall mean written and/or recorded information such as documents, forms, facts, figures, records, statistics, surveys and/or interviews.

C. "Environmental health" shall mean how environmental factors affect human health and disease and also the theory and practice of assessing and controlling environmental factors that potentially affect health.

D. "Epidemiological Surveillance" shall mean the continuous collection and analysis of health data that has a significant impact on public health.

E. "Health care" shall mean the diagnosis, treatment, and prevention of disease, illness, injury, and other physical and mental impairments in humans delivered by practitioners in medicine, chiropractic, dentistry, nursing, pharmacy, allied health, and other care providers including traditional healers.

F. "Public health" shall mean the science of protecting and improving the health of entire populations through education, promotion of healthy lifestyles, and research for disease and injury prevention.
G. "Traditional Medicine" shall mean the holistic ceremonial healing process that is a reliable and valid treatment system based on indigenous knowledge from diagnosis to referral, application and treatment to recovery of the mind, spirit soul and body, and enhancing wellness and good health.

§ 1604. Powers and authority of the Navajo Department of Health

The powers and authority as delegated by the Navajo Nation Council of the Navajo Department of Health shall be:

A. To monitor, evaluate, regulate, enforce, and coordinate health codes, regulations, policies, and standards and provide public health services in order to protect the health and safety of the Navajo people and communities.

B. To provide direct health care services as approved and authorized by the Navajo Nation Council, and to provide that all contract funds that are awarded shall not be required to pass through the Department of Health.

C. To establish and operate an information system center to collect, manage, control and protect data related to health care, public health, epidemiological surveillance, research and disease investigations.

D. To protect the best interest of the Navajo Nation, review and comment on health care provided and federal and state non-procurement Agreements within 5 business days of receipt by the Navajo Department of Health for the purposes of: 1) ensuring access to quality health care; 2) maintaining compliance with established rules and regulations; and 3. ensuring comprehensive health care services throughout the Navajo Nation.

E. To Develop and ensure the implementation of comprehensive health codes, regulations, policies, and standards.

F. To represent the Navajo Nation in lobbying, advocate, testifying and maintaining government-to-government relationships with the federal, state, and local governments.

G. To conduct due diligence toward the potential establishment of a Navajo Nation Medicaid Agency.
H. To establish a structure and system, in the form of assistance, for the practice and retention of traditional medicine that provides holistic health care through consultation with relevant organizations, including the certifying and registering of practitioners by a traditional medicine practitioner organization.

I. To regulate health, human, and emergency and non-emergency medical transportation service provider.

§1604. Organization

The Navajo Division of Health shall be comprised of such departments, programs, offices and administrative components as may be deemed necessary by the Executive Branch to fulfill its purposes, subject to legislative review and approval of the Division’s Plan of Operation.

§ 1605. Personnel

The Health Director of the Navajo Department of health shall be appointed by the President of the Navajo Nation with the approval and recommendation of the Health, Education and Human Services Committee and the consent of the Navajo Nation Council and shall serve at the pleasure of the President of the Navajo Nation. The Health Director shall cause to be hired other personnel as may deemed necessary to carry out the purpose of the Department. All personnel, other than the Health Director, shall be subject to the Personnel Policies and Procedures of the Navajo Nation.

§1605. Legislative Oversight

The Navajo Division of Health shall operate under the legislative oversight of the Health and Social Services Committee of the Navajo Nation Council. Pursuant to the powers granted the Committee in 2 N.N.C. §§191 and 451 et seq. The Division shall operate pursuant to a Plan of Operation approved by the Health and Social Services Committee and the Government Services Committee of the Navajo Nation Council.
§ 1606. Organization

The Navajo Department of Health shall be comprised of such programs, offices, and administrative components as may be deemed necessary by the Health Director to fulfill its purposes subject to legislative review and approval of the department's Plan of Operation.

§ 1606. Amendments

The enabling legislation for the Navajo division of Health is subject to amendments, revision and other necessary notification by the Navajo Nation Council with review, input and recommendation by the Health and Social Services Committee of the Navajo Nation Council and the Navajo Division of Health.

§ 1607. Legislative Oversight

The Navajo Department of Health shall operate under the oversight of the Health, Education and Human Services Committee of the Navajo Nation Council, pursuant to the powers granted the Committee in 2 N.N.C. §§ 192 and 400 et seq.

§ 1608. Amendments

The enabling legislation for the Navajo Department of Health is subject to amendment, revision and other necessary modification by the Navajo Nation Council with review, input and recommendation of approval by the Health, Education and Human Services Committee of the Navajo Nation council and the Navajo Department of Health.

Section 4. Effective Date

The amendments enacted herein shall be effective pursuant to §221(B).

Section 5. Codification

The provisions of the Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation.
Section 6. Saving Clause

Should any provision of this Act be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation without appeal to the Navajo Nation Supreme Court, those provisions of the Act which are not determined invalid shall remain the law of the Navajo Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 13 in favor and 2 opposed, this 23rd day of October 2014.

[Signature]
LoRenzO Bates, Pro Tem Speaker
Navajo Nation Council

[Signature]  
Oct 31, 2014
Date

Motion: Honorable Jonathan HaLe
Second: Honorable Leonard Tsosie

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this ____ day of __________ 2014.

[Signature]
Ben Shelby, President
Navajo Nation
2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C)(11), this _____ day of __________ 2014, for the reason(s) expressed in the attached letter to the Speaker.

______________________________
Ben Shelly, President
Navajo Nation
FOR IMMEDIATE RELEASE
November 04, 2014

Department for Self Reliance Public Hearings

Window Rock, Ariz. - The Department for Self Reliance (DSR) will be conducting Public Hearings to present and obtain public input on the Navajo Nation's Tribal Family Assistance Plan (TFAP) for the upcoming three-year period of October 1, 2015 to September 30, 2018.

The TFAP outlines and defines how the Navajo Nation's DSR plans to provide Temporary Assistance for Needy Families (TANF) assistance and services, including eligibility criteria, service area, work participation requirements, approved work activities, support services, and sanctions for non-compliance.

The DSR is encouraging the public and their Stakeholders to participate and provide comments at the Public Hearings in regards to the changes of the proposed three-year TFAP for the TANF program. The comments from the public will be recorded and transcribed.

Public Hearing Schedule:

- **November 10, 2014, Monday**  
  Nenahenzad Chapter House  
  [10:00 a.m. to 3:00 p.m.]

- **November 12, 2014, Wednesday**  
  Crownpoint DSR Office  
  [10:00 a.m. to 3:00 p.m.]

- **November 13, 2014, Thursday**  
  Pueblo Pintado Chapter House  
  [10:00 a.m. to 3:00 p.m.]

- **November 14, 2014, Friday**  
  Church Rock Chapter House  
  [10:00 a.m. to 3:00 p.m.]

- **November 17, 2014, Monday**  
  St. Michaels Chapter House  
  [10:00 a.m. to 3:00 p.m.]

- **November 18, 2014, Tuesday**  
  Pinon Chapter House  
  [10:00 a.m. to 3:00 p.m.]

- **November 19, 2014, Wednesday**  
  Chinle Chapter House  
  [10:00 a.m. to 3:00 p.m.]

- **November 21, 2014, Friday**  
  Dilkon Chapter House  
  [10:00 a.m. to 3:00 p.m.]

- **December 2, 2014, Tuesday**  
  Lechee Chapter House  
  [10:00 a.m. to 3:00 p.m.]

- **December 3, 2014, Wednesday**  
  Tuba City Chapter House  
  *
[1:00 p.m. to 4:30 p.m.]*

- **December 4, 2014, Thursday**  
  Mexican Water Chapter House  
  [10:00 a.m. to 3:00 p.m.]

- **December 5, 2014, Friday**  
  Aneth Chapter House  
  [10:00 a.m. to 3:00 p.m.]

Written public comments will be accepted until 5:00 p.m. on Friday, December 31, 2014. Please address all comments to the DSR. Comments can be sent by e-mail to delilah.goodluck@nntanf.org or by mail to P.O. Box 2279, Window Rock, AZ, 86515.

To obtain a .pdf copy of the proposed TFAP, please visit our website at www.nnpsr.navajo-nsn.gov.

Public Hearings are scheduled throughout the day beginning at 10:00 a.m. and ending at 3:00 p.m., *unless otherwise noted. Call your local DSR office for more information or for your local Public Hearing start times.

Chinle, AZ: (866) 700-5175; Crownpoint, NM: (866) 784-1694; Fort Defiance, AZ: (866) 860-9549; Greasewood, AZ: (928) 654-3910; Gallup, NM: (866) 704-6940; Kayenta, AZ: (928) 697-5660; Shiprock, NM: (866) 309-0346; Tuba City, AZ: (866) 731-7015.

###
President Shelly provides tribal employees four hours leave to vote

WINDOW ROCK, Ariz.—Navajo Nation tribal employees have four hours of administrative leave to vote in the general election on Nov. 4.

“Navajo Nation employees, permanent and temporary, are allowed four hours of administrative leave to vote in the primary election,” President Shelly said. “Let us have a safe and respectful election day to vote in our new leaders.”

Emergency and on-call personnel must make arrangements with their immediate supervisors prior to being excused to vote.

The time off for voting is in accordance with the Navajo Nation Personnel Policies Manual.

-30-
Navajo Nation demands halt to livestock impoundment on Hopi Partitioned Lands

President Ben Shelly and Speaker Pro Tem LoRenzo Bates are demanding that the Hopi Tribe and the Bureau of Indian Affairs cooperate with a request issued by the Navajo-Hopi Land Commission Office to cease and desist from ongoing impoundment activities of livestock owned by Navajo residents in the Hopi Partitioned Lands.

In addition, Pro Tem Bates and President Shelly have issued an official request to Hopi Tribal Chairman Herman G. Honanie for a meeting on Nov. 3 to discuss the ongoing livestock round-ups.

Numerous reports have surfaced from various HPL residents of ongoing livestock impoundments that have raised significant concerns for Navajo livestock owners in the area, several of whom have reported that authorities have brandished firearms during the livestock round-ups.

“Among many families, livestock is the main source of food,” said President Shelly. “Resolve is what we all want.”

“We have heard the concerns of our people, particularly those of elderly Navajos who rely heavily on their livestock for their livelihood,” stated Pro Tem Bates. “Impounding livestock of Navajo people is a deliberate violation of their rights to practice our culture and traditions and it must stop immediately.”

In an Oct. 24 memo from NHLCO executive director Raymond Maxx to Hopi Tribal chairman Herman Honanie, Maxx requested a ten-day grace period to allow for the opportunity to confer with residents to request removal of excess livestock from the HPL.

“If overgrazing is the major concern for Hopi officials, it is certainly an issue that we can address by sitting down and talking with one another,” added Pro Tem Bates.

The Navajo-Hopi Land Commission recently passed Resolution NHLCO-21-14, requesting the Hopi Tribe to accommodate livestock capacity for Navajo families living in the HPL.

NHLC members Council Delegates Dwight Witherspoon and Walter Phelps have met with Hopi and BIA officials and affected residents.

According to Delegate Witherspoon, further discussions between all parties are scheduled for this week.

# # #
President Shelly makes a stand for Navajo language, vetoes council resolution

WINDOW ROCK, Ariz.—In an independent action to preserve the laws, President Ben Shelly vetoed Navajo Nation Council Resolution No. CO-47-14 this afternoon.

“The decision to amend the language requirements in Title 11, the Navajo Nation Election Code, must be brought before the Navajo people through a referendum vote,” President Shelly said. “This decision is far too important and it is one the people need to decide on.

“We are a nation of laws. I took an oath to uphold the law,” he added.

The Office of the President and Vice President received the legislation on Oct. 24, 2014 at 10:56 p.m. By a vote of 11-10, the 22nd Navajo Nation Council passed the resolution after midnight the same day to amend the language requirements of the Navajo Nation Election Code must be done through a referendum vote brought before the Navajo people. Their voices must be heard, he said. (Photo by Rick Abasta)

Navajo Nation President Ben Shelly vetoed Resolution No. CO-47-14 and said the decision to amend the language requirements of the Navajo Nation Election Code must be done through a referendum vote brought before the Navajo people. Their voices must be heard, he said. (Photo by Rick Abasta)

The amended language to Navajo Nation Code, Title 11, Subsection 8 regarding qualifications to hold office as President and Vice President states, “Must fluently speak and understand Navajo and read and write English, which language proficiency shall be determined by the People voting in favor of the person upon the right and freedom of the Diné to choose their leaders.”

Other similar language amendments were made to the qualification requirements for candidates running for council delegate, chapter official, land board, farm board, district grazing committee, school board and Navajo Nation Board of Education.

President Shelly said while the language amendments are a step in the right direction, other considerations must be taken into account, such as the possibility of a woman president and the language requirement for other offices, such as council delegate.

He said rather than a piecemeal approach to amending concerns with the Navajo Nation Election Code that instead, tribal leaders mired in debate and controversy over issues regarding the fluency qualifications of candidates for elected office,” President Shelly said.

The Sept. 26, 2014 decision by the Navajo Nation Supreme Court provided an interpretation of the meaning of and standard for fluency. He said this should be the standard until the people have been consulted.

“Diné bizaad is sacred. Navajo leaders should have both language and cultural fluency in order to qualified.”

Despite the divisive nature of the requirements, he said it is essential that this fundamental issue be addressed through a referendum vote brought before the Navajo people to decide on.

He said the Navajo Nation must commit resources to ensure that Navajo children know and understand their language and culture. This could be achieved by the next administration through employee programs, school programs, technology and interaction between Navajo elders and youth.

“The Navajo Nation Supreme Court ordered the 2014 ballots to be reprinted and the election unavoidably rescheduled to ensure a valid election. I therefore exercise my veto authority,” President Shelly said.

Navajo Nation Election Code.

The vote was knotted at 10-10 before Speaker Pro Tem LoRenzo Bates cast the deciding vote to approve the amendments. The amendments by council are provide a thorough review of the code to address any future controversies that may arise. However, this may take time, he said.

“This election cycle has been

-30-
MEMORANDUM

TO: Honorable Lorenzo Bates, Speaker Pro Tem
The 22nd Navajo Nation Council

FROM: Ben Shelly, President
THE NAVAJO NATION

DATE: October 28, 2014

SUBJECT: Legislation CO-47-14: Relating To An Emergency; To Address A Matter Which Directly Threatens the Sovereignty of the Navajo Nation; Amending Language Requirements of the Navajo Nation Election Code.

Pursuant to 2 N.N.C. §1005(c)(10), the above titled Legislation CO-47-14 is being submitted to the Navajo Nation Council, through the Office of the Speaker, within the ten (10) day requirement. 2 N.N.C. §1005(c)(10) establishes the Navajo Nation President’s authority to veto legislation passed by the Navajo Nation Council. I will exercise my veto authority with this legislation.

We are a nation of laws, and I took an oath to uphold those laws. The Navajo Nation Supreme Court has said that “Navajo culture is forward looking and it is never preferable to unwind events that have already occurred”. Sandoval v. Navajo Election Administration, No. SC-CV-62-12 at 4 (February 26, 2013). The Navajo Nation Supreme Court recently ordered that the ballots for the 2014 election be reprinted, and the election unavoidably rescheduled to ensure a valid election. The Court has ruled on this matter and its decision should not be so easily or hastily disregarded. This legislation is only intended to help one candidate who has been disqualified.

This election cycle has been mired in debate and controversy over issues regarding the fluency qualifications of candidates for elected office. The Navajo Nation Supreme Court has weighed in on the meaning and interpretation of fluency in Tsosie v. Descheene, No. SC-CV-57,58-14 (September 26, 2014), and has provided an interpretation of the meaning of and standard for fluency. This should be the standard until the People have been consulted.

The Diné language is sacred. Navajo leaders should have both language and cultural fluency in order to be qualified. Every society has an obligation to hold onto their traditions. If we lose our language and culture, who are we?
As hard and divisive as this subject has become, it is essential that this fundamental issue be addressed. The People should be consulted on this matter, and a referendum held to ascertain what the People truly want.

A thoughtful, deliberative conversation should occur, not a hasty action a week before the scheduled election date. In *Sandoval*, the Navajo Nation Supreme Court found that a change to election qualifications enacted "well prior to election" was a reasonable and valid law. *Sandoval*, at 12. In that case, the change to election qualifications that disqualified a candidate who had been elected was enacted four months prior to the election.

We, as a Nation, have not committed enough attention to the potential loss of our Navajo language and culture. Nor have we committed enough resources to ensure that our children know their language and culture. As hard and divisive as this subject as become, it is essential for the Navajo People and its government to address this fundamental matter.

The Nation should expect that the next administration will take up the initiative on this critical issue and implement measures to increase language access and fluency, such as through employee programs, school programs, technology, and opportunities for elders and youth to interact and share knowledge.

I understand that some people will be upset by my decision today, but it is important that we avoid civil unrest such as occurred in 1989. We have a responsibility to ensure each other’s safety and well-being.

I took an oath to uphold the law. The Navajo Nation Supreme Court ordered the 2014 ballots to be reprinted and the election unavoidably rescheduled to ensure a valid election. I therefore exercise my veto authority.

cc: Executive file
RESOLUTION OF THE
NAVAJO NATION COUNCIL

NAVAJO NATION COUNCIL – Fourth Year, 2014

AN ACTION

RELATING TO AN EMERGENCY; TO ADDRESS A MATTER WHICH DIRECTLY THREATENS THE SOVEREIGNTY OF THE NAVAJO NATION; AMENDING LANGUAGE REQUIREMENTS OF THE NAVAJO NATION ELECTION CODE

BE IT ENACTED:

Section One. Findings

A. 2 N.N.C. § 164(16) provides, in part, that an emergency is limited to matters which directly threaten the sovereignty of the Navajo Nation and that such emergency matter must arise due to the pressing public need for such resolution and must be a matter requiring final action by the Council.

B. 1 N.N.C. § 203(A), Diyin Bits’ ḗőḏééʼ Beehaz’ánii declares and teaches it is the right and freedom of the Diné to choose leaders of their choice; leaders who will communicate with the people for guidance; leaders who will use their experience and wisdom to always act in the best interest of the people; and leaders who will also ensure the rights and freedoms of the generations yet to come.

C. 1 N.N.C. § 203(B), Diyin Bits’ ḗőḏééʼ Beehaz’ánii declares and teaches that all leaders chosen by the Diné are to carry out their duties and responsibilities in a moral and legal manner in representing the people and the government; the people’s trust and confidence in the leaders and the continued status as a leader are dependent upon adherence to the values and principles of Diné bi beenahazáanii.

D. 1 N.N.C. § 203(C), Diyin Bits’ ḗőḏééʼ Beehaz’ánii declares and teaches that the leaders of the Executive Branch (Alaají Hózhóójí Naat’áah) shall represent the Navajo Nation to other peoples and nations and implement the policies and laws enacted by the legislative branch.

E. 1 N.N.C. § 204(A), Diyin Dine’é Bits’ ḗőḏééʼ Beehaz’ánii declares and teaches that it is the right and freedom of the people that there always be holistic education of the values and principles underlying the purpose of living in balance with all creation, walking in beauty and making a living.
F. 1 N.N.C. § 204(C), Diiyin Diné'é Bits' qáádégé' Beehaz'áanii declares and teaches that it is the right and freedom of the people that the sacred Diné language (nihiinei) be taught and preserved.

G. 1 N.N.C. § 204(F), Diiyin Diné'é Bits' qáádégé' Beehaz'áanii declares and teaches that it is the right and freedom of the people that our children are provided with education to absorb wisdom, self-knowledge, and knowledge to empower them to make a living and participate in the growth of the Navajo Nation.

H. 1 N.N.C. § 206(A), Diiyin Nohookáá Diné Bi Beehaz'áanii declares and teaches that the knowledge, wisdom, and practices of the people must be developed and exercised in harmony with the values and principles of the Diné Bi Beenahaz'áanii; and in turn, the written laws of the Navajo Nation must be developed and interpreted in harmony with Diné Common Law.

I. 1 N.N.C. § 206(B), Diiyin Nohookáá Diné Bi Beehaz'áanii declares and teaches that the values and principles of Diné Common Law must be recognized, respected, honored and trusted as the motivational guidance for the people and their leaders in order to cope with the complexities of the changing world, the need to compete in business to make a living and the establishment and maintenance of decent standards of living.

J. 1 N.N.C. § 206(C), Diiyin Nohookáá Diné Bi Beehaz'áanii declares and teaches that the values and principles of Diné Common Law must be used to harness and utilize the unlimited interwoven Diné knowledge, with our absorbed knowledge from other peoples. This knowledge is our tool in exercising and exhibiting self-assurance and self-reliance and in enjoying the beauty of happiness and harmony.

K. 2 N.N.C. § 1004(A) states, no person shall serve as President or as Vice-President of the Navajo Nation unless he/she is an enrolled member of the Navajo Nation, 30 years old or older.

L. 2 N.N.C. § 1004(B) states, no person shall serve as President or Vice-President of the Navajo Nation unless he/she has continually, during the last three years before the time of election been physically present within the Navajo Nation. The "Navajo Nation" is defined at 7 N.N.C. § 254.

M. 11 N.N.C. § 8 provides qualifications for President and Vice-President to include an age requirement at 11 N.N.C. § 8(A)(3), similar to 2 N.N.C. § 1004(A), a membership requirement at 11 N.N.C. § 8(A)(2), similar to 2 N.N.C. § 1004(A) and a residency requirement at 11 N.N.C. § 8(A)(1), similar to 2 N.N.C. § 1004(B); along with other requirements such as being a registered voter, be on the agency census roll of the Bureau of Indian Affairs, fluently speak and understand Navajo and read and write English, not have been convicted of a felony with the last five years, must have unswerving loyalty to
the Navajo Nation and must be competent and capable of upholding the oath of office, among other qualifications.

N. The qualifications for President and Vice-President at 2 N.N.C. § 1004 and 11 N.N.C. § 8 are not in harmony.

O. The Navajo People have continually encouraged young Navajos to “climb the ladder” of education and to return to help the People after getting their education; however, the young Navajos are often turned away leaving them with no alternative but to leave their homeland to support themselves and their families.

P. Navajo history is filled with prominent leaders who have taken a major role in the development of the Navajo Nation and overcame a language barrier in the process, including Navajo Chairman Chee Dodge and Navajo Interpreter Jesus Arviso.

Q. In the past, during the time of Chairman Dodge and Interpreter Arviso, the Navajo language was the primary language; however as time progressed and the Navajo Nation has more interaction outside its boundaries the communication is now in the English language, including our laws, regulations and rules.

R. As recent events have developed it is obvious there is much confusion and misinformation among the Navajo people about the value of their participation in the primary election; about whether their voice through their vote has been heard. At present there is no finality in the electoral process as a result of the dispute over the voice of the People.

S. The Navajo Nation has been at this precipice 25 years prior at which time the Navajo Nation was deeply divided, causing great disharmony to Navajo families and the government; currently there is the potential to completely destabilize the electoral process at various levels which will lead to instability in government, threatening the functions of the executive agencies, law enforcement, fire protection, emergency medical services and other vital services to public safety. There is a pressing public need for the Navajo Nation Council to address this matter.

T. The issue of the ability to speak the Navajo language is an issue that is present not just in the presidential election but also the other elections for public office. It is time to address this issue.

U. The Navajo Nation Election Code lists numerous qualifications for elective office. Included in these requirements are the ability to speak Navajo and English. The Election Code, however, is not consistent as to these requirements. For example, some positions merely require the ability to speak Navajo, while others require speaking Navajo "fluently." Some positions do not require any Navajo language requirements at all, such as for Chapter Officers and school board members. And, all positions, except for school boards and the Board of Education, require the ability to speak English.
V. These inconsistencies in the Election Code may potentially violate due process rights of candidates, deny the right to the equal protection of the law and infringe upon the fundamental right of voters to select their own leaders. It is necessary that all provisions on any language requirements, Navajo or English, whether speaking or writing it, be amended to permit voters to determine on their own who may be the best qualified candidate.

W. The disharmony created by the current legal action for the Office of President may lead to other legal disputes based on the qualifications for elected office and it is incumbent on the leaders of the Navajo Nation to address the confusion created by the legal dispute.

X. It is permissible to amend qualifications provisions of the Election Code after filing periods are opened and prior to an election. This law may be applied retroactively in the interest of justice and fairness to all candidates meeting the 2014 candidacy filing deadline for the Navajo Nation general elections. Sandoval v. NEA, SC-CV-62-12 (Nav. Sup. Ct., decided Feb. 26, 2013).

Y. We are all Navajo people. In abiding by Diné Bi Beenahaz’áanii and our Navajo Bill of Rights we do not want to provide impediments that prevent the Navajo people, both young and old, from exercising their political leadership qualities and other beneficial qualifies for the betterment of the Navajo Nation.

Z. The Navajo Nation Council passed legislation in 1990 with regard to language requirements, among other qualifications, for elected office. The Navajo Nation Council now, for the reasons discussed above, determine that it is in the best interest of the Navajo Nation that 11 N.N.C. §8 be amended in the manner described below.

Section Two. Amendments to Title 11 of the Navajo Nation Code

The Navajo Nation hereby amends the Navajo Nation Code, Title 11, §§ 8 et seq., as follows:

**

TITLE 11. ELECTIONS
CHAPTER 1. NAVAO ELECTION CODE OF 1990
SUBCHAPTER 1. GENERAL PROVISIONS

****

§8. Qualifications for office

A. Qualifications for President and Vice-President are:

****
4. Must fluently speak and understand Navajo and read and write English, which language proficiency shall be determined by the People voting in favor of the person upon the right and freedom of the Diné to choose their leaders;

***

B. Qualifications for Delegate to the Navajo Nation Council:

***

8. Must be able to speak and understand Navajo and/or English, which language proficiency shall be determined by the votes cast by the People in favor of the person upon the right and freedom of the Diné to choose their leaders;

***

C. Qualifications for Chapter Officers

***

12. Must be able to speak and understand Navajo and/or English, which language proficiency shall be determined by the votes cast by the People in favor of the person upon the right and freedom of the Diné to choose their leaders;

***

D. Qualifications for Other Elected Officials:

1. Qualifications for the Land Board Candidates:

***

f. Must be able to speak the Navajo Language fluently, and to read and write the English language, which language proficiency shall be determined by the People voting in favor of the person upon the right and freedom of the Diné to choose their leaders.

***

2. Qualifications for Farm Board Candidates:

***

c. Must be fluent in the Navajo and English language, which language proficiency shall be determined by the People voting in favor of the person upon the right and freedom of the Diné to choose their leaders.
3. Qualifications for District Grazing Committee Candidates:

   ****

   (d). Should be able to read, write, and speak the English language, which language proficiency shall be determined by the People voting in favor of the person upon the right and freedom of the Diné to choose their leaders;

   (e). Must be able to converse fluently in the Navajo language, which language proficiency shall be determined by the People voting in favor of the person upon the right and freedom of the Diné to choose their leaders;

   ****

4. Qualifications for Candidates for School Board:

   ****

   1. Must be fluent in the Navajo and English language, which language proficiency shall be determined by the People voting in favor of the person upon the right and freedom of the Diné to choose their leaders;

5. Navajo Nation Board of Education:

   f. Must be fluent in the Navajo and English language, which language proficiency shall be determined by the People voting in favor of the person upon the right and freedom of the Diné to choose their leaders

   ****

   TITLE 11. ELECTIONS
   CHAPTER 1. NAVAJO ELECTION CODE OF 1990
   SUBCHAPTER 17. ELECTION OFFICIALS

§ 324. Qualifications

   ****

   E. Must be able to understand and speak Navajo and English and write the English language, which language proficiency shall be determined by the People voting in favor of the person upon the right and freedom of the Diné to choose their leaders.

   ****
Section Three. Approval of the Amendments to the Navajo Nation Election Code Act of 2014

The Navajo Nation hereby approves the Amendments to the Navajo Nation Election Code, Title 11, Section 8, Act of 2014.

Section Four. Effective Date

The Act is effective upon its approval pursuant to 2 N.N.C. §221 and shall be in effect for the 2014 Navajo Nation Election and subsequent Navajo Nation elections. This law shall be applied retroactively in the interest of justice and fairness to all candidates meeting the 2014 candidacy filing deadline for the Navajo Nation general elections. Sandoval v. NEA, SC-CV-62-12 (Nav. Sup. Ct., decided Feb. 26, 2013).

Section Five. Codification

The Office of Legislative Counsel shall redesignate all subsequent sections of 11 N.N.C. §8 affected by these amendments. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

Section Six. Saving Clause

Should any provisions of this ordinance be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, those portions of this ordinance which are not determined invalid shall remain the law of the Navajo Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 11 in favor and 10 opposed, this 23rd day of October 2014.

LoRenzo Bates, Pro Tem Speaker
Navajo Nation Council

10-24-14

Date

Motion: Honorable Charles Damon, Ii
Second: Honorable Roscoe Smith
ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this _____ day of _______________ 2014.

________________________
Ben Shelly, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of OCT 28 2014, 2014, for the reason(s) expressed in the attached letter to the Speaker.

________________________
Ben Shelly, President
Navajo Nation
Presidential Town Hall Meetings focus on projects, $554 million settlement

WINDOW ROCK, Ariz.—The Navajo Nation Executive Branch began hosting town hall meetings to discuss the $554 million settlement agreement and how to best utilize or invest the funds.

The first meeting was held on Oct. 21 at Shiprock Chapter House and brought in more than 100 people for the meeting. President Shelly said the participation of the general public is important before a single penny of the $554 million settlement is spent. Executive Branch staff was on hand to explain processes for building and road construction, two major areas of concern by most chapters.

Other areas of consideration included the Former Bennett Freeze Area, housing, agriculture, rangeland management and construction of nursing homes.

During the initial announcement of the settlement in May 2014, President Ben Shelly instructed his staff from the Office of the President and Vice President to host the meetings to include the voice of the Navajo people.

The purpose of the meetings is to gather feedback on the how Navajo people across the Nation, especially since the Executive Branch is charged with administering the laws created by tribal legislators.

“Funding from the settlement agreement belongs to the Navajo people. We must reach out to them and ensure their voice is heard. Public comment meetings do not belong with one branch of the government,” he said.

Recent media reports stated the Navajo Nation Council raised concerns with the Executive Branch town hall meetings for fear of confusing the Navajo people.

“To say the Navajo people may be confused by additional discussions is an insult to the voting body of our Nation,” President Shelly said. “Our town hall meetings will cover profiles of the Navajo Nation, including our investment portfolio balances and the future projected revenue. The Navajo people need the proper information to make an informed decision,” he added.

While the public hearings held by the council are open-ended discussions on what the general public would like to see, the town hall meetings hosted by OPVP are focused on shovel ready projects such as the five-year Capital Improvement Projects plan and the Tribal Transportation Improvement Projects plan.

These project listings have already been prioritized and assessed by the chapters across the Nation and have obtained the necessary clearances such as archaeological and environmental surveys.

Arbin Mitchell, chief of staff, said in this way, the projects are ready to go once funding is established.

“A lot of the projects have been in development for years, based on the needs of the chapters. They’ve already been in the system and only require funding,” Mitchell said.

The next town hall meetings will take place at Chinle Chapter House on Oct. 22, Navajo Technical University on Oct. 23, Ft. Defiance Chapter House on Oct. 28 and Tuba City Chapter House on Oct. 29. All meetings will be from 3 to 7 p.m.

The finale will showcase the comments and information received from all five agencies and will be at the Window Rock Sports Center on Nov. 11.

-30-

Vice President Shelly Rex Lee Jim delivered the State of the Navajo Nation address for the start of the 2014 fall session. During the address, he mentioned the town hall meetings hosted by OPVP and said there cannot be too many meetings when it comes to hearing the voice of the Navajo people. (Photo by Rick Abasta)
The Navajo Nation Executive Branch
Trust Settlement: Presidential Town Hall Meetings

Dates & Locations

**All Meeting Times: 3PM-7PM**

Tuesday, October 21, 2014
Shiprock Chapter House
Shiprock, NM

Wednesday, October 22, 2014
Chinle Chapter House
Chinle, AZ

Thursday, October 23, 2014
Navajo Technical University
Crownpoint, NM

Tuesday, October 28, 2014
Fort Defiance Chapter House
Fort Defiance, AZ

Wednesday, October 29, 2014
Tuba City Chapter House
Tuba City, AZ

Tuesday, November 11, 2014
FINALE—Sports Center
Window Rock, AZ

Discussions will focus on the best use of the $554 million from the settlement agreement. Potential projects for funding include the Capital Improvement Plan, Transportation Improvement Plan, economic development, direct investment/venture capital, Former Bennett Freeze (Western Agency), housing, agriculture, rangeland improvement, and nursing homes.

Office of the President and Vice President

www.navajo-nsn.gov • (928)871-7000 • bbegaye@navajo-nsn.gov
THE STATE OF THE NAVAJO NATION
President Ben Shelly
and
Vice President Rex Lee Jim

The Executive Branch Report

Presented to the
22nd Navajo Nation Council
October 20, 2014
Speaker Pro Tempore, members of the 22nd Navajo Nation Council, visitors, officials, and my fellow Navajo people:

Yá’át’ée and welcome to the fall session of the 22nd Navajo Nation Council. It is a privilege to join you here today and provide an update from the Executive Branch.

We would first like to begin by saying thank you to the Navajo people for their vote and support to have us serve as your leaders. We were blessed with this opportunity and we appreciate the hard work and dedication from our staff, division directors and many others that served us to achieve the many great accomplishments on behalf of the people.

PROTECTION OF NAVAJO SOVEREIGNTY
The Navajo Nation is the greatest tribal nation in all of Indian Country and more often than not, we set the tone for other tribes to follow. Right now, we stand at the precipice of a very important decision that will not only affect our future generations, but possibly the rest of Indian Country as well.

On one side of the divide are our Navajo elders, who taught us that the Navajo language and culture is our foundation, which was handed down to us by the Holy People. On the other side are many of our children and grandchildren who do not speak our language. The decision we must make is much more than just speaking and understanding the language.

$554 MILLION SETTLEMENT AGREEMENT
After years of litigation, the Navajo Nation reached a historic settlement with the federal government for breach of trust responsibilities. In May 2014, I announced the settlement agreement at the State Room and directed my staff to host town hall meetings to include the Navajo people on how the funds can be utilized or invested on their behalf.

This week, we will begin our town hall meetings regarding the use of our $554 million settlement. There cannot be “too many meetings,” as publicized in recent media accounts. To say the Navajo people may be confused by additional discussions is an insult to the voting body of our Nation.

Perhaps if we had more public discussions on funding decisions in the past, we would not have had the discretionary funding debacle that is currently winding its way through the judicial process. The Executive Branch of government administers the laws created by the Legislative Branch, while the Judicial Branch interprets the law. Sometimes we forget these specific responsibilities.

Our town hall meetings will cover profiles of the Navajo Nation including our investment portfolio balances and the future projected revenue. In addition, we will have information on the five-year Capital Improvement Plan and the Tribal Transportation Improvement Plan, as the areas of infrastructure development and roads are always at the forefront for many Navajo chapters.
The town hall meetings will have presentations on shovel ready projects that have completed the necessary clearances and chapter approvals for funding. In this way, they will be focused discussions as opposed to wide-open discussions and wish lists that must begin from the ground level.

ALBUQUERQUE NATIVE AMERICAN HOMELESSNESS TASKFORCE
In late July, three Albuquerque teens beat two homeless Navajo men to death while they slept. Not only were these murders senseless, but they also illustrated the violence our people are exposed to in the neighboring border towns and cities.

I immediately called for a meeting with the Albuquerque mayor to address this issue and called for the FBI to investigate whether or not these were hate crimes perpetrated against our people. We met with Mayor Berry twice, once in Albuquerque and another time in Window Rock.

Since those meetings, we have established a taskforce leader and members, including staff from the Division of Health, Division of Public Safety, Division of Social Services and the Office of the President and Vice President. We also invited the participation of the Navajo Human Rights Commission.

Since those initial meetings, the taskforce has established five goals. These goals include identifying resources from stakeholders and connecting them with the Albuquerque native population, assessments, cultural sensitivity training, improving the quality of life for homeless natives and prioritizing funding for services.

NAVAJO CODE TALKER UNIFORM RETURNS HOME
On August 12, I flew to Reno, Nevada to retrieve the U.S. Marine Corps uniform of the late George H. Kirk, a beloved member of our Navajo Code Talkers. For more than 15 years, this uniform has been lost on the open market, after his storage unit went into default sometime after his passing.

In late Jan. 2014, Etta Arviso, a volunteer of the Navajo Code Talkers Association, informed us that the uniform was for sale through an online auction house. We immediately made contact and requested that it be taken off the auction block.

Craig Gottlieb Military Antiques of Solana Beach, California was the auction house in possession of the uniform. We spoke with Mr. Gottlieb and we negotiated for the return of the uniform. He was willing to donate the uniform as long as it could be on exhibit in a museum for all to see.

We worked with the Navajo Nation Museum and they too, were agreeable to housing the uniform for the generations to come. On August 14, the uniform was unveiled and put on display at the museum in commemoration of Navajo Code Talkers Day. Sadly, in September, we lost four Code Talkers in the span of one week.

We must continue to honor and assist these heroes and role models for our people. The Navajo Code Talkers Museum must become a reality and whether it is funded through private or tribal funds, it is only proper we respect their service on behalf of the American people.

NAVAJO DIVISION OF PUBLIC SAFETY
Last week, we had another Navajo Police officer shot in the line of duty while responding to a call of domestic disturbance. The incident not only underscored the high level of danger our officers face on a daily basis, but also the prevalence of domestic violence on our Nation.

October is Domestic Violence Awareness Month and we must continue to battle this horrible abuse afflicting many of our families. Education and awareness must continue, while we work for tougher penalties to be imposed upon perpetrators. Calls of domestic violence continue to keep our officers busy.
The Navajo Police are severely underfunded and undermanned when it comes to the direct services they provide to the Navajo people. Funding them with a portion of the settlement agreement certainly would be a wise investment for the Nation.

In the past quarter, the Department of Corrections secured $29.9 million to complete the funding requirement of the Chinle Judicial Public Safety facility. This included $1.4 million for the design of a training academy, which is currently going through the 164-process.

In August, the Arizona Peace Officer and Standards Training Board (AZPOST) submitted their audit report on NDPS. Their audit of 100 commissioned personnel resulted in no findings. All of the personnel were in compliance with the AZPOST standards and requirements, which speaks volumes for our officers on duty.

The Drug and Gang Unit of the NDPS completed operations across the Navajo Nation in response to drug and alcohol activities. They confiscated 17 marijuana plants valued at $25,500; 255.14 grams of processed marijuana worth $2,010; 5.87 ounces of methamphetamine with a street value of $690; and 45 bottles of 40 ounce beer worth $679.

DIVISION OF GENERAL SERVICES

The big accomplishment for the quarter is the completion of remediation activities for Administration Building Number One. This accomplishment was a major feat for this administration, after decades of neglect and erosion resulted in black mold inside the building.

Not only was the mold an immediate health threat to employees, but it was also a big indication that the building was in need of renovations. The building closure in 2011 displaced hundreds of employees that have been in limbo since.

We are happy to report that the building will be reopened to our employees and the general public this month. The renovations not only cleared away the black mold but also provided state of the art improvements to the building that will take us well into the next few decades with a safe working environment.

During this effort, a mostly all-Navajo workforce was employed throughout the process. This included carpenters, electricians, IT professionals, telecommunications and many others. Administration Building Number Two is currently going through remediation and we anticipate completion in early 2015.

LOOKING BACK

Over the past four years, the Shelly-Jim administration has worked with this Council for the Navajo people. Together, we executed the Commercial Tobacco Free Executive Order, passed the Navajo Sales Tax Distribution Reform Act for scholarships, worked with ADOT to pave Navajo Route 20, updated the Navajo Nation Energy Policy, and purchased a coal mine operated by Navajo Technical Energy Company.

No one branch of our tribal government is stronger than the other. We must all work together to make things work for the benefit of our people. The real governing body of the Nation is the Navajo people and it is through their votes that we continue to lead.

Our administration has been dedicated to thinking outside the box and preparing for the inevitable future that awaits us: loss of support from the American taxpayer. Our energy policy is the key for our future and it will unlock opportunities that have yet to be fully implemented, such as renewable energies and clean coal technology.

For far too long, the yoke of the federal government has prevented us from moving forward in this arena. We are proud to say that after four years of testifying in Washington, D.C. and lobbying Congress, we are beginning to
make headway in our government-to-government relationship with our trustee.

The Shelly-Jim administration saved Navajo Head Start and kept its funding and operation intact on the Navajo Nation. We worked with private entities, tribal entities and the U.S. EPA to renew lease agreements worth billions for the decades to come. We executed direct funding agreements for social services and transportation that strengthened our Navajo sovereignty and self-determination.

However, throughout it all, we worked for the Navajo people and always kept their best interests in mind. We had to make tough decisions that other leaders chose to sidestep because they were too controversial. But that’s what leadership is, making the tough call.

It has been an honor and pleasure to serve as your leaders for the past four years. The people have spoken and we respect their decision. Thank you for allowing us to serve the greatest tribal nation on earth and we wish our Navajo people the blessings of the Holy People for the generations to come. Ahe’hee.
Phoenix, Ariz.—Navajo Nation President Ben Shelly spent the weekend in Phoenix attending meetings for native scholarships and for the economic development for Navajo craftsmen.

On Oct. 11, he attended the Miss Indian Arizona Scholarship Pageant in Scottsdale, where he escorted Shaandiin Parrish for the pageantry.

Parrish, a Navajo contestant majoring in political science at Arizona State University, came in third place at the pageant.

President Shelly said, “I was very happy to participate in the pageant and I’m proud of Shaandiin. The scholarship is a great opportunity for our youth to expand their horizons with a college education.”

During an Oct. 12 matchup between the Arizona Cardinals and Washington Redskins, Navajo Nation President Ben Shelly met with Redskins owner Dan Snyder to discuss the expansion on an NFL agreement.

In early 2014, the Navajo Nation entered into a licensing agreement with the National Football League. The NFL executed the franchising agreement with Navajo Arts and Crafts Enterprise for the sale of Navajo jewelry, rugs, sand paintings and other arts across the country. The Redskins waived the licensing fee for the Navajo Nation and are working with the league to open the agreement for the rest of the NFL.

President Shelly met with Redskins owner Dan Snyder to discuss expansion of the licensing agreement to the other 31 NFL teams across the country.

“We have an enormous opportunity to bring more business to Navajo craftsmen and artisans,” President Shelly said. “This licensing agreement with the NFL has opened the door for new jobs and economic development for the Nation.”

President and First Lady Martha Shelly were guests of Snyder in the Redskins suite for the game on Sunday.

“We were there on a mission,” President Shelly said, adding that the meeting between the Navajo Nation and the Redskins was about more than football.

President Shelly and Snyder spoke about funding for other possible initiatives, including construction of an indoor sports pavilion on the Navajo Nation and funding for the Navajo Code Talkers Museum.

Director of the Navajo Nation Division of Economic Development, Albert Damon, has worked on the licensing agreement between the Navajo Nation and the Redskins from the start of negotiations.

“This licensing agreement allows for growth of the Nation’s cottage industry for developing arts and crafts,” Damon said. “The Redskins offered first and the NFL issued the licensing agreement.

“We’re after the other teams,” he added.

NACE is currently working on filling hundreds of orders for items that will be sold at FedEx Field and possibly at other stadiums in the NFL.

Navajo rugs, like this American Flag by Joanne Begaye, will soon be available for purchase at NFL stadiums across the country, thanks to the licensing agreement between the Navajo Nation and the league. (courtesy photo)
Navajo Nation Health Advisory – Ebola Virus Disease

Window Rock, AZ – Although it is unlikely for an Ebola case to present on the Navajo Nation, this public health advisory is being distributed to provide information about the Ebola Virus Disease.

What is Ebola? Ebola is a rare and deadly disease caused by infection with Ebola virus. Ebola can cause disease in humans and nonhuman primates (monkeys, gorillas, and chimpanzees). Ebola is caused by an infection with a virus of the family Filoviridae, genus Ebolavirus. Ebola viruses are found in several African countries. The natural reservoir host of Ebola virus remains unknown. However, on the basis of evidence and the nature of similar viruses, researchers believe that the virus is animal-borne and that bats are the most likely reservoir.

Symptoms of Ebola: Symptoms may appear anywhere from 2 to 21 days after exposure to Ebola.

- High fever (>101.5°F)
- Vomiting
- Severe headache
- Diarrhea
- Muscle pain
- Abdominal (stomach) pain
- Weakness
- Unexplained hemorrhage

Transmission of Ebola: Ebola virus is spread to others through direct contact with: (1) bodily fluids (blood, saliva, sweat, feces, vomit, breast milk, semen, urine) of a person who is sick with Ebola; (2) objects (needles and syringes) that have been contaminated with the virus; (3) infected animals.

- What does “direct contact” mean? It means that bodily fluids from an infected person (alive or dead) have touched someone’s eyes, nose, mouth, or an open cut, wound, or abrasion.
- Can Ebola spread by coughing or sneezing? Although coughing and sneezing are not common symptoms of Ebola, if a symptomatic patient with Ebola coughs or sneezes on someone, and saliva and mucous come into contact with that person’s eyes, nose or mouth, these fluids may transmit the disease.
- How long does Ebola live outside the body? Ebola is killed with hospital-grade disinfectants (household bleach). Ebola on dried surfaces (doorknobs, countertops) can survive for several hours.
- If someone survives Ebola, can he or she still spread the virus? Upon recovery, they can no longer spread the virus. However, Ebola virus has been found in semen for up to 3 months. Therefore, people who recover are advised to abstain from sex or use condoms for 3 months.

Prevention of Ebola: There is no vaccine available for Ebola. The recommendations are: (1) practice good hygiene (wash hands with soap and water or alcohol-based hand sanitizer); (2) do not handle items (clothes, bedding, needles, medical equipment) that may have come in contact with an infected person; (3) avoid funeral or burial rituals that require handling the body of someone who has died from Ebola; (4) healthcare workers who may be exposed to people with Ebola should wear protective clothing, including masks, gloves, gowns and eye protection; (5) isolate persons with Ebola from other people; (6) notify health officials if you have had direct contact with bodily fluids of a person who is sick with Ebola.
FARMINGTON, N.M.—Navajos make the best tomahawks. Tomahawk Missiles, that is.

On Oct. 7, the Navajo Nation and Raytheon Missile Systems celebrated the 30,000 square foot high bay warehouse expansion of the Raytheon Dine’ Facility, located on the Navajo Agricultural Products Industry industrial park on the outskirts of Farmington.

Hundreds of employees, company leaders, tribal, state and local officials gathered for the celebration, which also marked the 25th anniversary of the facility.

Raytheon plans on utilizing the facility for the storage and transition of products.

For more than 25 years, Raytheon has operated the Dine’ Facility and worked with the Navajo Nation and state of New Mexico producing weapons. In addition to the Tomahawks, the facility also produces Stingers, TOW, Javelin, RAM, Excalibur and other missiles.

The workforce is more than 90 percent Navajo and is involved in such manufacturing techniques as electro-mechanical integration, mechanical assembly, harness manufacturing, and launcher assembly.

President Ben Shelly addressed the audience on behalf of the Navajo Nation and said the relationship with Raytheon was about partnership and economic development.

“Not only do we make the best Tomahawks in the world, but we are also working together to advance lives of Navajo people through employment and economic development,” President Shelly said.

He noted that of the 330 people that work at the Raytheon Dine’ Facility, the bulk of the workforce is Navajo and that they are skilled workers proving the ingenuity and capability of Navajo workers.

The president said that if Raytheon Missile Systems needed further expansion, the Navajo Nation could also host facilities in the Arizona and Utah portions of the Nation.

“Navajos are good with their hands, we’ve proven that again and again,” President Shelly said. “If you need to expand to other
His suggestion drew applause from the audience of workers.

Praising the cooperative efforts of Raytheon, NAPI, state of New Mexico, San Juan County and the Navajo Nation, President Shelly reiterated the strength and symbiotic nature of partnership.

“The Navajo Nation did not hesitate to assist when talks began for the expansion of their warehouse here. Our relationship with Raytheon is about partnership,” he said.

Dr. Taylor Lawrence, President of Raytheon Missile Systems, echoed the president’s sentiments and praised the high caliber workforce of the Raytheon Dine’ Facility.

“I would like to thank the people, the employees of Dine’, for 25 years of hard work,” Lawrence said.

He likened the new warehouse expansion as the first stepping-stones toward jobs and opportunities for the future.

“Back in 1989, the main facility started as a Stinger program,” Lawrence said. “Since then, the program has grown to become a large volume, multi program production facility with many awards earned for excellence in operations, quality and safety.

“You are certainly role models for the company,” he added.

Lawrence said the Dine’ Facility as earned a stellar reputation for high quality work and tremendous leadership for the 10 missile programs at the site.

Representatives for the state officials shared comments about the expansion before the commemorative groundbreaking ceremony took place at the location of the new warehouse. The celebration concluded with a lunch of mutton stew, fry bread and Navajo tacos.

The Navajo Nation invested $3.3 million from the Business and Industrial Development Fund for the project.
FOR IMMEDIATE RELEASE  
September 29, 2014

Naize steps down from the Navajo Nation Council

WINDOW ROCK – In a written letter, Johnny Naize today resigned from his position as speaker and council delegate of the Navajo Nation Council.

“I have been privileged to represent the communities of Tselani/Cottonwood, Nazlini, Many Farms, Tachee/Blue Gap, Low Mountain,” stated Naize. “The progress made in my sixteen years of service as an elected official fills me with the utmost thanks for the projects and improvements made for my communities.”

Naize, who began serving in 1999 as a member of the 19th Navajo Nation Council, also thanked members of the Council, legislative staff, and President Ben Shelly for their service and assistance in helping the Navajo people.

“I wish him and his family the best as they move forward,” said Speaker Pro Tem LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse’Daa’Kaan, Upper Fruitland).

According to 11 N.N.C. §140, upon written notice to the Navajo Election Administration, the resignation shall be effective and the Navajo Election Administration shall be authorized to declare a vacancy.

Edison Wauneka, executive director of the Navajo Election Administration, said a vacancy declaration is expected to be issued today. Following the declaration, each of the impacted chapters will have 45 days to recommend an individual to fulfill the vacant position.

Appointment of an individual to fill the vacancy will be at the discretion of the speaker or speaker pro tem of the Council, in accordance with Navajo Nation law.

# # #

For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
RDC approves FY 2015 Tribal Transportation Improvement Program

WINDOW ROCK—The Resources and Development Committee of the 22nd Navajo Nation Council approved the Navajo Nation FY 2015 Tribal Transportation Improvement Program on Sept. 2, 2014.

Navajo Division of Transportation submitted a 60-page document to RDC for review and detailed the five-year project listing, which includes preliminary studies, construction administration and roadway improvements.

Roads are a major concern for many Navajo chapters.

NDOT is charged to perform critical functions related to transportation road improvements in collaboration with the Bureau of Indian Affairs, local, state and federal agencies for development of a tribal transportation priority listing.

The projects are mandated by 25 CFR Part 170, Subpart D under the Tribal Transportation Program.

Paulson Chaco, director of NDOT, said the FY 2015 TTIP now moves forward to the Federal Highway Administration for final approval. If approved, the project listing for the Nation will be included in the national transportation improvement program.

He said progress has been swift during this administration, but additional road improvement needs arise during monsoon flooding and the winter season.

“Projects in the five-year TTIP include cultural and environmental impact studies, right-of-ways, centerline surveys and designs,” Chaco said.

Other program funds include safety projects, planning, operation and maintenance. Additionally, two percent of planning funds are used to provide technical assistance to chapters for transportation planning, mapping, roadway data collection and long range transportation plans.

A total of $277,500,000 has been programmed into the TTIP through FY 2019. The Navajo Nation receives $55,500,000 annually in funding from the FHWA for transportation projects. NDOT receives $10 million of that amount, after it entered into a direct funding agreement with the FHWA in 2013.

“The direct funding agreement changed the dynamics of transportation on the Navajo Nation,” Chaco said. “The BIA is now partners with Navajo DOT. They are no longer our oversight. This has strengthened our tribal sovereignty.”

Execution of the direct funding agreement was only one of the directives made to Chaco by Navajo Nation President Ben Shelly when the administration took office in 2011. Early on in the administration, Navajo Nation Council Delegate Edmund Yazzie (Church Rock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) approached NDOT with the need to repair N7054, a dirt road located in Pinedale, N.M.

The N7054 project is on the five-year TTIP for grade, drain and gravel construction for 3.5 miles of road. This safety project is at a cost of $3,125,000. Preliminary engineering will be from 2015 through 2017, at a cost of $325,000. The following two years will be construction engineering and construction, at a cost of $2,800,000.

However, immediate needs exist for local residents in Pinedale that travel on the road to get to school, work, medical services and other basic needs.

Chaco said the Pinedale project was just one of hundreds across the Nation that require immediate attention.

For now, NDOT continues to assist the Navajo people through FHWA and FET funding, combined with ingenuity and adaptability.

Information: www.navajodot.org

-30-
MEDIA ADVISORY

WHO : President Ben Shelly
       THE NAVAJO NATION

       Sally Jewell, Secretary
       U.S. Department of the Interior

       Sam Hirsch, Acting Assistant Attorney General
       U.S. Department of Justice

       Kevin Washburn, U.S. Assistant Secretary
       Bureau of Indian Affairs

WHAT : Announcement of Multi-Million Trust Settlement

WHERE : Window Rock Tribal Park
        100 Parkway Drive
        Window Rock, Arizona 86515

WHEN : Friday, Sept. 26, 2014
       10:00 a.m.

CONTACT : Rick Abasta, Communications Director
           Office of the President and Vice President
           THE NAVAJO NATION
           Phone: 928-871-7884
           Fax: 928-871-4025
           Email: rickyabasta@navajo-nsn.gov

* There will be a press conference immediately following the event.
President Shelly meets with U.S. EPA to discuss carbon dioxide ruling

SANTA FE—The U.S. EPA is expected to release their proposed carbon dioxide air quality supplemental ruling for Indian Country in mid-October.

Navajo Nation President Ben Shelly met with Janet McCabe, acting assistant administrator for the Office of Air and Radiation, along with Jane Nishida, acting assistant administrator for the Office of International and Tribal Affairs and Jared Blumenfeld, regional administrator for U.S. EPA Region 9 on Sept. 15 in Santa Fe.

Joining the president were Navajo Nation representatives from Department of Justice, Navajo EPA, Division of Natural Resources and NTUA. The Navajo Nation delegation shared statistics demonstrating the economic disparities that exist on tribal lands.

Statistics from the Navajo Nation included the unemployment rate of 52 percent versus 6.3 percent for the U.S. More than 60 percent of Navajos do not have telephone service; 32 percent don’t have electricity; and 38 percent do not have running water.

The relevance of the statistics was to demonstrate the disadvantages facing Navajo tribal members with regard to basic necessities and economic development. Those figures were contrasted against the Nation’s abundance of coal, more than 100 years worth, which is an economic boon and necessity for the tribe.

Recent air quality decisions by the U.S. EPA to limit the use of coal-fired power plants as an energy source have a negative impact on the tribal economy.

President Shelly said consultation with the U.S. EPA was absolutely critical for the proposed carbon dioxide ruling because the power plants located on the Navajo Nation provide tribal self-sufficiency.

“We just wrapped up the final BART decision for Navajo Generating Station and completed a very complex rulemaking,” President Shelly said. “Now we have the proposed carbon dioxide rulemaking before us.”

He explained that the economy of the Navajo Nation is dependent upon the coal power plants, not only for employment but also for revenue streams from taxes, lease payments and other royalties that support the direct services to the Navajo people.

Despite the push for restrictions on coal-fired plants across the country, the tribal air quality has always passed standards set by the federal government.

President Shelly said, “Ever since such data started being recorded, the Navajo Nation air quality has always been good. Today, there is significantly less air pollution coming in from power plants on and near the Nation.”

Blumenfeld commended President Shelly for his “hard work for the Navajo Nation” and said he will leave a lasting legacy for his work to protect public health and the environment.

McCabe echoed similar sentiments and said, “You are the most active tribal leader to advocate and conduct government-to-government discussions for every ruling.

“On behalf of the Obama administration, we are committed to working with the Navajo Nation as a sovereign entity and consider your comments before issuing a supplemental ruling,” she added.

In Nov. 1984, the U.S. EPA enacted a policy for the administration of environmental programs on Indian reservations. The policy was in accordance with the Federal Indian Policy that was enacted on Jan. 24, 1983.

The main themes of the policy stated “that the Federal Government will pursue the principle of Indian ‘self-government’ and that it will work directly with Tribal Governments on a ‘government-to-government’ basis.”

Because of this, President Shelly said the U.S. EPA must carefully consider the tribal concerns and recommendations and make regulatory decisions that uphold trust responsibilities and obligations as a trustee.

His said the U.S. EPA needs to find a balance between economic development, progress and environmental protection that will allow the Navajo Nation to thrive in the years to come.

“We want to request for a public comment period extension from 30 to 45 days,” President Shelly said. “Don’t treat us similar to states, we are different and deserve to be treated as a sovereign.”

Sixty years ago, the initial agreements for the power plants was negotiated by the federal government and power plant owners for long term sweetheart deals. Today, the Navajo Nation stands poised to realize the benefits of renewed leases that it has negotiated directly with the power plant owners, which are lessees to the Nation.
THE NAVAJO NATION

Proclamation

IN HONOR AND RECOGNITION OF THE LATE
NAVAJO CODE TALKER WILFORD BUCK

WHEREAS, The Navajo Nation is greatly saddened by the loss of the late Wilford Buck, who served in the U.S. Marine Corps; and

WHEREAS, The late Wilford Buck was a Navajo Code Talker who served the United States of America, the Navajo Nation, and U.S. Marine Corps with courage, honor and distinction; serving from 1944 to 1947, when he was honorably discharged; and

WHEREAS, The late Wilford Buck served as a Navajo Code Talker and was stationed in Pearl Harbor, Saigon and Japan; and

WHEREAS, The late Wilford Buck also was a Navajo Code Talker and a beloved member of the Navajo Code Talker Association, traveling to many states to participate in book signings and share the story of the Navajo Code Talkers; and

WHEREAS, The Navajo Nation unites and offers prayers for his family and friends during this time of grief;

NOW, THEREFORE, I, BEN SHELLY, President of the Navajo Nation, do hereby proclaim that all Navajo Nation flags shall be flown at half-staff in honor of the late Navajo Code Talker Wilford Buck, from sunrise on September 18 to sunset on September 21, 2014.

ORDERED THIS 18th DAY OF SEPTEMBER 2014

[Signature]

Ben Shelly, President
THE NAVAJO NATION
THE NAVAJO NATION

Proclamation

IN HONOR AND RECOGNITION OF THE LATE
NAVAJO CODE TALKER CPL. DAVID JORDAN

WHEREAS, The Navajo Nation is greatly saddened by the loss of the late David Jordan, who served in the U.S. Marine Corps; and

WHEREAS, The late David Jordan was a Navajo Code Talker who served the United States of America, the Navajo Nation, and U.S. Marine Corps with courage, honor and distinction; serving from March 26, 1943 to December 30, 1945, when he was honorably discharged; and

WHEREAS, The late David Jordan served as a Navajo Code Talker and was stationed in the Asiatic-Pacific Theater from September 21, 1943 to December 4, 1945, fighting in the Battles of Bougainville, Solomon Islands, Iwo Jima, New Caledonia, Mariana Islands, Volcano Islands and Hawaiian Islands; and

WHEREAS, The late David Jordan also was a Navajo Code Talker who was awarded the Good Conduct Medal, Asiatic-Pacific Campaign and the Congressional Silver Medal; and

WHEREAS, The Navajo Nation unites and offers prayers for his family and friends during this time of grief;

NOW, THEREFORE, I, BEN SHELLY, President of the Navajo Nation, do hereby proclaim that all Navajo Nation flags shall be flown at half-staff in honor of the late Navajo Code Talker Cpl. David Jordan, from sunrise on September 18 to sunset on September 21, 2014.

ORDERED THIS 18th DAY OF SEPTEMBER 2014

[Signature]

Ben Shelly, President

THE NAVAJO NATION
President Shelly executes line item veto of FY 2015 comprehensive budget

WINDOW ROCK, Ariz.—On Sept. 15, after the requisite 10-day review period, President Shelly signed Legislation No. CS-46-14.

President Shelly executed his line item veto authority for the Navajo Nation FY 2015 Comprehensive Budget. During the FY 2015 budget process, Council raised concerns about the many politically appointed positions in the budget and that funding for those employees would be best used for direct services.

President Shelly agreed with Council and vetoed almost $2 million earmarked for legislative district assistants in the FY 2015 budget.

The legislative district assistants were budgeted for $395,343 for personnel expenses, $1,342,306 for travel expenses, $31,680 for communications and utilities, and $474 for special transactions. The total amount vetoed was $1,769,803.

The president’s memorandum detailing the veto decision was clear on trimming nearly $2 million off the budget to provide direct services for the Navajo people.

“The Navajo people reduced the Council from 88 to 24 with the perception the Navajo Nation government would see cost savings within the legislative budget,” President Shelly stated. “However, this has not been the case and the legislative budget has increased.”

He also vetoed the in the amount of $500,008 from the excess indirect cost recovery, which was slated for the decentralization initiative.

The amount in question was woven into the budget of the Division of Community Development and the line item veto was necessary to ensure compliance with 2 CFR Part 225.

President Shelly stated that the IDC excess recovery fund is projected to be less in FY 2015 and that the funds need to be budgeted prudently to cover any potential shortfalls.

President Shelly also vetoed the budget for the Department of Youth Development because the intended legislative purpose as adopted by Council in CS-46-14 was not met by the proposed budget.

The funding of $2,000,000 for the department was intended for youth employment and development. However, the budget that was submitted utilized a portion of the department funds for building repairs and maintenance.

President Shelly said, Office of Management and Budget and the program must correct the budget to reflect the intended legislative use as adopted by Council before Oct. 1.
THE NAVAJO NATION

Proclamation

IN HONOR AND RECOGNITION OF THE LATE
NAVAJO CODE TALKER PFC GUY CLAUSCHEE

WHEREAS, The Navajo Nation is greatly saddened by the loss of the late Guy Clauschee, who served in the U.S. Marine Corps; and

WHEREAS, The late Guy Clauschee was a Navajo Code Talker who served the United States of America, the Navajo Nation, and U.S. Marine Corps with courage, honor and distinction; serving from March 24, 1945 to October 24, 1946, when he was honorably discharged; and

WHEREAS, The late Guy Clauschee served in the 1st Marine Division and was stationed in the Pacific Theater and the Occupation of China; and

WHEREAS, The late Guy Clauschee also was a Navajo Code Talker who was awarded the Good Conduct Medal and the Congressional Silver Medal; and

WHEREAS, The Navajo Nation unites and offers prayers for his family and friends during this time of grief;

NOW, THEREFORE, I, BEN SHELLY, President of the Navajo Nation, do hereby proclaim that all Navajo Nation flags shall be flown at half-staff in honor of the late Navajo Code Talker Guy Clauschee, from sunrise on September 12 to sunset on September 15, 2014.

ORDERED THIS 12th DAY OF SEPTEMBER 2014

[Signature]
Ben Shelly, President
THE NAVAJO NATION
THE NAVAJO NATION

Proclamation

IN HONOR AND RECOGNITION OF THE LATE
NAVAJO CODE TALKER PFC ROBERT WALLEY SR.

WHEREAS, The Navajo Nation is greatly saddened by the loss of the late Robert Walley Sr., who served in the U.S. Marine Corps; and

WHEREAS, The late Robert Walley Sr. was a Navajo Code Talker who served the United States of America, the Navajo Nation, and U.S. Marine Corps with courage, honor and distinction; serving from 1943 to 1945; when he was honorably discharged; and

WHEREAS, The late Robert Walley Sr. served in the 6th Marine Division and was a Marine Raider that fought in the Battles of Bougainville, Guam, Okinawa and the occupation of the Emirau Islands; and

WHEREAS, The late Robert Walley Sr. also was a Navajo Code Talker who was awarded the Purple Heart and the Congressional Silver Medal; and

WHEREAS, The Navajo Nation unites and offers prayers for his family and friends during this time of grief;

NOW, THEREFORE, I, BEN SHELLY, President of the Navajo Nation, do hereby proclaim that all Navajo Nation flags shall be flown at half-staff in honor of the late Navajo Code Talker PFC Robert Walley Sr. from sunrise on September 12 to sunset on September 15, 2014.

ORDERED THIS 12th DAY OF SEPTEMBER 2014

Ben Shelly, President
THE NAVAJO NATION
MEDIA ADVISORY

WHO : President Ben Shelly
      THE NAVAJO NATION

      Geneva Tsoularakis, Fair Manager
      Navajo Parks and Recreation Dept.

      Cyndy Taylor, Opening Ceremony Coordinator
      Navajo Nation Fair

WHAT : 68th Annual Navajo Nation Fair
       Ribbon Cutting and Opening Ceremony

WHERE : Navajo Nation Fairgrounds
        Window Rock, Ariz.

WHEN : Sept. 3, 2014
       10:00 a.m.

CONTACT : Rick Abasta, Communications Director
          Office of the President and Vice President
          THE NAVAJO NATION
          Phone: 928-871-7884
          Fax: 928-871-4025
          Email: rickyabasta@navajo-nsn.gov
Over the past four years, the Office of the President and Vice President has worked with various divisions, departments and programs under the Navajo Nation Executive Branch to accomplish many great things for the Navajo People. Here are a few highlights from the past four years.

**2011**

- **AFS Lease Agreement**: March 8, 2011
  - 25-year agreement with $172 million annually.
- **Conducted Town Hall Meetings**: April 2011
  - Reached out to learn from Navajo people on various topics such as water rights, development of energy policy and the condition of Navajo rangelands.
- **Ditching Drinking Water to Western Agency**: April 12, 2011
  - Using a 4,000 gallon truck, delivered water to over 155 families in Black Falls, Rez Springs, Grand Falls and Leupp.
- **Issued Commercial Tobacco Free Executive Order**: April 27, 2011
  - Pursuant to Navajo Nation Council, this order was for the health and safety of Navajo people at government offices and businesses.
- **$1.5 Million Purchase of Turquoise Ranch**: June 10, 2011
  - This $375-acre property was for the benefit of relocated Navajo families.
- **Launched Navajo Nation Chamber of Commerce**: June 24, 2011
  - This effort grew from the business leaders roundtable discussions held in April 2011.
- **Naiisegii Heilts'ii皓cal**: August 30, 2011
  - Division of Community Development Post LGA Certification Summit aimed at decentralizing services from central government and empowering chapters.
- **Operation Breath Safe**: September 15, 2011
  - This was the closure and decontamination of Administration Building No. 1 due to black mold infestation from decades of neglect and poor maintenance.
- **Testified in Washington, D.C. on Navajo Head Start**: September 19, 2011
  - We reported on Capitol Hill to keep Head Start under the umbrella of the Navajo Nation and deal with annual funding dating back to 2010. The previous administration made the request to privatize the program and we disagreed and fought to keep it on Navajo.

**2012**

- **Navajo Nation Sales Tax Distribution Reform Act of 2012**: January 10, 2012
  - Worked with the Navajo Nation Council to provide $6 million in scholarships for Navajo students.
- **Navajo-Gallup Water Supply Project Executive Order**: January 3, 2012
  - We signed the executive order to reaffirm support of this $1 billion project that will deliver running water to more than 250,000 people.
- **Trans-Pacific High Speed Rail**: May 3, 2012
  - We met with private businesses to unite the three electrical power grids across the U.S. This would include the sale of Navajo Nation energy through a transmission super station in Glaze, N.M.
- **Central Government and School Memorandum of Agreement**: March 16, 2012
  - This was done in cooperation with Division of Diné Education and in accordance with the 2005 Navajo Sovereignty in Education Act to improve the quality of education and implement Navajo language, culture, history, character and government standards in the curriculum.
- **Little Colorado River Water Rights Public Forums**: March 2012
  - Public outreach for comments regarding the Navajo-Hopi Little Colorado River Water Rights Act of 2012 in Pinon, Ganado, Oraibi, Leupp, Teec Nos Pos and St. Johns. The LCR water rights cases were ultimately voted down by the Navajo Nation Council.
- **Tribal Identification Distribution**: May 21, 2012
  - The Tribal Identification Distribution is a cooperative program to Certicate of Indian Blood and state identifications at a cost of $17. Strengthens tribal sovereignty.
- **$5 Million TIGER grant**: May 23, 2012
  - The only TIGER grant received for the state of N.M. for road improvements to a 12.5 mile project for Tsaile.
- **Navajo Nation Farm Bill with USDA and NAPA**: June 2012
  - This effort supplemented 7,000 acres of farmland for pinto beans and 25,000 acres of alfalfa.
- **Sandia Laboratory Memorandum of Understanding**: October 23, 2012
  - This agreement provides the Navajo Nation technical assistance in the area of energy and technology development. In the long run, it will spur the growth of new industries.
- **NCF Financial Assistance**: December 24, 2012
  - Presented a $300,000 check to keep the center open to provide drug and alcohol abuse counseling and services. Navajo Nation has provided more than $813 million since 2003 in partnership with Division of Health and Dept of Behavioral Health Services.

**2013**

- **Administration Building No. 2 Remediation**: January 2013
  - Once again, due to black mold infestation and a public health state of emergency, the deteriorating conditions at Administration Building No. 2 are finally being addressed after years of neglect. This was done for the safety and health of tribal employees.
- **FEMA Declaration of Emergency**: January 25, 2013
  - Under the provisions of the Stafford Act, we declared an emergency for the Navajo Nation and entered into cooperative operations with the Commissioner for Emergency Management for Window Rock, Piedewip, Councilpoint, Shiprock, Kayenta, Chinle and Dilleg.
- **Navajo Generating Station Loan Extension**: February 16, 2013
  - In addition to regaining hundreds of jobs, the renegotiation of the NGS lease extension through 2044 provides $42 million in annual revenue to the tribal budget. This was a major achievement when we considered the original 1966 lease was $608,000 per year.
President Shelly issues Executive Order No. 12-2014 for smoke free workplace

WINDOW ROCK, Ariz.—The right to fresh air in the workplace.

Navajo Nation President Ben Shelly signed Executive Order No. 12-2014 into law and said it was to protect the health of tribal employees.

“The use of commercial tobacco at is prohibited at all interior spaces operated by the Executive Branch,” President Shelly said. “This includes a distance of 25 feet from all entrances, windows and ventilation systems.”

Initially, Executive Order 02-2011 was implemented on April 26, 2011. The new order clarifies and supersedes the previous document.

An exception to the new law is the use of mountain tobacco, or Hozhooji Dzil Natoh. Pete Nez was instrumental and elated the executive order was signed into law.

“We are here to protect the people and to talk about the steps that are need in order to move our people toward living a more healthier life,” Nez said.

He lauded the efforts of the Blacks Hills Center for American Indian Health, which has been fighting colon and lung cancer, tuberculosis, obesity and diabetes.

Thomas Walker, president of the Navajo Health Coalition, said the authorities granted to the president are the shield and protector for the Navajo people.

“Our tongue, or words, can protect the people. Mr. President, the use of your executive order directive, with the weight of the policymaking authority will be used to shield the people employed by the Navajo Nation in their workplaces,” Walker said.

He said the Team Navajo Coalition also deserved recognition for their work and advocacy.

Vice President Rex Lee Jim praised the coalition for being persistent in revising the order to not only allow provisions for the health of Navajo employees, but to also give proper consideration for the traditional tobacco used in Navajo ceremonies.

“It is important that we do what we need to do to ensure our people have access to quality workplaces and ensure that they are not exposed to secondhand smoke,” Vice President Jim said. “Thank you for working with us and let’s continue to work together.”

Title 2 of the Navajo Nation Code, specifically Subsection 1005 (A) provides that, “The President of the Navajo Nation serves at the Chief Executive Officer for the Executive Branch of the Navajo Nation government with full authority to conduct, supervise, and coordinate personnel and program matters.”

This includes the enumerated power of issuing an executive order for the purpose of interpreting, implementing or giving administrative effect to statutes of the Navajo Nation.
WHEREAS:

1. The President of the Navajo Nation serves as the Chief Executive Officer for the Executive Branch of the Navajo Nation government with full authority to conduct, supervise, and coordinate personnel and program matters. 2 N.N.C. § 1005 (A);

2. The President shall have the enumerated power of issuing an executive order for the purpose of interpreting, implementing or giving administrative effect to statutes of the Navajo Nation in the manner set forth in such status. 2 N.N.C. § 1005 (C) (14);

3. An executive order shall have the force of law upon the recipient. Id.

4. Executive Order No. 02-2011 was implemented April 26, 2011 for the similar purpose. Executive Order No. 13-2014 provides clarification and will supersede Executive Order No. 02-2011.

5. The cultural, spiritual, and ceremonial use of Hozooji Dzil Natoh/ Natural Mountain Smoke is the fundamental values and principles of Dine Life Way;

6. Navajo cultural teachings about the Hozooji Dzil Natoh/ Natural Mountain Smoke and its use are of importance to the health, wellness, and welfare of the Navajo people;
7. The Navajo fundamental traditional and ceremonial use of Hozooji Dzil Natoh/ Natural Mountain Smoke shall not be restricted;

8. Secondhand smoke has been classified by the U.S. Environmental Protection Agency (EPA) as a group A carcinogen;

9. There are no safe levels of secondhand smoke and no available adequate ventilation technology based upon scientific studies that can ensure that protection and prevention of involuntary exposure to secondhand commercial tobacco smoke and its health-related illness; and

10. Everyone has the right to breathe clean air and be free from the pollution of spit tobacco smokeless tobacco, e-cigarettes, or any other commercial tobacco products.

THEREFORE:

1. Ben Shelly, President of the Navajo Nation, by the authority vested, I hereby issue the following order:

1. Policy. It is the policy of the Navajo Nation Executive Branch to establish a commercial tobacco free environment for government employees and member of the public visiting or occupying Navajo Nation facilities. The use of commercial tobacco products is thus prohibited in all interior space owned, rented, or leased by the executive branch of the Navajo Nation and in any outdoor areas under the executive branch, and within a reasonable distance of 25 feet of entrances, operable windows, and ventilation systems of enclosed areas where commercial tobacco products are hereby deemed prohibited.

2. Other locations. The heads of agencies shall evaluate the need to restrict smoking at doorways and in courtyards under the auspices of the executive branch in order to protect workers and visitors from environmental tobacco smoke, and may restrict smoking in these areas in light of this evaluation.

3. Responsibility for implementation. The heads of divisions agencies departments and programs are responsible for implementing and ensuring compliance with the provisions of this order. Independent agencies are mandated to comply with the provisions of this order.

4. Consistency with the other laws. The provisions of this order shall be implemented consistent with the laws and highest welfare of the people.
5. Construction. Nothing in this order shall limit a division, agency, department or program head from establishing more protective policies on smoking in the workplace for employees and members of the public who are served, invited and welcome.

Executed at the Office of the President and Vice President of the Navajo Nation
On this 14th day of August 2014.

[Signature]
Ben Shelly, President
THE NAVAJO NATION

ATTEST:

[Signature]
Harrison Tsoosie, Attorney General
THE NAVAJO NATION
A MAN OF THE PEOPLE. Navajo Nation President Ben Shelly shook hands with children, elders and families during the 93rd Annual Gallup Inter-Tribal Indian Ceremonial Parade. President Shelly is in support of the referendum measure that provides for recognition of the Navajo people as the governing body of the Nation. (Photo by Rick Abasta)

WINDOW ROCK, Ariz.—On August 8, Navajo Nation President Ben Shelly signed a resolution passed by the Navajo Nation Council that will be placed on the November ballot.

The resolution provides the Navajo people an opportunity to decide by a majority vote whether or not to change Navajo law to state that power originates from the Navajo people and that it is the Navajo people who delegate legislative authority to the Council.

The Shelly-Jim administration has worked on this issue as part of ongoing government reform efforts since taking office in Jan. 2011.

“I want to thank the Navajo Commission on Government Development and delegate Jonathan Nez for their leadership and guidance,” President Shelly said. “I commend the Council for taking action on this important measure.”

Delegate Nez thanked the president for acknowledging the power of the people and said, “President Shelly’s signature to this referendum bill ensures Navajo people’s voice in how they feel about their place in government.”

The next step for the referendum measure is the Navajo Board of Election Supervisors, which has final approval authority over the descriptive summary and the brief statement of legal effect of the referendum.

His primary concern is the lack of agreement and accuracy between the brief statement of legal effect, referendum ballot question and the complete text in section three. This could lead to confusion over the intent and effect of the referendum.

“The legal language needs to reflect what’s on the referendum ballot,” President Shelly said.

The brief statement of legal effect states, “A ‘Yes’ vote is in favor [to] amend 2 N.N.C. 102 to state that all powers originate from the Navajo people, and powers not delegated are reserved to the people.”

The complete text of the amended language states, “The Navajo people maintain the inherent power and authority to govern themselves. All authorities and all powers not delegated are reserved to the Navajo people.”

The concern is that section “A” of the complete text does not accurately reflect the brief statement of legal effect.

Additionally, section “B” is included as part of the complete text section and states, “The Navajo people hereby delegate the legislative authorities of the Navajo Nation to the Navajo Nation Council. All legislative powers not limited by laws of the Navajo Nation or by the vote of the Navajo people are delegated to the Navajo Nation Council, including the power to act as the governing body of the Navajo Nation and for purposes of external government relations.”

The whole section “B” is an entirely separate action of delegation that is not described in the brief statement of legal effect or in the referendum ballot question for the voters to read.

“The language goes beyond the legislative authority delegation described in the descriptive summary,” President Shelly said.

“President Shelly urged the NBOES to clarify the referendum ballot language.

“The legal language needs to reflect what’s on the referendum ballot.”
President Shelly negotiates return of Code Talker uniform

Kirk’s Navajo Code Talker uniform and associated items were lost since 1999, until they appeared on the open market for auction in late Jan. 2014. The uniform was previously in a storage unit that went up for auction after he passed and no longer made payments.

Navajo Nation President Ben Shelly immediately contacted Craig Gottlieb, a military historian that owned the online auction house that was prepared to sell the uniform. In his letter to Gottlieb, President Shelly stated the importance of its return to the Nation.

“We respectfully asked for the return of the uniform to the Navajo Nation and agreed that it be an exhibit at the Navajo Nation Museum for display to our future generations,” President Shelly said. “Thankfully, Mr. Gottlieb was very gracious and cooperative in the matter.

“Our Navajo Code Talkers not only put their lives on the line but they also preserved and showcased the strength of Dine’ bizaad, the Navajo language,” he added.

Craig Gottlieb Military Antiques, located in Solana Beach, Calif. was the business that had the uniform ready for auction. Major Gottlieb served in the U.S. Marine Corps and is a subject matter expert for History Channel’s television show, Pawn Stars.

“It’s been a long journey to get where we are and I’m excited,” Gottlieb said. “As a Marine officer who grew up with words like ‘ink stick’ and ‘go faster,’ making this donation has special meaning for me.”

President Shelly will be traveling to Reno, Nev. on Aug. 13 to pickup Gottlieb and the uniform for its return to the Navajo Nation.

The unveiling will begin on Aug. 14, at 8 a.m. at the Navajo Nation Museum, followed by the parade from the museum to Veterans Memorial Park at 9 a.m.

Information: 928-871-6675

WINDOW ROCK, Ariz.—The uniform of a Navajo hero is coming home.

After more than 15 years of limbo, the uniform of George H. Kirk, Sr. will be returning home and will be unveiled on August 14, during a ceremony at the Navajo Nation Museum in honor of Navajo Code Talkers Day.

FOR IMMEDIATE RELEASE
August 8, 2014

Council to hold Special Session to consider report and several legislations

WINDOW ROCK — The Navajo Nation Council is scheduled to have a special session on August 11, beginning at 10 a.m. in the Council Chamber located in Window Rock, Ariz. The session will be streamed live on the web through the Council’s designated USTREAM channel.

The special session will be held to address three legislations and to discuss a report from Navajo Nation Controller Mark Grant, concerning options to fund the recently approved five-year Capital Improvements Projects listing.

According to the proposed agenda, Council will consider Legislation No. 0081-14 sponsored by Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau), which seeks to amend the Navajo Nation Veterans Trust Fund.

Council previously amended the Veterans Trust Fund to provide funding for the construction of 375 homes and to provide minor repairs and renovations for Navajo veterans in each of the Nation’s five agencies, over the course of four years.

If approved and signed into law, the proposed legislation would authorize veterans to designate construction sites of their homes within or outside of the Navajo Nation. In addition, it would also allow the use of funds to purchase prefabricated or modular homes within or outside of the Nation’s boundaries.

On Monday, the Council will also consider Legislation No. 0122-14, which was tabled during the summer session.

The measure, sponsored by Council Delegate Danny Simpson (Becenti, Crownpoint, Huerfano, Lake Valley, Nageezi, Nahodishgish, Tse’ii’ahi, Whiterock), seeks the Navajo Nation’s support of a Congressional bill entitled, “The Fort Wingate Land Division Act of 2014,” which would divide nearly 20,000 acres of land between the Navajo Nation and the Zuni Tribe. The land is located in Fort Wingate approximately 20 miles east of Gallup.

Council is also scheduled to consider Legislation No. 0109-14, sponsored by Council Delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill). If approved and signed into law, it would amend the Navajo Preference in Employment Act to change certain provisions for Navajo Nation employees under the act.

Please visit: www.navajonationcouncil.org under “Press Releases” on the homepage to view the proposed agenda for Monday’s special session.

Visit http://www.ustream.tv/channel/navajo-nation-council to view the live-streamed proceedings of the Council’s special session. Alternatively, viewers may log onto the USTREAM home page and search for 'Navajo Nation Council’ in the search box.

# # #

For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
President Shelly issues executive order for E-911 services

WINDOW ROCK, Ariz.—On Aug. 8, President Shelly issued an executive order providing the backbone for enhanced 911 services throughout the Navajo Nation.

The organizational basis for the services was from a recent Navajo Nation Telecommunications Regulatory Commission report and from recommendations by the Navajo Division of Public Safety Tiger Team.

The executive order emphasizes collaboration, which will involve tribal divisions, departments and programs working in cooperation with commercial partners.

President Shelly’s support and advocacy for the E-911 improvements are finally coming to fruition.

““The safety of the Navajo people and everyone living on the Nation is of utmost importance to us. Having access to an effective emergency communication system is the right of every person on the Nation, no one should worry that their call will go unanswered,” he said.

Joining the effort for E-911 services across the Nation is Frontier Communications.

“As the primary provider for communication services for the Nation, Frontier is pleased to be part of the 911 effort,” said Joe Hausner, general manager of Frontier Communications.

He said the necessary infrastructure is in place to ensure that people living on the Nation will be able to access 911 services on demand.

Another commercial partner is 4QTRS, which has been involved with the E-911 initiative since the start.

Teresa Richardson is director of sales and marketing for 4QTRS and said, “Everyone at 4QTRS is pleased to be an integral part of improving Navajo access to emergency services and we look forward to being a partner in enhancing the quality of life for those on the Nation.”

The NDPS 911 Tiger Team was created and tasked to plan, design, implement and manage all aspects of the E-911 program.

Over the past four months the team has developed operational parameters.

Three main tasks were identified for the initial phase of the project: evaluation of the existing 911 capabilities and services to the Nation; creation of a service plan based upon the findings, including the technical capabilities of commercial carriers; and selection of a E-911 system.

The aforementioned service plan is scheduled for completion by Sept. 21.

John Billison, director of NDPS, said the issues with the current E-911 system reflect the lack of access for a viable public safety communication system.

“Residents and visitors of the Nation deserve access that is intuitive, effective and provides direct contact with first responders whose job is to protect them,” he said.

Ivan Tsosie is the chief of police and is working closely with Billison for administering all aspects of public safety for the E-911 program.

NNTRC is the regulatory arm and will monitor all aspects associated with the program.

Public safety statistics report that 175,000 people reside in the Navajo Nation who may at any given be in need of emergency services. Sixty percent of homes lack landlines and 53 percent of the Nation has wireless coverage.

The need to improve the existing public safety communications system is evident. Within the next 45 days, NDPS will provide progress reports on the E-911.

The biggest stumbling block for the E-911 endeavor has been the lack of Public Safety Answering Points on the Nation.

Billison said reaching out to these neighboring communities would address a shared responsibility of public safety and emergency response needed on all Indian nations.

Information: lredhorse@navajo-nsn.gov
Residents May Return Home, Highway 491 Open

The Naschitti evacuation order has been lifted. Residents within the two-mile radius of Mile Post (MP) 43, NM HWY 491 may return to their homes. The southbound lanes of Hwy 491 are open to two-way traffic. The northbound lane is still closed as Hazardous Materials teams are working on clean-up of the site.

The evacuation order was due to a semi-trailer that turned over and caught fire. All that is known about the substance at this time is that it contains flammable materials.

The cause of the hazardous materials incident is under investigation.

The San Juan County Hazardous Materials team extinguished the fire. State Police, Navajo Law Enforcement, NDOT and NMDOT are still on-scene.

Thank you to the Tohatchi Chapter and Newcomb Chapter for your immediate response in setting up shelters for affected community members.

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Explosion on U.S. Route 491 results in evacuation of Naschitti

NASCHITTI, N.M.—Residents of Naschitti were evacuated after a semi-tractor trailer hauling hazardous materials crashed early this morning and caught fire.

Navajo Nation President Ben Shelly encourages residents to stay away from the accident site and follow instructions provided by first responders.

“Please avoid the accident area and follow instructions to stay away from the accident site until the hazardous materials have been cleaned up,” President Shelly said. “Our Navajo Nation emergency personnel are currently onsite.”

Rose Whitehair, director of the Navajo Nation Department of Emergency Management, said the explosion occurred around 6:40 a.m. near milepost 43 in Naschitti.

“For your safety, stay upwind and away from the smoke,” Whitehair said. “The more distance between you and the source of the smoke, the better.”

Temporary evacuation shelters are being mobilized at Tohatchi Chapter and Newcomb Chapter. The public is encouraged to keep home doors and windows closed.

Additionally, the NNDEM is recommends not to utilize air conditioners, ventilation fans and other air intake systems. The traveling public is encouraged to keep vehicle windows and vents closed, or use of recirculating air when traveling near the accident site.

If any symptoms of difficulty breathing, irritation of eyes, skin, throat, or respiratory tract occur, seek immediate medical attention. Other symptoms include changes in skin color, headaches, blurred vision, dizziness, cramps and diarrhea.

The Emergency Operations Center is currently coordinating efforts with the Navajo Division of Public Safety, Department of Emergency Medical Services and the Fire Department.

Information: 505-371-8145.
EVACUATION ORDER - Hazardous Materials

FOR IMMEDIATE RELEASE

Contact: Rose Whitehair, Director
Navajo Department of Emergency Management
August 7, 2014
9:20 a.m.

EFFECTIVE IMMEDIATELY

Everyone is required to immediately evacuate the following areas:

Those within a 2 mile radius of Mile Post (MP) 43, NM HWY 491

This is due to a semi-trailer that turned over on the highway this morning.

All that is known about the substance at this time is that it contains flammable materials.

Shelters are currently being set up at Tohatchi Chapter and Newcomb Chapter.

Please stay out of the area until further notice.
For your safety, stay away from the smoke. The more distance between you and the source of smoke, the better. Close and lock doors and windows of your home. Turn off the air conditioner, ventilation fans, furnace and other air intakes. Keep car windows and vents closed; use re-circulating air.

Be prepared to seek medical assistance if you have any of the following symptoms: difficulty breathing; irritation of the eye, skin, throat, or respiratory tract; changes in skin color; headache or blurred vision; dizziness, lack of coordination; cramps or diarrhea.

The San Juan County Hazardous Materials team is on-scene extinguishing the fire. The NNEOC is in operations at this moment at 505-371-8145/8416/8417. Navajo Law Enforcement, EMS and Fire Units are on-scene.

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Rosalita M. Whitehair  
Director, Department of Emergency Management  
Navajo Nation  
P.O. Box 2908  
Window Rock, AZ 86515
MEDIA ADVISORY

WHO : President Ben Shelly
      THE NAVAJO NATION

      Mayor Richard Berry
      City of Albuquerque

WHAT : Follow Up Meeting on Beating Deaths of
       Homeless Navajo Men in Albuquerque

WHERE : Navajo Nation State Room
        Office of the President and Vice President
        100 Parkway Drive
        Window Rock, Arizona

WHEN : August 8, 2014
       11:00 a.m.

CONTACT : Rick Abasta, Communications Director
          Office of the President and Vice President
          THE NAVAJO NATION
          Phone: 928-871-7884
          Fax: 928-871-4025
          Email: rickyabasta@navajo-nsn.gov

* There will be a press conference immediately following the meeting.
FOR IMMEDIATE RELEASE
August 6, 2014

Resources and Development Committee approves report concerning implementation of solid waste facilities

LEUPP, Ariz. – On Tuesday, the Resources and Development Committee approved a report provided by the Navajo Nation Division of Community Development, regarding its multi-year plan and potential solid waste management sites within the Navajo Nation.

The written report entitled, “Navajo Nation Long Range Comprehensive Solid Waste Management Plan” was submitted to RDC chair Council Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta) from the director of the DCD, Leonard Chee, on July 28.

According to the report, there are no solid waste facilities or landfills on the Navajo Nation, which has led to over 639 illegal open dumpsites dating back to 2002.

The report states that nearly 2,000 violation notices have been issued to individuals. However, illegal dumping and burning of trash continues to remain a problem within the Navajo Nation.

“Nation Nation is capable of building landfills, but in order for it to work we have to have transfer stations and these transfer stations will feed to these certain proposed landfills. Based on costs, taking waste from local chapters to outside transfer stations can be really expensive,” stated James Benally with the Navajo Nation Solid Waste Program.

Currently, disposing of solid waste requires many residents to transport their waste to a transfer station or collection point.

“Approximately 55% of Navajo Nation has household pickup services,” according to the report, “Of the 110 Navajo Chapters throughout Navajo Nation, 54 Navajo Chapters have either a transfer station or collection point.”

“We need to figure out a way to make transfer stations more cost-effective. Navajo people are starting to use transfer stations now. In the old days, they used to dump it in the arroyo, but they don’t do that anymore. Now, they actually haul them to transfer stations and it’s a good thing but we need to keep encouraging that,” stated RDC member Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake).

The report states that the initial cost to build a compliance landfill would average $9.8 million dollars including the funding needed to facilitate the structure. However, the cost could vary depending on the amount of waste being processed on a daily basis.
“There are others that are spending a lot of money, like the hospitals and schools, to dispose of their waste. Schools should be spending money on books for our kids. These are all good reasons to put up a landfill. I think in the long run it will pay itself off,” added Delegate Benally.

In the late 1990s, the Navajo Nation Solid Waste Act and Navajo Nation Solid Waste Regulations were passed by Council to provide guidance for solid waste compliance which includes, the standards for solid waste landfill facilities, transfer stations, and recycling mechanisms.

The Navajo Nation Division of Community Development formulated the Solid Waste Management Program in 1998 to help aid in the closures of open dumpsites throughout Navajo Nation. The intent is to provide cost-shared solid waste disposal centers within Navajo Chapter Houses.

In a July 28 memo from Chee to Delegate Benally, several recommendations are listed including conducting a solid waste stream analysis to determine the daily per capita rate to determine the quantity and composition of waste generated on the Navajo Nation, update figures in the plan to reflect 2010 census data, and to secure a professional engineer to perform certain tasks.

RDC members voted to accept the report 4-0.

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For news on the latest legislative branch activities, please visit [www.navajonationcouncil.org](http://www.navajonationcouncil.org)
FOR IMMEDIATE RELEASE
August 5, 2014

Budget and Finance committee approves proposed amendment to the Navajo Nation tax code

WINDOW ROCK – On Tuesday, the Budget and Finance Committee considered Legislation No. 0172-14, which proposes to amend the Navajo Nation Code Title 24 taxation laws to require a super-majority vote of the Navajo Nation Council for any changes or additions to all Navajo Nation tax rates.

According to the legislation, it proposes the addition of Section 142 to Title 24 to state that, “Any new Navajo Nation tax imposed shall require two-thirds (2/3) vote of the Navajo Nation Council’s full membership.”

Legislation sponsor Council Delegate Walter Phelps (Cameron, Coalmine Canyon, Leupp, Tolani Lake, Tsidi To’ii) said the purpose of the legislation is to ensure that tax increase initiatives receive strong support from Council and that Navajo people are not overburdened with additional taxes.

“The intent is to increase the threshold on any proposed tax increases because there needs to be a demonstration of strong support by the Council on these types of initiatives, and it is to protect businesses on the Navajo Nation and the Diné people,” said Delegate Phelps.

On May 10, the Tolani Lake Chapter passed a resolution in support of Delegate Phelps’s proposed legislation, citing several concerns including previous tax increases, “which was not officially supported by its constituents,” and would not tax large businesses.

The legislation states that the Office of the Navajo Tax Commission collected over $110 million in tax revenue in 2013, which was allocated to the General Fund, Sales Tax Trust Fund, Judicial/Public Safety Facilities Fund, Scholarship Fund, and Economic Development Fund.

In opposition of the legislation, BFC member Council Delegate Danny Simpson (Becenti, Crownpoint, Huerfano, Lake Valley, Nageezi, Nahodishgish, Tse’ii’ahí, Whiterock) indicated a connection between the proposed bill, and a separate legislation entitled the Healthy Diné Nation Act of 2014.
“This [Legislation No. 0172-14] was initiated right after the Healthy Diné Nation Act of 2014 bill was going into the legislative process,” stated Delegate Simpson, following the meeting. “The intent is to stop the Act from passing.”

Delegate Simpson introduced the proposed Healthy Diné Nation Act, which seeks to impose an additional two-percent sales tax on food items that are considered to have minimal to no nutritional value. The bill is currently awaiting consideration by the Law and Order Committee.

BFC vice chair Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Ojato, Ts’ah Bii Kin) also voiced his concern regarding the legislation to amend the Nation’s tax laws.

“Obviously, this is a legislation to block the junk food tax bill,” said Delegate Nez, following the meeting. “The Healthy Diné Nation Act is not just for our generation, but it is for future generations by promoting healthy living through this legislation.”

BFC members voted 2-1 to approve Legislation No. 0172-14. The Navajo Nation Council is the final authority on the legislation.

The legislation was first considered on July 25 by the Law and Order Committee, who referred it to the BFC with a “do pass” recommendation with no amendments.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
August 5, 2014

Council Delegates advocate on behalf of the Navajo Nation to strengthen UN Declaration on Indigenous Rights

Photo: Council Delegate Dwight Witherspoon (left) speaking at the U.N. consultation meeting in New York, along with Delegates Alton Joe Shepherd (middle) and Jonathan Hale (right).

NEW YORK, N.Y. – On July 16, Navajo Nation Council Delegates Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill), Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichii, Steamboat), and Jonathan Hale (Oak Springs, St. Michaels) attended the United Nations World Conference on Indigenous People’s - High-Level Consultation Meeting, regarding the proposed Zero Draft of the U.N. Declaration on the Rights of Indigenous Peoples.

The Zero Draft is a document that the U.N. developed to address global human rights issues of Indigenous people, and is scheduled to be adopted by the United Nations on September 22 at the upcoming World Conference on Indigenous People’s in New York, N.Y.
The delegates provided input and consultation to the Zero Draft to recommend strengthened language and implementation of the declaration, along with other Indigenous nations from across the world.

At the opening of the U.N. consultation meeting, Delegate Shepherd presented a general statement regarding the Zero Draft document on behalf of the Navajo Nation.

“The Navajo Nation supports four concrete recommendations from the Alta, Norway document: 1) the protection of indigenous women and children from violence; 2) meaningful implementation on the Declaration on the Rights of Indigenous Peoples; 3) participation of indigenous peoples in the United Nations system; and 4) protection of sacred sites and places,” stated Delegate Shepherd.

In addition to the general statement, Delegate Witherspoon provided specific recommendations to the Zero Draft, stating that the document needed stronger language regarding the protection of sacred sites and objects.

“In representing the Navajo Nation and Navajo people, we offer changes to paragraphs 12 and 26 in the Zero-Draft outcome document,” said Delegate Witherspoon, who issued the following recommended language in paragraphs 12 and 26:

12. Commit to develop fair, transparent and effective mechanisms, in conjunction with indigenous peoples concerned, to ensure access to and/or repatriation of ceremonial objects and human remains.

26. Commit to affirm and recognize the right to the protection, preservation and restitution of sacred places, sites and cultural landscapes, and will cooperate with indigenous peoples to establish procedures and mechanisms that effectively promote the implementation of these rights.

Delegate Witherspoon reminded U.N. members that Navajo elected officials are responsible to the Navajo people and are answerable to them for the protection of their lands, territories, resources, and self-determination policies.

In conjunction with the visit to the U.N., Delegate Hale visited with the France Mission to discuss the auction of ancient Navajo ceremonial masks by a private company in Paris, France.

According to Delegate Hale, he said that although the meeting was disappointing, the France Mission recommended that the Navajo Nation meet with the French Embassy in Washington, D.C., who would be able to assist in possibly repatriating the sacred objects.

“The discussion we would need to have with the French government is the development of a policy for a process in verifying the authenticity of the [sacred indigenous] artifacts, as well as consultation with the rightful tribe that it may belong to,” said Delegate Hale.
On July 29, the Naabik’iyátí’ Committee’s Subcommittee on Sacred Sites held a meeting to provide an update report to its members, and invited various Navajo medicine men to provide input regarding the U.N. declaration language and Navajo ceremonial masks.

Speaker Pro Tem LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse’Daa’Kaan, Upper Fruitland) suggested that a Navajo medicine man join the Navajo Delegation to provide consultation on the cultural significance of the ceremonial masks, and will accompany the Delegates at the upcoming WCIP consultation meeting on August 18-19.

“IT is important that our traditional Navajo medicinal people have an active role in repatriating the sacred ceremonial items and a voice at the U.N., because they are the most knowledgeable when it comes to these types of issues,” said Pro Tem Bates, following the meeting.

In addition to consulting, Pro Tem Bates also recommended that the Navajo medicine men submit a statement to be read before the U.N. General Assembly to advocate for strengthened language in the Zero Draft document on behalf of the Navajo Nation, and possibly to attend the World Conference on Indigenous People in September.


# # #
For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
President Shelly lifts fire restriction, issues flood warning

WINDOW ROCK, Ariz.—The Navajo Nation fire restriction has been lifted.

On Aug. 1, President Ben Shelly signed the executive order lifting the fire restriction. Sharon Pinto, director for BIA Navajo Region, also signed the order.

The fire restriction was issued on June 12.

“The Navajo Nation fire restriction was executed because of high fire danger. However, the monsoon weather has substantially reduced this risk,” President Shelly said. “Therefore, the fire restriction is hereby lifted.”

He noted that responsible fire use, especially in forest and woodland areas of the Navajo Nation must be observed.

Recent rains from the summer monsoon storms have created other potential dangers.

The seasonal monsoon weather creates flooding, especially in lowland and floodplain areas. The public is discouraged from attempting passage through flooded roads, especially when moving flood runoff cover roadway areas.

The Navajo Nation Department of Emergency Management remains on standby for possible flood emergencies and has spent the past few months conducting sandbag training for chapters across the Nation.
RDC member Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) voiced his concern regarding water conditions on the Navajo Nation.

“I saw water running over at Thoreau, through Whitehorse, and all the way down the arroyo. And that water is probably in the upper part of the Grand Canyon. By next week it will be in Phoenix. In the meantime, we have no conservative effort. This is why we need to go to zero-based budgeting. Start from anew. Why? Let’s fund the needs of the Navajo people,” stated Delegate Tsosie.

According to the report, approximately 70% of the 900 windmills need extensive repairs. However, the funding process for the rehabilitation projects is not yet complete.

Also in attendance was Speaker Johnny Naize (Low Mountain, Many Farms, Nazlini, Tachee/Blue Gap, Tselani/Cottonwood) who represents the community of Many Farms.

“As you heard, the Many Farms irrigation canals are not being repaired and the concern of not having enough water. The current farming area I believe is about less than 10 percent. What I wanted to ask this committee is I would really like to concentrate on Many Farms at this time,” stated Speaker Naize.

At the conclusion of the discussion, RDC members voted 4-0 to accept the report.

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For news on the latest legislative branch activities, please visit [www.navajonationcouncil.org](http://www.navajonationcouncil.org)
FOR IMMEDIATE RELEASE
July 31, 2014

Law and Order Committee receives update report on the Navajo Nation Suicide Surveillance System Project

WINDOW ROCK – On Monday, the Law and Order Committee received an update report regarding the Navajo Nation Suicide Surveillance System Project, which was created and will be carried out by the Navajo Nation Epidemiology Center.

The NNEC is proposing a pilot-program to initiate a suicide surveillance project to identify risks and preventative measures relating to suicides and suicide attempts through information sharing with the Navajo Nation Division of Public Safety.

According NNEC epidemiologist Ramona Antone Nez, it has been difficult for their department to establish a working relationship with the NNDPS and hoped to receive guidance from the LOC.

“What seems to be the barrier at this point other than collaborating, is they [NNDPS] are concerned with confidentiality and I think they are trying to protect that as well,” said LOC vice chair Council Delegate Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichii, Steamboat).

Delegate Shepherd added that public safety officials have authority over sensitive information on suicide occurrences, which may pose a problem. However, he said the NNEC should have access to demographic information such as age, gender, employment, etc. for purposes of understanding and preventing suicides on the Navajo Nation.

According to the report, in addition to seeking demographical information, NNEC representatives want to be able to accompany public safety on-scene of a suicide or attempted suicide as an emergency response unit to aid in collecting information.

LOC member Council Delegate Russell Begaye (Shiprock) expressed his support of the Suicide Surveillance System Project, and asked the NNEC if their department is willing to provide funding or staff to travel to the suicide scenes or to produce reports at the police stations.

“I only ask this because our police officers get so bogged down with writing reports and if you require additional reporting from them, it may cause officers to fall behind on their work,” said Delegate Begaye.
Delegate Begaye suggested that the NNEC request a meeting between the directors of the Navajo Nation Division of Health and Division of Public Safety as a starting point to establish a relationship between both divisions to begin the information sharing process.

LOC members voted 2-0 to accept the report.

In addition to the NNEC report, Legislation No. 0177-14 was considered by the LOC, however it was ruled out of order due to technicalities found within the legislation language. The legislation aims to adopt the Healthy Diné Nation Act of 2014, which would impose an additional two-percent sales tax on food items that are considered to have minimal to no nutritional value.

Legislation No. 0177-14 will be considered by the LOC again on Monday, August 11.

# # #
For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
Naabik’iyátí’ Committee tables legislation seeking to amend the Nation’s Criminal Code to strengthen sentencing provisions

Work session to be held on August 8 to address the legislation

WINDOW ROCK – With a vote of 7-5, Naabik’iyátí’ Committee members on Thursday tabled Legislation No. 0161-14, which seeks to amend sentencing provisions within Title 17 of the Navajo Nation Code.

Council Delegate Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichíí, Steamboat), sponsor of the legislation, said the proposed amendments are necessary to address crimes on the Navajo Nation that are not addressed under current laws.

For example, if a person commits a drive-by shooting current laws do not provide for penalties and the person is often released from custody within hours of the incident, according to Delegate Shepherd, a former law enforcement officer.

In 2000, the Navajo Nation Council eliminated jail terms and fines for a number of offenses in part because the Nation had limited resources to prosecute and jail criminal offenders.

In July 2012, the Navajo Nation Council’s Law and Order Committee established the Title 17 Sentencing Provision Review Task Force, to review the current sentencing provisions and to provide recommendations to strengthen existing laws.

Since then, the task force has held a total of five public hearings across the Navajo Nation and conducted a radio call-in forum to seek public input and recommendations.

The perception of the public is that the Navajo Nation has been “too soft on crime,” and that the current sentences are inadequate justice for victims of crimes, according to a written report provided by the task force.

During Thursday’s discussion, a number of concerns were raised by committee members including Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake), who recommended that a comprehensive approach be taken to address crime on the Navajo Nation.

Delegate Tsosie issued several suggestions including stationing officials from the Federal Bureau of Investigation in each of the Nation’s five agencies, increasing the use of security cameras, and reallocating funds to create additional police sub-stations.

Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau), chair of the Law and Order Committee and former law enforcement officer,
recommended that each committee member take a “ride-along” with law enforcement officers to gain a better perspective of criminal activity occurring on the Navajo Nation.

Delegate Yazzie also noted that illegal drug activity is becoming more common because non-Navajos take advantage of inadequate penalties for drug offenses.

Following the discussion, committee members tabled the legislation pending a work session—tentatively scheduled for August 8, beginning at 10:00 a.m. in Window Rock—to address concerns and recommendations.

To view more information regarding the proposed changes to the Navajo Nation Criminal Code and sentencing provisions, please visit:

At the conclusion of Thursday’s Naabik’íyáti’ Committee, the following delegates answered roll-call: Speaker Pro Tem LoRenzo Bates, George Apachito, Russell Begaye, Katherine Benally, Charles Damon, II, Jonathan Hale, Jonathan Nez, Alton Joe Shepherd, Danny Simpson, Roscoe Smith, and Leonard Tsosie.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
CONGRESSIONAL BILL SEeks TO AMEND THE NAVAJO-HOPI LAND SETTLEMENT ACT


WINDOW ROCK – On July 9, U.S. Rep. Ann Kirkpatrick, D-Ariz., introduced H.R. 5039, a bill seeking to amend Public Law 93-531. This Navajo Technical Amendments Act of 2014 amends the Navajo-Hopi Land Settlement Act to make changes that would foster development and efficiency on the part of the relocation program, and expedite rehabilitation of the Former Bennett Freeze Lands.

The Navajo-Hopi Land Commission has worked with Rep. Ann Kirkpatrick, D-Ariz., to address the unique needs of the Former Bennett Freeze Area and other critical issues directly relating to the families impacted by the Navajo Hopi Land Settlement Act.

"I am very proud of the work of the commission and the work of Congresswoman Ann Kirkpatrick in putting forth this legislation that will help the complicated issue which the commission has
been addressing over the years,” said Council Delegate Walter Phelps (Cameron, Coalmine Canyon, Leupp, Tolani Lake, Tsidi To ii) who chairs the NHLC. “This will start an important dialogue and bring a focus back to these Navajo communities who suffer from the harsh consequences of relocation and construction freezes.”

H.R. 5039 proposes six technical amendments to the existing law:

1. Clarifies the boundary of the Navajo Nation for land selection purposes. The bill provides clarity so that all the Navajo Nation’s trust lands are included within the definition of the reservation for this purpose.

2. Allows for the deselection and reselection of lands to correct a BLM surveying error to allow the Nation to deselect and reselect lands subject to the restrictions in the Act.

3. The bill will require the secretary to evaluate the fee setting process and create a plan for bringing rental determinations current.

4. Create a Navajo Tribal Sovereignty Empowerment Demonstration Project. The Navajo Nation seeks to exercise more sovereignty over its lands and spur economic development and streamline the regulatory process by waiving certain federal laws, while keeping in place their Navajo equivalents, for the limited purposes of renewable energy, housing, public and community facilities, and infrastructure development (limited to 150,000 acres in identified zones).

5. Allow Navajo families living on Hopi partitioned land to relinquish their accommodation agreements and restore their eligibility for relocation benefits.

6. The Act established the Navajo Rehabilitation Trust Fund to provide monies to the Navajo Nation to address the adverse impacts of Federal relocation of Navajo families. This bill releases the Navajo Nation from the obligation to repay these monies and reauthorizes the Trust Fund, allowing Congress to appropriate development dollars in future years should it so choose. The bill has been referred to the House Committee on Natural Resources.

A hearing on the legislation has not yet been announced.

###

For news on the latest legislative branch activities, please visit [www.navajonationcouncil.org](http://www.navajonationcouncil.org)
President Shelly applauds U.S. EPA BART decision

WINDOW ROCK, Ariz.—Today, the U.S. Environmental Protection Agency announced a final determination under the Regional Haze Rule and a final federal implementation plan for the Best Available Retrofit Technology for nitrogen oxide emissions for Navajo Generating Station. This action is intended to improve visibility at National Parks and other Class I areas in the Four Corners region.

EPA is adopting a “better than BART” alternative proposal that was developed and submitted by the Navajo Nation and others who formed a technical work group.

“I sincerely appreciate the EPA’s decision to recognize the hard work of the technical work group and to incorporate the understanding of the parties who are most impacted by this federal environmental regulatory decision,” President Shelly said.

President said recognizing the uniqueness of the NGS facility and the Navajo Nation the federal action balances the need to improve visibility in the southwest U.S. and to maintain the continued operations of the Nation’s primary economic engines.

Over the next few weeks the Navajo Nation will review the details of the decision, and continue to consult with EPA and the work group partners as the BART decision is implemented.

In Feb. 2013, the EPA issued a proposed rulemaking and a draft federal implementation plan for NGS, which required strict controls. The costs were expected to exceed $1.1 billion if the plant was required to install bag houses along with the technology.

The requirement for the installation of this technology was in addition to the voluntary installation of low nitrogen oxide burners and separated overfire air system, which NGS installed on all three units from 2009 to 2011.

Because NGS is located within the Navajo Nation, the EPA recognized it has more flexibility to establish a final implementation plan pursuant to the federal Clean Air Act, Tribal Authority Rule.

EPA proposed two alternatives, which still require an aggressive schedule for installation of selective catalytic reduction technology. EPA’s proposed alternatives contained schedules that would have a long-term negative impact on Navajo jobs and revenue.

EPA also provided an opportunity for other parties to submit alternative proposals for consideration as “better than BART.” This included a one-year public comment period on its proposed rule and government-to-government consultations with the Navajo Nation and other affected tribal governments.

In March 2013, a group of stakeholders convened to develop an alternative solution to the strict proposal.

This technical work group consisted of the Navajo Nation, Gila River Indian Community, Environmental Defense Fund, Western Resource Advocates, U.S. Bureau of Reclamation, U.S. Department of the Interior and Central Arizona Project. The Nation’s representatives were attorney general Harrison Tsosie, and Navajo EPA executive director Stephen B. Etsitty.

The work group submitted a “better than BART” alternative proposal to the EPA in July 2013. The proposal focused on reducing emissions from one of the three units at NGS and keeping the remaining two units operating.

This would result in the reduction of all air pollutants, including carbon dioxide, by one third. Additionally, the Interior Dept. included commitments to assist the Navajo Nation and other tribes with the development of low emitting energy projects.

Tsosie said the alternative proposal was the best possible scenario for all interests involved, although nobody walked away from the table declaring a landslide victory or a loss of everything.

“Everyone was able to walk away with something, but no one lost everything,” he said.

The EPA BART determination arrives on the heels of the Navajo Nation lease renewal for NGS, which needs approval by the Secretary of the Interior Dept., pending the outcome of an environmental impact statement that is currently underway.

-30-
Yáát’éeh Diné Citizens and welcome to this edition of the Naat’ájí Nahat’á Hane’ – Legislative Branch News. This document serves the purpose of providing the Navajo People a comprehensive overview of activities and legislative actions taken by the 22nd Navajo Nation Council during the Summer Council Session.

The Council began the summer session on the morning of July 21, by recognizing and honoring emergency and fire officials who exemplified tremendous service and dedication during the recent Asaayi Lake Wildfire, which spread over 14,000 acres of land northeast of Navajo, New Mexico. Those recognized included the Navajo Hot Shots Crew, Southwest Area Management Team 3, Navajo Nation Department of Emergency Management, Navajo Nation Forestry, Navajo Nation Department of Agriculture, as well as the many chapter and school officials who selflessly donated their time to assist in sheltering and providing services to our Diné Citizens.

I express my sincere appreciation to these individuals and entities that sacrificed and went above and beyond to serve our Navajo People and to protect our land and livestock from further devastation. On behalf of the 22nd Navajo Nation Council, I say ‘Ahé’héé’ to each and every one of you, especially the brave men and women who fought the wildfire on the ground and risked their safety and their lives to protect our sacred land and our people.

I would also like to thank the many individuals who participated in the annual summer horse and bike rides to honor our past leaders and also to bring awareness to issues and concerns that are important to our constituents.

This year, hundreds came together to take part in the Speaker Pro Tem’s Message

On Day Two of the Summer Council Session, the Navajo Nation Council engaged in a two-hour long discussion to determine whether to rescind a resolution passed by the Resources and Development Committee in December of last year. The resolution acknowledged the right-of-way and surface use by Uranium Resources, Inc. for the purpose of an in situ uranium recovery project in the community of Churchrock, N.M. and created a sub-committee comprised of two RDC members.

Legislation sponsor Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau), who represents the Churchrock community, asked for the support of his Council colleagues to prevent URI from developing the uranium recovery project.

“We need to follow the regulations. The regulations are [in place] to look out for our people,” said Delegate Yazzie, who made reference to the largest radioactive spill in the U.S. which occurred on the Navajo Nation in 1979.

Delegate Yazzie also referenced the Diné Natural Resources Protection Act of 2005 and the Radioactive Materials Transportation Act of 2012, stating that the two laws prohibit the proposed project from being developed on the Navajo Nation.

See URI, Page 2
Navajo Nation Council supports the permanent extension of the Indian Coal Production Tax Credit

By Jolene Holgate

For decades, the Navajo Nation has relied on its coal resources to generate vast amounts of revenue to fund programs that aid Navajo people such as education, public safety, social services, and chapter assistance.

From Page 1

Enacted in 2005, the Diné Natural Resources Protection Act banned uranium mining and processing on the Navajo Nation, while the Radioactive Materials Transportation Act regulates the transportation of uranium within the Nation’s boundaries.

Council Delegate Leonard Tsosie (Baca/Prewitt, Casamera Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake), who sponsored the legislation passed by the RDC in December, said the Radioactive Materials Transportation Act does not specifically address the transportation of uranium.

Delegate Tsosie also argued that the RDC acted appropriately and within the scope of its authority as outlined in Title II of the Navajo Nation Code.

In closing, I would like to thank the members of the Council approved Legislation No. 0091-14 with a vote of 18-3.

Delegate Tsosie added that the tax credit eligibility should not only apply to outside energy companies, but should also extend to enterprises and entities owned by the Navajo Nation.

In response, Peterman pointed out that the coal tax credit would indeed benefit the Nation’s newly-acquired coal company, Navajo Transition-URI / Council rescinds uranium project and RDC subcommittee

Speaker Pro Tem’s message / thanks participants and youth

I was particularly pleased to see many of our youth participate, including the Tour de Rez bike riders and the Dusty Trail Riders group on horseback. I am very appreciative of your participation and for your willingness to bring forth your respective concerns and issues.

Over the course of the summer session, Council deliberated and approved a total of 12 legislations. Although some may not agree with the outcomes, each legislation was carefully examined and thoroughly discussed in a prudent manner.

I am also pleased to report that our live-streaming audience continues to grow and to reach many people nationally and internationally. During the summer session, we had over 2,000 viewers from 19 different countries tune in to the live-proceedings. The responsibility of keeping the Diné Citizens informed and engaged in their government rests on the shoulders of each of us as elected leaders.

In closing, I would like to thank the members of the 22nd Navajo Nation Council for their continued efforts to improve the lives of our Navajo People and for our great Navajo Nation.
Coal Tax Credit / from page 2

At the conclusion of the discussion, Council unanimously approved the legislation with a vote of 17-0, including one amendment to eliminate language in the bill pertaining to the Navajo Nation opposing the U.S. Environmental Protection Agency’s proposed carbon tax.

Delegate Smith stated that the proposed carbon tax is an issue which will be addressed in a separate legislation at a later time.

Photo (left): Tour de Rez participants arriving in Window Rock from the west, beginning from Navajo Mountain, U.T.

By Jolene Holgate

In the midst of hot-button issues on the Navajo Nation such as the feral horse roundup, uranium development, and the recent $554 million award to the Nation from the federal government, horse and bike riders across Navajo Land prepared for a long and arduous journey to Window Rock. The annual event marked the kick-off of the 2014 Summer Council Session, in which Navajo lawmakers would make critical decisions on a number of key issues.

The challenging ride to the Council Chamber is an annual occurrence for the Nation’s elected officials, carrying on a tradition that resonates with culture, government accountability, and the collective concerns of constituents throughout the Navajo Nation.

Vanessa Begay-Lee, the “trail boss” for this year’s horse ride from the Eastern Navajo Agency, said the journey from Mount Taylor to the Council Chambers was intended to re-vitalize the age-old tradition of Navajo leaders that would ride chapter to chapter to hear the concerns of Diné Citizens. The former leaders would then take those concerns to Window Rock, serving as a voice for the people during regular council sessions.

Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Piñedale, Smith Lake, Thoreau) joined the group on the ride and expressed his continuing support of the horse ride from the Eastern Agency. “In past horse rides, I talked with constituents, who were concerned with the Fort Wingate land area, and they told me to do my best to get that land back for Navajo, and I take that to heart,” said Delegate Yazzie. “I am doing my best to fulfill their wishes.”

Delegate Yazzie also stressed that the importance of the horse ride allows him as a leader, to speak with his constituents and to carry on the tradition of advocating for his people’s concerns.

In conjunction with the horse ride, delegates have also begun partaking in bike rides from their respective areas to the Council Chamber, such as the Tour de Rez coordinated by Tom Rigganbach and Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts’ah Bii Kin).

“We appreciate each and every one of you for promoting to live a healthy and active lifestyle, and that is what we have always been encouraging with Tour de Rez,” said Delegate Nez.

The biking participants rode over 200 miles, beginning from Navajo Mountain, U.T. and going through communities such as Shonto, Kayenta, Chinle, Ganado, and finally arriving in Window Rock the day prior to the start of the summer session.

Along with the Tour de Rez from the Navajo Western Agency, the Dusty Trail Riders also began their journey on horseback from Navajo Mountain. Group leader, Jimmy Black of Shonto, said the overall goal of the ride was not only to visit various communities, but to promote the importance of horses in Navajo life and to exemplify how horses serve as the vessels in carrying the message of the Navajo people to their leaders.

On the opening day of the summer session, the riders proceeded to the Council Chamber from the Window Rock Fairgrounds where they were greeted by Speaker Pro Tem LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse’Daa’Kaan, Upper Fruitland), who provided a welcome message to the Navajo people stressing the importance of youth participation.

“It is important for the Navajo Nation to get the youth involved, and you see them here. They have ridden just as long, if not longer, and each year I see more of them on horseback and on bikes. I want to thank the youth for participating again and I hope you continue to take part in this longtime tradition,” said Pro Tem Bates.

Pro Tem Bates also recognized the late Ray Ashley, a former legislative employee who often took part in the horse ride event. Horse riders from the Oak Springs community and the Dusty Trail Riders, led a rider-less horse with the group in commemoration of Mr. Ashley.

Coal Tax Credit / from page 2

al Energy Company, L.L.C., which now owns Navajo Mine, located near Shiprock, N.M.

Legislation co-sponsor Roscoe Smith (Crystal, Fort Defiance, Red Lake, Sawmill) said the bill is a collaborative effort with the Crow Tribe in Montana to support the extension of the coal tax credit. The Crow Tribe of Montana has an abundance of coal resources and relies heavily on it for revenue, similar to the Navajo Nation.
Navajo Nation anticipates $554 million award from federal government

By Jared Touchin

On July 22, the Navajo Nation Council approved a legislation to amend a landmark agreement over the Navajo Nation’s claims against the United States over the historical mismanagement of the Nation’s trust assets, with claims dating as early as 1946.

The Council approved the agreement in principle on May 30. Following the approval, it was determined that the Navajo Nation had to also accept the current trust fund account balances as stated in the Periodic Statements of Performance for the period ending June 30, 2014.

The Navajo Nation is the largest land-based tribe in the United States in one of the most remote areas in the country, which has contributed to the Nation’s struggle to improve public safety emergency response times to Navajo communities.

Legislation No. 0103-14 secured supplemental funding to enhance the Nation’s Telecommunications Commission’s 9-1-1 Emergency Response System’s services and anticipated shortfalls in its effort to implement the program, as well as expanding internet service in certain locations across the Navajo Nation.

Council Delegate Russell Begaye (Shiprock) expressed concern regarding the requested amount of $697,480, which includes acquiring additional expertise and services for implementation.

“When the NNTRC first came to us, you told us you would have funding or seek funding from other sources,” said Delegate Begaye.

NNTRC executive director Brian Tagaban responded saying that the 9-1-1 program is still relatively new and needed additional money to continue operation. Tagaban also noted that the program is continuing to seek additional funding from other sources.

Council tabled the legislation on July 22, requesting that the budget amount be revised and include proper budget forms to reflect a reasonable amount.

On July 23, Council voted 16-0 to pass the legislation, with a reduced supplemental funding amount of $570,310.

Nicole Johnny appointed to the Commission on Navajo Government Development for 2-year term

By Chrissy Largo

The Navajo Nation Council unanimously confirmed Nicole Johnny to serve as a graduate student representative on the Commission on Navajo Government Development, with a vote of 18-0. Originally from Crystal, N.M., Johnny graduated in May 2013 with a Bachelor’s of Science degree in Business Finance from Azusa Pacific University, located in Southern California.

It took an outspoken and determined professor who recognized Johnny’s strong math skills from Azusa Pacific University, to talk her into pursuing a finance degree instead of a psychology degree.

“I started going for a psychology degree to be a clinical psychologist because I would see the children at the Crystal Boarding School and how badly their homes were for them due to alcoholism. It made me really feel for them,” stated Johnny.

Johnny also touched on areas of focus that are of importance to her and described how growing up on the Navajo Nation played into the development of her understanding of certain issues.

“I think of the Navajo Nation’s economy as a developing economy which relies solely on their natural resources as their revenue, such as coal. Then, you have developing countries like Japan, Korea, U.S., and Germany that rely on their manufactured goods or public service goods. Navajo Nation is not there yet,” Johnny stated.

Growing up, Johnny experienced first-hand the effects that uranium mining had in her community. Her grandfather became ill from uranium exposure, which she says now allows her to sympathize with Navajo people on this issue.

“I grew up on the reservation. I definitely know about everything that is talked about in the Council Chambers. In the back of my mind, after I received my education, I wanted to come back to the Navajo Nation,” Johnny added.

Johnny noted that she wants to offer a strong understanding and perspective from the financial standpoint when it comes to serving on the Commission.

“I want to see progress. I want to see improvement. For me, when I came back [to the Navajo Nation] and I had my Photo (above): Nicole Johnny outside the Council Chambers.

See NICOLE JOHNNY, Page 5
Navajo Nation Council refers referendum measure to “Empower the Navajo People”

By Jared Touchin

On the third day of the Summer Council Session, Council approved Legislation No. 0123-14, which will allow Navajo voters an opportunity to decide by majority vote whether to amend Title II of the Navajo Nation Code, to state that power originates from the Navajo People.

Additionally, voters will decide whether to change language to state that all powers not delegated are reserved to the people of the Navajo Nation.

Legislation sponsor Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts’ah Bi’i Kin), said the proposed changes are long overdue and necessary to amend language in Title II imposed on the Navajo Nation government dating back to the 1930’s.

“Through this legislation and our peoples impending vote on November 4, we have the opportunity to rewrite the laws to acknowledge what we already know—that is our people maintain all rights not delegated to the Navajo Nation Council—and they are the source of all power through their vote, their voices, and their initiative,” said Delegate Nez.

Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) opposed the legislation, stating that it would create an imbalance in the Navajo government because it only addresses the legislative branch, not the judicial or executive.

“I don’t think anybody is against having the Navajo people having a say in their government,” stated Delegate Tsosie, while urging delegates to vote against the measure to avoid the likelihood of litigation and to avoid challenges to the authority of the legislative branch due to the proposed language.

“This is a badly-worded referendum language that’s going to bring nothing by litigation—that’s what’s going to happen,” Delegate Tsosie affirmed. “It will cause the legislative branch of the Navajo Nation to be hobbled.”

Delegate Nez expects the referendum measure to be placed on the ballot during the upcoming Navajo Nation general election in November.

According to 11 N.N.C. §406 (A), the referendum shall pass if a majority “of all eligible registered voters who cast a vote” vote in favor of it and shall be deemed effective upon certification by the Navajo Nation Board of Election Supervisors.

“I think it’s time we allow the Navajo people to vote on the issue of whether the source of governing power is the people or the Council. Through this referendum, we can then gauge the public — if further government reform needs to happen.”

Council confirms Malcolm P. Begay as probationary District Court Judge

By Chrissy Largo

On the final day of the Summer Council Session, with the vote of 18-0, Council members unanimously confirmed Malcolm P. Begay to serve as probationary District Court Judge under the Navajo Nation Judicial Branch.

In accordance with Title II of the Navajo Nation Code, the Law and Order Committee initially determines the qualifications of all applicants for judgeships through a thorough screening process. Those that are deemed qualified are forwarded to the President for appointment, which are then subject to confirmation by the Navajo Nation Council.

Begay is from the community of Steamboat and a graduate of Holbrook High School. Five days after completing high school, he entered boot camp for the U.S. Marine Corps., receiving an honorary discharge in 1990.

He attended law school at the Lewis and Clark College (Northwestern School of Law), located in Portland, Oregon. In 2009, Begay graduated with his Juris Doctorate and has since attained his Bar License with the Navajo Nation. Soon after, Begay landed a job with the White Collar Crime Unit and moved on to the Chief Prosecutors Office in Kayenta.

In addition, Begay interned for the Navajo Nation Supreme Court for the former Chief Justice and gained additional experience with the Office of Water Rights for the Gila River Indian Community. Begay also volunteered his time at the Maricopa County Attorney’s Office, working with their homicide unit.

Begay’s acknowledges that through his academic and work endeavors, his passion for public service grew steadily.

“My main goal after high school was to serve various capacities in the public realm. I’ve done so in the military. I’ve done so in the State of Oregon. Now, my intention is to remain on the Navajo Nation for the remainder of my life,” stated Begay.

“My background addresses a lot of areas of law. I have diverse experience on and off the Navajo Nation. In any academic or work setting, it must be able to address the needs of communities,” stated Begay.

Since November 2010, he has served as a staff attorney at the Chinle Judicial District, assisting judges in Shiprock, Kayenta, and Chinle, as well as the Navajo Nation Supreme Court.

“My reason for applying for the Navajo Nation Probationary District Court Judge position is because I do take this position seriously. Judges are required to be impartial. They are to respect the parties before them that have legal disputes,” stated Begay.

Immediately following his confirmation by the Council, Begay was sworn in by Navajo Nation Supreme Court Associate Justice Eleanor Shirley on the Council Chamber floor.

Begay will serve a two-year probationary period as mandated by Navajo Nation law.

Nicole Johnny / continued from page 4

degree, I started to question how many people that know about the stock market or know about investing. I believe that we can definitely strengthen in this area,” stated Johnny, who currently serves as an Associate Accountant at the Navajo Nation’s Office of the Controller.

In February, the Health, Education, and Human Services Committee issued a public notice regarding the vacant position. Johnny submitted her application in late February and was later nominated by the HEHSC.

The Commission on Navajo Government Development is comprised of 12 members including representatives from each of the five Navajo Agencies, representatives from the three governmental branches, as well as representatives from the traditional sector, Women’s Commission, Diné College, and one tribal standing committee.

With the confirmation, the Commission now has five vacant positions which include representatives from each of the Nation’s three branches, Diné College, and the Navajo Women’s Commission. Johnny will serve a two-year term on the Commission.

Delegate Nez expects the referendum measure to be placed on the ballot during the upcoming Navajo Nation general election in November.

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“My main goal after high school was to serve various capacities in the public realm. I’ve done so in the military. I’ve done so in the State of Oregon. Now, my intention is to remain on the Navajo Nation for the remainder of my life,” stated Begay.

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Nicole Johnny / continued from page 4

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With the confirmation, the Commission now has five vacant positions which include representatives from each of the Nation’s three branches, Diné College, and the Navajo Women’s Commission. Johnny will serve a two-year term on the Commission.
Legislation No. 0095-14: Approving Amendments to 2 N.N.C. §§500 ET SEQ. and 2 N.N.C. §§701 ET SEQ.

Primary Sponsor: Danny Simpson

TABLED - Referred back to the Resources and Development Committee and will return to Council after the committee has reviewed the legislation. (Tabling Vote Results)

Yea (12):
Nelson BeGaye
Katherine Benally
Joshua Lavar Butler
Jonathan Hale
Speaker Johnny Naize
Jonathan Nez
Leonard Pete
Walter Phelps
Roscoe Smith
Duane Tsinigine
Leonard Tsosie
Dwight Witherspoon

Nay (9):
Mel Begay
Russell Begaye
Lorenzo Curley
Charles Damon, II
Kenneth Maryboy
Alton Joe Shepherd
Danny Simpson
David Tom
Edmund Yazzie

Not Voting (3):
George Apachito
*Speaker Pro Tem LoRenzo Bates
Elmer Begay

Not Voting (4):
*Speaker Pro Tem LoRenzo Bates
Elmer Begay
Katherine Benally
Speaker Johnny Naize

Legislation No. 0179-14: Amending the Settlement Agreement between the Navajo Nation and the United States and Accepting the Current Trust Fund Account Balances as stated in the Periodic Statements of Performance

Primary Sponsor: Lorenzo Curley

PASSED (Simple Majority Vote)

Yea (20):
George Apachito
Mel Begay
Nelson BeGaye
Russell Begaye
Katherine Benally
Joshua Lavar Butler
Charles Damon, II
Jonathan Hale
Jonathan Nez
Leonard Pete
Walter Phelps
Alton Joe Shepherd
Danny Simpson
Roscoe Smith
David Tom
Duane Tsinigine
Dwight Witherspoon
Edmund Yazzie

Nay (0):

Not Voting (4):
*Speaker Pro Tem LoRenzo Bates
Elmer Begay
Katherine Benally
Speaker Johnny Naize

Legislation No. 0081-14: Amending 12 N.N.C. § 1171, The Navajo Nation Veterans Trust Fund

Primary Sponsor: Edmund Yazzie

TABLED (Tabling Vote Results)

Yea (17):
George Apachito
Mel Begay
Nelson BeGaye
Russell Begaye
Katherine Benally
Joshua Lavar Butler
Charles Damon, II
Jonathan Hale
Jonathan Nez
Leonard Pete
Walter Phelps
Edmund Yazzie

Nay (3):
Nelson BeGaye
Lorenzo Curley
Leonard Tsosie

Not Voting (4):
*Speaker Pro Tem LoRenzo Bates
Elmer Begay
Katherine Benally
Speaker Johnny Naize

Legislation No. 0090-14: Supporting the Navajo Nation and the Crow Tribe’s Combined and Collaborative Efforts in Energy; Supporting the United States Congress’ Permanent Extension of the Indian Coal Production Tax Credit

Primary Sponsor: Johnny Naize

PASSED (Simple Majority Vote)

Yea (17):
George Apachito
Mel Begay
Nelson BeGaye
Russell Begaye
Katherine Benally
Joshua Lavar Butler
Charles Damon, II
Jonathan Hale
Leonard Pete
Walter Phelps
Alton Joe Shepherd
Danny Simpson
Roscoe Smith
David Tom
Duane Tsinigine
Dwight Witherspoon
Edmund Yazzie

Nay (0):

Not Voting (7):
*Speaker Pro Tem LoRenzo Bates
Elmer Begay
Lorenzo Curley
Katherine Benally
Speaker Johnny Naize
Jonathan Nez
Danny Simpson

Legislation No. 0091-14: Rescinding, Repealing and Rendering Null and Void Resolution RDCD-69-13: Relating to Resources and Development; Acknowledging the Right-of-Way and Surface Use by Uranium Resources, Inc., of its Churchrock Properties Licensed by the U.S. Nuclear Regulatory Commission License No. SUA-1580; Authorizing a Subcommittee

Primary Sponsor: Edmund Yazzie

PASSED (Simple Majority Vote)

Yea (18):
George Apachito
Elmer Begay
Mel Begay
Nelson BeGaye
Russell Begaye
Katherine Benally
Joshua Lavar Butler
Charles Damon, II
Speaker Johnny Naize
Jonathan Nez
Walter Phelps
Alton Joe Shepherd
Roscoe Smith
David Tom
Duane Tsinigine
Leonard Tsosie
Dwight Witherspoon
Edmund Yazzie

Nay (3):
Leonard Pete
Roscoe Smith
Leonard Tsosie

Not Voting (3):
*Speaker Pro Tem LoRenzo Bates
Jonathan Hale
Kenneth Maryboy

*Chaired the discussion - only votes in the event of a tie
# 2014 Summer Council Session Legislation Results
## 22nd Navajo Nation Council

### Legislation No. 0103-14:
**Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of $570,310 to Implement and Manage a 911 Emergency Response System**

*Primary Sponsor: Danny Simpson*  
**PASSED**  
**(Simple Majority Vote)**  

**Yea (16):**  
- George Apachito  
- Mel Begay  
- Russell Begaye  
- Katherine Benally  
- Joshua Lavar Butler  
- Charles Damon, II  
- Jonathan Hale  
- Jonathan Nez  
- Leonard Pete  
- Walter Phelps  
- Alton Joe Shepherd  
- Danny Simpson  
- Roscoe Smith  
- David Tom  
- Dwight Witherspoon  
- Edmund Yazzie

**Nay (0):**

**Not Voting (8):**  
*Speaker Pro Tem LoRenzo Bates  
Elmer Begay  
Nelson BeGaye  
Lorenzo Curley  
Kenneth Maryboy  
Speaker Johnny Naize  
Duane Tsinnie  
Leonard Tsosie*  

*Chair led the discussion - only votes in the event of a tie*

### Legislation No. 0122-14:
**Accepting the Fort Wingate Taskforce Memorandum Supporting H.R. 3822 The “Fort Wingate Land Division Act of 2014”; and Documenting The Navajo Nation’s Support of U.S. House Bill H.R. 3822 The “Fort Wingate Land Division Act of 2014”**

*Primary Sponsor: Danny Simpson*  
**TABLED**  
**(Tabling Vote Results)**  

**Yea (12):**  
- Mel Begay  
- Nelson BeGaye  
- Russell Begaye  
- Joshua Lavar Butler  
- Lorenzo Curley  
- Speaker Johnny Naize  
- Jonathan Hale  
- Alton Joe Shepherd  
- Danny Simpson  
- Dwight Witherspoon  
- Edmund Yazzie

**Nay (9):**  
- George Apachito  
- Elmer Begay  
- Russell Begaye  
- Joshua Lavar Butler  
- Lorenzo Curley  
- Charles Damon, II  
- Jonathan Hale  
- Speaker Johnny Naize  
- Jonathan Nez  
- Leonard Pete

**Not Voting (3):**  
*Speaker Pro Tem LoRenzo Bates  
Katherine Benally  
Duane Tsinnie*  

### Legislation No. 0123-14:
**Referring a Referendum Measure on Amending 2 N.N.C. §102**

*Primary Sponsor: Jonathan Nez*  
**PASSED**  
**(Simple Majority Vote)**  

**Yea (14):**  
- George Apachito  
- Elmer Begay  
- Mel Begay  
- Nelson BeGaye  
- Russell Begaye  
- Joshua Lavar Butler  
- Lorenzo Curley  
- Charles Damon, II  
- Jonathan Hale  
- Speaker Johnny Naize  
- Jonathan Nez  
- Alton Joe Shepherd  
- Danny Simpson  
- Dwight Witherspoon  
- Edmund Yazzie

**Nay (6):**  
- Mel Begay  
- Leonard Pete  
- Walter Phelps  
- Roscoe Smith  
- David Tom  
- Leonard Tsosie

**Not Voting (4):**  
*Speaker Pro Tem LoRenzo Bates  
Katherine Benally  
Kenneth Maryboy  
Alton Joe Shepherd  
Duane Tsinnie  
Leonard Tsosie*  

### Legislation No. 0134-14:
**Confirming the Appointment of Nicole Johnny to the Commission on Navajo Government Development for a Two Year Term**

*Primary Sponsor: Jonathan Hale*  
**PASSED**  
**(Simple Majority Vote)**  

**Yea (18):**  
- George Apachito  
- Elmer Begay  
- Mel Begay  
- Nelson BeGaye  
- Russell Begaye  
- Joshua Lavar Butler  
- Lorenzo Curley  
- Charles Damon, II  
- Jonathan Hale  
- Speaker Johnny Naize  
- Jonathan Nez  
- Leonard Pete  
- Walter Phelps  
- Danny Simpson  
- Roscoe Smith  
- David Tom  
- Dwight Witherspoon  
- Edmund Yazzie

**Nay (0):**

**Not Voting (6):**  
*Speaker Pro Tem LoRenzo Bates  
Katherine Benally  
Kenneth Maryboy  
Alton Joe Shepherd  
Duane Tsinnie  
Leonard Tsosie*  

### Legislation No. 0147-14:
**Confirming the Appointment of Quincy Natay to the Navajo Nation Gambling Enterprise Board of Directors for a One Year Term**

*Primary Sponsor: LoRenzo Bates*  
**PASSED**  
**(Simple Majority Vote)**  

**Yea (9):**  
- George Apachito  
- Speaker Pro Tem LoRenzo Bates  
- Mel Begay  
- Joshua Lavar Butler  
- Jonathan Hale  
- Walter Phelps  
- Danny Simpson  
- Roscoe Smith  
- David Tom  
- Leonard Tsosie

**Nay (7):**  
- Russell Begay  
- Katherine Benally  
- Charles Damon, II  
- Jonathan Nez  
- Leonard Pete  
- Dwight Witherspoon  
- Edmund Yazzie

**Not Voting (8):**  
*Elmer Begay  
Nelson BeGaye  
Lorenzo Curley  
Kenneth Maryboy  
Speaker Johnny Naize  
Duane Tsinnie  
Leonard Tsosie*  

*Chair led the discussion - only votes in the event of a tie*
Legislation No. 0148-14: Confirming the Appointment of Tamara Begay to the Navajo Nation Gaming Enterprise Board of Directors for a Three Year Term

Primary Sponsor: LoRenzo Bates

PASSED (Simple Majority Vote)

Yea (17):
- Speaker Pro Tem LoRenzo Bates
- Elmer Begay
- Mel Begay
- Nelson BeGaye
- Russell Begaye
- Joshua Lavar Butler
- Charles Damon, II
- Jonathan Hale
- Kenneth Maryboy
- Jonathan Nez
- Leonard Pete
- Walter Phelps
- Alton Joe Shepherd
- Danny Simpson
- Roscoe Smith
- David Tom
- Edmund Yazzie

Nay (2):
- Katherine Benally
- Lorenzo Curley

Not Voting (5):
- George Apachito
- Speaker Johnny Naize
- Duane Tsinigine
- Leonard Tsoosie
- *Dwight Witherspoon

Legislation No. 0149-14: Confirming the Appointment of Kristina Haskell to the Navajo Nation Gaming Enterprise Board of Directors for a Three Year Term

Primary Sponsor: LoRenzo Bates

PASSED (Simple Majority Vote)

Yea (17):
- George Apachito
- Speaker Pro Tem LoRenzo Bates
- Elmer Begay
- Mel Begay
- Nelson BeGaye
- Russell Begaye
- Jonathan Hale
- Israel Henry
- Walter Phelps
- Danny Simpson
- Roscoe Smith
- Dave Tom
- Alton Joe Shepherd
- Edmund Yazzie

Nay (0):

Not Voting (7):
- Leonard Pete
- Lorenzo Curley
- Alton Joe Shepherd
- Danny Simpson
- Roscoe Smith
- David Tom
- Dwight Witherspoon

Legislation No. 0150-14: Confirming the Appointment of Leah Claw to the Navajo Nation Gaming Enterprise Board of Directors for a Three Year Term

Primary Sponsor: Russell Begaye

PASSED (Simple Majority Vote)

Yea (11):
- George Apachito
- Speaker Pro Tem LoRenzo Bates
- Elmer Begay
- Mel Begay
- Russell Begaye
- Katherine Benally
- Joshua Lavar Butler
- Lorenzo Curley
- Charles Damon, II
- Jonathan Hale
- Kenneth Maryboy
- Leonard Pete
- Walter Phelps
- Alton Joe Shepherd
- Roscoe Smith
- David Tom
- Edmund Yazzie

Nay (7):
- Russell Begaye
- Katherine Benally
- Joshua Lavar Butler
- Lorenzo Curley
- Charles Damon, II
- Jonathan Hale
- Kenneth Maryboy
- Leonard Pete
- Walter Phelps
- Alton Joe Shepherd
- Roscoe Smith
- David Tom
- Dwight Witherspoon
- Edmund Yazzie

Nay (0):

Not Voting (6):
- *Dwight Witherspoon

Legislation No. 0152-14: Confirming the Probationary Appointment of Malcolm P. Begay as Navajo Nation District Court Judge

Primary Sponsor: David L. Tom

PASSED (Simple Majority Vote)

Yea (18):
- George Apachito
- Elmer Begay
- Mel Begay
- Russell Begaye
- Katherine Benally
- Joshua Lavar Butler
- Charles Damon, II
- Jonathan Hale
- Jonathan Nez
- Leonard Pete
- Walter Phelps
- Alton Joe Shepherd
- Danny Simpson
- Roscoe Smith
- David Tom
- Dwight Witherspoon
- Edmund Yazzie

Nay (0):

Not Voting (8):
- *Speaker Pro Tem LoRenzo Bates
- Elmer Begay
- Nelson BeGaye
- Lorenzo Curley
- Kenneth Maryboy
- Speaker Johnny Naize
- Duane Tsinigine
- Leonard Tsoosie

Legislation No. 0158-14: Changing the Name Sheep Springs Chapter to Tooh Haltsooi Chapter; and Amending 11 N.N.C. § 10(A)

Primary Sponsor: David L. Tom

PASSED (Simple Majority Vote)

Yea (16):
- George Apachito
- Elmer Begay
- Mel Begay
- Russell Begaye
- Katherine Benally
- Joshua Lavar Butler
- Charles Damon, II
- Jonathan Hale
- Jonathan Nez
- Leonard Pete
- Walter Phelps
- Alton Joe Shepherd
- Danny Simpson
- Roscoe Smith
- David Tom
- Dwight Witherspoon
- Edmund Yazzie

Nay (0):

Not Voting (8):
- *Speaker Pro Tem LoRenzo Bates
- Elmer Begay
- Nelson BeGaye
- Lorenzo Curley
- Kenneth Maryboy
- Speaker Johnny Naize
- Duane Tsinigine
- Leonard Tsoosie

*Chaired the discussion - only votes in the event of a tie
ALBUQUERQUE—The recent murders of two homeless Navajos has united a city and tribal nation against further attacks.

Navajo Nation President Ben Shelly met with Albuquerque Mayor Richard Berry on July 24 to discuss details of the murders and work together to prevent further violence from happening.

“We’ve come here to create a partnership and collaboration on how we can work together,” President Shelly said. Joining him were tribal representatives from the Division of Social Services, Division of Public Safety, Division of Health, Office of the Speaker, and the Human Rights Commission.

The president said similar attacks prompted partnerships with Gallup, Farmington and Bloomfield.

“We need to prevent this happening again and we all need to work together,” President Shelly said. “Life is precious.”

Mayor Richard Berry agreed with President Shelly and said the incident was “a senseless act.” He noted that in 2012, the city collaborated with Harvard University on a study of Native American homelessness.

“This was a senseless act. It was something that really wakes up an entire community to the plight of the homeless and also to our friends in the Native American community,” Berry said.

He said that the city of Albuquerque would work with President Shelly to craft an agreement to address the issue. More meetings need to be scheduled, Berry said, for development of an action plan.

Turning to President Shelly, Berry said, “Between the two of us, if we can use our collective powers of impact to let our congressional delegations, our legislators, and cities to get
Mayor Berry and President Shelly spoke after the meeting about what they expect from the partnership and the proposed task force. (Photo by Rick Abasta)

The Albuquerque Indian Center sees a large number of native clients from various tribes that are homeless. The center provides food and services to the indigent population, including the two deceased men. (Photo by Rick Abasta)

“We expect the perpetrators to be prosecuted to the fullest extent of the law.”

acknowledged, in addition to cultural sensitivity.

“We need to have an understanding of the cultural relationships we have as human beings, or as president said, as five fingered individuals,” Gorman said.

Dr. Jennifer Denetdale, a member of the NNHRC, shared several points with the group.

Her first point was exacting.

“We expect the perpetrators to be prosecuted to the fullest extent of the law,” Denetdale said.

She added that the commission did not want any plea bargains and that an investigation needed to happen on whether or not the incident was a hate crime.

Her remaining six points were to investigate the crime and establish a task force; allow the NNHRC to participate in the decision making process; have the city of Albuquerque provide the resources for the task force; allow Mayor Berry to publicly acknowledge Albuquerque is dangerous for homeless people, especially natives; formation of a commission to deal with Native American concerns; and to allow the NNHRC to setup interviews with the city councilors.

After the hour-long meeting concluded, President Shelly traveled to the Albuquerque Indian Center to break bread and eat with a roomful of natives from different tribes that came to the center for a soup lunch.

“I grew up in hard conditions, similar to yours,” President Shelly told the youth in the group. “But look at where I am today. If I can do it, so can you,” he added.

President Shelly said each individual has a choice, much like opening a door. If you do nothing about it, the door remains closed. To exit the challenges of living on the street, one must open the door and begin making decisions to turn their life around.

The Albuquerque Indian Center submitted a budget to the Navajo Nation for supplemental appropriations amounting to $38,000. The bulk of those funds are used for services like the lunch that was provided to the homeless and indigent natives in need of services.

President Shelly will meet with Mayor Berry again next week to begin forming the task force and creation of an action plan.

-30-
THE NAVAJO NATION

Proclamation

IN HONOR AND RECOGNITION OF THE LATE NAVAJO CODE TALKER EDWARD B. ANDERSON, JR.

WHEREAS, The Navajo Nation is greatly saddened by the loss of the late Edward B. Anderson, Jr., who served in the U.S. Marine Corps; and

WHEREAS, The late Edward B. Anderson, Jr. was a Navajo Code Talker who served the United States of America, the Navajo Nation, and U.S. Marine Corps with courage, honor and distinction; serving from 1942 to 1945, when he was honorably discharged; and

WHEREAS, The late Edward B. Anderson, Jr. served in the 1st Marine Division and was stationed in the South Pacific, Australia, Guadalcanal, New Guinea, and New Britain; and

WHEREAS, The late Edward B. Anderson, Jr. also was a Navajo Code Talker who was awarded the Purple Heart, South Pacific Ribbons, and the Congressional Silver Medal; and

WHEREAS, The Navajo Nation unites and offers prayers for his family and friends during this time of grief;

NOW, THEREFORE, I, BEN SHELLY, President of the Navajo Nation, do hereby proclaim that all Navajo Nation flags shall be flown at half-staff in honor of the late Navajo Code Talker Edward B. Anderson, Jr., from sunrise on July 23 to sunset on July 26, 2014.

ORDERED THIS 22nd DAY OF JULY 2014

Ben Shelly, President
THE NAVAJO NATION
Apache County Board of Supervisors votes against the sale of the Ole Red Barn Liquor license

NAHATA DZIIL – On Tuesday, approximately 300 people attended a public meeting held in the community of Nahata Dziil in which the Apache County Board of Supervisors addressed the proposed sale of two liquor licenses owned by Gary McDonald.

McDonald currently is facing charges stemming from a search warrant executed at his residence in 2012, in which large quantities of a substance believed to be methamphetamine was found, along with 20 firearms.

McDonald, a long-time resident of Sanders, owns four liquor licenses that were renewed at the end of May despite public outcry from the community.
Council Delegate Lorenzo Curley (Houck, Klagetoh, Nahata Dziil, Tsé Si áni, Wide Ruins), who has worked with community members to address the liquor licenses for several months, voiced his opposition to the sale at Tuesday’s meeting.

“The Navajo Nation passed a resolution opposing the sale of transfers of the liquor licenses, so, I ask the members of the Board of Supervisors for consideration of opposing the liquor license sales because it is not in the best interest of the Navajo people,” stated Delegate Curley.

In April, the Navajo Nation Naabik’iyati’ Committee passed a resolution opposing the renewal and transfer of McDonald’s liquor licenses, which McDonald is now attempting to sell to a close associate, George Ryan, for $2.50 each.

Also in attendance were Navajo Nation President Ben Shelly, Arizona Senator Carlyle Begay (Dist. 7), and representatives from the Navajo Nation Human Rights Commission.

Navajo Nation President Ben Shelly strongly opposed the sale of the liquor licenses.

“I am going to express my opposition to the transfer of Red Barn and Lee’s Liquor licenses to George Ryan. One of my main concerns is the children. There is no reason for children to be exposed to a situation of intoxicated people or domestic violence,” stated President Shelly.

Sen. Carlyle Begay said he had the opportunity to talk with the families affected by alcohol sales.

“To hear about the devastating stories that have impacted the families, it is just not about the alcohol sales, it is about the side effects that this issue has caused. My primary concern is to think forward for the future of this community, 10-20 years from now,” stated Senator Begay.

At one point during the discussion, County Supervisor Joe Shirley, Jr., asked Ryan why the prices for the liquor licenses were very low, which Ryan did not provide a clear answer to.

Commissioner from the Navajo Nation Rights Commission, Jennifer Nez Denetdale, noted that Ryan has been the manager of McDonald’s liquor establishments since McDonald has been incarcerated.

“We believe there is no difference between these two individuals [McDonald and Ryan]. We contend that they consistently show a disregard for the well-being of the Navajo citizens of the Nahata Dziil Chapter. They show a complete lack of accountability and responsibility to the communities,” stated Denetdale.

The ABOS voted 3-0 in opposition of the sale of the liquor licenses. Ryan now has the option to appeal the decision with the Arizona Liquor Board.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
July 22, 2014

Navajo Nation Council blocks proposed in situ uranium recovery project

WINDOW ROCK – On the second day of the Summer Council Session, the Navajo Nation Council approved Legislation No. 0091-14, rescinding, repealing, and rendering null and void resolution RDCD-69-13, passed by the Resources and Development Committee last December which acknowledged the right-of-way and surface use by Uranium Resources, Inc. for the purpose of an in situ uranium recovery project in the community of Churchrock, N.M.

Legislation sponsor Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau), who represents the Churchrock community, asked for the support of his Council colleagues to prevent URI from developing its in situ uranium recovery project.

Delegate Yazzie referenced the Diné Natural Resources Protection Act of 2005 and the Radioactive Materials Transportation Act of 2012, stating that the two laws prohibit the proposed project from being developed on the Navajo Nation.

"We need to follow the regulations," said Delegate Yazzie. "The regulations are [in place] to look out for our people."

Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake), who sponsored the legislation passed by the RDC in December, said the Radioactive Materials Transportation Act does not specifically address the transportation of uranium.

"I would understand your argument if the law had said ‘thou shall not transport uranium’—it doesn’t say that," Delegate Tsosie stated. "At the moment, there is no physical transporting of uranium so there’s no physical act being done as of today to transport uranium."

Speaking in support of the legislation, Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Ojito, Ts’ah Bii Kin) said he supports the overwhelming number of young Navajo people who have spoken out against the proposed project and against uranium mining in general.

"By nullifying this [resolution] we are saying ‘no’ to any future uranium exploration on the Navajo Nation," stated Delegate Nez. "We need to all take a stand once again, to those major industries and companies throughout the globe and stay steadfast and say no more, enough is enough."

Council Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta) also stated her opposition, while emphasizing her stance against uranium mining.
“I am absolutely against uranium development of any kind because I am from the community of Dennehotso which mined uranium in the [1940’s and 50’s] so I have seen the consequences to this day,” said Delegate Benally.

Council Delegate Leonard H. Pete (Chinle) spoke in opposition of rescinding RDC’s resolution, while cautioning his Council colleagues of the possible consequences should the situation end up in litigation resulting from the nullification.

“Have we really sat down and looked into the consequences?” asked Delegate Pete. “Somewhere along the way, the wisdom of this Council, the common sense of this Council, the foresight of this Council is going to be tested.”

Following a two-hour discussion, members of the Council approved Legislation No. 0091-14 with a vote of 18-3.

###

For news on the latest legislative branch activities, please visit [www.navajonationcouncil.org](http://www.navajonationcouncil.org)
President Shelly appalled by beating deaths of Navajo men

WINDOW ROCK, Ariz.—Innocent men do not deserve to be murdered in their sleep.

Three teens were indicted for murdering two homeless Navajo men on July 21 in Albuquerque, N.M. The victims were beaten with cinder blocks and a pole.

“It’s beyond senseless that these teens would attack homeless people in this manner,” President Shelly said. “The Navajo Nation is appalled that this type of attack is happening upon our people. We pray that justice will be carried out in this case.”

Incarcerated on $5 million bail the trio – Alex Rios, 18, Nathaniel Carrillo, 16, and Gilbert Tafoya, 15 – are facing two open counts of murder, tampering with evidence, three counts of aggravated battery with a deadly weapon and robbery.

The teens allegedly attacked more than 50 other homeless people in the Albuquerque area.

Regardless of the homeless state of the victims, President Shelly said no person deserves to be beaten to death in that manner. The horror of such violence in this day and age is incomprehensible, he said.

“The Navajo Nation needs an opportunity to meet with Albuquerque Mayor Berry about this attack. We need to sit down and discuss possible solutions to assist the homeless population in Albuquerque,” President Shelly said.

He mentioned the efforts of NCI in Gallup and the Friendship House in San Francisco, both of which assist homeless and indigent Native Americans with alcoholism issues through counseling and rehabilitation services.

President Shelly will work with the Navajo Nation Human Rights Commission to request a meeting with Mayor Richard J. Berry.
President Shelly orders flags at half-staff in honor of Edward B. Anderson Jr.

Navajo Nation President Ben Shelly sends condolences and prayers to the family of Edward B. Anderson Jr., a former Navajo Code Talker. Anderson passed on July 20 in Phoenix, Ariz. at Banner Good Samaritan Medical Center. (Courtesy photo)

WINDOW ROCK, Ariz.—The Navajo Nation mourns the loss of another warrior.

On July 20, former Navajo Nation Code Talker Edward B. Anderson passed at Banner Good Samaritan Medical Center in Phoenix, Ariz. He was 89 years old.

“The Navajo Nation sends our deepest condolences and prayers to the family during this time of mourning,” said Navajo Nation President Ben Shelly.

“We lost a true role model to our Navajo people. The Navajo Code Talkers saved our country from war through the use of our language and demonstrated the power of Dine’ bizaad in the process. He will truly be missed,” he said.

Anderson was born and raised on the Navajo Nation and was a lifelong Ariz. resident.

Born in St. Michaels to Josephine Gatewood and Edward B. Anderson Sr. of Sawmill, he was of the Honahgaahnii (One Who Walks Around) Clan and born to the Todich’ii’nii (Bitter Water) Clan.

Anderson enlisted in the U.S. Marine Corps at the age of 18 and served from 1942 to 1945, when he was honorably discharged.

A member of the 1st Marine Division, Anderson was stationed in the South Pacific and Australia. He saw combat at Guadalcanal, New Guinea and New Britain.

He was wounded in battle and was a recipient of the Purple Heart, South Pacific Ribbons and the Congressional Silver Medal.

He lived in Cornfields and St. Michaels for most of his life and was married to Ione Hillis Anderson, who preceded him in death. They had five children, six grandchildren and eight great-grandchildren.

The funeral for Anderson will be on July 25 beginning at 10 a.m. at the Ganado Presbyterian Church. He will be buried at the Veterans Cemetery in Ft. Defiance, Ariz., with a reception to follow.

The family will have two gatherings, the first of which will be held on July 23 at Cornfields Chapter House at 6 p.m. The second will be at St. Michaels Chapter House on July 24 at 6 p.m.

A Wells Fargo Bank account has been setup for contributions. It is under the name Edward B. Anderson Jr. and the routing number is 122105278 and the account number is 2261100214. You may also call 1-800-869-3557.

The family sends thanks and appreciation for any contributions made.

-30-
22nd Navajo Nation Council
Summer Council Session
Speaker Pro Tem’s Report

Navajo Nation Office of the Speaker
P.O. Box 3390
Window Rock, AZ 86515
Yáátééh, my fellow Navajo Nation Council colleagues and to our guests including chapter, tribal, state, and federal leaders, and most importantly to our Diné Citizens with us today. I also want to welcome those of you watching live on the internet, including our brave men and women serving in the military throughout the world. Welcome to the 2014 Summer Council Session.

I also want to recognize and thank the many men and women who embarked on a long and difficult journey to take part in the Summer Horse and Bike Ride. Many of you began your journey over a week ago in the spirit of honoring our past leaders who would ride to each regular Council session on horseback. Along the way, they would stop and listen to the concerns and issues of their respective communities. When they arrived for Council sessions they were well-informed and able to voice the concerns of their people.

It is with that same spirit that delegates take part in the annual horse and bike rides which have evolved over time to bring awareness and to promote causes such as healthy living and domestic violence awareness—two very critical issues throughout the Navajo Nation.

With that in mind, I am confident that each of us as elected leaders will address the issues and legislations before us while being mindful of the needs and voices of our people so that years from now, Diné will continue to prosper for many more generations.

**Trust Mismanagement Litigation Agreement**

On May 30, the 22nd Navajo Nation Council passed Resolution CMY-28-14, approving an agreement to end the Navajo Nation’s lawsuit against the United States over historical mismanagement of trust fund assets. In return, the Navajo Nation was awarded $554 million after years of hard fought negotiations by a team that included members of the Trust Mismanagement Litigation Task Force comprised of Council Delegates Lorenzo Curley (chair), Roscoe Smith (vice chair), Russell Begaye, Charles Damon, II, Walter Phelps, Alton Joe Shepherd, Dwight Witherspoon, and Leonard Tsosie.

The task force worked diligently with the Navajo Nation Department of Justice, the BuckleySandler law firm, and numerous other entities to negotiate the agreement.

On July 10, the Naabik’iyati’ Committee issued a directive to the Office of the Speaker to initiate public hearings regarding the anticipated $554 million award.
The Office of the Speaker is currently in the process of securing sites in each of the Nation’s five agencies that will enable the use of live-streaming. The hearings will undoubtedly provide our Diné Citizens the opportunity to voice their thoughts and opinions as to how the award should be invested or otherwise used.

It is very important that Navajo people have a say in the planning and strategizing. Our office will soon release a schedule of public hearings. I cannot stress enough the importance of planning carefully and responsibly so that the benefits for the Navajo Nation and the Navajo people are maximized.

**Voting Rights**

While the redistricting of state legislative districts was redrawn in 2011, the Navajo Nation continues to be involved in redistricting litigation in the states of Arizona and Utah. In addition, congress is entertaining a legislative fix to the U.S. Supreme Court decision in the matter of *Shelby County v. Holder*.

In Arizona, Navajo Nation was an opposing amicus party to the lawsuit filed by the Republican Party, alleging that the Arizona Independent Redistricting Commission violated Arizona laws. Recently, the federal court three-judge panel issued its opinion in which it ruled that the redistricting commission did not violate laws. However, the Republican Party appealed the federal district court ruling to the U.S. Supreme Court. Navajo Nation must continue to be a party in the appeal process due to the potential effects on Navajo voting rights resulting from the outcome. Should the U.S. Supreme Court rule in favor of the appealing party, it is likely that the Navajo people on the Arizona side of the Navajo Nation will be impacted by the eventual requirement to redraw the 2011 legislative districts.

In Utah, the Navajo Nation is engaged in assuring that Navajo voters are properly represented in the San Juan County commission redistricting and the school district board member district plans. In the third quarter, the Office of the Speaker has been in discussions with various parties regarding the county requiring mail ballots for its June primary election. While the results of the June primary election are still being evaluated, it is clear there is significant decrease of voter participation in San Juan County elections. Council Delegate Jonathan Nez is actively evaluating the situation.

In June 2013, the U.S. Supreme Court issued its opinion which stated that Section 5 requirements of covered states are outdated. That is, those states that are found to discriminate against minorities must submit their redistricting plans to the U.S. Department of Justice for pre-clearance. Since the requirements of Section 5 have been outlawed by the U.S. Supreme Court, the Navajo Nation has been involved in the national voting rights commission meetings to appropriately introduce a legislative fix. Congressman Jim Sensenbrenner of Wisconsin introduced House Bill 3899. Unfortunately, H.B. 3899 does not fully protect Navajo voters in Arizona. The Office of the Speaker has been providing recommendations as to improve H.B. 3899.
Finally, as the voting rights issues continue to be at the forefront, the Inter-Tribal Council of Arizona solicited nominations of individuals who exhibit exemplary citizenship traits. Mr. Leonard Gorman was nominated and is awarded the *Harrison and Austin Citizenship Award*. Frank Harrison and Harry Austin were pioneers that demanded that Native Americans have the right to vote and the State of Arizona must recognize that right. They filed the second lawsuit in 1948 that resulted in the Arizona Supreme Court ruling that recognized Native Americans in Arizona have the right to vote. Congratulations to Mr. Gorman.

**Fiscal Year 2015**

The Office of the Speaker participated in several branch chiefs’ meetings during the third quarter of FY 14. The Budget and Finance Committee has approved the allocation of FY15 projected revenues among the branches. The Office of the Speaker has established a budget review team that will assess the program budgets in the Legislative Branch.

**Sacred Sites**

The Naabik’iyati’ Committee established the Subcommittee on Sacred Sites several years ago, which met several times during the third quarter of FY14. With the assistance of the Office of Navajo Nation Human Rights Commission, the Subcommittee has been active in examining the work conducted by the United Nations General Assembly President. In 2010, the UN General Assembly decided to conduct a world conference on indigenous issues.

In 2011, Naabik’iyati’ Committee also authorized the President and Vice President of the Navajo Nation, Speaker of the Navajo Nation Council, their designees, and Navajo Nation Human Rights Commission to do all things necessary to protect San Francisco Peaks as a sacred site for the Navajo people. One of the issues affecting the Navajo Nation in the process of deliberating the world conference is sacred sites and places and sacred objects.

In addition to the world conference, the subcommittee is confronted with the fact that Navajo sacred objects and paraphernalia were auctioned in Paris. The subcommittee has the daunting task of ensuring that France, and the world community, respects Navajo people’s sacred objects and paraphernalia. The subcommittee recently participated in the world conference preparatory meeting in New York City and met with the France Mission.

**Navajo Nation Council Chamber Renovation**

During the third quarter, the Office of the Speaker advertised and received proposals from Navajo firms to renovate the Navajo Nation Council Chamber seating arrangement. While the Office of the Speaker continues to assess the proposals, a number of issues have surfaced that require immediate attention; these issues were not anticipated but must now be addressed.

First, since the 2006 rehabilitation of the Council Chamber, the vigas have been excessively exposed to the elements. The Office of the Speaker learned that the copper flashings that were installed on top of the vigas are missing, allowing the elements to penetrate the pine logs. It is
important that proper rehabilitation methods be employed to ensure that if possible, to
preserve the integrity of the Council Chamber structure, specifically the top tier roof system.

Secondly, when the Office of the Speaker was in the process of solidifying arrangements with
the most qualified proposer, it became clear that the substructure of the Council Chamber
require the remediation or abatement of asbestos in the tiles and adhesives. While it is
presently contained under the raised floor, it is clear that the Office of the Speaker must
appropriately address the existence of asbestos underneath the Council Chamber floor.

In addition, the Council has invested in upgrading its current voting system software that will
offer an array of new options that will allow for a number of upgrades that to increase
efficiency among Council and transparency for the public. The upgraded software is capable of
securing and storing Council voting records, generating voting reports, and allowing the public
to access voting records. In addition, the software is capable of transmitting information such
as amendments and voting results for the public and delegates to view on their mobile devices
as these actions take place on the Council floor.

The addition of television screens within the Council Chambers will also allow for amendments
and other materials to be displayed for the public to see as well. The upgrades and additions
are part of an effort to increase transparency and accountability.

Please keep in mind that the installation and configuration of the upgraded software and
equipment will certainly entail technical challenges that will require time to resolve. The
software upgrade will be implemented during the current session.

**Document Review Tracking System**

Within the last three months, the Office of the Speaker has implemented a Document Review
Tracking System in order to increase efficiency and to protect the integrity of documents that
are submitted to the office. The system is centered on a cover sheet which requires staff to
acknowledge their receipt of the document(s) by signing off on the sheet. If a financial request
is submitted, the cover sheet will document the availability of funds as provided by the
Financial Advisor. The system was implemented to ensure that documents are accounted for
and to secure their location and tracking at all times.

**Legislative Documents**

The Office of the Speaker, Office of Legislative Counsel, and the Office of Legislative Services
have collaborated to increase efficiency and to secure the integrity of sensitive legislative
documents by streamlining the processing and sharing of documents between the offices.

It was brought to my attention that the production and processing of legislations and
resolutions often entailed duplication of services which prolonged the entire process from
beginning to end. The three offices strategized and developed a safe and efficient file sharing
process that allows certain staff to access files as needed.
Sanders Liquor Licenses

In April 2014, the Naabik’iyat’i’ Committee issued a directive for the Office of the Speaker and Navajo Nation Human Rights Commission to ensure that a strategy plan is instituted to ensure that four liquor licenses in Sanders are not renewed. Since the directive was issued, the Office of the Speaker has worked closely with the Navajo Nation Human Rights Commission, Renewal of Hope Task Force, and Council Delegate Lorenzo Curley to not only develop strategy plans but to ensure that appropriate efforts are instituted.

In May, the Office of the Speaker, Navajo Nation Human Rights Commission, and Lewis and Roca law firm met with the Arizona Liquor Department Executive Director. It was clear that under normal circumstances liquor licenses are automatically renewed. In this particular case, the Navajo Nation raised strong concerns regarding the previous owner’s qualifications to run liquor stores as he is presently in jail. In light of these concerns, the liquor department entered an agreement with the previous owner of the liquor licenses in order for him to relinquish the licenses. However, part of the process to relinquish liquor license allows the owner(s) to transfer or sell their licenses.

During the early part of June 2014, Mr. Gary McDonald, previous owner, transferred ownership of four licenses to Mr. George Ryan. Currently, the Navajo Nation is concentrating on raising strong concerns regarding Mr. Ryan’s credibility, reliability and qualifications. Since the licenses are scheduled to be transferred, in accordance with Arizona laws, the local government (Apache County) will have the opportunity to recommend approval or disapproval of the liquor licenses. Apache County Supervisors will be meeting on July 22, 2014 at Nahata Dziil Chapter to consider its recommendation.

Navajo Health Care Issues

There is continued monitoring and assistance to improve the overall health care system on the Navajo Nation.

Additionally, further enhancing and understanding the issues that cause many of the illnesses and health problems on the Navajo Nation was discussed. Public outreach and education to stem the rising numbers of Navajo people with diabetes, mental health treatment, and accidental deaths is key to helping our people.

Legislation No. 0346-13 was introduced by Council Delegate Dwight Witherspoon to create a Navajo Nation Department of Health. The legislation was proposed and subsequently tabled by the Naabik’iyati’ Committee. This legislation would significantly change the Navajo Nation Division of Health to allow oversight and regulating of all health care services on the Navajo Nation.

In response to a work session held in Flagstaff, AZ on January 3, 2014, a task force was created, Department of Health Creation that would review Legislation No. 0346-13 and develop it in the best interest of the Navajo Nation and the people. Included in the task force are four delegates,
the Vice President, Division of Health, representatives from 638 health providers, a traditional healer, a non-emergent transportation provider, and a home health care provider.

The task force was meant to dissolve by the start of Spring Session. However, due to an incomplete legislation, an extension was granted and work continued on Legislation No. 0346-13.

Since its creation, the task force met March 16, March 28, April 4, June 20, July 7, and July 16 in regard to modifying the original legislation. There have been suggestions on the recommended changes. The proposed changes will either be incorporated into the legislation or not.

Currently, the task force has a 90% working solution to the proposed creation of the Navajo Nation Department of Health. The request for additional time to complete the legislation is proposed. When the completed changes are made, a special session will be requested to consider the amended legislation.

**The Cobell Land Buy-Back Program.**

The process of creating a cooperative agreement for conducting the Land Buy-Back Program on the Navajo Nation was completed on April 30, 2014.

The program has a directive to complete the buy-back for a number of tribes across the United States with each having a set time period of its own. The program will be completed in four phases: Outreach, Land Research, Land Valuation, and Land Acquisition. Determining the phases that the Navajo Nation will complete is the purpose of the cooperative agreement.

The cooperative agreement was completed and sent to the U.S. Department of the Interior. On May 15, 2014, the Navajo Nation was selected among other tribes for participation in the Land Buy-Back Program. Federal program implementation is planned for calendar year 2015.

Staff continues working with Mr. McClanahan and the Executive Branch as we continue to discuss the overall framework for the Navajo Nation’s Buy-Back Program plan. The next months will examine the impact that implementation will have on the land users, permit issues, title issues, and office establishment.

**Navajo Veterans Issues**

There is a continued effort to help Navajo Veterans across our Nation. There is much yet to accomplish, and in continuing to support our returning Veterans, there are still unmet needs—namely, employment opportunities, health care, and education benefits.

Staff has continued direct coordination with the Navajo Nation Department of Veterans Affairs (NDVA). Together, they have kept the priorities aligned with those of the Office of the Speaker. The department faces a number of challenges and funding is key to providing the services requested.
There is continued work on the creation of the Veterans’ Act. Staff has offered recommendations for improving the document through dialogue with the NDVA. Currently, there is not a document that can be presented through legislation.

Staff is in direct contact with the Navajo Department of Veterans Affairs and the various state agencies responsible for serving our veterans. I am apprised of the various issues that our Veterans face across the Navajo Nation. The Office of the Speaker is committed to helping the leadership and local organizations that support and aid our Navajo Veterans.

**Fort Wingate**

The agreement that exists to divide the land known as the Fort Wingate Army Depot, between the Navajo Nation and the Zuni Tribe is on-going. As you may be aware, H.R. 3822 proposes to direct the division of the land of Fort Wingate Army Depot. H.R. 3822 and is sponsored by Rep. Ben Ray Lujan and Rep. Steve Pearce.

On June 13, 2014, Legislation No. 0122-14 was passed by the Naabik’íyáti’ Committee, which will be considered during the summer session. Rep. Lujan has held off action on H.R. 3822 until the Navajo Nation Council decides whether or not to support Legislation No. 0122-14.

**Navajo Mine Draft Environmental Impact Statement (DEIS)**

In accordance with the National Environmental Policy Act (NEPA), the Office of Surface Mining and Reclamation Enforcement (OSM) prepared a Draft Environmental Impact Statement (DEIS) for the Four Corners Power Plant and Navajo Mine Energy Project. OSM evaluated five alternatives and proposed Alternative A, under which OSM would approve Navajo Transitional Energy Company’s (NTEC) Pinabete Surface Mining Control and Reclamation Act (SMCRA) permit application and Navajo Mine SMCRA application for permit renewal. Additionally, the Bureau of Indian Affairs would approve right-of-way renewals, Navajo mine access roads, and Amendment 3 of the Four Corners Power Plant lease with the Navajo Nation.

On March 28, 2014, the DEIS was made available to the public with a public comment period ending in May 27, 2014, which was later extended to June 27, 2014. On June 27, the Navajo Nation working through the Navajo Nation Department of Justice and the Navajo Environmental Protection Agency, submitted comments affirming OSM’s conclusion that Alternative A is the preferred alternative, based on the information presented in the DEIS. The DEIS is expected to be completed by January of 2015, after which NTEC will be able to expand its operations necessary to meet the coal supply of the Four Corners Power Plant into 2031.

**APS Application for 2% Rate Increase**

The Navajo Nation’s purchase of the Navajo Mine from BHP to NTEC has been a long and arduous process filled with many challenges and rewards. Although we have completed the lion’s share of the work and currently own the mine, there is much more work to ensure the economic viability of our venture. One of the obstacles in the mine purchase was APS’s ability to purchase units 4 & 5 from Southern California Edison under strict deadlines and to then
apply to the Arizona Corporation Commission for a utility rate increase to cover the costs associated with this purchase. We are now at the stage involving an Evidentiary Hearing which will be held to consider the merits of this rate increase. It behooves us as a Nation reliant on the taxes and revenues from this venture to offer our support of these measures.

We have approximately 5,000 Navajo Citizens who rely on APS for their source of electricity—both on and off the Navajo Nation—who will be affected by this rate increase. Although, this may seem to be a potential hardship on our citizens, the alternatives were much more difficult. Had APS not purchased Southern California Edison’s share of units 4 & 5, they would have had to build entirely new facilities and the utility rates would have increased by over 5-percent. Additionally, our taxes and revenues as well as Navajo jobs would have been greatly impacted. We now have the added benefit of participating in these proceedings as the owner of the Navajo Mine, working to maintain the long-term economic viability of our operations.

**EPA’s Proposed Rule**

On January 8, 2014, the EPA released a Notice of Proposed Rulemaking: “Standards of Performance for Greenhouse Gas Emissions for New Stationary Sources: Electric Utility Generating Units”, which proposes to create new standards for fossil fuel-fired electric steam generating units, including utility boilers and integrated gasification combined cycle units (IGCC), and for natural gas-fired stationary combustion turbines. The comment period for this rulemaking ended on May 9, 2014 and the Navajo Nation has submitted its comments through the Navajo Nation Environmental Protection Agency.

At the center of this issue is the Navajo Nation’s ability to continue to utilize our coal resources for new fuel-fired electric steam generating units. Although we as a Nation realize the need to transition to cleaner sources of energy, we must also realize that our major natural resource is coal and that there are viable alternatives, such as integrated gasification combined cycle units (IGCC), for utilizing these coal resources and still meeting more stringent EPA standards.

Our ability as a Nation to continue to mine coal relies on the emerging technologies associated with IGCC and carbon capture and storage (CCS). It is important that the U.S. EPA recognize how devastating the impacts of their proposed rulemaking could have on particular economic interests such as our sovereign Nation’s ability to take care of our own. We must continue to advocate for the development of rulemaking that will allow for these emerging technologies to be developed in an economically viable fashion here on Navajo Land for the benefit of our future generations and in a way that will allow for a smooth transition to a greener future.

**Navajo Nation Energy Policy**

We have recently completed the first phase of an Energy Policy, a long time in the making. We are a Nation who is heavily reliant on energy resources for the day-to-day operations of the critical needs of our Diné Citizens. It is important that we have a clear understanding and process of how energy projects are processed through our Nation with all the proper due
diligence and forethought necessary for a healthy Navajo Nation economy. At the heart of this Energy Policy is the development of a Navajo Nation Energy Office, a central repository of information and resources necessary for the successful development and deployment of energy projects.

As we have coined our newly formed ‘Navajo Transitional Energy Company’, it is a true reflection of the major challenge of our time, transitioning our energy and economic resources from fossil fuel-based energy to alternative and renewable energy sources. This transition will require a team of professionals working full time for the benefit of our future and able to collaborate and engage the resources of the legislative and executive branches of our Navajo government.

This is no small task and will require the joint efforts of both branches working together to ensure the successful realization of our ever growing government to meet the complexities and challenges of an ever changing world.

**Conclusion**

As we move forward, I ask each of my Council colleagues to remain focused as we face the challenges before us and to continue advocating for the voices and needs of our people. It is through the people that we have been elected to serve our communities and our Nation and we must continue to forge ahead in a manner that best secures the futures of Diné Citizens.
THE STATE OF THE NAVAJO NATION
President Ben Shelly
and
Vice President Rex Lee Jim

The Executive Branch Report:
Working Together for the Benefit of the Navajo People

Presented to the
22nd Navajo Nation Council
July 21, 2014
Speaker Pro Tem Bates, members of the 22nd Navajo Nation Council, veterans, leaders, visitors, and my fellow Navajo people:

Yá’átééh and welcome to the 2014 Navajo Nation Council summer session. It is a privilege to join you here today inside this historic council chamber, the site of many great achievements that our past tribal leaders accomplished to bring our Nation forward.

I am thankful to provide a report on the Navajo Nation highlighting our significant accomplishments from the past quarter. Although we have not always seen things eye-to-eye, our administration is thankful for the cooperation and support we have received from the Council over the past three-and-a-half years.

Together we have accomplished many great successes on behalf of our Navajo people. It is important that our three branches of government work together to keep our tribal government moving forward, while strengthening sovereignty and pushing for economic growth.

Summer is here and that means the potential for forest fires and monsoon flooding. We must be cautious and be mindful of our elders in need of assistance in the remote areas of the Nation. Be sure to check up on your elders and see if they need any food or supplies.

**ASAAYII LAKE FIRE**

In mid-June, more than 14,000 acres was burned on the Chuska Mountains after catching fire near the Asaayii Lake Campgrounds. The high wind spread the flames and we are looking at costs in excess of $8 million to pay for the fire. I want to say thanks to the Southwest Region Incident Management Team 3 and the Navajo Nation Department of Emergency Management for assisting us with the fire.

While this fire was devastating, it also opened our eyes to the need for responsibility and fire prevention. Most importantly, it was a time of working together to overcome a challenge facing our Nation. I am proud of the way we banded together to put the fire out in less than two weeks.

Several divisions and departments joined to fight the blaze, including Navajo Division of Transportation, Division of Health, Division of Public Safety, Bureau of Indian Affairs, and many others.
Many people and organizations also stepped forward to provide donations in the form of water, food, clothing, and financial contributions. These contributions were properly accounted for and distributed in accordance with tribal law.

**NAVAJO DIVISION OF TRANSPORTATION**

During the fire NDOT had to close several access roads leading into the Asaayii Lake area. These roads had to be closed to the public for safety purposes and they also had to be accessible to the firefighters battling the blaze.

In addition, NDOT worked with the Navajo Nation Department of Emergency Management and other tribal divisions and departments at the Emergency Operations Center to provide updates and maintain communications with chapters affected by the fire.

NDOT is also making great progress on other fronts. The division selected Wilson and Company from Albuquerque, N.M. to assist with the planning and development of priority projects. Included in the scope of work was identifying and developing gravel and borrow pits across the Nation for chapter road projects. This is a major accomplishment. For the first time in the history we are moving forward with our own gravel pits instead of relying on outside contractors.

The Huerfano Bridge Project is also moving forward. This bridge is a major bus route and the only bridge providing access to and from the community. Funded through the NDOT direct funding agreement with the Federal Highway Administration, this project is in cooperation with San Juan County to replace an outdated bridge. A wider bridge was designed and is under construction. The BIA Transportation Dept. also contributed funding.

**DIVISION OF SOCIAL SERVICES**

The Title IV-E agreement between the Nation and U.S. Department of Human Services Children’s Bureau is complete. The Navajo Nation is the first tribe in the country approved to administer the entire Title IV-E Program.

We will be providing direct funding reimbursements. This includes foster care, guardianship and adoption subsidies. Too often, our Navajo children in foster care are put in the care of state agencies. Their extended families are often unable to obtain guardianship due to financial hardships. This will address that need and provide a stable stream of resources for our kids.

The Division of Social Services also entered into an agreement with the Annie E. Casey Foundation. The Casey Foundation is devoted to developing a brighter future for millions of children at risk from poor educational, economic, social, and health outcomes. Their work focuses on strengthening families and building stronger communities.

As the Navajo Nation collaborates with the Casey Foundation, we will be focused on keeping
kids safe, establishing permanency, and providing kinship placement of Navajo foster children.

DIVISION OF EDUCATION

The Navajo Technical University Navajo Language and Culture Teacher Summer Immersion Program is making progress at improving the technical expertise of our teachers at schools on the Nation. This summer, teachers participated in the program, learning about different areas of Navajo language and culture. They also earned six to seven credit hours in the process.

The curriculum for Navajo History and Government was also completed this quarter. The curriculum was developed by a committee of teachers for the instruction of Navajo and American history.

On June 9, Navajo Head Start passed their review for the comprehensive federal tribally designated renewal system. It was the first time in 20 years the Navajo Head Start passed the review process and it was a historic achievement for the program. Navajo Head Start will receive a five-year grant award of $125 million.

In Sept. 2011, the Navajo Nation Washington Office informed me the Navajo Head Start was in non-compliance of federal regulations and that a reduction of funds was coming. Immediately, I met with the director of Head Start, Yvette Sanchez Fuentes, on Sept. 26, 2011.

Ms. Fuentes gave me a letter from the previous administration that stated the Navajo Nation was waiving authority over Navajo Head Start and would instead seek to privatize the program. I expressed my objection to the position of the previous administration and convinced the director not to accept waiving the authority of the Navajo Nation. We had hard work ahead of us and I knew privatizing the program was not the answer.

In Dec. 2011, she visited the Navajo Nation and reviewed our program with a team of experts from Washington, D.C. This began our effort to save Navajo Head Start, with the Office of the President and Vice President, Navajo Nation Washington Office and Navajo Department of Justice taking the lead.

Since that time, we have pushed hard for corrective action measures to be fulfilled for the program and ensuring that Head Start leadership was in compliance with our vision. Upon hearing the news of passing the federal review, we were happy beyond words.

NAVAJO GAMING REGULATORY OFFICE

The renewal of the Twin Arrows Navajo Casino Resort was achieved this past quarter, after an April 29, 2014 inspection. As a result of passing the inspection, the Navajo Gaming Regulatory Office received the renewal license on May 1, 2014.
The renewal license was issued for a period of one year and is in accordance with our tribal and state gaming compact. The same day, Twin Arrows opened Phase II of their resort and added 110 additional rooms to the hotel. The Twin Arrows bingo hall is moving forward. We have received the bingo equipment and the procedures for operating the bingo hall have been approved. It is only a matter of time before we open the doors.

On July 17, Twin Arrows Navajo Casino Resort received the AAA Four Diamond Award. AAA evaluated our gaming facility and the recent 110-room expansion. The news of the award is cause for celebration, as our Navajo gaming facility and hotel are now the only Four Diamond rated hotel in Flagstaff.

DIVISION OF HUMAN RESOURCES

The Department of Navajo Veterans Affairs is making progress with building 75 homes for Navajo veterans in the five agencies. Presently, we have 48 homes in various stages of construction. Over the next four years, we will have 300 new homes for our Navajo veterans in need of housing.

Since receiving the $1.9 million funding contract for construction materials from Home Depot in Jan. 2014, Navajo Veterans Affairs has acquired certified house floor plans. They selected Witte Architect, Inc. to design and engineer the homes. Additionally, three Priority I contractors were selected to install the house wiring for the homes.

DIVISION OF PUBLIC SAFETY

The Department of Emergency Management presented a $1.3 million reimbursement check to NTUA for the 2013 Operation Winter Freeze effort. This was the fastest FEMA reimbursement for Indian Country, which was completed within a year’s time. Normally, the process takes three to five years to complete before reimbursements from natural disaster costs are received from the federal government.

On June 19, the Department of Corrections received the notice of substantial completion for the Kayenta Multi Justice Center. This $34 million facility was funded by the American Recovery Reinvestment Act and was constructed by Bitco-Kitchell. They primarily employed a Navajo workforce during the construction.

The 54,000 square feet facility consists of 84 beds, a short-term holding facility and a 13,500 square feet support building for dispatch, police and criminal investigation departments. The building was signed over to the Navajo Nation and a request for insurance coverage has been submitted to the Department of Risk Management.

The Navajo Police Department is moving forward with updating General Orders for the command staff. The standing orders have been in place since 1979. Department personnel discussed the General Orders update and other issues during a work session in May. The department invested...
in a 2014 Diamondback airboat and trailer for the Navajo Police Department Swift Water Rescue Team.

For the Department of Emergency Medical Services, six new ambulances were purchased to continue their mission of providing life support and transport services. The department ordered radios and other equipment for the vehicles, which will be deployed to six field offices.

**DIVISION OF COMMUNITY SERVICES**

The division administration recently received computers from the Social Security Administration. This computer hardware was distributed to various chapters for office use and chapter operations.

On April 24, the Community Housing and Infrastructure Department entered into a memorandum of agreement with the Low Income Heating and Energy Assistance Program for weatherization projects. Additionally, the department received a $5.1 million NAHASDA grant award from Navajo Housing Authority for construction of new homes.

The Housing Improvement Program received $1 million for the construction of seven new homes on the Nation. The program also completed the closeout of $2.3 million in ARRA funding for housing.

Because the Navajo Nation did not receive funding for the FY 2013 funding cycle, the Community Development Block Grant Program submitted a letter of concern to the U.S. Department of Housing and Urban Development headquarters in Washington, D.C. The department completed two power line projects in the last quarter for LeChee and Rock Point. The Weatherization Assistance Program closed out their $9 million ARRA grant after completing 836 weatherization projects. They submitted their final financial report on June 27.

**DIVISION OF HEALTH**

The 2014 Division of Health and Navajo regional consultation was conducted on April 22 in Window Rock. The regional consultation group shared ongoing issues related to the health and welfare of Navajo people for visiting federal agencies.

The division also released a report to Congress on the feasibility of a Navajo Nation Medicaid Agency in May 2014. Mandated by the Reauthorization of the Indian Health Care Improvement Act through the Affordable Care Act of 2010, the study concluded that with the Navajo Nation’s experience with other programs, a Navajo Nation Medicaid Agency is feasible.

Additionally, the division advocated for healthcare facilities construction to federal officials in Washington, D.C. The Navajo Nation Washington Office assisted in the promotion of five IHS healthcare facilities that are on the construction priority listing. The division made contact with 12 congressional offices. $1.5 million was also paid to 18 downwind victims and nine uranium
workers.

Other items the Executive and Legislative Branches have completed together in the past quarter include the $554 million settlement for the trust litigation suit against the federal government, the approval of the five-year CIP plan, federal approval of the General Leasing Act, and enactment of the Navajo Nation Adult Guardianship Act of 2014.

LOOKING AHEAD

There’s plenty more news to share with you regarding our accomplishments and everything is detailed in the Executive Branch quarterly report. One thing is certain: our collaboration and dedication to hard work must continue in order to move this Nation forward.

As we work for the Navajo people, we must never lose sight of that fact that many of our Navajo people, young and old, are struggling. The Navajo people must be kept in the forefront of efforts, whether it is tribal legislation, federal charters, tribal enterprises, or any other area of work requiring government participation. It is the Navajo people that are the governing body of this Nation and that basic fact cannot be disputed.

Thank you for working with us to move the Navajo Nation forward. I realize there is still much more work ahead of us, and the only way this will be achieved is by working together. We look forward to continued relations with the Council for the benefit of our people. Ahe’hee.
FOR IMMEDIATE RELEASE
July 17, 2014

New homes for Navajos in the Former Bennett Freeze Area nearing

WINDOW ROCK – On Thursday, members of the Navajo-Hopi Land Commission announced that funding has been processed and is now available to purchase 17 manufactured homes for Navajo residents of the Former Bennett Freeze Area.

According to Council Delegate Walter Phelps (Cameron, Coalmine Canyon, Leupp, Tolani Lake, Tsidi To ii), the NHLC approved Resolution NHLCJY-20-13 last July, which allowed the use of approximately $1 million from the Former Bennett Freeze Area Escrow Fund Budget to purchase the homes.

“This marks a very significant achievement that will bring homes to families who were identified as most urgent and in serious need in the Former Bennett Freeze Area,” state Delegate Phelps who chairs the NHLC.

Members of the NHLC, the NHLC Office, and the Navajo Nation Department of Justice negotiated and finalized a contract to purchase the 17 homes from a company called Living Life Easy, LLC.

NHLC member Council Delegate Lorenzo Curley (Houck, Klagetoh, Nahata Dzii, Tsé Si áni, Wide Ruins) said although the funding was approved last year, the process to make the funds available which included establishing an account through the Office of the Controller took time.

“It was a difficult and lengthy process, however, we are now very close to providing much needed homes for those people who are most in need,” Delegate Curley said.

Raymond Maxx, executive director of the Navajo-Hopi Land Commission Office, said he is hopeful that the homes will be available to families within one month, while explaining that his office collected information and data to determine the recipients of the homes.

“Our staff conducted surveys and based off of their findings we determined which individuals were most in need,” stated Maxx.

“It’s a good start,” said NHLC member Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts’ah Bii Kin). “This is another step toward empowering the people in that area and hopefully it continues to revitalize and create prosperity within the region.”

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
July 16, 2014

Health, Education, and Human Services Committee receives report regarding Affordable Care Act exemption for Native Americans

WINDOW ROCK - On Monday, the Health, Education and Human Services Committee received a report on the Affordable Care Act regarding upcoming public training seminars to educate Navajo people on ACA revisions pertaining to tax exemptions.

The training seminars will take place in various locations throughout the Navajo Nation from July 28 to August 1, according to Navajo Division of Health director, Larry Curley.

HEHSC chair Council Delegate Jonathan Hale (Oak Springs, St. Michaels) stated that the Indian Health Service urge Navajo people to sign-up for exemption to avoid potential tax penalties.

“I do not want our constituencies out in the chapters to say ‘my government did not tell me it was important for me to file for exemption,’” stated Delegate Hale.

In accordance with the ACA, beginning in 2014, individuals are required to have health coverage or pay a tax penalty, unless they qualify for an exemption. Failure to file for exemption can lead to a tax penalty which can result in incurring interest fees.

“There are more exemptions coming up where people need to identify themselves as a member of a Federally Recognized Tribe. These are requirements being brought up especially if applicants are over and above the federal poverty line,” stated Curley.

In March 2010, President Obama signed the ACA to establish comprehensive health insurance improvements to make health insurance coverage more affordable and accessible for Americans nationwide, including Native Americans and Alaskan Natives.

“There is no clear protocol nor is there a step-by-step process from the IRS when dealing with the exemption issue,” said Delegate Hale. “If you do not file exemption, they are going to fine you.”

Delegate Hale added that it is important for young Navajos to assist the elderly and encouraged them to take their parents and grandparents to the upcoming seminars.

According to the report, the training seminars are a joint collaboration project between the Navajo Division of Health, Navajo Indian Health Service, and the National Indian Health Board.

“In looking at the bigger picture, the ACA expands much more beyond than just filling out forms. These seminars will do the best they can to inform the Navajo people,” stated Curley.

Dates and locations for the ACA training seminars can be accessed at:

To access additional information and the exemption application, please visit:


HEHSC members voted 3-0 to accept the report.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE  
July 14, 2014

Naabik’iyátí’ Committee issues directive to hold public hearings regarding the $554 million Trust Mismanagement Agreement

WINDOW ROCK – Last Thursday, Naabik’iyátí’ Committee members issued a directive to the Office of the Speaker to initiate public hearings regarding the anticipated $554 million award to the Navajo Nation in its Trust Mismanagement Litigation agreement.

In addition, the directive proposed by Council Delegate Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichíí, Steamboat) also calls for public hearings to be held.

The Navajo Nation Council approved the terms of the agreement on May 30, which was later signed into law by President Ben Shelly.

Under the terms of the agreement, the Navajo Nation is expected to receive a total of $554 million, representing the largest recovery of any Indian Nation in any breach of trust litigation with the United States government.

Speaker Pro Tem LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse’Daa’Kaan, Upper Fruitland) said the Office of the Speaker will release a schedule of the public hearings which will include each of the five Navajo Agencies.

“Our intention is to inform the Navajo people and provide the opportunity to voice their thoughts and recommendations.” said Pro Tem Bates. “It’s very important that we develop a responsible and careful plan that benefits Navajo people.”

Naabik’iyátí’ Committee voted 10-3 in favor of the directive. A tentative schedule of public hearings is forthcoming.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
July 14, 2014

Navajo Nation to Host Energy Summit

WINDOW ROCK, AZ. - A new Navajo Nation energy portfolio.
That’s the goal of the Navajo Nation Division of Natural Resources.
Tribal officials state that the Navajo Nation is at a pivotal point in time where it is faced with depleting natural resources and therefore, must find innovative ways to generate new revenue using renewable energy.

This is one topic that will be discussed at a first-ever Navajo Nation Energy Summit, which will be held on July 23-24, 2014 at the Twin Arrows Navajo Casino Resort.

The Navajo Nation Division of Natural Resources is sponsoring the Navajo Nation Energy Summit to establish energy development as a priority for the Navajo Nation. Moreover, the summit will be held educate the Navajo people about the Navajo Nation Energy Policy, which was passed by the Navajo Nation Council in October 2013.

According to Administrative Service Officer Michelle Henry, this is the very first time a summit is being held.

“We want to help the Navajo people better understand the need for a energy policy that best fits the Navajo Nation and establish energy development as a priority,” Henry explained. “We want to educate the Navajo people about the revised energy policy and to showcase current and future energy projects on the Navajo Nation such as large scale power generation to small scale community level renewable projects.”

Currently, the primary source of natural resource revenue generation derives from coal.

Henry noted, “With the new goals of the federal government, the Navajo Nation needs to position themselves to have a balanced portfolio.”

Some of the topics of discussion will include the Energy Policy of 2013, the history of natural resources and energy development on the Navajo Nation, the future of renewable energy, the Navajo
land title data system, information about the general leasing process on the Navajo Nation, protecting, managing and developing Native American’s outdoor and natural resources, the Department of Energy’s comprehensive energy approach for a clean energy future, information about gasification technology, a project development and finance workshop, Bisti Ranch and Bisti renewable potentials, coal markets and its future, carbon capture and information about the global institute of sustainability. Organizers state some of the topics for discussion are subject to change.

Summit organizers are stressing that attendees pre-register, but can also register the day of the conference. For more information about the summit, contact Michelle Henry at michellehenry@navajo-nsn.gov or (505) 371-5405. For information about registration contact Susan Day at sday@frontiernet.net or at (928) 729-4003 or Char Roanhorse at cjroanhorse@frontiernet.net or at (928) 729-4004. For booth information contact Irma Roanhorse at iroanhorse@frontiernet.net or at (505) 371-5406.
Navajo Nation Council
2014 Summer Horse and Bike Ride - Tentative Schedule

Tour de Rez 2014 – Council Delegate Jonathan Nez
Tuesday, July 15 - Navajo Mountain to No Man’s Mesa (Adults Only)
Wednesday, July 16 - No Man’s Mesa to Monument Valley/Goulding’s
Thursday, July 17 - Monument Valley to Kayenta to Chilchinbeto
Friday, July 18 - Chilchinbeto to Canyon De Chelly
Saturday, July 19 - Canyon De Chelly to Nazlini to Ganado
Sunday, July 20 - Ganado to Window Rock fairgrounds
Monday, July 21 - Window Rock fairgrounds to Council Chamber
For more information for the bike ride please contact Tom Riggenbach at (928) 429-0345
For more information for the horse ride please contact Jimmy Black at (928) 401-8746

Eastern Agency Horse Ride – Council Delegate Edmund Yazzie
Monday, July 14 - Mountain Taylor (western base) to Haystack
Tuesday, July 15 - Haystack to Baca Chapter
Wednesday, July 16 - Baca Chapter to Thoreau to Smith Lake to Crownpoint (or Littlewater) to Nahodishgish
Thursday, July 17 - Nahodishgish to Standing Rock to Pinedale
Friday, July 18 - Pinedale to Churchrock to Bahali to Chilchiltah to Manuelito
Saturday, July 19 - Manuelito to Tseyatoh to Rock Springs
Sunday, July 20 - Rock Springs to Window Rock fairgrounds
Monday, July 21 - Window Rock fairgrounds to Council Chamber
For more information please contact Vanessa Begay at (505) 879-9460

Healthier Sustainable Communities events – Council Delegate Elmer Begay
(Horse/bike ride postponed)
Monday, July 14 - Men’s Health Conference at Birdsprings Chapter
Monday, July 14 - Health Fair and presentations at Tolani Lake Chapter
Tuesday, July 15 - Health Fair at Teesto Chapter
Tuesday, July 15 - Health Fair and Youth Conference at Dilkon DBHS Grounds
Wednesday, July 16 - 10 mile run from Teesto to Dilkon DBHS grounds
Wednesday, July 16 - Health Fair and Presentations at Indian Wells Chapter
Thursday, July 17 - Health Fair and Presentations at White Cone Chapter
Thursday, July 17 - Health Fair and Presentations at Greasewood Chapter
For more information please contact Claudia Jackson at (928) 221-6982

Window Rock/Council Chamber
Sunday, July 20 at approximately 4:00 p.m. (tentatively) meet at the Window Rock fairgrounds
Monday, July 21 at 9:00 a.m. (tentatively) proceed to Council Chamber in Window Rock, AZ
If you have any questions, please call the Office of the Speaker at (928) 871-7160
FOR IMMEDIATE RELEASE
July 9, 2014

Law and Order Committee receives update on Ramah Detention Facility

WINDOW ROCK – On Monday, the Law and Order Committee received an update report regarding the construction and funding of the Ramah Detention Facility.

According to Ramah Navajo Chapter Office of Grants and Contracts development officer Martha Garcia, estimates show that it will cost approximately $5 million to complete the construction of the facility, which had to be scaled down in order to meet bid requirements.

“We have been holding biweekly meetings between the construction [entities] and the chapter. Things have been moving along smoothly and we are on schedule,” said Garcia.

The company Arcadis is the delegated construction manager for the project, while the Whiteriver Construction Company is carrying out the construction of the facility, according to Garcia.

The construction is funded by several sources including the American Recovery and Reinvestment Act Fund, the Navajo Nation, Ramah Navajo Chapter, and other federal grants awarded to the project.

LOC member Council Delegate Russell Begaye (Shiprock) expressed concern regarding the size and cost of the project in relation to the future operation of the facility, which is scheduled for completion in May 2015 and scheduled to begin operating in October 2015.

“Do you have an estimate in terms of additional funding? I do not want to see this great building get built and it’s too much for the chapter to handle,” said Delegate Begaye.

Garcia said approximately $350,000 from the Navajo Nation Division of Community Development has been allocated to the project and has recently completed the SAS process, and will now begin the legislative process to approve the funding.

She added that the funds would go towards the security system and laundry area for the detention facility, which were part of the scale backs that can now be added back to the project.

LOC vice chair Council Delegate Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichii, Steamboat) commended the chapter and construction entities for the efficient communication
and diligent work on the project, and encouraged the chapter to seek additional funding to cover potential shortfalls.

“I know there were some scale backs on this project, but I think we can seek additional funding to return those needs back to the project and get them constructed as well,” said Delegate Shepherd. “This facility has been long overdue.”

LOC members voted 3-0 to accept the report.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
NAVAJO SOVEREIGNTY

WINDOW ROCK, Ariz.—Quality foster care is important in keeping children safe and providing a stable living environment.

On June 24, Navajo Nation President Ben Shelly received a letter from the U.S. Department of Health and Human Services stating that the Nation was approved to begin their Title IV-E plan, effective Oct. 1, 2014.

The Navajo Nation set a new precedent in foster care with a recent decision by the U.S. Administration for Children and Families (Children’s Bureau) to execute a direct funding agreement with the Nation.

“We applaud the Navajo Nation’s efforts in bringing approval of this plan to fruition that, once implemented, should help further strengthen the safety, permanency, and well-being outcomes for your most valuable children and families,” stated Joo Yeun Chang, associate commissioner of the Children’s Bureau.

On June 27, President Shelly penned the agreement into law, along with representatives from the Division of Social Services, Judicial Branch, Legislative Branch and Children’s Bureau.

“The Navajo Division of Social Services is the first tribal program in the country to administer the Title IV-E program,” President Shelly said.

SEE Navajo on page 14

$34 million Kayenta Justice Center opens new detention facility, police headquarters

KAYENTA—Navajo Nation President Ben Shelly will tour the new $34 million justice facility in Kayenta on Tuesday, marking the substantial completion of the American Recovery Reinvestment Act funded project.

He will be signing the official acceptance of the center from the Bitco-Kitchell project team on June 20 at 10 a.m.

Designed by Sloan Architects, the 54,000 square foot building consists of 84 beds, a short-term holding facility for male and female inmates, and a 13,500 square foot support building that will house dispatch, police and criminal investigation departments.

“This new justice center will provide the Nation with needed infrastructure for detention services and a suitable headquarters for our Navajo Police in the area,” President Shelly said. “The facility will allow our public safety officers to continue direct services to the Navajo people.”

The facility is located next to the Kayenta District Court, which is another benefit. The location cuts down on travel distance because in the past, families had to travel to other detention facilities in Tuba City or Window Rock to visit incarcerated relatives.

Detention facility overcrowding will find some relief with the new facility, President Shelly added.

Other touches to the new center include culturally beneficial healing areas for a sweathouse, teepee ground and a hogan.

The Navajo Nation Department of Corrections emphasized the importance of maintaining family connections and cultural values in facility, which they believe will help incarcerated members rehabilitate and transition back into society.

Brad Gabel, a partner from Bitco-Kitchell, said the joint venture maximized job opportunities for local workers.

“The construction team created ‘carve outs’ of construction projects to maximize participation by community laborers,” Gabel said. “The result was an 80 percent Navajo worker participation rate throughout the project.”

He noted that his team was honored to be a part of the project, especially the cultural immersion, which increased their knowledge of Navajo traditions and customs.

Bitco is a leading Navajo owned construction management firm. Kitchell is a Phoenix-based construction company with more than 60 years in business.
Welcome to the first issue of *Hozhooji Nahat’á Ba Hane*.  

There are many issues facing the Navajo Nation today and the stories provided in this newsletter are only a glimpse of some of the current challenges.

One such story is the court settlement for the Navajo Nation trust litigation against the federal government for breach of trust. The $554 million settlement is a victory for the Nation and will go a long way in addressing needs with infrastructure, housing, academic scholarships and providing services to our disabled tribal members.

We recently celebrated the Treaty of 1868, which brought our Navajo ancestors back home from Hweeldi. It is because of their sacrifice that we survived to become the thriving, 300,000-plus powerhouse of today. We must never forget them or the treaty.

For the first time in more than 14 years of trying, the Navajo Nation has approved the Capital Improvement Projects five-year plan. This was a long time coming, especially for the 110 chapters that submitted prioritized projects over the years. In cooperation with the 22nd Navajo Nation Council, this major achievement was completed.

Working together and communicating effectively between our branches of government is the only way we will move our Nation forward. We cannot fall back into the rut we were in five years ago, when nothing moved, except petty news releases sling mud between the branches.

Vice President Rex Lee Jim launched the Navajo Nation Golden Rule Day in April. As ambassador for peace and recipient of the Peace and Humanities International Golden Rule International Award, Vice President Jim will host this annual Golden Rule event. His first effort brought peacemaking, effective communication and difficult conversations to the forefront of tribal consciousness.

We have also provided an update from the divisions, on major accomplishments completed during the first quarter of FY 2014. We are making tremendous headway on behalf of the Navajo people and we have a vision to continue moving forward.

Thanks to the efforts of Sen. John Pinto, Gov. Susana Martinez, NM Dept. of Transportation Sec. Tom Church and Navajo DOT director Paulson Chaco, we will see the completion of four-lane construction on U.S. Route 491. This tremendous undertaking is funded through performance bonds issued by NMDOT, which was approved by Gov. Martinez.

There’s much happening on the Navajo Nation. Take a peek inside and read the latest news affecting your chapters and communities. Read about how the Shelly-Jim Administration has been making a difference to improve your quality of life.

*Ahe’hee.*

Ben Shelly, President  
THE NAVajo NATION

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**ASAAYII LAKE FIRE DONATIONS**

TSE BONITO, N.M.—Navajo Nation chapters, including Local Governance Act certified chapters, are a sub-unit of the tribal government. As such, they are required to follow the policies and procedures set forth by the tribal government.

The Navajo Nation Commission on Emergency Management was established under Title 2 of the Navajo Nation Code, under Article 4, Section 881.

As such, they are mandated by the Council to “lead Navajo Nation efforts, in protecting from all hazards and threats by coordinating: preparedness, protection, prevention, response, recovery, and mitigation, to provide effective and efficient emergency management services.”

Additionally, they are granted general and enumerated powers under Section 884. This includes “ensuring the accountability by establishing specific policies, procedures and guidelines for the use of funds, goods, services or any type of assistance intended for use in meeting the requirements of the people in any declared emergency.”

Recent media accounts about donations from the Asaayii Lake Fire being taken without cause are untrue. These sensationalized news stories have been based on Facebook posts from displaced residents affected by the Asaayii Lake Fire.

For more than one week Navajo communities affected by the fire have been under tremendous stress worrying about their homes, livestock and the condition of the land.

Compounding their inconvenience of having to live in temporary shelters for an unknown amount of time. This increases their level of frustration and anger from the emergency situation.

An obvious outlet for many to vent these frustrations have been social media sites such as Facebook, where they have let loose a litany of diatribes and blame on the Navajo Nation President Ben Shelly and the Department of Emergency Management.

These have included several death threats.

The need for accountability of donations is mandated by the Navajo Nation Code, which specifically delegates these authorities to the NNDEM.

“The Department of Emergency Management has been in compliance with all applicable tribal laws, policies and procedures since the start of the Asaayii Lake Fire,” said Rose Whitehair, director of NNDEM.

She noted that the negative comments and innuendo posted on social media sites have been erroneously taken as fact by several news outlets reporting on the fire.

“Reporters are supposed to be objective in their reporting and not subjective, which is definitely happening in the case of the donations,” Whitehair said. “The fire has flared the emotions of many, but it must be understood that we are in compliance with tribal law.”

“The donations are being accounted for and provided as necessary,” she added.

The Navajo Transportation Complex has been hosting teleconference briefings at 6 p.m. since June 20 at the Emergency Operations Center.

The purpose of the briefings is to share activities out in the field with stakeholders in the tribal government, from such areas as natural resources, transportation and public safety.

During the June 22 briefing, news of closures at the Newcomb High School and Tohatchi High School was shared. Both locations will no longer serve as shelters for displaced residents or provide meals.

The Newcomb location will continue to serve firefighters battling the blaze.

In operation still is the Naschitti shelter location, which has a total of 10 people at that location, eight adults and two children. Many families were given the green light to return to their homes today.

The NNDEM will have hard numbers on the number of displaced residents tomorrow, including actual evacuees that received donations from the centers.
2014 NAVAJO TREATY DAY CELEBRATION

President Shelly contrasts treaty with modern day federal government trust responsibilities

FT. DEFIANCE, Ariz.—Under a cloudless sky and blazing hot sun, tribal leaders and local community members gathered to commemorate an event central to the Navajo people’s survival.

On May 31, the community of Ft. Defiance gathered to celebrate Treaty Day with a reenactment of the Treaty of 1868 signing, guest speakers and a barbecue luncheon.

More than 100 people gathered at the Bureau of Indian Affairs Park near the old hospital to participate in the festivities.

The Treaty of 1868 guaranteed more than freedom for the Navajo people. It created another way of life for the Navajo people and new responsibilities for the federal government.

Hweeldi Ba Hane’

The Long Walk of 1864 began with the scorched earth tactics of Kit Carson, who burned Navajo crops and killed livestock in order to force Navajos into surrender.

As Navajos surrendered, they eventually began the 400-mile journey to Ft. Sumner in southeastern N.M. Scores of Navajos died along the way, many of them elders and children.

They suffered internment at Ft. Sumner and many lives were lost during the time of Navajo history known as Hweeldi. The Long Walk changed the lives of Navajo people for the generations that followed.

T’áá hwó ájít éego, or self-reliance, was the mindset of many Navajo people before the Long Walk. After the return back home, that philosophy was changed into dependence upon the government and the reluctance from federal officials to live up to trust responsibilities guaranteed in the Treaty of 1868.

Breach of Trust

On May 30, President Shelly signed legislation into law that ended the litigation against the federal government for breach of trust in safeguarding Navajo Nation trust fund assets. These assets included mineral right royalties from coal, oil and gas.

The Navajo Nation will receive $554 million in an agreement that ends the litigation that has been in court since Dec. 29, 2006.

“T’áá hwó ájít éego. That is what our elders taught us,” President Shelly said.

President Shelly said the federal government trust responsibilities to the Navajo Nation are outlined in the Treaty of 1868. He said Navajos must return to the traditional concept of self-reliance.

(Phot by Rick Abasta)
President Shelly presented the wreath of honor in the memory of fallen Navajo warriors for Memorial Day observance at the Window Rock Veterans Memorial Park. (Photo by Rick Abasta)

President Shelly said the Navajo Nation is a tribe of warriors and that many have given their lives in battle. (Photo by Rick Abasta)

Top, families brought flags to be refolded. Above, the color guard prepare to raise the flags at sunrise. (Photos by Rick Abasta)

Top, the color guard salute. Above, David Nez, director of the Navajo Dept. of Veterans Affairs. (Photos by Rick Abasta)
It took almost 14 years to complete. On May 5, President Ben Shelly signed the Navajo Nation Five-Year Plan into law and finalized 14 years of effort for prioritizing capital improvement projects.

During the spring session last month, the 22nd Navajo Nation Council approved Legislation No. 0118-13 and recommended for approval to President Shelly the Navajo Nation five-year capital improvement projects plan.

The multi-year plan is for capital expenditures, including a detailed one-year capital improvement budget. The priority list includes anticipated project costs, source of capital funds to complete projects, completion dates, and priority rankings.

The CIP plan includes various infrastructure projects, such as bathroom additions, house wiring, power lines, waterlines, buildings, wastewater treatment plants, parking lots, roads, sewer lines, and heavy equipment.

Cause for Celebration

The mood was celebratory as President Shelly penned his name to the legislation.

The five-year CIP plan from 2013 to 2017 totals $295,669,676.35 for projects from the 110 chapters.

The Division of Community Development, along with the Capital Improvement Office, hosted a barbecue luncheon at the Window Rock Veterans Park to kick off the festivities.

President Shelly and members of the Navajo Nation Council provided remarks about the achievement during the luncheon, before sharing the news with the Navajo people during a live remote broadcast with KTNN AM 660 at the Office of the President and Vice President.

Navajo Nation Council

Katherine Benally (Chilchinbeto, Dennehotso, Kayenta) said the CIP plan from the 110 chapters was a major legislation that involved a lot of effort from tribal leaders and provided a blueprint for infrastructure development moving forward.

She mentioned that perhaps the interest from the Permanent Trust Fund could be utilized to fund the projects for the 110 chapters.

“Thank you to the Resources and Development Committee. We stood strong and worked on this. By a vote of 19-1, it passed Council. Thank you, delegates,” Benally said.

LoRenzo Bates (Nenahnezad, Newcomb, San Juan, T’ishtoh Sikaa, Tse’ Daa’ Kaan, Upper Fruita) said passage of the CIP plan was a new beginning for the Navajo Nation.

“We’re moving forward in improvements that are needed at the chapter level, as well as at the central government level,” Bates said. “This has been in the making for nearly 14 years.”

He noted that the 2014-2015 budget for the Navajo Nation is the first time there will be no waiver of the Appropriations Act because of the unavailability of a five-year plan.

“The next big step is to fund these projects,” he added.

Jonathan Nez (Navajo Mountain, Oljato, Shonto, Tsah Bii Kin) gave appreciation to President Shelly and the 22nd Navajo Nation Council for moving the initiative forward.

“I want to say to the Navajo people that this is your voice and a lot of the chapter officials deserve great kudos,” Nez said. “I want to thank each and every one of them for bringing their project listings to the Council.”

He added that there is still time for chapters to submit proposals.

“At the end of the day, as President Shelly always states, ‘It’s about job creation.’ I believe there will be a lot of job creation as a lot of these projects go into construction,” Nez said.

Jonathan Hale (Oak Springs, St. Michaels) said he was thankful for the careful deliberation from tribal leaders to approve the CIP plan.

“There are many challenges facing our people. We need roads for our school kids,” Hale said. “We are thankful for this legislation moving forward.”

George Apachito (Alamo, Ramah, Tohajiilee) agreed with his colleagues and said it was time to address the many needs out at the chapters, such as new buildings for the Navajo Head Start students.

He gave thanks to the vision and leadership of the Resources and Community Development Committee, Health and Human Services Committee, and Speaker Pro Tem Bates.

“Together, we’re making change work.”

President Shelly said thanks and gratitude must be given to the past leaders that had a hand in developing the CIP plan, from Peterson Zah, Edward T. Begay, Albert Hale and Kelsey Begay.

“People say there’s bad things happening in Window Rock. That’s not what I see. I see planning and tribal leaders working together to move this Nation forward,” he said.

“As leaders, we make decisions for the benefit of all. There’s three branches working together. Now’s the time to get working on behalf of your communities,” President Shelly said.

“Together, we’re making change work.”
Tsoodzil, also known as Mount Taylor, has been under attack by mining companies interested in the search for uranium on the mountain. (Photo by Ettie Anderson)

The historic Casa Esencia was the site of the Mount Taylor TCP designation celebration. Many in attendance were professional archaeologists and anthropologists. (Photo by Rick Abasta)

ALBUQUERQUE — Sometimes, the strength of a unified collective has to power to defeat the machinations of industry and development.

Such was the case with the traditional cultural property (TCP) designation of Mount Taylor in New Mexico.

Since time immemorial, Mount Taylor has been known as Tsoodzil to the Navajo people and has been revered as the southern mountain of the Four Sacred Mountains.

The traditional homeland of the Navajo people is located between the Four Sacred Mountains of Sisnaajini (Mount Blanca) to the east, Tsoodzil (Mount Taylor) to the south, Dook’o’o’oshii (San Francisco Peaks) to the west and Dibé Nitsaa (Mount Hesperus) to the north.

On March 18, 2014, Navajo Nation Vice President Rex Lee Jim provided the welcome address at Casa Esencia Hotel to celebrate the designation of Mount Taylor as a TCP. The event was hosted by the Society for Applied Anthropology and the National Trust for Historic Preservation.

“Within Navajo, Tsoodzil means ‘strong tongue.’ So we speak with the power of Tsoodzil,” Vice President Jim said. “We are taught that the sacred begins at the tip of our tongue.

“So when we speak of Tsoodzil, we speak of our ability to articulate, to express ourselves in ways that convinces others,” he added.

Vice President Jim said Mount Taylor allowed Navajos, pueblos and tribes to speak what’s on their mind and in their heart and that it will always be the cultural property of native people.

“Some of us have been fighting on the international level through the United Nations, creating the Declaration of the Rights of Indigenous Peoples, so that all people, wherever they live, where they have sacred sites, that they will be protected,” he said.

The effort to protect Mount Taylor from uranium mining and other industrial development coalesced in 2007, when the Pueblo of Acoma began coordinating the effort for the TCP designation.

The TCP Workgroup was created as a partnership of five tribes – the Navajo Nation, Hopi Tribe and Pueblos of Acoma, Laguna and Zuni – to nominate Mount Taylor as a TCP with the New Mexico Register of Cultural Properties.

Trival cultural advisors, elders and traditional practitioners provided narratives on the cultural significance of the mountain and worked in tandem with GIS professionals, hydrologists, environmental specialists and archaeologists to document tribal relationships to the mountain.

Theresa Pasqual, director of the Pueblo of Acoma Historic Preservation Office, took the lead role in the effort, after being inundated with mail from tribal members opposing the uranium mining.

The spark that ignited the effort to protect the mountain came Pasqual’s phone call to the Hopi Tribe and Pueblo of Zuni.

“I wanted to know if they were seeing the same things that I was seeing at my office: the enormous amount of letters regarding the proposed development happening on Mount Taylor,” she recalled.

A series of meetings titled “Protecting the Sacred” convened after that phone call and over the past seven years, the tribes worked together to map the mountain and reach out to national organizations to bring attention to preserving the mountain.

The Navajo Nation Land Department and Historic Preservation Department provided the maps and GIS data used for the technical aspects of the TCP designation.

“What came out of the effort was truly a partnership and that’s what we’re celebrating,” Pasqual said.

In 2009, the state provided the original TCP designation, which resulted in a mountain of opposing legislation and lawsuits from private landowners, Spanish land grant members and uranium mining companies.

Pasqual said the slew of legislation was meant to undermine the cultural property laws in the State of New Mexico.

The case navigated through the state courts for five years and on Feb. 6, 2014, the New Mexico Supreme Court affirmed the TCP designation.

The high court’s decision to uphold the designation of 400,000 acres and assign it TCP status was unprecedented and profound, according to Dr. Jeffery Pappas, N.M. State Historic Preservation Officer and director of the N.M. Historic Preservation Division.

“It’s an immensely important recognition of a very important traditional and cultural property that is unprecedented throughout the American southwest,” Pappas said.

While the mood at Casa Esencia was celebratory, all agreed that the TCP designation of Mount Taylor was only the beginning and tribes and pueblos must continue working together for the protection of sacred sites and tribal sovereignty.

Tsoodzil, also known as Mount Taylor, has been under attack by mining companies interested in the search for uranium on the mountain. (Photo by Ettie Anderson)

The historic Casa Esencia was the site of the Mount Taylor TCP designation celebration. Many in attendance were professional archaeologists and anthropologists. (Photo by Rick Abasta)
Sen. John Pinto’s efforts for more than 20 years finally pays off.

Navajo Nation President Ben Shelly joined New Mexico Governor Susana Martinez to announce the funding designation of $78 million to complete four-lane road construction on U.S. Route 491. Gov. Martinez said the funding was made possible through the sale of performance bonds by NMDOT to raise money. (Photo by Rick Abasta)

New Mexico Senator John Pinto said he gave more than two decades of his life lobbying for funding to complete the construction on U.S. Route 491. (Photo by Rick Abasta)

Navajo Nation President Ben Shelly praised the efforts of Gov. Martinez and her willingness to work with the Navajo Nation on infrastructure projects across the Nation. (Photo by Rick Abasta)

Top, Gov. Susana Martinez lauded the hardwork and dedication of Tom Church, her cabinet member for NMDOT. She said they have been fiscally responsible. (Photo by Rick Abasta)
KAYENTA, Ariz.—Navajo Nation First Lady Martha Shelly recently launched an initiative to provide eye examinations for elders and children in Kayenta.

The One Sight Project brought a mobile eyelab to provide eye exams, screenings, and eyeglasses courtesy of Walking Shield, Inc.

Serving families since 1986, Walking Shield has followed the mission of improving the quality of life for American Indian families by coordinating programs that provide shelter, healthcare, community development support, educational assistance, and humanitarian aid.

Phil Stevens, a Lakota Sioux, founded Walking Shield, Inc. to improve the quality of life for American Indians. Walking Shield is his Lakota name.

From May 12 to 16, Navajo elders and children received eye exams and eyeglasses free of charge after signing up for the services months in advance.

First Lady Shelly said, “The One Sight Project is unique because they do eye screenings, eye exams and produce eyeglasses on site throughout their mobile lab.”

A total of 157 Navajo elders from Kayenta and the surrounding communities received services and 99 percent received eyeglasses.

In addition, 800 school kids received free eye exams and glasses. The students were from Chilchinbeto, Dennehotso, Kayenta, Pinon, Rough Rock, and Shonto schools.

During the awards dinner on May 15, First Lady Shelly said the need for eye exams existed throughout the Navajo Nation because not all children and their families had the necessary insurance for examinations.

“In 2010, the Arizona Health Care Cost Containment System (AHCCCS) reduced the cost for children's healthcare, especially in the area of eye exams and dental care,” she said. “In addition, we have parents and grandparents that are not working and cannot afford healthcare.

“This project is addressing those needs,” she added.

For day one, the doctors served 150 elders from the Kayenta Senior Citizens Center. School kids were bussed in for the next three days to undergo exams for glasses.

In addition to the examinations for prescriptions, the professionals from Walking Shield checked for eye diseases and other vision conditions.

The Navajo Nation First Lady’s Office continues their mission of providing public outreach to the elders and children across the Nation.

“Thank you to Walking Shield for providing these desperately needed services,” she said.
Navajo Nation forges ahead with new developments

DIVISION OF TRANSPORTATION
The division has worked closely with the New Mexico Legislature in the 2014 session to acquire funding for several road and highway projects. Through such advocacy with chapters, state transportation department and legislators, the funding to complete four-lane construction on U.S. Route 491 was secured. This was not only a major victory of the Navajo Nation, but for Sen. John Pinto as well. His tireless service to the Nation and state is to be commended, especially his unwavering determination to get U.S. Route 491 widened. The Huerfano Chapter bridge construction is also underway, with collaboration with the San Juan County and BIA Transportation Department. A second bridge project is also underway at Dennehotso, which is in the initial stages of planning and preliminary engineering. Both projects were funded through the direct funding agreement between Navajo DOT and the Federal Highway Administration. The collaboration with legislators in the Arizona Legislature continued in the 2014 session to revert a portion of the Navajo Nation Fuel Excise Tax funds that go to the state. The effort is intended to fund direct service delivery of road improvements on the Nation.

DIVISION OF COMMUNITY DEVELOPMENT
The administration has provided technical assistance to chapters on information technology efforts regarding chapter websites, N.M. partnerships, and WIND updates. The Community Housing and Infrastructure Department received a $5.9 million grant from NHA to construct 30 to 40 new homes on the Nation. Design and Engineering Services is moving forward with work on Administration Building No. One. Construction documents were completed and construction began in April 2014. The Solid Waste Management Program hosted 25 public education forums on proper solid waste management and recycling practices to 22 chapters and one community land use planning committee. Approximately 479 individuals attended the events.

DIVISION OF HEALTH
The Kayenta Health Center is now 72 percent complete and is expected to receive additional funding in FY 2015 for completion of construction. The head of the Office of the Environmental Health and Engineering, Admiral Gary Hartz, conducted a site visit of the facility. The Division of Health met this quarter to shore up partnerships between the Navajo Nation, federal government, states and non-profit entities to implement preliminary services for homeless veterans. The plan is to work toward creation of a Navajo Veterans Wellness Facility. For this past quarter, $1,341,161 was paid to Navajo uranium workers through the Office of Navajo Uranium Workers.

OFFICE OF MANAGEMENT AND BUDGET
In the past quarter, the Budget Section reviewed and processed 100 program budgets for FY 2014 for supplemental appropriations. The reports were compiled and summarized in report format for the final FY 2013 expenditure reports for the branch chiefs and division directors. The Contracts and Grants Section has focused on the FY 2014 federal budget and tracking of continuing resolution number one. The impact of FY 2014 funding at the Navajo Nation level has not been determined. Work also continued on the FY 2016 budget request for PL 93-638 funding. The Nation submitted a $49 million budget request for Health, Emergency Management Services, and Navajo Treatment Centers for Children and their Families. A total of $262,337,404 was submitted to the BIA Navajo Region Office on behalf of 19 contracted programs for FY 2016.

DIVISION OF NATURAL RESOURCES
The Minerals Department completed a draft agreement with Mid-America Pipeline Company for renewals of rights-of-way for existing natural gas liquid pipelines. Also included were oil and gas, and coal lease audits, plus sand and gravel lease applications. The Land Department completed the General Leasing Act of 2013 passage through the Navajo Nation Council and President Shelly delivered the legislation to the Secretary of the Interior. The Department of Fish and Wildlife auctioned bighorn sheep hunting permits to promote big game hunting on the Nation. They sold for $35,000 and $49,000 respectively. Navajo Abandoned Mine Lands completed FY 2010 Public Facility Projects for Forest Lake water system improvement and the Nageezi Chapter administration building expansion. The FY 2012 Whitehorse Lake Chapter waterline extension project was also completed.

WASHINGTON OFFICE
The Washington, D.C. Office has a stronger presence with local news organizations and reporters near the Navajo Nation and the communications director was recommended to serve on the U.S. Chamber of Commerce Public Affairs Committee. The office continues to track legislation on behalf of the Nation, such as the Native Language Immersion Student Achievement Act. In addition, they have facilitated communication between the Division of Dine’ Education, Bureau of Indian Education, Department of Education and White House Initiative on American Indian and Alaska Native Education regarding the Alternative Accountability Workbook and other issues. The office has worked on the rewrite of the 1996 Telecommunications Act, which regulates telecommunications across the country.

OFFICE OF THE NAVAJO TAX COMMISSION
For the second quarter of FY 2014, a total of $54,816,777 in tax revenues was collected, which represents 50 percent of the FY 2013 tax revenue projection. From that amount, $35,139,045 is considered Navajo Nation General Funds. The office tax attorney addressed a large number of pending taxpayer appeals, consisting of 20 assessments and 16 cases. The attorney is also working with four chapters to develop tax ordinances.

OFFICE OF THE CONTROLLER
The Office of the Controller has finalized the draft p-card policy and procedure and forwarded the document to the Navajo Nation Council standing committees for approval in April 2014. Grant closeout activities continue and there is a need for temporary staff to closeout FEMA grants. The Title III grant reports are complete and reimbursements have been received for services that do not involve client services. Training for online reporting was done in April 2014. Title III grants will be audited by KPMG. A total of $9,102,416.64 for right-of-way revenues was collected for the quarter, including $328,840.98 for land rent revenues.

NAVAJO-HOPI LAND COMMISSION OFFICE
The FY 2012 U.S. Department of Energy grant was executed with Tetra Tech, Inc. for implantation of Phase III on the 4,000-megawatt solar farm at Paragon Bisti Ranch, in N.M. The $2 million NAHASDA grant detailed project management plan, including budget and training was completed. Additionally the office completed three work sessions with nine Former Bennett Freeze Area chapters. Ten ongoing projects have been reactivated to the end of FY 2014 utilizing monies from the Navajo Rehabilitation Trust Fund.

President Shelly signs $19 million funding distribution to chapters
For the duration of his administration, President Shelly has been fiscally conservative, often invoking the line item veto to save money. The UUFB was in the red by $22 million when he took office. After building up a $30 million savings, he was recently able to sign off on $19 million from the UUFB for the 116 Navajo chapters. (Photo by Rick Abasta)
The Feb. 2014 meeting between Navajo Nation President Ben Shelly, Vice President Rex Lee Jim, and Hopi Chairman Honanie was amicable and informative. They spoke on issues ranging from the golden eagle harvests to surface damage issues in Jeddito to the Grand Canyon Escalade near the confluence on the Little Colorado River. (Photo by Rick Abasta)
The U.S. Department of Interior has approved the Navajo Nation General Leasing Regulation Act of 2013, after meeting with Navajo Nation President Ben Shelly several times since 2013.

President Shelly traveled to Washington, D.C. in March and again with federal officials on a host of issues, including leasing provisions, telecommunications, housing and Navajo Head Start. He also met with the Interior Department to stress the importance of approving the General Leasing Act, especially for its use with the Navajo Land Title Data System.

In 2013, the General Leasing Regulation Act was enacted to streamline residential and business site leasing on the Navajo Nation by providing the Nation authority to approve such leases without involvement from the Bureau of Indian Affairs.

However, mineral and right-of-way leases were excluded from the legislation and still require DOI approval, he said.

“The approval of the General Leasing Act by the Department of Interior is another step toward self-sufficiency,” President Shelly said. “This provides the Navajo Nation the authority to approve leases for homes and businesses.

“New business means growth and economic development for the Nation,” he added.

The Helping Expedite and Advance Responsible Tribal Homeownership Act, or the HEARTH Act, was enacted on July 30, 2012, after President Barack Obama signed H.R. 205 into law.

The bill followed the Navajo Nation Leasing Act of 2000 as a template. Mike Halona, manager of Navajo Land Department said approving the Navajo Nation General Leasing Regulation Act of 2013 would be another historic step for Indian Country.

“There will be no need for the BIA to approve residential home site leasing, schools, religious sites, agriculture, energy, grazing. The Navajo Nation can now do all of those needs to streamline the approval process,” Halona said.

“Once again, the Navajo Nation is leading the way for the rest of Indian Country by using technology and self-determination,” President Shelly said.

“The Navajo Nation improved the HEARTH Act for all tribes.”

The decision to use the Navajo Nation Leasing Act as a template occurred in 2010, when Halona and others met with the BIA and DOI to request for seed money for the Navajo Land Title Data System.

The Navajo Land Department is currently uploading data to the NLTDS.

All current conveyances are being uploaded to the database and Halona said the department is simultaneously entering past data records. He anticipates completion in one to two years.

“Then we’ll have the government certify our system as a title plant,” he said.

Streamlining the land conveyance process will provide users with access to personal, industrial and economic leases, including community land use plans. Since 2006, the Land Department has invested $1.2 million into the database.

“Which is peanuts when you consider what we’ve been able to develop. We developed a system that you cannot get anywhere else and helped all tribes,” Halona said.

The Navajo Land Department will have an enterprise license in place by summer and will begin providing other tribal departments and entities with access to their automated land title plant.

Twelve tribes are already on the waiting list for the chance to follow the NLTDS as a template for their own automated database.

“Imagine the independence that we’ll have. We’ll know every square inch of our land,” Halona said.

President Shelly signed the Navajo Nation Adult Guardianship Act of 2014 into law in June 2014. The law reaffirms the rights of disabled citizens. (Photo by Rick Abasta)

WINDOW ROCK, Ariz.—T’aa bi bohol niih.

“It’s up to the person” is not only a concept of Navajo Fundamental Law, but it is also an inherent right of disabled Navajo citizens.

On June 12, Navajo Nation President Ben Shelly signed the Navajo Adult Guardianship Act of 2014 into law and reaffirmed the rights of disabled Navajos.

“The most important thing we need to remember is that (disabled citizens) have rights that are guaranteed by Navajo Fundamental Law,” President Shelly said.

Such rights include decision making in regard to finances, education, housing and guardianship consent.

He explained that when the Shelly-Jim administration first took office, they began by hosting a series of town hall meetings across the Navajo Nation to engage the Navajo people on their needs.

From those discussions, the challenges facing disabled Navajo citizens came to light, in particular the fact that there have been no major amendments to the tribal code regarding the disabled since 1945.

The newly enacted Guardianship Act changes all of that.

“We have been meeting with Hoskie Benally, president of the Navajo Nation Advisory Council on Disabilities to assist with legislation that meets (the disabled) needs,” President Shelly said. “We’ve also been meeting with the Native American Disability Law Center to discuss the legal aspects of the legislation.”

He said the Executive Branch would make the recommendation to invest funding from the $554 million trust settlement for accessibility at tribal offices and buildings, including facilities at the chapter level.

We have not forgotten the needs of our disabled Navajos, he said, especially since many are returning home with disabilities from the war.

Hoskie Benally, president of the Navajo Nation Advisory Council on Disabilities, expressed gratitude for the new law.

“It’s been since 1945 that (the tribal code) has been revised to meet the needs and give the due process to those with disabilities,” Benally said.

Council delegate Danny Simpson (Becenti, Crownpoint, Huerfano, Lake Valley, Nageezi, Nahodishgish, Standing Rock, White Rock) called the law “historical.”

“I took this legislation very personal to get it passed. As you know, when something very comprehensive comes before the council, it takes five to 10 years to get it passed,” Simpson said.

The 26-page legislation took one-and-a-half years to get enacted by the Navajo Nation Council and President Shelly.

General Leasing Act

Navajo Nation Adult Guardianship Act of 2014

Signed into law by President Shelly
Asaayii Lake Fire spreads after high winds batter Navajo Nation

The Asaayii Lake Fire scorched more than 14,000 acres and became the largest wildfire in Navajo Nation history. More than 20 structures were burned, but many others survived, including large areas of forest and vegetation. (Photos by Ettie Anderson)

WINDOW ROCK, Ariz.—Emotions were running high.

But in the midst of adversity, there is one major truth about the Asaayii Lake Fire: there has been no loss of human life.

Clouds of smoke have billowed across the horizon since Saturday. Residents are worried about their homes and livestock in the mountainous area.

On June 17, Gov. Susana Martinez flew into Window Rock and met with Navajo Nation President Ben Shelly and Vice President Rex Lee Jim.

She came to offer assistance to the Navajo Nation and take a firsthand look at the fire that began in the Asaayii Lake area.

“We have a strong working relationship with Gov. Martinez and we appreciate her taking the time to offer assistance,” President Shelly said. “There have been numerous individuals and organizations that have stepped forward to help.

“We appreciate this outpouring of support. Together, we can make a difference,” he added.

President Shelly and Gov. Martinez walked through the command center shaking hands and commended firefighters for their hard work in extinguishing the blaze.

The fire was described as “spotty” and a “dirty burn” by operations staff. This meant portions of land were still left untouched.

Gov. Martinez had questions about the loss of livestock and structures in the fire. She also asked if the livestock board was being utilized to clear out livestock in the fire area.

Officially, two structures were reported as burned and no reports have come in regarding loss of livestock. Crews couldn’t get anyone into the area to clear out the livestock because of the road closures and potential danger from gusting winds.

The primary concern for the fire crews has been structures and watersheds.

Staff said 13 Type-I hotshot crews are battling the blaze, along with Type-II initial attack crews, 15 engines, four dozers and miscellaneous taskforce leaders and other resources.

Incident commander Bea Day explained that it was a full suppression fire and that was the reason why they were actively going after the fire with the number of crews they have.

“We also have a number of aircraft, if we can fly them,” Day said. “We are ready to take action and we are looking good on the south side and west side.”

She said they had great coordination with the BIA Navajo Region and the Navajo Nation for the purpose of successfully extinguishing the fire. Chapter houses have been actively participating as well, with spike camps in Crystal and Sheep Springs.

Rose Whitehair, agency representative for the Navajo Nation, spoke of the need to dispel rumors about the need for cash donations. She noted that the money was not going to the firefighters or to the incident command team.

“The Red Cross is here and they are helping us with the huge amount of donations. They’re giving us technical assistance with donations management,” Whitehair said.

The Navajo United Way has also stepped up to assist with monetary donations. An account has been established under the name “Asaayii Lake Fire Relief Fund.”

She explained that Facebook pages sprang up for acceptance of monetary donations. The governor knew of the propensity for fraud during an emergency from past experiences.

“It’s going to be very difficult. That’s why we need to dispel rumors about the need for cash donations,” she added.

She asked if additional law enforcement assistance was needed for the state police to be on standby or to be onsite. However, Whitehair said they were already working with the necessary resources and that the incident command was already being inundated with traffic.

Day said some residents disregarded the roadblocks and snuck through the blockades during the middle of the night in search of their livestock.

“I understand their concern,” she said. “But they have to understand that it’s still very dangerous in here.”

After the briefing, President Shelly, Vice President Jim and Gov. Martinez boarded a N.M. National Guard helicopter and flew over the site to see the fire damage before landing on a baseball field at Newcomb School.

They met with Newcomb Chapter residents and shared information about the aerial view of the fire damage. The spot fire patterns were consistent with reports from the crews battling the blaze.

President Shelly and Gov. Martinez assured the residents that the fire wasn’t as enormous as it seemed. The heavy smoke gives the impression that all of the landscape is charred, but that isn’t the case.

They also traveled to Nashcitti Chapter and again met with residents to reassure them that the wheels were in motion to extinguish the blaze.

With the winds dying down, the incident management team was able to get more aerial vehicles out to drop water and fire retardant.

On June 17, President Shelly and Vice President Jim broadcast news about the fire to listeners of KTNN AM 660.

President Shelly’s address focused on the coordinated efforts, from the June 12 executive order mandating fire restriction to the declaration of emergency and the call for tribal programs to assist with the fire.

Vice President Jim’s address focused on safety and he encouraged residents to stay away from the fire zone until the crews had the blaze under control. He also reminded the Navajo people to pray and remember the traditional values.

The next day, medicine men and women were allowed access to the fire site to provide offerings and prayers for the winds to calm for the fire to be extinguished. Vice President Jim also provided prayers and offerings.

President Shelly said the Division of Natural Resources is already communicating with the U.S. Department of Agriculture to reseed the damaged areas.
Gov. Susana Martinez toured the fire damage with President Shelly in a Blackhawk helicopter from the N.M. National Guard to survey the damage. (Photo by Rick Abasta)

Top, spot fires burned some portions of the land, but trees and vegetation survived much of the blaze. Above, a somber sight of charred forest. (Photos by Ettie Anderson)

Hotshots from the southwest and other crews from the Southwest Area Incident Management Team 3 quickly mobilized to control the blaze. (Courtesy photo)

Top, Vice President Jim, President Shelly and Gov. Martinez listened to a briefing in Ft. Defiance before flying over the fire. Above, Gov. Martinez makes a point. (Photos by Rick Abasta)
Navajo Nation to operate Title IV-E program for foster children

Continued from page 1

“I commend Sharon McCabe and her staff for making this possible. “Our kids are important and we must do everything we can to protect them,” he added.

Sharon Begay-McCabe is the director for DSS and has been working with the Children’s Bureau to amend the Nation’s foster care program since 2011, when President Shelly gave the directive to move forward on the direct funding agreement.

According to the Children’s Bureau, the Federal Foster Care Program helps to provide safe and stable out-of-home care for children until the children are safely returned home, placed permanently with adoptive families or placed in other planned arrangements for permanency.

Title IV-E is an annual appropriation with specific eligibility requirements and fixed allowable costs for uses of funds. In FY 2010, the direct funding provision was made available to Indian nations, tribal organizations and tribal consortia with approved plans to operate the program.

The Navajo Nation is the first tribe to qualify and administer the entire Title IV-E program through a direct funding agreement.

“Families can now get reimbursed for caring of our children who are in the custody of Navajo Division of Social Services,” Begay said.

“This law will ensure and promote stability for our children and their families.”

The three main focus areas are in foster care, adoption and guardianship. The Nation will also be reimbursed for training and administrative costs.

“Running the Title IV-E program is an exercise of tribal sovereignty. We will operate a Title IV-E program that is culturally sensitive,” President Shelly said.

Child welfare partners such as the Casey Family Program, Navajo Nation Judicial Branch, Division of Public Safety, Office of the Chief Prosecutor, Office of the Chief Public Defender, Department of Dine’ Education, Division of Health and Office of the President and Vice President were instrumental in getting the direct funding agreement approval.

The daylong celebration was held at Window Rock Veterans Memorial Park and included speakers from across the country.

President Shelly signed the Navajo Nation Title IV-E Agency Plan and Child Welfare Partnership Agreement into law. It is a new precedent for Indian Country to have a tribe administer the entire Title IV-E program.

www.fema.gov

$1.38 million NTUA reimbursement from FEMA

WINDOW ROCK, Ariz.—It was the fastest processing for a FEMA reimbursement check for a tribal nation.

On June 11, Navajo Nation President Ben Shelly presented Navajo Tribal Utility Authority with a $1.38 million reimbursement check for costs associated with Operation Winter Freeze in early 2013.

Winter Freeze was the first tribal disaster declaration made by the Navajo Nation in accordance with amendments to the Stafford Act.

“Congratulations to the Navajo Nation Department of Emergency Management for their work with NTUA and FEMA to get this reimbursement processed quickly,” President Shelly said. “Great things happen when tribal entities work together.”

President Shelly plans to submit a proposal for the creation of an escrow account to address unforeseen natural disasters that may arise in the future. This way, tribal entities can be repaid right away while the reimbursement process takes place.

Rose Whitehair, director of NNDEM, commended NTUA for their thorough accountability.

“They had 100 percent of their documentation and that made all the difference in the world,” she said. “We could not have done it without assistance from the Department of Justice and Office of the Controller.”

Most FEMA reimbursements take three to five years after the emergency declaration to be processed. Operation Winter Freeze was completed in one year.

“We do have a computerized system and we went through a bit of trouble to get through the billing,” said Rex Koontz, deputy general manager for NTUA.

He said the tribal entity’s investment in the system paid dividends, especially when they were able to extrapolate data on the work committed, equipment used, labor hours and more.

“FEMA has their own reporting process that requires certain data. Our system automatically gave them the data and that made (the reimbursement) very quick,” Koontz said. “The Navajo Nation did very good. It unprecedented in getting these dollars back.”

Whitehair said NNDEM also obtained approval from FEMA for refund for the Navajo Nation’s oldest disaster, Operation Hastlish, which was on the books since Dec. 28, 2004.

“President Shelly’s administration developed a new FEMA policy and procedures to streamline reimbursements. This was done with collaboration with NNDEM, DOJ, and OOC,” she said.

In preparation for the upcoming monsoon season, NNDEM has scheduled a sandbag training session on June 27 at the Navajo Nation Zoo.

Other courses include the Community Emergency Response Team training in July and the benefit cost analysis course in August.

www.navajopresident.org
President Shelly joins Gov. Brewer to sign NTU funding agreement

PHOENIX — Education is a cornerstone for the Shelly-Jim administration.

In support of this, Navajo Nation President Ben Shelly met with Ariz. Gov. Jan Brewer on March 26 to sign a funding agreement between the Navajo Nation, the State of Arizona, Dine’ College and Navajo Technical University.

A funding agreement between the Nation and Arizona has been in place since 1999, but recent amendments to the legislation allowed for funding to also be provided for Navajo Technical University.

While signing the agreement into law next to President Shelly, Gov. Brewer said, “It is an honor today to be able to participate with you.”

He responded, “Well, it’s an honor to be with you today. I was supposed to be with Gov. Martinez, but I chose to be here with you today.”

Flanked by Speaker of the 22nd Navajo Nation Council Johnny Naize, delegate Dwight Witherspoon, Dr. Maggie George, Dr. Elmer Guy and former delegate Andy Ayze, President Shelly and Gov. Brewer signed the agreement into law.

After the agreement was signed, President Shelly joined the group for photos and expressed appreciation for the funding.

“The Navajo Nation is thankful for the support we have received from Governor Brewer and the State of Arizona,” President Shelly said.

“This legislation gives our Navajo students a healthy learning environment and the necessary infrastructure at our tribal institutions of learning.

“Chief Manuelito instructed the Navajo people to climb the ladder of education. We are still climbing,” he added.

Under terms of the agreement, Transaction Privilege Tax revenues collected on the Navajo Nation will be utilized to provide up to $1.75 million annually for Dine’ College and $875,000 annually for Navajo Technical University. This will continue through 2020.

Gov. Brewer presented the “$7 million pen” to President Shelly after the signing was completed. He gave the pen to Dr. Guy as commemoration of the historic event for NTU.

On Feb. 7, 2014, Resolution No. 0038-14 was sponsored by Dwight Witherspoon (Black Mesa, Forest Lake, Hard Rock, Pinon, Whippoorwill) and introduced to the 22nd Navajo Nation Council as an action relating to Health Education and Human Services and the Budget and Finance Committees.

The funding compact with the state has been in place since Oct. 19, 1999 and was originally only for Dine’ College. TPT funding collected on the Nation was provided to the college to support maintenance, renewal and capital expenses.

Navajo Nation President Ben Shelly signs an agreement with Arizona Governor Jan Brewer to provide NTU with $7 million. The funds are covered by TPT revenues. (Photo by Rick Abasta)

Bread Loaf School of English partners with Dine’ College for workshop

PHOENIX — The Bread Loaf School of English collaborated with the Navajo Nation Writing Centers Workshop on Jan. 18-19, 2014. The two-day work session took place at the Tsaiie main campus.

Navajo Nation Vice President Rex Lee Jim said the event was a success and that it was the first in a series of workshops designed to encourage writing for participants of all ages.

“Reading and writing are the fundamentals of education. We must encourage our Navajo students to strengthen their writing as we continue to share our stories, culture and lives with the outside world,” he said.

Schools that participated in the workshop included Window Rock Unified School District, Rough Rock Community School, Rock Point Community School, Gallup-McKinley County School District, Central Consolidated School District and Diné College students and faculty.

The respective schools identified representatives that would benefit from renowned professionals at national higher education institutions across the country.

Vice President Jim said, “We ensured that each of the participants understood what a writing center is and that they would be able to convey the knowledge they gained when they returned back to their schools.”

Although workshop was geared toward high school teachers and writing curriculum, invitations were also sent to students.

A sophomore from Window Rock High School had her eyes set on a writing career and said the training was valuable. Her participation in the workshop was equally valuable for the teachers in attendance because she provided insight on what would interest students.

She suggested having access to library collections and historical records documenting the Navajo Nation as important components of the high school writing centers. The group also discussed the potential of dual credit programs with Diné College and Navajo Technical University at WRHS.

Other considerations included college students participating in a mentorship program with high school students to prepare them for the rigors of college, especially with writing.

“Students expressing these kind of ideas are important,” Vice President Jim said. “We must engage our students when developing educational programs.”

The push for peer mentorship will continue, especially for college students tutoring high school students in language arts.
ASU Hozho’ and Education: Tribal leaders meet with students

The Hozho’ and Education leadership forum at Arizona State University on April 11 brought together students and tribal leaders. Discussions focused on leadership, jobs for college graduates, scholarships and maintaining cultural identity outside the Navajo Nation. President Shelly brought his cabinet members to provide specific insight on several subject areas. (Photo by Rick Abasta)

President Shelly answered questions on leadership and advocated for the return to the traditional Navajo philosophy of self-reliance. He said we must not be dependent on others (Photo by Rick Abasta)

Arizona Senator Carlyle Begay spoke of his humble beginnings as a sheepherder being raised by his grandmother. He said education was his way out. (Photo by Rick Abasta)

Larry Curley, director of the Navajo Nation Division of Health, said there are many scholarship opportunities available for students in the health profession. (Photo by Rick Abasta)
President Shelly tours Cutter Dam, receives progress report on water delivery system

Water from the Cutter Reservoir will be utilized for the southwest portion of the Navajo-Gallup Water Delivery System, which will serve more than 250,000 residents. President Shelly toured the Cutter Dam with tribal, federal and state officials to receive an update on the project in May 2014. (Photo by Rick Abasta)

NAGEEZI, N.M.—Drive through the Navajo chapters of Nageezi, Huerfano and Dził Na’oodilii, one thing becomes abundantly clear: the communities are in the midst of drought.

A recent tour with tribal, federal and state officials provided a firsthand view of the conditions in the northwestern N.M. communities located on the eastern portion of the Navajo Nation.

Navajo Nation President Ben Shelly joined chapter officials and representatives from the Navajo Nation Council, U.S. Bureau of Reclamation, Bureau of Indian Affairs and Indian Health Services for a tour of Cutter Dam and Reach 22 on May 9.

The Cutter Lateral is one of two main laterals of the Navajo-Gallup Water Supply Project (NGWSP).

Authorized for construction in 2009 through the BOR, the NGWSP is a basis of the New Mexico Water Rights Settlement between the Navajo Nation, U.S. and State of New Mexico.

Estimates from the bureau indicate that by 2040, a population of 250,000 will be served by the project.

It will provide a long-term, sustainable water supply from the San Juan River Basin to 43 chapters on the Navajo Nation, the southwest portion of the Jicarilla Apache Reservation and the city of Gallup, N.M.

In Sept. 2012, President Shelly and former U.S. Department of Interior Secretary Ken Salazar announced an agreement for $43 million for the Navajo Nation to design and construct a portion of the NGWSP.

The portion will provide clean water to thousands of Navajos and create up to 600 new jobs in the area.

“This project has been in development for a long time, back to my days as a county commissioner and council delegate,” President Shelly said. “These chapters are in desperate need of water and this project will address that.”

The NGWSP is separated into 27 reaches for construction.

The BOR states that the beginning of a reach is typically the location of a turnout that will deliver water to communities.

The two main laterals of the project features 270 miles of pipeline.

Cutter Lateral will provide water to the eastern side of the Navajo Nation and a portion of the Jicarilla Apache Reservation. Reaches 21 through 26 are in the Cutter Lateral segment of the project.

The San Juan Lateral will begin at the San Juan River near Kirtland and stretch south along U.S. Route 491 through Gallup. Reaches 1 through 20 and 27 are in the San Juan Lateral of the project, with extensions to Crownpoint, N.M. and Window Rock, Ariz.

BOR construction engineer Barry Longwell facilitated the tour of Cutter Dam and provided information on the project.

“Conducted in the early 1970s, the Cutter Reservoir was completed in 1974 and has provided water to the Navajo Indian Irrigation Project since. About 80,000 acres is under irrigation presently. He explained that when the dam was built, a pipe was constructed through the bottom portion of the reservoir to release water when the dam was low.

“That’s where we’re going to tie into get water for the Cutter Lateral,” Longwell said. “That will be our pipeline that will be taking water out to all of your communities around Highway 550.”

The 27-inch conduit that extends into the reservoir is where the Cutter Lateral begins. The BOR will be doing modifications to the concrete down at the bottom of the vault, including the pipe gaskets and joints.

We want to ensure the pipe doesn’t leak, so we’re going to put steel bands inside that pipe where and gaskets and joints and seal those, he explained.

“They’re 40 years old now. We don’t know what condition they’re in, so we’re going to seal them and make them water tight,” Longwell said.

A new vault and a T will be constructed for the Cutter Lateral pipeline to hook into for water delivery. The pressure from the reservoir will be used to push the water down to the other side of Blanco Canyon, the site of the first pumping plant.

Longwell said the purpose was to reduce the amount of infrastructure in the remote location to keep costs low.

President Shelly expressed appreciation for the tour of the dam and explanation of its proposed Cutter Lateral use for Navajo chapters.

“For our chapters and communities in the Eastern Navajo Agency, the water is coming. All of you leaders from the eastern agency and agency council have a lot of planning to do,” he said.

“It’s great to see the progress that is being made on this project after so many years of development and discussions,” President Shelly said. “We will continue working together to serve the needs of the Navajo people.”

VITAL STATISTICS

- Two main laterals totaling approximately 270 miles of pipeline.
- Cutter Lateral – Reaches 21 through 26. Serving the far eastern side of the Navajo Reservation and providing a tap to serve the Teepee Junction area of the Jicarilla Apache Reservation.
- San Juan Lateral – Reaches 1 through 20 and 27. Starting at the San Juan River near Kirtland, NM and extending southward, roughly following US Hwy 491 through Gallup; with extensions to Window Rock, AZ, and to nearby Crownpoint, NM.
- Numerous pumping plants and storage tanks.
- Two Water Treatment Plants – Cutter Lateral and San Juan Lateral.
- Power Supply Facilities – Project is eligible to receive Western Area Power Authority (WAPA) power.
- Navajo Nation (29,060 acre-feet/year = 6,410 in AZ and 22,650 in NM)
- City of Gallup (7,500 acre-feet/year)
- Jicarilla Apache Nation (1,200 acre-feet/year)
WINDOW ROCK, Ariz.—On April 17, 2014, more than 100 Navajo college students were honored at Navajo Technical University and San Juan College.

Navajo Nation President Ben Shelly joined Patricia K. Collawn of PNM to honor the students. Collawn is chairwoman, president and CEO of PNM.

Students received scholarships as part of the PNM-Navajo Nation Workforce Training Program for careers in energy, construction, manufacturing and technology.

One such person was Sean Tohannie, a SJC student majoring in instrument and controls technology.

In a letter to PNM and the Navajo Nation, Tohannie stated, “Since I live in Arizona and San Juan College is in New Mexico, we had to commute to and from for a total of four hours. It took a lot of money and time out of our studying and homework. When we the extra money we were able to stay in motels for another day to catch up.”

Tohannie was one of the 47 NTU and 77 SJC students in certificate, associate and bachelor degree programs to receive scholarships since 2013.

The initiative was created in 2013 by PNM’s $1 million five-year funding commitment. It is designed to prepare Navajos for jobs that are in demand and important to the Four Corners area and the Navajo Nation.

These jobs are in the energy, oil and gas, construction, information technology and manufacturing sectors.

Addressing students at NTU, President Shelly said, “Here on the Navajo Nation, our most important resource is our Navajo people. Our human resources are our heart and mind.”

“To compete globally, we are creating a workforce to attract business. Our resources at home are you and your talent,” he added.

In May 2014, 12 students will graduate from NTU and nine will graduate from SJC.

NTU’s recent effort to offer a four-year degree brought in 15 PNM-Navajo Nation Workforce Training Program participants for enrollment in information technology, engineering and environmental science programs.

“As we move forward as a people, we are making a future to provide for our families, how we’re going to provide for our children and most importantly, how we are going to provide for our elderly,” President Shelly said.

He said there are over 300,000 Navajos in the world and what sets us apart from Indian Country as the largest tribe in the U.S. is our drive, vision and belief that there’s always something better out there.

“Everything rests on you,” President Shelly said.

The training program is part of PNM’s efforts to minimize economic impact related to the proposed 2017 closure of two units at the San Juan Generating Station near Farmington.

The closure is part of an agreement between PNM, the Environmental Protection Agency and the New Mexico Environment Department that would allow San Juan to comply with a federal regional haze rule.

The program scholarships are not funded by customer rates and provides $200,000 over five years.

“Helping lay the foundation for a stronger New Mexico economy is important to PNM and all of us here,” Collawn said. “Having a strong economic base empowers our communities.

“It allows individuals to provide for themselves and their families to improve their quality of life,” she added.

NTU President Dr. Elmer Guy and SJC President Dr. Toni Pendergrass joined President Shelly and Collawn last week to honor Navajo students in Crownpoint and Farmington.

“Because of this

“PNM-NN Workforce training provides opportunity

The honorary stoles presented to students by President Shelly during the commencement ceremonies at Navajo Technical University and San Juan College. (Photo by Michele Morris)
Navajo Nation President Ben Shelly and First Lady Martha Shelly were joined by Hopi Chairman Herman Honanie and his family at the University of Arizona Native American Student Affairs Convocation in Tucson in May 2014. A multitude of students graduating from the Navajo Nation and Hopi Tribe. (Photo by Rick Abasta)

Left, Victor Begay, a doctorate graduate at ASU, provided the keynote address to students. Right, the Navajo Nation Flag was on display at Gammage Auditorium. (Photos by Rick Abasta)

Left, President Shelly presents graduates with stoles during the ASU American Indian Convocation in Tempe. Right, graduates at the University of Arizona file in. (Photos by Rick Abasta)

Left, graduates from the University of Arizona anxiously await their chance to walk the stage. Right, President Shelly congratulates a Navajo student from St. Michaels. (Photos by Rick Abasta)
President Shelly signs $554 million litigation settlement

Navajo Nation President Ben Shelly signs the $554 million settlement for the Navajo Nation trust settlement against the federal government for breach of trust responsibilities. Upon signature, the Nation will have to wait 120 days to receive the settlement. While many task force members have been advocating the development of an expenditure plan, President Shelly has strongly encouraged all to consider creating an investment plan instead. He cited the areas of housing, scholarships, infrastructure and disabled citizens as legitimate areas of need for the Navajo Nation. (Photo by Rick Abasta)

President Shelly presented Navajo DOJ Deputy Attorney General Dana Bobroff with a blanket for her years of hard work on the case. She broke down in tears. (Photo by Rick Abasta)

Navajo Nation Attorney General Harrison Tsosie said the litigation was won in court by attorneys who were prepared for the Nation. (Photo by Rick Abasta)

Leadership from the Executive and Legislative Branches stood proudly after the signing for the accomplishment of a hard fought victory won by working together. (Photo by Rick Abasta)

Council delegate Lorenzo Curley expressed the need to expedite an expenditure plan before the funds arrive in 120 days. He was also on the task force. (Photo by Rick Abasta)
Navajo Nation $1 billion bankruptcy settlement

WINDOW ROCK, Ariz. — On April 3, the U.S. Department of Justice announced the court decision for Tronox Inc. v. Anadarko Petroleum Corp.

According to the settlement, Anadarko Petroleum and former parent Kerr-McGee Corp., have agreed to pay $5.15 billion for abandoned uranium mine cleanup in the northern and eastern agencies of the Navajo Nation.

Approximately $4.4 billion will fund environmental claims and cleanup for damages for claimants of Tronox. The Nation is one of several claimants in the case, which include the U.S., 22 states, four environmental response trusts and a trust for tort plaintiffs.

Tronox will receive 88 percent of the $5.15 billion settlement and the Navajo Nation will receive 23 percent of that amount, totaling $1 billion. The Nation will utilize the funds for cleanup of 49 abandoned uranium mines that were owned by the Kerr-McGee.

“This settlement was the result of the Navajo Nation’s claim against Tronox when it filed for bankruptcy in 2008,” President Shelly said. “We lobby Congress heavily to request funds from federal agencies and that takes a long time.

“Going into a bankruptcy case demonstrates that we have not stood idle on this effort. The government understands its trust responsibility for cleanup of the legacy uranium mines,” he added.

The settlement will address cleanup at 49 abandoned mine sites, but hundreds more still remain unfunded.

The Kerr-McGee reorganization of 2005 placed decades of environmental liabilities upon Tronox. Anadarko eventually acquired Kerr-McGee and became the parent company of Tronox in the process.

The lead agencies in the settlement agreement were the Navajo Nation’s Environmental Protection Agency and Department of Justice.

For more than three decades, several individuals working for the Navajo EPA Superfund Program contributed significantly toward the landmark settlement, including the late Arlene Luther, Jerry Begay and Eugene Esplain.

Stephen Etsitty, director of Navajo EPA, said the opportunity to file a claim in the Tronox bankruptcy case came in 2009.

“Tronox was overloaded with environmental liabilities from Kerr-McGee,” Etsitty said. “They wound up suing Kerr-McGee and Anadarko.”

David Taylor, staff attorney with Navajo DOJ, assisted Etsitty with the legal work to complete the filing.

Working for Navajo Nation since 2005, Taylor brought valuable Superfund cleanup experience to the table and was previously the principal enforcement attorney for the state of Missouri.

“Taylor’s efforts to cleanup the dioxin contaminated lands in Times Beach, Missouri in the 1980s and early 90s is commendable. It is still recognized as the largest civilian exposure to dioxin in U.S. history,” Etsitty said.

In 2011, staff from the Navajo EPA Superfund provided tours of the Kerr-McGee abandoned uranium mine sites to U.S. Justice Department attorneys in preparation for the trial.

In the summer of 2012, President Shelly and Navajo Nation Attorney General Harrison Tsosie testified in New York City for the court case. Etsitty and Perry Charley were selected as witnesses.

President Shelly said that tribal former leaders were instrumental in providing guidance. My administration never gave up and we ultimately prevailed, he added.

“I am proud to say ahe’hee to the Navajo people for your patience and prayers,” he said. “The settlement will be a great help in restoring the abandoned uranium mine sites, but we must not forget about the 460 other sites still in need of cleanup funds.”

The Navajo Nation’s litigation team included attorneys from the Chicago firm of Kirkland and Ellis, the Office of the U.S. Attorney for the Southern District of New York, U.S. Justice Department, and representatives from the U.S. EPA in San Francisco.

On June 20, the students from the Navajo Nation Environmental Workforce Development and job training program graduated after weeks of learning abandoned uranium mine cleanup techniques.

In the summer of 2012, President Shelly met with the U.S. EPA in San Francisco, where he requested for training to prepare a Navajo workforce for the cleanup efforts.

“I would like to thank the U.S. EPA Brownfields Program, NAU, Navajo EPA and the instructors who provided the hands on instruction,” President Shelly said.

He added, “I want to express my sincere appreciation to each of you graduates for your decision to participate in this program. I expect you will do wonderful things for the Nation.”

Navajo Nation Attorney General Harrison Tsosie said the $1 billion settlement was won in court by Navajo Nation attorneys and outside legal counsel working together. (Photo by Rick Abasta)

Navajo EPA director Stephen Etsitty said the $1 billion settlement will provide the necessary cleanup for 49 abandoned uranium mines. He is currently promoting training Navajos. (Photo by Rick Abasta)

President Shelly continues to advocate on behalf of veterans

During a meeting a Dzil Yishii Chapter, President Shelly made the initial announcement of the $1 billion settlement to a large acunidence of residents. (Photo by Rick Abasta)

During a report at Tolani Lake Chapter in April 2014, several veterans were in attendance and asked President Shelly for support on various issues. He shared his record of staunchly supporting Navajo veterans from his days on the Council to his role as a father and grandfather of veterans that served on the frontlines. (Photo by Rick Abasta)
NMDOT to complete four-lane construction on 491

SHEEP SPRINGS, N.M. — It was a celebration.

Although there was no groundbreaking, no ribbon cutting or any other ceremony indicative of commemoration, the announcement by N.M. Gov. Susana Martinez that four-lane highway construction for the completion of U.S. Route 491 improvements would be funded was enough cause for celebration.

On March 26, a crowd of 50-plus people gathered alongside U.S. Route 491 while commercial trucks and other vehicles sped by. A makeshift stage on a tractor-trailer bed faced an audience seated on folding chairs.

Navajo Nation President Ben Shelly spoke first and began by giving recognition to Sen. John Pinto.

“I’d first like to start by recognizing the hard work and dedication of a man that made the four-lane construction of U.S. Route 491 a priority in his service to the State and the Navajo Nation: Senator John Pinto,” President Shelly said.

He said Sen. Pinto got the ball rolling for the four-lane construction on U.S. Route 491, which was formerly named U.S. 666 and called the “Devil’s Highway” because of the large number of fatalities on the road.

President Shelly also thanked Gov. Martinez for her commitment to working with the Navajo people, which he said was “unquestionable.” He presented a letter of appreciation for her recent approval of capital outlay funding to the Navajo Nation.

He recalled how the importance of U.S. Route 491 was underscored on July 5, 2013, when a portion of the road between Naschitti and Sheep Springs was closed after heavy flooding damaged a portion of the roadway.

“The rest of the country quickly realized how vital this road is to travel in the Four Corners region,” he said.

Sen. Pinto spoke next and was assisted to the podium by Gov. Martinez.

He gave thanks for those in attendance and remembered how he and others began advocating for widening the roadway more than 20 years ago. Funding was a constant concern.

“There were years when the money could have been taken away from us for other use. After asking for money year after year for almost 20 years, we are here today,” Sen. Pinto said.

He expressed sadness for those that lost their lives on the highway and said completing the four-lane construction would put an end to the destruction and make the road safe for Navajo families and all visitors.

Sen. Pinto said, “This is an important highway. It brings all of the Navajo people together. We all drive great distances to keep connected with families and work.”

Tom Church, cabinet secretary and director of New Mexico Department of Transportation, said he has worked for the highway department for more than 21 years.

“During my entire career, we have talked and promised that this highway improvement to the people of northwest New Mexico would be completed and I am proud today that Gov. Susana Martinez will keep that promise,” Church said.

The funds were generated from the sale of bonds with a triple-A rating, he explained.

“Three years ago, the state transportation department could not have done this project. We were operating at about $100 million in the red,” Church said. “It’s been the sound financial and fiscal policies of the governor and the transportation commission that really turned the department around.

“Now, we’re operating $100 million in the black,” he added.

Gov. Martinez agreed with Church and gave him praise for his leadership in turning the department around.

She credited him with being smart about the money that taxpayers paid to the state government and making it stretch, making the best of it and completing a project as big as U.S. 491.

“Today, we’re here to talk about an important project that will of course make U.S. 491 more safe and accessible,” Gov. Martinez said. “This road is an essential highway for commerce and tourism in the area, with local families and businesses depending on it on a daily basis.”

In 1982, the state widened 21 miles of the two-lane road into a four-lane highway, which saw an immediate decrease in the accident severity and fatality rates on that stretch of road.

The remaining two-lane road from Shiprock to Gallup was listed in the top 10 most dangerous highways in the U.S. and had a fatality rate six times higher than the rest of the state. Sixty percent of those fatalities were alcohol related.

“In 2003, the highway designation was changed to (U.S. Route) 491 and that same year, the legislature approved more funding for more areas of the corridor to be reconstructed,” Gov. Martinez said.

She noted that 21.8 miles remain to be constructed at a cost of $78 million.

“The New Mexico DOT recently issued $80 million in new money revenue bonds to fund certain eligible highway projects, including U.S. Route 491,” Gov. Martinez said. “Today, I am pleased to announce that much of that money will be spent to improve this road and the safety of those who travel upon it.

“The proposed improvements to this corridor will improve safety, efficiency and drive economic development along the highway in surrounding communities,” she added.

Major improvements include two additional lanes to increase capacity, a median separating northbound and southbound lanes, plus development of acceleration and deceleration lanes in congested and high traffic areas.

Improving drainage to prevent water from flooding the roadway is another important safety feature.

“I am proud of all the hard work that has gone into this vital project,” she said.
In Feb. 2014, Navajo Nation President Ben Shelly and Vice President Rex Lee Jim traveled to Santa Fe to meet with Gov. Martinez on concerns with Tribal Infrastructure Funds, capital outlay and road construction on main arteries crossing through the Navajo Nation. Several cabinet members from the administration were also present to ask specific questions. (Photo by Rick Abasta)

President Shelly has a strong government-to-government relationship with Gov. Martinez. They spoke at length on several issues facing the Nation. (Photo by Rick Abasta)

Gov. Martinez also has a strong relationship with Sen. John Pinto, the most senior ranking member of the N.M. Legislature. Sen. Pinto brought up the need to continue construction on U.S. Route 491 for the safety and welfare of all travelers in the area and the state of New Mexico. (Photo by Rick Abasta)
Diné Binaat’áanii Bil Da’ínííshjí T’áá Naás Diné Yá Deílníísh

At the Navajo Nation Executive Branch, we continue to work on behalf of the Navajo Nation. It is our responsibility to carry out the administrative functions of the tribal government.

Navajo Nation President Ben Shelly and Vice President Rex Lee Jim extend thanks and gratitude to our divisions, departments and programs for your loyal service on behalf of the Navajo people.

Our employees are the greatest natural resource for the Navajo Nation. By providing direct services to the Navajo people, you are at the seat of power for our tribal government.

We continue to work together with our partners at the Legislative and Judicial Branches. Together, we can achieve great things for our Navajo Nation. Ahe’hee!

Navajo Nation Divisions and Offices

<table>
<thead>
<tr>
<th>Division of Community Development</th>
<th>Navajo Environmental Protection Agency</th>
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<tbody>
<tr>
<td>Division of Dine’ Education</td>
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FOR IMMEDIATE RELEASE
July 7, 2014

Navajo Nation Fish and Wildlife Hosting Summit to Bridge Communication Gaps

WINDOW ROCK, AZ. – Bridge communication gaps.

That’s the goal of a Navajo Nation Fish and Wildlife Summit that will be held at the Twin Arrows Navajo Casino Resort on August 5-6, 2014.

Navajo Nation Fish and Wildlife Department Manager Gloria Tom said the purpose of the summit is to educate and inform local chapter leadership about wildlife management.

Tom stated, “Most interactions at the local level between people and wildlife have been negative. For example, livestock losses to predators, big game conflicts with farmers and prairie dog conflicts in rangelands, etc. The department is hosting a summit in an effort to inform and educate the local communities and to bridge communication gaps that currently exists between the department and local governments especially grazing communities.”

Tom added, “We want to accomplish this by educating local officials on wildlife and the various projects we are initiating on behalf of the Navajo people and to also educate them on the importance of our wildlife resources. They provide economic benefits to the tribe as well as being ecologically important to our landscape.”
Rather than sponsoring workshops or a conference, Tom said the Navajo Nation Fish and Wildlife Department wants to host a summit to obtain input from the local communities.

“We do not want to be the only ones talking at the summit,” she noted. “We want the people attending the summit to bring forth their perceptions, viewpoints, questions, issues and concerns. We also want people to tell us what is working in their communities in regards to wildlife management on the Navajo Nation.”

The public is invited to the free event; however, Tom said they specifically want local chapter officials, grazing committees, land boards and farm board representatives to attend.

“There are many obstacles and barriers that we face when it comes to balancing our needs with the needs of our wildlife. Many people don’t see the benefits of properly managing our wildlife. Many people automatically see the competition between humans and wildlife,” Tom said. “The goal of the summit is to educate and inform our local leaders so we can all work towards overcoming these barriers and establish partnerships with local communities. We also want to work together to develop sound local management strategies that not only benefit us, but benefit our natural resources as well.”

For more information about the Navajo Nation Fish and Wildlife Summit, call (928) 871-6450. There are sponsorship packages available to set up a booth; however, booth spaces are limited. For more information about booth space, call (928) 871-6595 or email contact at jcole@nndfw.org

Registration forms are available online at www.nndfw.org – the deadline to register is July 18, 2014 and is limited to 600 attendees.
FOR IMMEDIATE RELEASE
July 3, 2014

**Law and Order Committee receives update on Dilkon Justice Center**

WINDOW ROCK – On Monday, the Law and Order Committee received an update report regarding the Dilkon Justice Center, which will include a correctional facility, juvenile services, law enforcement and patrol, and criminal investigations.

According to the report provided by the Navajo Nation Department of Corrections director Delores Greyeyes, schematics are completed for the Dilkon Justice Center, which allows the design and planning phase to begin.

“We will need about $2 million to complete the planning and design phase of the 54,000 square foot building,” said Greyeyes. “It will cost an estimated $38 million to complete the project in its entirety.”

Greyeyes added that the high-price is due to the construction of the correctional facility, which will require additional building material and metal components, as compared to a standard office building that does not require such.

LOC vice chair Council Delegate Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichii, Steamboat) expressed support for the Dilkon Justice Center project and inquired as to when construction will begin.

Greyeyes said that once the $2 million is secured to complete the planning and design phase, the project will be construction-ready. In the meantime, NNDOC is seeking additional funding to begin construction.

LOC member Council Delegate Elmer Begay (Dilkon, Greasewood Springs, Indian Wells, Teesto, Whitecone) who represents the Dilkon community, requested the committee’s involvement in the efforts to obtain the $2 million.

“Is there a way we can involve the LOC with this project? This justice center is being built in my district and I want to help get funding so construction can begin,” said Delegate Begay.

Delegate Shepherd recommended that the committee seek funding from the Navajo Nation’s Unreserved, Undesignated Fund Balance. He added that the NNDOC and NNDDE should begin the SAS process to initiate the legislation process.

LOC members voted 3-0 to accept the report.

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For news on the latest legislative branch activities, please visit [www.navajonationcouncil.org](http://www.navajonationcouncil.org)
President Shelly reaffirms fire restriction, prohibits fireworks

WINDOW ROCK, Ariz.—There will be no fireworks display this year during the 28th Annual Fourth of July Youth Celebration and PRCA Pro Rodeo.

Navajo Nation President reaffirmed the Navajo Nation fire restriction and encouraged tribal members not to attempt lighting any fireworks due to the extreme drought conditions and potential for fire.

“Because of the dry conditions of our land and the recent challenges associated with the Asaayii Lake Fire, I have given the directive to restrict all fireworks on the Nation, including the Fourth of July celebration at the fairgrounds,” President Shelly said.

He noted that prevention of forest fires must be exercised during this holiday weekend.

President Shelly issued an executive order on June 12, mandating the fire restriction to be observed across the Navajo Nation.

The next day, a human caused fire near Asaayii Lake fanned the flames for the largest forest fire in Navajo Nation history, charring over 14,000 acres of land in the Chuska Mountains.

The cost of the Asaayii Lake Fire is in excess of $8 million.

In addition to fireworks, the fire restriction includes provisions that any traditional ceremonies involving fire must be done through proper permitting with the tribal forestry department.

“The Nation cannot afford another fire,” President Shelly said.

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FOR IMMEDIATE RELEASE
July 1, 2014

Health, Education, and Human Services Committee approves report from the Center for Native American Health (CNAH)

WINDOW ROCK – Last Wednesday, the Health, Education, and Human Services Committee received a report regarding the Center for Native American Health (CNAH), presented by founder and director, Dr. Gayle Dine’ Chacon from the University of New Mexico Health Sciences Center.

CNAH was founded in 2002 and established to develop partnerships between tribal communities in New Mexico and the UNM School of Medicine. CNAH aims to provide Native American student outreach, recruitment and retention into health professions by interacting with tribal and off-reservation schools and communities.

“Since the 12 years that CNAH has been in operation, we have provided outreach, technical assistance education, cancer education, research development, behavioral health needs and student development recruitment retention with American Indians into medicine,” stated Dr. Chacon.

HEHSC chair Council Delegate Jonathan Hale (Oak Springs, St. Michaels) shared his encouragement and stressed the importance of the program for Navajo students.

“The assistance comes back to us as a committee to have that dialogue with UNM to ensure that this program still survives with the information that was given because there is a significant number of Navajo students attending UNM,” stated Delegate Hale.

HEHSC member Council Delegate Kenneth Maryboy (Mexican Water, Aneth, TeecNospos, Tólikan, Red Mesa) expressed his appreciation to Dr. Chacon, noting that she has overcome turmoil and change within her career.

“I admire the University because your students and departments have done some research regarding the contaminants of water regarding the Utah water issues,” stated Delegate Maryboy.

Currently, CNAH has a budget of approximately $486,000 and receives the Indians into Medicine (INMED) Grant, funded by IHS. The program is currently seeking a five-year grant renewal, which will continue to fund the majority of Native American students.

“Right now, given the situation of our organization, due to funds with a grant with IHS [INMED grant], we are not sure whether our organization is going to be able to continue to support our health care students to make sure they graduate,” stated CNAH Program Specialist, Mikaela Crank Thinn.
Despite a decrease in funding and staffing this past year, CNAH continues to deliver educational and training sessions to communities on the Navajo Nation.

According to the report, nearly 5% of students of UNM Health Science Center are Native American and the majority of them are Navajo. In the 2013-2014 academic year, UNMHSC had approximately 130 Native American students seeking various degrees in medicine, pharmacy, nursing, physical therapy and public health.

“We hope that Navajo Nation is able to enter into an Intergovernmental Agreement with UNM to ensure that Native American students’ developmental programs are appropriately funded and continues to support CNAH and the goals and objectives of student development,” stated Dr. Chacon.

HEHSC members voted 3-0 to accept the report.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
July 1, 2014

Resources and Development Committee approves the establishment of Administrative Service Centers as part of the Nation’s decentralization initiative

WINDOW ROCK – Last Thursday, the Resources and Development Committee approved Legislation No. 0139-14, amending the plan of operation for the Navajo Nation Division of Community Development to establish 16 new Administrative Service Centers across the Navajo Nation. The centers will replace the five Local Governance Support Centers as part of the ongoing decentralization initiative.

The purpose of the Administrative Service Centers is to provide planning services, technical assistance, and guidance to chapters relating to project planning, infrastructure development, community land use planning and provide guidance to the Five Management System and policies.

Legislation sponsor Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts’ah Bii Kin) expressed his support of the continuing efforts dedicated to the decentralization initiative.

“The overall initiative is to bring more jobs to the local chapters and bringing knowledgeable professionals to help build our Nation and to decentralize some of the authority here in Window Rock to these 16 centers so that service deliveries to our constituents will be efficient,” stated Delegate Nez.

In 2013, the Budget and Finance Committee directed the DCD to carry out the decentralization initiative. In August 2013, the Navajo Nation Council approved $3 million for the decentralization effort.

The DCD conducted a series of public hearings regarding the initiative at various chapter houses and received overwhelming support for the initiative, according to Delegate Nez.

DCD executive director Leonard Chee stated in January that the initiative will place emphasis on developing staff positions to operate the new centers.

“The LGSC’s will be phased out, so this is a decentralization transition. The new positions will be created and current positions will transfer. However, some positions require [college] degrees and a certain amount of experience,” stated Chee.

The new centers will include a director to develop and implement policies and procedures for effective management. Each center will be staffed by a senior planner, administrative assistant, accountant, and plans are underway to hire attorneys for the centers as well.
According to the legislation, the existing LGSC’s will continue to operate during the transition period.

“My wish is to transfer LGSC staff into 16 administrative centers and to continue their tenure and benefits. We are also hoping to recruit some highly-educated people and we hope to build upon bringing in some young and educated people. Overall, it is to provide better services and to have an efficient government,” stated Delegate Nez.

RDC chair Council Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta) expressed support for the legislation and urged her committee colleagues to do so also.

“It is time to implement this legislation and make the necessary changes. I believe that this is part of the vote—the vote of the people when they reduced the Council to regionalize,” stated Delegate Benally.

RDC members voted 3-0 to approve Legislation No. 0139-14.

The Resources and Development Committee serves as the final authority for the legislation.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
June 25, 2014

Budget and Finance Committee offers clarification over $19 million appropriation to Navajo Chapters

WINDOW ROCK – On Monday, the Budget and Finance Committee received a report regarding the Navajo Nation Council’s recent appropriation from the Unreserved, Undesignated Fund Balance in the amount of $19 million for local level community needs, veterans assistance, and student employment to the Navajo Nation’s 110 chapters.

BFC vice chair Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts’ah Bii Kin) expressed his concerns to the committee regarding the distribution and spending deadlines for the appropriation.

“I have heard concerns from the chapters regarding the deadline to expend funds by the end of this fiscal year on September 30. We need to clarify to the chapters how and when the money should be spent,” said Delegate Nez.

A directive was issued to the chapters and Local Governance Support Centers to expend the funds by the fourth quarter of the current fiscal year, intended to expedite the hiring process for high school and college students.

Citing the Navajo Nation Appropriation Act, Navajo Nation Controller Mark Grant said monies allocated to Navajo chapters could be carried over into the following fiscal year as needed.

Grant further explained that the funds cannot be utilized for stipends, per diem, or travel for chapter officials.

“Now that we have clarification, LGSC will be able to relay this information back to the chapters, but we still need the appropriate budget forms from all the chapters turned in as soon as possible so we can begin hiring students immediately,” said Delegate Nez, following the meeting.

According to the legislation passed by Council on June 6, $15 million will be appropriated to address local level community needs, $1 million for specific needs of Navajo veterans, and $3 million for temporary summer employment for college and high school students.

President Ben Shelly signed the $19 million appropriation into law on June 13. Distribution of the funds will be based on the number of registered voters in each of the Nation’s 110 chapters.

BFC members voted 4-0 to accept the report.

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MEMORANDUM

TO: The Navajo Nation Council
   The Navajo Nation Chapters

FROM: Harrison Tsosie, Attorney General
      Dana Bobroff, Deputy Attorney General
      Office of the Attorney General

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

DATE: June 24, 2014

SUBJECT: CJN-33-14

This memorandum is issued to clarify an issue regarding the appropriation in CJN-33-14 of $19,000,000 to Chapters, Veterans and Summer Youth Employment passed by the Navajo Nation Council and signed by the Navajo Nation President.

It is our understanding that a question has emerged on whether or not the appropriated funds to the Chapters will lapse at the end of this Fiscal Year. This question comes from a reading of the budget forms for Supplemental Funds attached to the legislation in which the Budget Form 2, Program Performance Criteria, stated “To distribute and use all funds by the end of 4th quarter for the intended purpose.” This particular form, along with other appropriate budget forms, are explained in the Fiscal Year 2014 Budget Instructions and Policies Manual, Section VIII., Supplemental Funding Request Policies and Procedures.

However, 12 NNC §820(N) states, “...Appropriations to the chapters of the Navajo Nation shall not lapse at the end of the fiscal year provided that the chapters shall budget those funds in subsequent year in accordance with the purposes and conditions set forth by the Navajo Nation Council in its appropriations.” In this instance, Navajo Nation law controls over a policy or procedure. It was the intent of the Navajo Nation Council that the funds appropriated to the Chapters follow §820(N) and other laws governing appropriations to Chapters. So in response to the question of whether or not appropriated funds to Chapter lapse at the end of the Fiscal Year, the answer is no. These appropriated funds do not lapse provided that any unexpended funds are budgeted in Fiscal Year 2015 in accordance with the purpose and conditions set in the legislation.

cc: Mark Grant, Controller
    Office of the Controller
    Leonard Chee, Executive Director
    Division of Community Development
Asaayi Lake Fire donations tracked by Dept. of Emergency Management

On June 23, the Asaayii Lake Fire was reported to be 63 percent contained. The Type II incident management team is demobilizing and will transition the fire to a Type II team on June 26. There has been no loss of life for humans or livestock. Five structures were reported to be burned. (Photo by Rick Abasta)

TSE BONITO, N.M.—Navajo Nation chapters, including Local Governance Act certified chapters, are a sub-unit of the tribal government. As such, they are required to follow the policies and procedures set forth by the tribal government.

The Navajo Nation Commission on Emergency Management was established under Title 2 of the Navajo Nation Code, under Article 4, Section 881.

As such, they are mandated by the Council to “lead Navajo Nation efforts, in protecting from all hazards and threats by coordinating: preparedness, protection, prevention, response, recovery, and mitigation, to provide effective and efficient emergency management services.”

Additionally, they are granted general and enumerated powers under Section 884.

This includes “ensuring the accountability by establishing specific policies, procedures and guidelines for the use of funds, goods, services or any type of assistance intended for use in meeting the requirements of the people in any declared emergency.”

Recent media accounts about donations from the Asaayii Lake Fire being taken without cause are untrue. These sensationalized news stories have been based on Facebook posts from displaced residents affected by the Asaayii Lake Fire.

For more than one week Navajo communities affected by the fire have been under tremendous stress worrying about their homes, livestock and the condition of the land.

Compounding their worries is the inconvenience of having to live in temporary shelters for an unknown amount of time. This increases their level of frustration and anger from the emergency situation.

An obvious outlet for many to vent these frustrations have been social media sites such as Facebook, where they have let loose a litany of diatribes and blame on the Navajo Nation President Ben Shelly and the Department of Emergency Management.

These have included several death threats. The need for accountability of donations is mandated by the Navajo Nation Code, which specifically relegates these authorities to the NNDEM.

“The Department of Emergency Management has been in compliance with all applicable tribal laws, policies and procedures since the start of the Asaayii Lake Fire,” said Rose Whitehair, director of NNDEM.

She noted that the negative comments and innuendo posted on social media sites have been erroneously taken as fact by several news outlets reporting on the fire.

“Reporters are supposed to be objective in their reporting and not subjective, which is definitely happening in the case of the donations,” Whitehair said. “The fire has flared the emotions of many, but it must be understood that we are in compliance with tribal law. The donations are being accounted for and provided as necessary,” she added.

The NNDEM will have hard numbers on the number of displaced residents tomorrow, including actual evacuees that received donations from the centers.

The Navajo Nation will continue to provide the necessary services to evacuees affected by the Asaayii Lake Fire, including the mandated authorities granted to the NNDEM by tribal law regarding accountability of donations.

The general public is encouraged to direct any questions or concerns to the Navajo Nation EOC Command Center for the Asaayii Lake Fire.

Information: 505-371-8416
FOR IMMEDIATE RELEASE
June 20, 2014

Navajo Nation Building Foundation for Success

By Roberta John

WINDOW ROCK, AZ. – A world champion.

That’s an impossible dream for some, but for a certain breed of individual, that is a goal that can be achieved no matter how young or old you may be.

Case in point, Navajo Nation Fair Manager Genevieve Tshoularkis knows all too well just what it means to become a world champion because she is a two-time Indian National Finals Rodeo (INFR) Barrel Racing Champion.

However, it’s not the fact that she is a two-time world champion that makes this story interesting, but the fact that she clinched her first world title at age 33 then captured a second world title in 1988 when she was only 53 years young.

Today, Tshoularkis wants to instill that excitement and dedication to become a world champion and also to learn about the unique relationship that one can only experience out in the range, pasture or rodeo arena.

Tshoularkis said it takes a lot of prayer, dedication and hard work to become a world champion.

“I want to instill pride, honor and dignity for our young people and rodeo is one way of helping to build that foundation,” she said. “The Navajo Nation Special Events and Navajo Nation Parks and Recreation Department staff are working diligently to produce a great event for the entire family during the week of July Fourth. I just want to invite everyone here to Window Rock, Arizona. We hope you will enjoy your summer holiday here with us.”

Navajo Nation Department Manager Martin L. Begaye echoed her remarks and said, “We know how difficult it is for many families to go on vacation so we are striving to bring events that are economical and enjoyable for everyone.”

Accordingly, the Navajo Nation Special Events Office will provide several new incentives during the 68th Annual Navajo Nation Fourth of July Youth Celebration and PRCA PRORODEO on July 2nd-5th at the Navajo Nation Fairgrounds in Window Rock, Arizona. Some of these incentives include free parking, free admission at the main entrance to the fairgrounds, reduced admission fee to
the PRCA PRORODEO, entertainment before each rodeo performance, free admission to the rodeo slack performance on July 2nd, prizes and free autograph sessions with the PRCA PRORODEO contestants.

“We are at a pivotal point in time where we’re faced with increasing fuel prices and other financial challenges,” Begaye said. “We just want the public to know that they can enjoy their Fourth of July holiday here on the Navajo Nation. It is an honor to have so many outstanding champions from throughout the country to showcase their skills here on the Navajo Nation. We are also working with Pete Carr Pro Rodeo – one of the best rodeo stock contractor in the country.”

Pete Carr, the owner and CEO of the firm, was nominated for the 2013 Stock Contractor of the Year award based on voting by members of the Professional Rodeo Cowboys Association. He owns more bucking stock than any other contractor in the association. Last year, Carr had 27 animals selected to buck at the Wrangler National Finals Rodeo, a PRCA record. This July marks the third straight season he and his staff have been part of the Window Rock rodeo.

“That rodeo has a very rich history, and I’m glad our crew can be part of it,” Carr said. “I know there are some great rodeo fans there, and I hope we can put on the kind of show that they want to see over and over again.”

Over the years, Carr’s great animal athletes have been top performers in the PRCA, including three world champion bucking horses: Real Deal, Big Tex and MGM Deuces Night. The past two seasons, the great bay gelding Dirty Jacket has been recognized as one of the top three bucking horses in the game.

“We work really hard all year to produce the rodeos and feature the stock that will draw the top cowboys,” Carr said.

It works. The PRCA PRORODEO will feature the top cowboys in the game. Not only will there be world champions, but each performance will be filled with regular NFR qualifiers.

“He’s not even going to have a B pen before long,” said saddle bronc rider Heith DeMoss, a five-time NFR qualifier from Heflin, La. “He’s going to have an A plus and an A pen. He’s got an eye for horses, and he’s surrounded himself with people who know what they’re talking about. You want to go to Pete’s rodeos, because you’re going to get on something.”

On Wednesday, July 2nd, there will be a rodeo slack beginning at 8 a.m. On July 3rd-5th, there will be PRCA PRORODEO beginning at 7 p.m. Admission to the PRCA PRORODEO will be $10 for adults and $5 for senior citizens and for children 5 to 12 years old.

More than 400 cowboys and cowgirls from throughout the country will vie for approximately $204,000 in prize money. The Navajo Nation is the only tribe in the country that hosts a PRCA PRORODEO, which will feature several 2014 world champions such as team roping champion Trevor Brazile of Decatur, Texas. Brazile will be compete in the rodeo slack performance, which will be held
on July 2nd beginning at 8 a.m. Other top PRCA PRORODEO contestants who will compete in Window Rock include Jake Barnes, Kody Lostruh, Cody Ohl, Blair Burk, Clay O’Brien Cooper, Shane Proctor and Tustin Daye.

If you’re looking for top caliber Navajo world champions and contestants, you will not be disappointed. Some of the top notch Navajo contestants who will vie for thousands of dollars include Derrick Begay of Seba Delkai, Arizona, who will team up with Will Woodfin from Marshall, Texas, on Wednesday morning during the rodeo slack on July 2nd; Erich Rogers of Round Rock, Arizona, who will team up with Cory Pataka of Marana, Arizona – Rogers and Pataka will compete in the third performance on Saturday, July 5th; Kassidy Dennison of Tohatchi, New Mexico, will run the barrels during the second performance on July 4th; Aaron Tsinigine of Tuba City, Arizona, will team up with Ryan Motes of Weatherford, Texas, during the third performance on July 5th; and the Bates brothers of Tohatchi and Mexican Springs, New Mexico: Brando, Michael and Ben Bates Jr. will all compete for thousands of dollars in prize money during the rodeo slack on July 2nd along with New Mexico cowboys Ty Pablo of Standing Rock, Donovan Yazzie of Brimhall, Vince Tsosie of Shiprock and William Jim of Crownpoint. Also, keep your eyes out for Arizona cowboys Lyle Clark of Kayenta, Nate Benally of Steamboat, Wyatt Betony of Tonalea, Bryan Bitsui of Ganado, Craig Begay of Rough Rock, Calvin Begay of Steamboat, Kyle Charley of Lukachukai and Kaye Delvecchio of Round Rock.

“As you can see, we will have an array of prestigious world champions and many Navajo contestants that will be vying for thousands of dollars in prize money here on the Navajo Nation,” Begaye said. “It is especially exciting to see one of our own competing with the cream of the crop so to speak. We hope this will instill hope and pride in our young people to become a world champion or to become a successful leader in the future. The PRCA PRORODEO and the other events that we have planned are only a few activities that we hope entire families will enjoy.”

About 30 young barrel racers will have an opportunity to run with the pros. The entry fee is $50 and there is an administrative fee of $15. The entry deadline closes on June 25, 2014. The PRCA PRORODEO will also feature 16 wild horse race teams from throughout the country. The entry fee is $350 and the entry deadline is June 25, 2014.

On Saturday, July 5th, a 10k run will be held beginning at the Navajo Nation Fairgrounds. The entry fee to enter is $20.

Entry forms for the junior barrel racing, wild horse and 10k events can be obtained at www.navajonationfair.com or you can call the Navajo Nation Special Events Office at (928) 871-6478.

And what’s Fourth of July without a carnival. Frazier Shows of America will have a host of thrilling rides for the young and old alike. The carnival will run July 2nd-6th.
E motions are running high. But in the midst of adversity, there is one major truth about the Asaayii Lake Fire: there has been no loss of human life.

Clouds of smoke have billowed across the horizon since Saturday. Residents are worried about their homes and livestock in the mountainous area.

On June 17, Gov. Susana Martinez flew into Window Rock and met with Navajo Nation President Ben Shelly and Vice President Rex Lee Jim. She came to offer assistance to the Navajo Nation and take a firsthand look at the fire that began in the Asaayii Lake area.

“We have a strong working relationship with Gov. Martinez and we appreciate her taking the time to offer assistance,” President Shelly said. “There have been numerous individuals and organizations that have stepped forward to help. We appreciate this outpouring of support. Together, we can make a difference,” he added.

President Shelly and Gov. Martinez walked through the command center shaking hands and commended firefighters for their hard work in extinguishing the blaze.

The fire was described as “spotty” and a “dirty burn” by operations staff. This meant portions of land were still left untouched.

Gov. Martinez had questions about the loss of livestock and structures in the fire. She also asked if the livestock board was being utilized to clear out livestock in the fire area.

Officially, two structures were reported as burned and no reports have come in regarding loss of livestock. Crews couldn’t get anyone into the area to clear out the livestock because of the road closures and potential danger from gusting winds.

The primary concern for the fire crews has been structures and watersheds.

Staff said 13 Type-I hotshot crews are battling the blaze, along with Type-II initial attack crews, 15 engines, four dozers and miscellaneous taskforce leaders and other resources.

Incident commander Bea Day explained that it was a full suppression fire and that was the reason why they were actively going after the fire with the number of crews they have.

“We also have a number of aircraft, if we can fly them,” Day said. “We are ready to take action and we are looking good on the south side and west side.”

She said they had great coordination with the BIA Navajo Region and the Navajo Nation for the purpose of successfully extinguishing the fire. Chapter houses have been actively participating as well, with spike camps in Crystal and Sheep Springs.

Rose Whitehair, agency
representative for the Navajo Nation, spoke of the need to dispel rumors about the need for cash donations. She noted that the money was not going to the firefighters or to the incident command team.

“The Red Cross is here and they are helping us with the huge amount of donations. They’re giving us technical assistance with donations management,” Whitehair said.

The Navajo United Way has also stepped up to assist with monetary donations. An account has been established under the name “Asaayii Lake Fire Relief Fund.”

She explained that Facebook pages sprung up for acceptance of monetary donations. The governor knew of the propensity for fraud during an emergency from past experiences.

“It’s going to be very difficult. That’s why donate the cash donations go only to the Red Cross,” Gov. Martinez said. “You’ve got to get that word out.

“Also, do not accept calls soliciting from Red Cross. Instead, say if I’m going to donate, I’ll make the call,” she added.

She asked if additional law enforcement assistance was needed for the state police to be on standby or to be onsite. However, Whitehair said they were already working with the necessary resources and that the incident command was already being inundated with traffic.

Day said some residents disregarded the roadblocks and snuck through the blockades during the middle of the night in search of their livestock.

“I understand their concern,” she said. “But they have to understand that it’s still very dangerous in here.”

After the briefing, President Shelly, Vice President Jim and Gov. Martinez boarded a N.M. National Guard helicopter and flew over the site to see the fire damage before landing on a baseball field at Newcomb School.

They met with Newcomb Chapter residents and shared information about the aerial view of the fire damage. The spot fire patterns were consistent with reports from the crews battling the blaze.

President Shelly and Gov. Martinez assured the residents that the fire wasn’t as enormous as it seemed. The heavy smoke gives the impression that all of the landscape is charred, but that isn’t the case.

They also traveled to Nashchitti Chapter and again met with residents to reassure them that the wheels were in motion to extinguish the blaze.

On June 17, President Shelly and Vice President Jim broadcast news about the fire to listeners of KTNN AM 660.

President Shelly’s address focused on the coordinated efforts, from the June 12 executive order mandating fire restriction to the declaration of emergency and the call for tribal programs to assist with the fire.

Vice President Jim’s address focused on safety and he encouraged residents to stay away from the fire zone until the crews had the blaze under control. He also reminded the Navajo people to pray and remember the traditional values.

The next day, medicine men and women were allowed access to the fire site to provide offerings and prayers for the winds to calm for the fire to be extinguished. Vice President Jim also provided prayers and offerings.

President Shelly said the Division of Natural Resources is already communicating with the U.S. Department of Agriculture to reseed the damaged areas once the fire is extinguished.

The fire is five percent contained right now. Five structures have officially been reported burned. There are no reports of any livestock fatalities or injuries by the incident command.
WINDOW ROCK, Ariz.—Donation centers have been established for the Asaayi Lake Fire.

Since the start of the fire, community members have been coming forward with donations of water, food and personal hygiene packages. The donated items have been distributed to the chapters affected by the fire, especially for the displaced residents.

“Ahe’hee to our Navajo people, tribal programs and the general public that have donated items to assist with this fire disaster,” said Navajo Nation President Ben Shelly.

He expressed appreciation and commended the tenacity and generous nature of Navajo people and programs that contributed items for the fire evacuees.

“This fire is a sad event for many families and communities, but to see the way Navajo people coalesced to help in the effort was very encouraging and a testament to our resilience as a people,” President Shelly said. “We must work together.”

Items needed for the donation drive include hand sanitizer, baby wipes, vinyl gloves, hand soap, shampoo, toothpaste, toothbrushes, food, and water. Please check the expiration date on non-perishable food items before donating.

The Southwest Incident Management Team emphasized that no cash donations have been solicited from the public, including businesses and organizations. Instead, all monetary donations should go to the American Red Cross.

Utilization of the Red Cross eliminates the potential for fraudulent donation drives solicitation of monetary donations from fraudulent organizations.

The following information listing is for personnel assisting with the donation drive:

Donations: Coleen Bitsie at 505-263-1061

American Red Cross: Cassandra Roybal at 505-262-6175 or Michael Anaya-Gorman at 505-870-8303 or email michael.anayagorman@redcross.org

Media Permits: 928-871-7826

Wildfire Call Center: 928-871-8416 from 8 a.m. to 8 p.m.

Donated Items for Evacuees:

Ft. Defiance Chapter at 928-729-4352

Tohatchi High School Gym

John Brooks at 505-290-1628 or Craig Brooks at 505-870-0490

Newcomb School

505-368-5150 or 505-608-0449

Shiprock Chapter at 505-406-7269

Sheep Springs Chapter at 505-732-5408

Crystal Chapter at 505-777-2800

Information: Fire Information at 928-362-1482 or www.redcross.org/newmexico

-30-
June 17, 2014

MEDIA ADVISORY

WHO : Navajo Nation President Ben Shelly
      THE NAVAJO NATION
      Navajo Nation Vice President Rex Lee Jim
      THE NAVAJO NATION
      Governor Susana Martinez
      STATE OF NEW MEXICO

WHAT : Asaayi Lake Fire Tour and Fly Over

WHERE : Window Rock High School Field House
        Ft. Defiance, Ariz.

WHEN : June 17, 2014
        6:30 p.m.

CONTACT : Rick Abasta, Communications Director
          Office of the President and Vice President
          THE NAVAJO NATION
          Phone: 928-871-7884
          Fax: 928-871-4025
          Email: rickyabasta@navajo-nsn.gov
RESOLUTION OF THE
COMMISSION ON EMERGENCY MANAGEMENT

DECLARING A STATE OF EMERGENCY FOR THE ASSAYII LAKE (BOWL CANYON) FIRE.

WHEREAS:

1. Pursuant to 2 N.N.C., § 881 the Navajo Nation Council established the Commission on Emergency Management, authorizing it to assess, verify, recommend and declare states of emergency with the concurrence of the President of the Navajo Nation, and

2. Pursuant to 2 N.N.C., §§ 883 (A) (C) the Commission is empowered to coordinate immediate emergency and disaster relief services with Navajo Nation and non-tribal entities in conjunction with the Department of Emergency Management to recommend and deploy appropriate resources regarding natural and man-made emergencies; and

3. Pursuant to 2 N.N.C., §§ 884 (B) (2), the Commission on Emergency Management may seek assistance from federal, state, other tribal governments, and local and private agencies to address emergency and disaster related situations; and

4. A fire started Friday, June 13, 2014 at Assayii Lake and has consumed approximately 1,100 acres in the Assayii Lake (Bowl Canyon) area; and

5. The Assayii Lake (Bowl Canyon Area) is a rich natural, cultural, and historical resource of timber of the Navajo Nation and lives and property of the local land users within the fire impacted area; and

6. In consultation with the Navajo Nation Department of Emergency Management and the Southwest Incident Management Team – Team 3 that the fire in the Assayii Lake (Bowl Canyon Area) has grown to significant proportion impacting the natural, cultural, and historical resources as well as substantial human health and safety risk factors, the Commission on Emergency Management supports the coordinated efforts of the Incident Command of the Southwest Incident Management Team – Team 3, including but not limited to order of evacuations, closures of roads to and within the Assayii Lake Fire impacted area, until such time that said fire is fully contained.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Navajo Nation Commission on Emergency Management hereby declares a State of Emergency for the Assayii Lake (Bowl Canyon) Fire due to substantial impact to the natural, cultural, and historical natural resources as well as substantial human health and safety risk factors.
2. The needs of the Navajo Nation are to be addressed in a manner so as to provide the necessary resources required to address said Declared State of Emergency. This includes, but not limited to, resources of personnel, equipment, monetary funding, administrative disciplinary action and/or enforcement, and other resources as may be required to protect natural, cultural, and historical natural resources as well as substantial human health, safety and welfare of the citizens of the Navajo Nation (see Whereas 2 & 3 above).

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Commission on Emergency Management at a duly called special meeting in Window Rock, Navajo Nation, Arizona, at which a quorum was present and that the same passed by a vote of 4 approved, 0 opposed, and 0 abstained this 16th day of June 2014.

[Herman Shorty, Chairperson
Commission on Emergency Management]

Motion by: Lt. Emerson Lee
Second by: Dicky Bain

CONCURRENCE:

[Ben Shelly, President
THE NAVAJO NATION]
President Shelly declares state of emergency for Assayii Lake Fire

WINDOW ROCK, Ariz.—The Navajo Nation is on fire. More than 11,000 acres have burned after an unattended fire near Assayii Lake ignited on June 13 around 3:30 p.m.

 Authorities are evacuating families in Sheep Springs and Naschitti due to fire danger and limited visibility from excessive smoke. Travelers are encouraged to avoid the area.

 On June 12, Navajo Nation President issued an executive order calling for a fire restriction based on the advice of the Navajo Nation Forestry Department.

 Forestry officials were preparing for the high fire danger due to low precipitation, high wind conditions, low humidity and high temperatures.

 On June 16, the Navajo Nation Commission on Emergency Management passed CEM 14-06-16, a resolution declaring a state of emergency for the Assayii Lake Fire. President Shelly signed the declaration and ordered applicable tribal resources to assist with efforts to contain and extinguish the fire.

 “I direct all Navajo divisions, departments and programs to commit resources to the Assayii Lake Fire. We need to do all we can to stop the fire from spreading further,” President Shelly said.

 He said tribal employees have been working with the BIA Navajo Region to battle the blaze since the fire began. This included participation in several meetings over the past two days to mobilize forces to battle the blaze.

 “Please use caution when traveling near the fire area. The heavy smoke makes it difficult to see and breathe,” President Shelly said. “We are asking that the public comply with the fire restriction.

 “This is especially important because of the Fourth of July holiday right around the corner and the prevalence of fireworks stands,” he added.

 On June 15, an initial meeting was convened at the Navajo Nation Museum in response to the fire, which was spread across 200 acres at the time.

 Staff from the Office of the President and Vice President was in attendance along with the BIA Navajo Region, Crystal Chapter officials, and the Southwest Area Incident Management Team 3.

 OPVP issued a public service announcement on KTNN restricted access to roads leading into Asaayii Lake. Additionally, the Navajo Times Facebook warned area residents about the fire and smoke.

 The same evening, a coordinators meeting convened at 7 p.m. at the museum to provide updates on the fire. During that briefing, the fire grew to more than 1,000 acres because of the high winds, which were in excess of 65 mph.

 Hotshot crews from Arizona tied in with the Navajo Scouts to fight the fire, which increased the number of personnel to more than 250 people during the night. The winds pushed the fire again through the night.

 The incident command team transition meeting convened at 6 a.m. at the Crystal Community Center on June 16. The jurisdiction for the fire was transitioned from the BIA Navajo Region to the Southwest Area Incident Management Team 3.

 During the briefing, the fire burned more than 2,000 acres. A few hours later, during the daily cooperators meeting at 9 a.m., the fire increased to more than 10,000 acres.

 Limited visibility and heavy winds have prevented crews from effectively fighting the fire. Wind gusts are currently between 60 to 70 mph, restricting any aerial crews from dropping flame retardant materials on the fire.

 More than 700 personnel are expected to be battling the blaze tonight. Black Mesa, Blue Ridge, Ft. Apache, Globe, Mesa, Mormon Lake, Navajo, Payson, Prescott, Mt. Taylor and Zuni Hotshots are on location fighting the fire.

 A community meeting is scheduled for 7 p.m. at the Ft. Defiance Field House today.

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WINDOW ROCK, Ariz.—Fatherhood is the most important job in the world.

The duties of a father include teaching the difference between wrong and right, protecting family at all costs, and nurturing the lives of children looking to you for guidance.

“Happy Father’s Day to all the fathers across the Navajo Nation and the world,” said Navajo Nation President Ben Shelly.

“Being a father is about responsibility.
“You must be responsible for your family. Most of all, you must be responsible for yourselves because you have people looking up to you,” he added.

Fathers are important to the success their children, the stability of the family unit and this responsibility is easily the most important job in the world, he said.

“This Father’s Day, spend some time with your dad to let him know how much you care. Go fishing with your dad. Buy him some new tools. Even simply spending some quiet time with your dad will make him happy,” President Shelly said.

At any given moment, fathers may step into the role of disciplinarian, homebuilder, master barbecue chef, or electronics guru. Other times they serve as style coach, guidance counselor, mechanic and power lifter.

The responsibilities of a father are endless.

This Father’s Day spend some time with your dad and build something. Continue building that unbreakable bond that only exists between a father and his child.

Happy Father’s Day!
FOR IMMEDIATE RELEASE
June 13, 2014

Budget and Finance Committee endorses New Mexico H.R. 1645 to amend the Radiation Exposure Compensation Act

WINDOW ROCK – On Tuesday, the Budget and Finance Committee approved Legislation No. 0114-14, seeking the Navajo Nation’s support of New Mexico House Resolution 1645. The bill aims to amend the Radiation Exposure Compensation Act, which would improve compensation to former uranium mining workers in the state of New Mexico.

Historically, the Navajo Nation uranium resources were mined by outside companies that did not warn or provide safety measures to the tribe regarding the dangerous side effects from mining the harmful mineral.

In support of the act, BFC vice chair Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts’ah Bii Kin) urged committee members to endorse H.R. 1645 to remind the people that former Navajo uranium mine workers are not forgotten.

“As lawmakers for the Navajo Nation, it is our responsibility to continue advocating for past miners suffering from diseases and ailments caused by the uranium, they deserve the best that we can offer on their behalf,” said Delegate Nez following the meeting.

Speaker Pro Tem LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse’Daa’Kaan, Upper Fruitland) said H.R. 1645 serves as another step forward in providing improved compensation to former uranium miners.

“I support this house resolution because former miners continue to suffer from the detrimental consequences of uranium mining,” said Pro Tem Bates. “It has caused long-term health problems and substantial emotional damage to the affected individuals and their families who observe their loved ones suffering in sickness, and sadly, in death.”

At the conclusion of the discussion, BFC members unanimously passed Legislation No. 0114-14 with a vote of 3-0.

The legislation was first considered by the Resources and Development Committee on June 3, which referred it to the BFC with a “do pass” recommendation with no amendments.

The legislation now moves forward to the Naabik’iyáti’ Committee for consideration, and has final authority on the legislation.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
President Shelly signs Navajo Adult Guardianship Act of 2014 into law

WINDOW ROCK, Ariz.—"T'aa bi bohol nih.

“It’s up to the person” is not only a concept of Navajo Fundamental Law, but it is also an inherent right of disabled Navajo citizens.

On June 12, Navajo Nation President Ben Shelly signed the Navajo Adult Guardianship Act of 2014 into law and reaffirmed the rights of disabled Navajos.

“The most important thing we need to remember is that (disabled citizens) have rights that are guaranteed by Navajo Fundamental Law,” President Shelly said.

Such rights include decision making in regard to finances, education, housing and guardianship consent.

He explained that when the Shelly-Jim administration first took office, they began by hosting a series of town hall meetings across the Navajo Nation to engage the Navajo people on their needs.

From those discussions, the challenges facing disabled Navajo citizens came to light, in particular the fact that there have been no major amendments to the tribal code regarding the disabled since 1945.

The newly enacted Guardianship Act changes all of that.

“We have been meeting with Hoskie Benally, president of the Navajo Nation Advisory Council on Disabilities to assist with legislation that meets (the disabled) needs,” President Shelly said. “We’ve also been meeting with the Native American Disability Law Center to discuss the legal aspects of the legislation.”

He said the Executive Branch would make the recommendation to invest funding from the $554 million trust settlement for accessibility at tribal offices and buildings, including facilities at the chapter level.

We have not forgotten the needs of our disabled Navajos, he said, especially since many are returning home with disabilities from the war.

Hoskie Benally, president of the Navajo Nation Advisory Council on Disabilities, expressed gratitude for the new law.

“It’s been since 1945 that (the tribal code) has been revised to meet the needs and give the due process to those with disabilities,” Benally said.

Council delegate Danny Simpson (Becenti, Crownpoint, Huerfano, Lake Valley, Nageezi, Nahodishgish, Standing Rock, White Rock) called the law “historical.”

“I took this legislation very personal to get it passed. As you know, when something very comprehensive comes before the council, it takes five to 10 years to get it passed,” Simpson said.

The 26-page legislation took one-and-a-half years to get enacted by the Navajo Nation Council and President Shelly.
WINDOW ROCK, Ariz.—It was the fastest processing for a FEMA reimbursement check by a tribal nation.

On Wednesday, Navajo Nation President Ben Shelly presented Navajo Tribal Utility Authority with a $1.38 million reimbursement check for costs associated with Operation Winter Freeze in early 2013.

Winter Freeze was the first tribal disaster declaration made by the Navajo Nation in accordance with amendments to the Stafford Act.

“Congratulations to the Navajo Nation Department of Emergency Management for their work with NTUA and FEMA to get this reimbursement processed quickly,” President Shelly said. “Great things happen when tribal entities work together.”

President Shelly plans to submit a proposal for the creation of an escrow account to address unforeseen natural disasters that may arise in the future. This way, tribal entities can be repaid right away while the reimbursement process takes place.

Rose Whitehair, director of NNDEM, commended NTUA for their thorough accountability.

“They had 100 percent of their documentation and that made all the difference in the world,” she said. “We could not have done it without assistance from the Department of Justice and Office of the Controller.”

Most FEMA reimbursements take three to five years after the emergency declaration to be processed. Operation Winter Freeze was completed in one year.

“We do have a computerized system and we went through a bit of trouble to get through the billing,” said Rex Koontz, deputy general manager for NTUA.

He said the tribal entity’s investment in the system paid dividends, especially when they were able to extrapolate data on the work committed, equipment used, labor hours and more.

“FEMA has their own reporting process that requires certain data. Our system automatically gave them the data and that made (the reimbursement) very quick,” Koontz said. “The Navajo Nation did very good. It unprecedented in getting these dollars back.”

Whitehair said NNDEM also financially closed out the tribe’s oldest disaster, Operation Hastlish, which was on the books since Dec. 28, 2004. OOC is submitting the final financial status report.

“President Shelly’s administration developed a new FEMA policy and procedures to streamline reimbursements. This was done with collaboration with NNDEM, DOJ, and OOC,” she said.

In preparation for the upcoming monsoon season, NNDEM has scheduled a sandbag training session on June 27 at the Navajo Nation Zoo, beginning at 10 a.m.
WINOOG ROCK, Ariz.—The meeting began with prayer.

The prayer was for smart decision-making, tribal leadership unity and most importantly, sobriety.

On Tuesday, Navajo Nation President Ben Shelly met with the Nahata Dzil Renewal of Hope Task Force to discuss a recent decision by Apache County Board of Supervisors to renew the liquor license for Gary MacDonald.

“I cannot believe they renewed his license,” President Shelly said. “The Navajo Nation stands in opposition to this decision.”

The task force members spoke of the liquor license renewal with frustration, especially with the cloud of legal allegations looming over MacDonald.

On Jan. 23, 2014, MacDonald was allegedly arrested for the second time in a two-year period for drug charges. His first arrest was in Oct. 2012, when he was accused of operating a meth lab and was in position of more than 20 firearms.

Ina Noggle, a member of the task force, said the real insult wasn’t only the Apache County Board of Supervisors’ decision to renew the license, but the fact that MacDonald sold it to acquaintance.

“He sold it to George Ryan, a man who is now managing
it for him, for $10. He sold it to him for $10,” Noggle said.

Wayne Lynch, vice president of Nahata Dzil Chapter Governance, said the community needs an attorney to speak on their behalf.

“We need them to request for a denial on this new license,” Lynch said.

He added that an attorney could also be used to speed up the criminal charges against MacDonald, which are currently at the Office of the Arizona Attorney General.

The group provided President Shelly with a copy of Resolution No. NDCG-2014-03-025, which requests for $30,000 from the Navajo-Hopi Land Commission to assist with securing an Arizona Bar certified attorney.

It was passed by a vote of 3-0-1 on March 22, 2014.

Lauren Bernally has also been assisting the task force with their opposition to the liquor license renewals. She is a policy analyst with the Navajo Nation Human Rights Commission.

“One of the things we’re looking at is the human rights violations and obviously, we believe that liquors being sold in this community that is inhabited by people who have been relocated is a gross human rights violation,” Bernally said.

The state of Arizona does not care with the concerns of Nahata Dzil community she said, and is instead pushing down statutes that are limiting the ability of community members to respond.

“When you look at those statutes and the burden of proof that must be met, there is now way we can do that without the help of the federal government or someone interfacing with the state of Arizona,” she said.

President Shelly said he is sending a letter to Gov. Jan Brewer and state legislators regarding the issue with the license renewal and subsequent transfer. He is also going to contact Rep. Ann Kirkpatrick and Sen. Jeff Flake for support.

“We will look into the land status and how it was acquired,” President Shelly said. “A lot of these lands were acquired through the railroad right-of-way, which is 50 miles on each side. (The railroads) have been selling it to ranchers and private parties.”

“The President of the United States can issue an executive order, like the New York case when President Clinton gave back stolen land to the Indians. It could go that far,” he said.

On June 10, President Shelly received a letter from the Arizona Department of Liquor Licenses and Control stating that they received his letter from May 22 regarding the Sanders and Chambers, Ariz. liquor licenses.

“After a careful and thorough review, in coordination with the Arizona Attorney General’s office, the licenses have been renewed. At this point in time the department did not have sufficient cause to refuse to renew,” stated director Alan Everett.

President Shelly, the Navajo Nation Council, Nahata Dzil Chapter, and Renewal of Hope Task Force will continue their fight against MacDonald and the liquor establishments bordering the Navajo Nation.

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President Shelly shared a copy of the letter currently being drafted for Gov. Brewer, Arizona legislators, and congressional members in opposition to the liquor license renewals and transfer. (Photos by Rick Abasta)

Task force member Ina Noggle was appalled at MacDonald’s actions when he sold the liquor licenses to one of his acquaintances for $10. She said the Nation must protest the action. (Photos by Rick Abasta)
FOR IMMEDIATE RELEASE
June 11, 2014

Resources and Development Committee to hold public hearing at Diné College for the proposed Navajo Rangeland Improvement Act of 2014

WINDOW ROCK – The Resources and Development Committee has scheduled a public hearing for the proposed Navajo Rangeland Improvement Act of 2014 on June 30, 2014, beginning at 9:00 a.m. at the Diné College Gymnasium, in Tsaile, Ariz.

The proposed Act would change the authority of the director of the Navajo Nation Department of Agriculture, to include the management of grazing permits, the appeals process, and supervision of the Range Technicians.

In addition, the proposed changes would establish the duties of the Range Technicians, replacing the District Grazing Committees and District Land Boards.

If the proposed changes take effect, the Department of Agriculture would manage the grazing permits, following a transition period that includes the review and reissuance of the permits.

Processes for permits in the Navajo Partitioned Lands and McCracken Mesa, seasonal permitting, and regulations to determine eligibility for grazing permits are also addressed.

Other areas include grazing fees, grazing district boundaries, fencing, range units and management, conservation management plans, improvements, recreational livestock, use of motor vehicle, burials, construction in livestock water development areas, wildlife assessment, and livestock trespass. Rules on enforcement, impoundment, and civil sanction and appeals processes are also covered.

The proposed Navajo Rangeland Improvement Act of 2014 may be accessed at www.navajonationcouncil.org under the “News” tab.

The public is encouraged to attend the public hearing and to submit comments prior to June 30. Written comments may be sent to comments@navajo-nsn.gov.

If you have questions regarding the public hearing, please contact the Office of Legislative Services at (928) 871-7254.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
June 11, 2014

Law and Order Committee receives report regarding proposed project to assist in suicide prevention

WINDOW ROCK – On Monday, the Law and Order Committee received a report regarding a proposed Suicide Surveillance System Project, a collaborative effort between the Navajo Nation Division of Public Safety and the Navajo Nation Epidemiology Center, to gather and analyze data pertaining to suicides on the Navajo Nation, with the goal of creating strategies to decrease the number of suicides among Navajo people.

According to a report provided by epidemiologist, JB Kinlacheeny, the Epidemiology Center proposes a pilot-program that would identify risks and preventative measures related to suicides and suicide attempts using information provided by the NNDPS.

“There have been past attempts to create a suicide surveillance program due to public outcry,” said Kinlacheeny. “So what we have done is we developed a suicide surveillance workgroup in January of last year.”

Although suicide rates have decreased significantly on the Navajo Nation in the last few years, rates remain significantly higher in comparison to the national average, according to Kinlacheeny.

LOC vice chair Council Delegate Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichii, Steamboat) spoke in support of the collaboration and encouraged both sides to pursue the project.

“The data that comes from this program can help the Nation understand the needs of Navajo youth, as well as adults, in understanding suicide and preventing it. It would also help create programs that target individuals at risk,” said Delegate Shepherd. “Both entities need to sit down and talk about how they can accomplish this.”

LOC members Council Delegate Russell Begaye (Shiprock) said the compiled information could then be shared with and benefit other entities on the Navajo Nation.

“Both entities need to work out an organized process to begin data sharing for the project because it will also aid Navajo Nation behavioral health organizations, youth, and adult programs, and the improved data sets enables them to understand suicide,” said Delegate Begaye.
NNDPS director John Billison, cautioned LOC members, pointing out that much of the information obtained by NNDPS is sensitive in nature. However, he also added that he is open to the collaboration, with the understanding that the effort is to promote research to aid in reducing suicide rates on the Navajo Nation.

At the conclusion of the discussion, Delegate Shepherd said the Navajo Nation should invest in its own research projects to provide readily available data to governmental and outside entities who may seek information related to the projects, research, and demographics.

LOC members voted 3-0 to accept the report.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
For Immediate Release
June 10, 2014

Council members pay tribute to late Navajo Code Talker Sidney Bedoni

WINDOW ROCK—Speaker Pro Tem LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse’Daa’Kaan, Upper Fruitland) paid tribute on Monday, to Navajo Code Talker Sidney Bedoni who passed away on Sunday at the age of 87. Bedoni was born on March 10, 1927 in the community of Navajo Mountain in Utah.

“It is always disheartening to learn of the passing of a great warrior and protector of our people,” said Pro Tem Bates on behalf of the Navajo Nation Council. “We are grateful for his tremendous service and sacrifices for our country and our people.”

Code Talker Bedoni bravely enlisted in the U.S. Marine Corps at the young age of 15 years old, proudly serving as a Navajo Code Talker from 1942 to 1946. He also served in the U.S. Army and received several medals including the Korean Service Medal, for his courageous defense of our country during the Korean War.

Following his military service, Bedoni was employed as an explosives operator at the Navajo Army Depot and for the State of Arizona before eventually settling in the community of White Cone with his wife Lena Bedoni, and four children.

Council Delegate Elmer Begay (Dilkon, Greasewood Springs, Indian Wells, Teesto, Whitecone), who represents White Cone, also paid tribute and expressed his gratitude.

“On behalf of my communities, I would like to say ‘Ahe’hee’” to the family of Mr. Bedoni and to let them know that they are in our thoughts and prayers,” said Delegate Begay. “We are proud that he used our unique and great Diné language to defend our country.”

In 2001, he was awarded the Congressional Gold Medal, and later awarded the Silver Medal of Honor for his outstanding and dedicated service as a Code Talker.

Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts’ah Bii Kin) also extended heartfelt condolences to Bedoni’s family and expressed appreciation for his valuable service.

“Mr. Bedoni lived a proud and honorable life—a life in which he answered the call of duty when his country needed him the most and for which he sacrificed to shield our country and our Navajo way of life,” stated Delegate Nez.
On Monday, President Ben Shelly ordered all flags on the Navajo Nation to be flown at half-staff in honor of Code Talker Sidney Bedoni, from sunrise on June 10 to sunset on June 13. Funeral services are pending.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
THE NAVAJO NATION

Proclamation

IN HONOR AND RECOGNITION OF THE LATE NAVAJO CODE TALKER PFC SIDNEY BEDONI

WHEREAS, The Navajo Nation is greatly saddened by the loss of the late Navajo Code Talker Sidney Bedoni, who served in the U.S. Marine Corps; and

WHEREAS, The late Sidney Bedoni was a Navajo Code Talker who served the United States of America, the Navajo Nation, U.S. Marine Corps, and U.S. Army with courage, honor and distinction; and

WHEREAS, The late Sidney Bedoni service began on October 20, 1942 as a Private First Class in the U.S. Marine Corps and saw combat in the Battles of Guadalcanal, Iwo Jima, Bougainville, Tinian, Guam, Hawaiian Islands, Saipan, Japan, Solomon Islands, Vella Lavella Island, New Caledonia, Okinawa, during World War II; and whereupon he was Honorably Discharged in January 18, 1946; he also served in the U.S. Army from April 21, 1948 to October 23, 1952 and saw combat in the Korean Conflict; and

WHEREAS, The late Sidney Bedoni, was a beloved member of the Navajo Code Talkers in the U.S. Marine Corps; and was also a member of the U.S. Army; and

WHEREAS, The Navajo Nation unites and offers prayers for his family and friends during this time of grief.

NOW, THEREFORE, I, BEN SHELLY, President of the Navajo Nation, do hereby proclaim that all flags on the Navajo Nation shall be flown at half-staff in honor of the late Navajo Code Talker Sidney Bedoni, from sunrise on June 10 to sunset on June 13, 2014.

ORDERED THIS 9th DAY OF JUNE 2014

[Signature]

Ben Shelly, President
THE NAVAJO NATION
Window Rock, Ariz.—The Navajo Nation is in mourning.

On June 8, the Navajo Nation lost another American hero when Sidney Bedoni, a former Navajo Code Talker, passed at the age of 91 due to complications from influenza and pneumonia.

Navajo Nation President Ben Shelly ordered flags at half-staff in his honor from sunrise on June 10 through sunset on June 13.

“The Navajo Nation is greatly saddened by the loss of another warrior. Our Navajo Code Talkers are not only living treasures for our Nation, but for the U.S. as well,” President Shelly said. “We must do more to recognize their sacrifices in the name of freedom.”

He noted that Bedoni was one of many Navajo men that didn’t hesitate to volunteer for service when the U.S. entered into World War II.

At age 16, Bedoni hitchhiked more than 80 miles to enlist in the U.S. Marine Corps to serve as a Navajo Code Talker.

During that time, he was attending boarding school in Tuba City, Ariz. when the recruiters came calling.

Bedoni’s grandson, Eric Mantanona, grew up listening to his grandfather’s stories about defeating the enemy through the Navajo language. He was familiar with the story.

“(The recruiters) handed him a form for his father to sign. He hitchhiked from Tuba City to Navajo Mountain to get permission to serve his country,” Mantanona said.

After enlisting for service, Bedoni served in the 2nd, 4th, and 5th Marine Divisions during World War II.

He fought in the Battles of Guadalcanal, Iwo Jima, Bougainville, Tinian, Guam, Hawaiian Islands, Saipan, Japan, Solomon Islands, Vella Lavella Island, New Caledonia, and Okinawa.

His service to the Navajo Nation did not stop there, however.

After receiving an honorable discharge from the U.S. Marine Corps on Jan. 18, 1946, Bedoni enlisted with the U.S. Army on April 21, 1948 and would serve through Oct. 23, 1952.

During his service with the U.S. Army, he again found himself in combat, this time on the icy battlefields of the Korean Conflict.

“While serving in the Marines, my grandfather’s rank was Private First Class. In 1988, he was promoted to Sergeant Major for outstanding service,” Mantanona said. “He also was a civil service employee at the Navajo Army Depot in Bellmont, Ariz. for 35 years.”

Bedoni was a recipient of the Silver Congressional Medal of Honor, Korean Service Medal, Army of Occupation Medal, and Good Conduct Medal.

He was also the last surviving Navajo Code Talker paratrooper and served in the 1st Parachute Regiment.

Bedoni leaves behind his wife Lena, four children, seven grandchildren, and 11 great-grandchildren.

Funeral services will take place on June 16 at the Church of Jesus Christ of Latter-Day Saints in Winslow, Ariz. at 11 a.m. Bedoni will be buried at the Arizona National Cemetery in Cave Creek.

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News Release
For Release: June 9, 2014

Navajo Head Start Passes Federal Review; Full Compliance Ensures Nation Will Receive an Estimated $125 Million 5-Year Grant Award

WINDOW ROCK, Ariz. – Navajo Nation Head Start on Friday received official notice from the Administration for Children and Families – Office of Head Start it was deemed in full compliance with strict federal mandates and will now be the recipient of a five-year non-competitive grant award estimated at $125 million.

After more than 20 years of non-compliance, NHS successfully passed the comprehensive Federal Tribal Designated Renewal System. The notice came forth after a federal review team monitored the NHS and examined its management systems, policies and observed classroom instruction and health and safety compliance. From May 5-9, the federal review team visited 50 head start centers at random to make their assessments.

“The Navajo Nation was on the verge of losing Head Start after years of noncompliance,” said Assistant Superintendent Sharon Henderson-Singer. “There was a major need of reform to bring the Head Start program into compliance.”

Singer said the reform effort was a true collaboration between the NHS leadership team, staff, the Navajo Nation Council’s Health, Education and Human Services Committee, the Navajo Board of Education and the NHS parent policy council.

“I am grateful for staff and leaders who realized that higher standards and higher expectations needed to be set so that Navajo children and their families would receive learning experiences that would benefit them for a lifetime,” Singer said.

“We are moving forward to providing high quality early childhood programs for our Nation’s youngest children,” she said. “We now have a high quality workforce, highly stimulating, literacy rich learning environments, improved technology services, safe and healthy facilities, aligned curriculum to the common core standard, promotion of Navajo language and culture in the classroom, benchmark assessments and improved teaching.
“I am hopeful that the naysayers have gained an understanding of what is needed to ensure the NHS grant is not terminated and children are provided the best services possible,” Singer said.

Throughout the whole process, Singer said she was keenly aware that if NHS did not comply with federal mandates that not only would the children suffer, all NHS staff – administrators, teachers, cooks and bus drivers – would lose their jobs.

“The process of rebuilding the program was met with resistance by the public and leadership at times. Nevertheless, staff had to persevere and work through those challenges,” Singer said.

All Head Start programs, including the Navajo Nation’s, must meet more than 2,800 federal requirements including the Improving Head Start for School Readiness Act of 2007, which established a Sept. 30, 2013 deadline requiring all Head Start agencies to employ a highly qualified workforce.

For NHS, a highly qualified workforce meant that anyone who works with children must have at minimum a Child Development Associate credential. Teachers must have an associate’s degree, and be enrolled in a major with coursework related to early childhood education. Teacher assistants, and cooks are required to have a minimum of 24 credit hours towards an associate degree, and be enrolled in a program leading to an associate or baccalaureate degree.

“There is an ongoing effort within the NHS to make sure that staff entrusted with a Navajo child’s development and wellbeing are well qualified and are committed to their growth,” Singer said.

“There is still much work to be done to improve NHS services and open more centers,” Singer said. “The NHS must continue to build upon the progress made over the last two years to bring the program into compliance. Termination of the NHS grant for any reason is not an option.”

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FOR IMMEDIATE RELEASE  
June 9, 2014

Health, Education, and Human Services Committee  
commends Navajo Head Start for passing federal review

WINDOW ROCK – Health, Education, and Human Services Committee members on Monday, commended the Navajo Head Start program for successfully passing the comprehensive federal tribal Designated Renewal System. The announcement marks the first time in over 20 years that the program has passed the review process successfully.

HEHSC chair Council Delegate Jonathan Hale (Oak Springs, St. Michaels) called the announcement a “remarkable accomplishment” for the program and the Navajo Nation, while also urging for the continued improvement of the program.

“Looking ahead, we must address systematic issues within our government and continue to develop solutions to maintain the Navajo Head Start program for future generations,” stated Delegate Hale.

The HEHSC serves as the oversight for the Navajo Head Start program.

In early May, NHS was monitored by a federal review team to assess management systems, policies and procedures, observations of instruction in the classrooms, and health and safety compliance

Following the review process, the Navajo Nation was notified by the Administration for Children and Families, under the U.S. Department of Health and Human Services, that the program is now in full-compliance with federal mandates, according to a press release from Navajo Head Start.

HEHSC member Council Delegate Joshua Lavar Butler (Tó Nanees Dizi) also expressed his appreciation for NHS staff and the program.

“This was well-received news by the Navajo Nation and I am very thankful the Nation was able to save a program that is vital to the needs of our young people. The program was at the verge of collapse and at risk was hundreds of millions of dollars being reverted back to the federal government. I commend Sharon Singer and her staff for doing what they needed to come into compliance. At the end of the day, we have to be reminded this program is for the children,” said Delegate Butler.

Assistant Superintendent Sharon Henderson Singer thanked HEHSC members, NHS leadership team, NHS staff, and the parent policy council for their guidance and continued support.
NHS will receive a five-year non-competitive grant award for approximately $125 million, according to the NHS press release.

Additionally, NHS will be able to expand its services, educational opportunities, further develop and streamline its processes, and allows the program to become eligible for additional funding to benefit Navajo children, according to Henderson Singer.

HEHSC member Council Delegate Walter Phelps (Cameron, Coalmine Canyon, Leupp, Tolani Lake, Tsidi To ii) also commended the staff and its program for its continued progress.

“It is encouraging to see Head Start making progress, although these might appear incremental, they are no doubt significant,” Delegate Phelps stated.

Dr. Lamont Yazzie, Director of Educational Services stated, “In passing the review and securing funding for the next five years, we can now concentrate our efforts on training staff, building instructional leaders, and building capacity in carrying out the important work of educating children and empowering families across the Navajo Nation.”

Delegate Hale the HEHSC will request a report from Navajo Head Start in the near future.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
President Shelly to tour and receive new Kayenta Justice Center

“This new justice center will provide the Nation with needed infrastructure for detention services and a suitable headquarters for our Navajo Police in the area,” President Shelly said. “The facility will allow our public safety officers to continue direct services to the Navajo people.”

The facility is located next to the Kayenta District Court, which is another benefit. The location cuts down on travel distance because in the past, families had to travel to other detention facilities in Tuba City or Window Rock to visit incarcerated relatives.

Detention facility overcrowding will find some relief with the new facility, President Shelly added.

Other touches to the new center include culturally beneficial healing areas for a sweathouse, teepee ground and a hogan.

The Navajo Nation Department of Corrections emphasized the importance of maintaining family connections and cultural values in facility, which they believe will help incarcerated members rehabilitate and transition back into society.

Brad Gabel, a partner from Bitco-Kitchell, said the joint venture maximized job opportunities for local workers.

“The construction team created ‘carve outs’ of construction projects to maximize participation by community laborers,” Gabel said. “The result was an 80 percent Navajo worker participation rate throughout the project.”

He noted that his team was honored to be a part of the project, especially the cultural immersion, which increased their knowledge of Navajo traditions and customs.

Bitco is a leading Navajo owned construction management firm. Kitchell is a Phoenix-based construction company with more than 60 years in business.

Information: www.bitco-kitchell.net.
FOR IMMEDIATE RELEASE
June 6, 2014

Navajo Nation Council appropriates $19 million for the Nation’s 110 chapters, Navajo Veterans, and student employment

WINDOW ROCK – During a special session held on Friday, members of the Navajo Nation Council approved Legislation No. 0102-14, which originally sought $5 million from the Navajo Nation’s Unreserved, Undesignated Fund Balance to address local level community needs in the Nation’s 110 chapters. Following the approval of five amendments, the overall amount approved by Council grew to $19 million.

Legislation sponsor Council Delegate Jonathan Hale (Oak Springs, St. Michaels) explained that he worked with Navajo Nation President Ben Shelly and his administration to develop the legislation in response to the growing needs of Navajo chapters.

“It’s beneficial for the Navajo people when the President’s Office and Council work together, and that’s what occurred in this situation,” stated Delegate Hale following Council’s approval.

Council unanimously approved an amendment proposed by Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau), which appropriated $1 million from the UUFB, to assist Navajo veterans with emergency/medical expenses, home repairs, financial hardships, and scholarship/educational expenses.

In addition, Council approved an amendment proposed by Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake), which appropriated $3 million from the UUFB for temporary summer employment for college and high school students.

Delegate Tsosie said he proposed the amendment after speaking with a Navajo mother, who explained that she wants her child — a student living off the Navajo Nation — to come home for the summer to continue learning the Navajo way of life, but is unable to do so due to the lack of student employment on the Navajo Nation.

Included with the amendment is a directive for all chapters and Local Governance Support Centers, to expend the funds by the fourth quarter of the current fiscal year, intended to expedite the hiring process for students.

On Friday, Council Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta) proposed increasing the original amount of $5 million to $15 million, emphasizing that chapters are in great need of funds to address their local level community needs.
need of additional funding to meet the demanding needs of Navajo people. The amendment passed with a 10-5 vote.

Pending approval by President Shelly, $15 million will be appropriated to address local level community needs, $1 million for specific needs of Navajo veterans, and $3 million for temporary summer employment for college and high school students.

President Shelly will have ten calendar days to consider the resolution once it is sent to the Office of the President and Vice President.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
June 5, 2014

Resources and Development Committee approves legislation supporting the Fort Wingate Land Division Act of 2014

WINDOW ROCK – On Tuesday, the Resources and Development Committee approved Legislation No. 0122-14, accepting the Fort Wingate Land Division Act of 2014, a Congressional bill, sponsored by U.S. Rep. Ben R. Luján (D-NM) that proposes to divide approximately 21,000 acres of parceled land known as the former Fort Wingate Army Depot between the Navajo Nation and Zuni Tribe.

The former Army depot was constructed in 1870 and was used for storage and disposal of missiles and ammunition. The Army depot closed in 1993 and the land opposition between both tribes has ensued since.

The proposed land division would give the Navajo Nation approximately 50% of parceled land and the Zuni Tribe approximately 40% of the parceled land.

The remaining land would remain under the U.S. Department of Defense due to high levels of contamination in the area.

Legislation sponsor Council Delegate Danny Simpson (Becenti, Crownpoint, Huerfano, Lake Valley, Nageezi, Nahodishgish, Tse’ii’ahi, Whiterock) urged the approval of the legislation, emphasizing that the proposed land division stalled for years because both sides have not reached a consensus.

“The Fort Wingate issue has been discussed since I’ve become a delegate and has probably been discussed prior to the 18th and 19th Council. Since the closure of Fort Wingate, as a whole, the
lands have become available and for many years this issue has been discussed by many delegates,” stated Delegate Simpson.

On July 8, 2013, a meeting in Washington, D.C. took place among Reps. Ben Ray Lujan (D-N.M.), Steve Pierce (R-N.M.), Don Young (R-Alaska), Pueblo of Zuni Governor Arlen Quetawki and members of the Fort Wingate Army Depot Task Force to negotiate a resolution that would divide the parceled land.

Negotiations concluded, however, Navajo people residing in nearby communities continue to voice their disagreement with the proposed land division, many of which have said the Navajo Nation should receive a larger portion or all of the land.

Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) voiced the concerns of his constituents.

“When this issue was first brought up for this land exchange, the Zuni tribe was supposed to get the southern part not the northern part of the land. Also, in a 1942 letter by the Army, it stated that once the Army is done with the land, they would give it back to the Navajo,” stated Delegate Yazzie.

RDC member Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) spoke in support of the legislation, adding that local community members are taking an “extreme position” by demanding that the Navajo Nation receive 100% of the disputed land, while offering no recommendations.

Following the discussion, RDC chairperson Council Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta) said that the Navajo Nation needs to stand up against the Zuni Tribe.

“I want to see that letter that the land belongs to the Navajo Nation. Bring that letter forth, and I will stand with you,” stated Delegate Benally to Delegate Yazzie.

RDC members voted 4-0 to approve Legislation No. 0122-14.

The legislation now goes to the Naa’bik’iyati’ committee and to the Council for final consideration.

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For news on the latest legislative branch activities, please visit [www.navajonationcouncil.org](http://www.navajonationcouncil.org)
FOR IMMEDIATE RELEASE
June 5, 2014

Council takes part in historic signing ceremony to bring successful end to litigation against the U.S. over mismanaged trust fund assets


WINDOW ROCK – Speaker Pro Tem LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse’Daa’Kaan, Upper Fruitland) along with members of the 22nd Navajo Nation Council joined Navajo Nation President Ben Shelly on Wednesday, to take part in a historic signing ceremony of Council Resolution CMY-28-14.

The resolution, approved by the Council last Friday, will award the Navajo Nation a total of $554 million, representing the largest recovery of any Indian Nation in any breach of trust litigation with the United States government.

In return, the Navajo Nation agrees to dismiss its pending lawsuit over the historical mismanagement of trust fund assets, which was filed on Dec. 29, 2006 in the United States Court of Federal Claims.

Pro Tem Bates thanked members of the Naabik’iyáti’ Committee Trust Mismanagement Litigation Task Force for guiding the legal team throughout the negotiations and also said the Navajo
Nation’s success in negotiating the agreement sends a very strong message to other tribes that are currently in litigation over trust fund assets.

“The fact that the Navajo Nation is the largest tribe sends a very strong that there is hope at the end of the day,” said Pro Tem Bates. “There is light at the end of the tunnel.”

Pro Tem Bates and President Shelly praised the tremendous contributions of Navajo Nation Deputy Attorney General Dana Bobroff, who worked diligently for years to reach an agreement.

“I would like everyone to realize what an absolute historical landmark accomplishment this is for the Navajo Nation,” stated Bobroff. “This is the largest trust responsibility award from the United States in the history of Indian Country. It will never completely address the wrongs done on prior generations, but it’s going to allow some opportunities for future generations.”

Bobroff also noted that under the terms of the agreement, the Navajo Nation will receive the $554 million award no later than 120 days following President Shelly’s signing of the resolution.

President Shelly expressed the need for careful planning and recommended that the Nation look to invest the funds in a manner that benefits the Navajo people.

“Let’s put that plan together to help the people out there. There’s so much we can do out there,” said President Shelly.

Council Delegate Lorenzo Curley (Houck, Klagetoh, Nahata Dziil, Tsé Si áni, Wide Ruins), who chaired the Naabik’íyáti’ Committee Trust Mismanagement Litigation Task Force, was also on hand to express his appreciation to fellow task force members and to acknowledge their unified efforts that led to the successful agreement.

“We were all unified in our approach,” Delegate Curley stated. “My hats off to the task force members for sticking together and making the United States [accountable].”

Task force members also thanked members of the 20th Navajo Nation Council and in particular former Council Delegate Ervin Keeswood, Sr., who introduced legislation in 2006 that led to the establishment of the Historical Trust Asset Mismanagement Litigation Trust Fund, and authorized the filing of the lawsuit against the United States on behalf of the Navajo Nation.

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For news on the latest legislative branch activities, please visit [www.navajonationcouncil.org](http://www.navajonationcouncil.org)
Budget and Finance Committee
receives report regarding Branch Chiefs meeting

WINDOW ROCK – The Budget and Finance Committee received a report on Tuesday, regarding an update of a Branch Chiefs meeting held on June 3, between Speaker Pro Tem LoRenzo Bates, President Ben Shelly, and Chief Justice Herb Yazzie.

Pro Tem LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse’Daa’Kaan, Upper Fruitland), who also chairs the BFC, said the Branch Chiefs discussed issues such as employee step-increases, the recent approval by the federal government to allow the Navajo Nation to begin land leasing, proposed indirect and fixed costs rates, and the Decentralization/Regionalization Initiative.

“Our ultimate goals of the meetings are to improve communication between each branch, and set priorities for the Navajo Nation for the upcoming FY2015 year, in respect to each branch’s responsibilities,” said Pro Tem Bates.

Pro Tem Bates said the U.S. Department of the Interior recently approved a streamlined process that grants the Navajo Nation the authority to approve land leases without the involvement of the Bureau of Indian Affairs. However, this excludes mineral and rights-of-way leasing.

Another key issue that was discussed is a proposed step increase for Navajo Nation employees. Bates said that the Navajo Department of Personnel Management reported that the Navajo Nation is 13% below the national average for salaries.

In support of the proposed employee step increases, BFC member Council Delegate Mel Begay (Coyote Canyon, Mexican Springs, Naschitti, Tohatchi, Bahastl’a’a) said he believes the increase in Navajo Nation employee salaries would be beneficial, and reminded committee colleagues of the potential issues that may arise regarding the hiring of new personnel.

“If the salaries increase, then the Nation may have to limit the amount of persons hired annually by the Nation, because it is a possibility that we may run into a funding shortfall for personnel,” said Delegate Begay. “We cannot risk any type of potential instability.”
At the conclusion of the report, Pro Tem Bates said the Branch Chiefs also discussed the Decentralization/Regionalization Initiative, proposing that attorney's be provided at the local chapter levels to ensure their needs are being met with professional legal advice.

“[The Navajo Nation Department of Justice] did admit that they get a lot of requests from chapters and it gets caught up in the bureaucratic process, so they felt like they weren’t giving the proper attention to their needs,” said Pro Tem Bates.

BFC members voted 4-0 to accept the report.

The next scheduled Branch Chiefs meeting is set for June 9.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
June 4, 2014

President Shelly orders flags at half-staff in honor of Chester Nez

WINDOW ROCK, Ariz.—Flags across the Navajo Nation will be flown at half-staff in honor of the last surviving member of the Original 29 Navajo Code Talkers.

Chester Nez, 93, passed in his sleep on June 4, 2014 in Albuquerque, N.M.

“The Navajo Nation has lost our last living treasure, Chester Nez, an original member of the Navajo Code Talkers,” said Navajo Nation President Ben Shelly. “We send his family and friends our deepest sympathy and condolences.”

President Shelly issued a proclamation to have flags across the Nation to be at half-staff from sunrise on June 5 through sunset on June 8.

Nez saw combat as a Navajo Code Talker at the Battle of Guadalcanal, Battle of Guam, Battle of Peleiu, and Battle of Boganville during World War II. He was honorably discharged from the Marine Corps in 1945.

Nez also served in the Marine Corps Reserves and again saw combat during the Korean Conflict, according to his son Michael.

The burial will be at the Santa Fe National Cemetery on Monday or Tuesday, Michael said.

In 2011, Nez wrote about his experience with co-author Judith Avila in the book, “Code Talker: The First and Only Memoir By One of the Original Navajo Code Talkers of WWII.”

“During a time in our Navajo history when our kids were shipped out to boarding school and forbidden to speak their native tongue, these brave men stepped forward to protect our country with their ability to speak Navajo,” President Shelly said.

Nez was a member of the U.S. Marine Corps 382nd Platoon. The Original 29 were the first Navajo Code Talkers to serve and they developed the code that would baffle the Japanese in World War II.

Nez was a member of Chichiltah and Manuelito Chapters. The respective chapters are saddened with the loss of a larger than life hero of the Navajo Nation.

President Shelly said the passing of Nez closes another chapter in the annals of Navajo history.

“Chester Nez and the rest of the Original 29 now belong to the ages. We salute their valiant service and memory,” President Shelly said.

-30-
FOR IMMEDIATE RELEASE
June 4, 2014

Speaker Pro Tem LoRenzo Bates and Navajo Nation Council express condolences over the passing of Navajo Code Talker Chester Nez

WINDOW ROCK – On behalf of the 22nd Navajo Nation Council, Speaker Pro Tem LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse’Daa’Kaan, Upper Fruitland) extends his heartfelt condolences to the family and loved ones of the last original Navajo Code Talker Chester Nez, who passed away on Wednesday morning at the age of 93.

“It is with a heavy heart that I send my sincerest condolences to the family of the late Navajo Code Talker Chester Nez, a highly respected and distinguished warrior,” said Pro Tem Bates.

Code Talker Nez was born in Chichiltah, N.M. and at the young age of 17, he bravely answered the call of duty by enlisting in the U.S. Marines. As a member of the 382nd Platoon in the United States Marine Corp., he served as one of the 29 original Navajo Code Talkers who developed the secret military code using the Navajo language during World War II.

On July 26, 2001, Code Talker Nez was honored by former U.S. President George W. Bush and presented with the Congressional Medal of Honor along with the other members of the original Navajo Code Talkers.

“We will always be grateful for his sacrifice and brave service for our country, and more importantly, for his selfless actions to protect our people and the great Navajo Nation,” Pro Tem Bates stated.

On Wednesday, President Ben Shelly ordered all flags on the Navajo Nation to be flown at half-staff in honor of Code Talker Chester Nez, from sunrise on June 5 to sunset on June 8. Funeral services are pending.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
THE NAVAJO NATION

Proclamation

IN HONOR AND RECOGNITION OF THE LATE NAVAJO CODE TALKER CORPORAL CHESTER NEZ

WHEREAS, The Navajo Nation is greatly saddened by the loss of the late Navajo Code Talker Chester Nez, who served in the U.S. Marine Corps; and

WHEREAS, The late Chester Nez was a Navajo Code Talker who served the United States of America, the Navajo Nation, and U.S. Marine Corps with courage, honor and distinction; and

WHEREAS, The late Chester Nez served as a Corporal and saw combat in the Battle of Guadal Canal, Battle of Guam, Battle of Peleliu, and Battle of Bogainville, during World War II; and whereupon he was Honorably Discharged in 1945; and

WHEREAS, The late Chester Nez, was a beloved member of the Original 29 Navajo Code Talkers; and member of the 382nd Platoon in the U.S. Marine Corps; and

WHEREAS, The Navajo Nation unites and offers prayers for his family and friends during this time of grief.

NOW, THEREFORE, I, BEN SHELLY, President of the Navajo Nation, do hereby proclaim that all flags on the Navajo Nation shall be flown at half-staff in honor of the late Navajo Code Talker Chester Nez, from sunrise on June 5 to sunset on June 8, 2014.

ORDERED THIS 4th DAY OF JUNE 2014

Ben Shelly, President
THE NAVAJO NATION
President Shelly lauds U.S. Senate confirmation of Keith Harper

WINDOW ROCK, Ariz.—For the first time, a Native American has been selected as ambassador to the United Nations.

Navajo Nation President Ben Shelly praised the U.S. Senate confirmation of Keith Harper. Harper is a tribal member of the Cherokee Nation.

“Keith’s confirmation is of great accomplishment for all of Indian Country,” President Shelly said. “He will be the first citizen of a federally recognized tribe to serve as a U.S. Ambassador to the United Nations Human Rights Council.

“We congratulate Keith and his family on his confirmation and thank the Senate for taking action on this important role,” he added.

Harper is a partner at the law firm of Kilpatrick Townsend & Stockton LLP, where he is chair of the Native American Practice Group.

He currently serves as a member on President Obama’s Commission on White House Fellowships. Prior to his current role, Harper was senior staff attorney for the Native American Rights Fund from 1995 to 2006.

From 2007 to 2008, he served as a Supreme Court Justice on the Supreme Court of the Poarch Band of Creek Indians, and from 2001 to 2007, he served as an Appellate Justice on the Mashantucket Pequot Tribal Court.

From 1998 to 2001, he was an adjunct professor at the Catholic University of America Columbus School of Law, and from 1999 to 2001, he was a Professorial Lecturer at the American University Washington College of Law.

Harper was a law clerk to Lawrence W. Pierce on the Second Circuit of the U.S. Court of Appeals.

He began his career as a litigation associate with Davis, Polk & Wardwell in New York. Harper received a B.A. from the University of California at Berkeley and a J.D. from New York University School of Law.

-30-
Navajo Nation President Ben Shelly spoke during the Treaty Day Celebration in Ft. Defiance on May 31. He said the Treaty of 1868 changed the mindset of Navajo people, who previously employed the philosophy of T’áá hwó ájít éego, or self-reliance. He said the Navajo Nation must return back to those teachings from our Navajo elders and that the federal government must live up to their trust responsibilities outlined in the treaty. (Photo by Rick Abasta)

FT. DEFIANCE, Ariz.—Under a cloudless sky and blazing hot sun, tribal leaders and local community members gathered to commemorate an event central to the Navajo people’s survival.

On May 31, the community of Ft. Defiance gathered to celebrate Treaty Day with a reenactment of the Treaty of 1868 signing, guest speakers and a barbecue luncheon.

More than 100 people gathered at the Bureau of Indian Affairs Park near the old hospital to participate in the festivities.

The Treaty of 1868 guaranteed more than freedom for the Navajo people. It created another way of life for the Navajo people and new responsibilities for the federal government.

Hweeldi Ba Hane’

The Long Walk of 1864 began with the scorched earth tactics of Kit Carson, who burned Navajo crops and killed livestock in order to force Navajos into surrender.

As Navajos surrendered, they eventually began the 400-mile journey to Ft. Sumner in southeastern N.M. Scores of Navajos died along the way, many of them elders and children.

They suffered internment at Ft. Sumner and many lives were lost during the time of Navajo history known as Hweeldi. The Long Walk changed the lives of Navajo people for the generations that followed.

T’áá hwó ájít éego, or self-reliance, was the mindset of many Navajo people before the Long Walk. After the return back home, that philosophy was changed into dependence upon the government and the reluctance from federal officials to live up to trust responsibilities guaranteed in the Treaty of 1868.

T’áá hwó ájít éego

Navajo Nation President Ben Shelly has long since said we need to return to that traditional lifestyle of doing for ourselves because...
President Shelly was keynote speaker and began by acknowledging the lives lost at Hweeldi and said it was because of their sacrifice that Navajo people were alive today and thriving.

“When the Navajo people returned from Hweeldi, we had to start over again. Homes had to be rebuilt. Crops had to be replanted. We had to learn to live under the federal rules and regulations,” President Shelly said.

Today, he said the Navajo Nation is 300,000 strong and still growing.

“Our sovereignty and strength is in our language, Diné bizaad. The Navajo language saved this country from war, through the heroics of our Navajo Code Talkers,” he said.

**Breach of Trust**

On Friday, President Shelly signed legislation into law that ended the litigation against the federal government for breach of trust in safeguarding Navajo Nation trust fund assets. These assets included mineral right royalties from coal, oil and gas.

The Navajo Nation will receive $554 million in an agreement that ends the litigation that has been in court since Dec. 29, 2006.

“I want the priorities for this $554 million to go toward housing, infrastructure, scholarships and accessibility for our disabled Navajo citizens,” President Shelly said.

Because of limited funding, budget cuts and diminishing mineral royalties, President Shelly said he has been fiscally conservative with the Nation's money, often executing the line item veto to trim spending.

The funding from the lawsuit will change all of that.

“With this half-a-billion dollar surplus, I will begin loosening these line item vetoes so that projects can be funded,” he said. “All I ask is that our legislators follow the proper tribal law and processes for their projects.”

The Executive and Legislative Branches of government will begin meeting to plan for the money, he said, and that a 120-day review period will begin for the prioritization of projects.

“T’áá hwó ájit éego. That is what our elders taught us when they returned from Hweeldi. Let’s continue moving forward with self-determination for our future generations,” President Shelly said.

“With this half-a-billion dollar surplus, I will begin loosening these line item vetoes so that projects can be funded.”

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Performing in the role of Barboncito was Bronco Martinez, a Navajo musician and performer from Mariano Lake, N.M. His performance as the Navajo Chief Barboncito was a hit with the crowd. (Photo by Rick Abasta)

Errol Valteau, a Ft. Defiance resident, played the role of Gen. Sherman. He’s pictured here signing the treaty, as witnessed by Stephen Fabina, another local resident playing the role of a government official. (Photo by Rick Abasta)

Community members from Ft. Defiance and various parts of the Navajo Nation volunteered their time to participate in the reenactment of the treaty signing. They murmured and expressed happiness during the signing, as many of the Navajo chiefs did during the actual signing in 1864. (Photo by Rick Abasta)
from this point on, and that the Nation should have been at the forefront in leading the Ramah litigation.

“I am just wondering why the Navajo Nation wasn’t the one who pursued this,” said Delegate Nez. “I appreciate Ramah for taking the bull by the horns, and I bet they are spending a lot on attorneys, and we should be funding those attorneys, because it deals with the Navajo Nation as a whole.”

BFC chair and Speaker Pro Tem, Council Delegate LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse’Daa’Kaan, Upper Fruitland), provided an update from a recent branch chief meeting with President Ben Shelly and Chief Justice Herb Yazzie, stating that the federal government is allowing the Navajo Nation to submit an assessment regarding the final amount of IDC’s owed to the Nation. The deadline to submit the assessment is July 30.

BFC members voted 4-0 to accept the report.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
Navajo Nation Council approves $554 million agreement to end litigation against the United States over historical mismanagement of trust funds

WINDOW ROCK – The Navajo Nation Council voted 13-3 to approve Legislation No. 0131-14, approving a monumental agreement that will award the Navajo Nation a total of $554 million from the United States and brings an end to the Navajo Nation’s lawsuit against the United States over historical mismanagement of trust fund assets.

The Navajo Nation and U.S. Departments of Justice, Interior, and Treasury reached an agreement in principle over the Navajo Nation’s claims that the United States had breached its fiduciary obligations arising under treaties, executive orders, federal statutes and regulations, and contractual documents by failing to manage, invest and account for tribal trust funds and resources under the custody and control of the United States in a manner that would maximize the financial return from those assets.

The $554 million landmark agreement is the largest single resolution in the more than 100 cases filed against the United States by American Indian tribes by more than $170 million.

The agreement secures a successful resolution to the historical mismanagement of the Navajo Nation’s trust assets by the United States, with claims dating as early as 1946. Under the terms of the agreement, the Navajo Nation will dismiss its pending lawsuit which was filed on December 29, 2006 in the United States Court of Federal Claims.

“The agreement marks the successful conclusion of years of hard fought litigation and secures a very substantial award for the Navajo Nation,” said Naabik’íyáti’ Committee Trust Mismanagement Litigation Task Force chair Council Delegate Lorenzo Curley (Houck, Klagetoh, Nahata Dziil, Tsé Si áni, Wide Ruins).

Under the agreement, the United States also commits to providing the Navajo Nation with all required reports of assets that continue to be held in trust for the benefit of Navajo.

The Trust Mismanagement Litigation Task Force comprised of Council Delegates Russell Begaye, Lorenzo Curley (chair), Charles Damon, Walter Phelps, Alton Joe Shepherd, Roscoe Smith (vice chair), Leonard Tsosie and Dwight Witherspoon, has guided Navajo Nation DOJ and outside counsel throughout the litigation.
Navajo Nation DOJ has worked aggressively to secure an appropriate resolution of this matter with the United States. These efforts have been led by Attorney General Harrison Tsosie, Deputy Attorney General Dana Bobroff, and former Attorney General Louis Denetsosie.

“It is very important for the Navajo people to understand that this agreement only addresses historical trust claims and does not prohibit or hinder our Nation from pursuing claims with respect to future conduct,” added Delegate Curley.

Task force members also emphasize that the terms of the agreement do not impact the Navajo Nation’s existing or potential water and uranium claims, and is separate from and do not impact Navajo allottee claims.

“I am pleased with the awarded amount and it demonstrates our Nation’s sovereignty as we were in the driver’s seat throughout the negotiations,” stated task force member Delegate Shepherd.

Executive branch representatives, including Navajo Nation President Ben Shelly, Chief of Staff Arbin Mitchell, executive director of the Office of Navajo Tax Commission Martin Ashley, Minerals Department Audit Manager Rowena Cheromiah, Washington Office Executive Director Clara Pratte and Division of Natural Resources Principal Attorney Robert Allan, were also instrumental in providing guidance to successfully conclude the negotiations.

“The Navajo Nation sued the United States for mismanaging the Nation’s assets and resources and aggressively pursued its claims,” stated task force member Council Delegate Russell Begaye (Shiprock). “This resolution resolves a matter that otherwise might have resulted in years and decades of litigation at tremendous costs to the Nation.”

Task force members also expressed appreciation to members of the 20th Navajo Nation Council for establishing the Historical Trust Asset Mismanagement Litigation Trust Fund, which enabled the Navajo Nation to pursue its claims against the United States.

The BuckleySandler law firm has represented the Navajo Nation as lead attorneys since August 2012, and conducted the litigation on behalf of the Navajo Nation.

Sam Buffone, Andrew Sandler and Chris Regan were the firm partners that led the representation. The BuckleySandler lawyers worked with Nordhaus Law Firm, longtime counsel to the Navajo Nation who filed the original complaint in 2006. Alan Taradash and Don Grove have led the representation for the Nordhaus firm.

“We are very gratified to have helped the Navajo Nation achieve this fair and equitable agreement,” said Buffone.

Final execution of the agreement and payment to the Navajo Nation is contingent on final review and approval of the terms of the agreement by President Shelly and the U.S. Departments of Justice, Interior, and Treasury.

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For news on the latest legislative branch activities, please visit [www.navajonationcouncil.org](http://www.navajonationcouncil.org)
Navajo elders and school children receive free eye exams, eyeglasses

KAYENTA, Ariz.—Navajo Nation First Lady Martha Shelly recently launched an initiative to provide eye examinations for elders and children in Kayenta. The One Sight Project brought a mobile eye lab to provide eye exams, screenings, and eyeglasses courtesy of Walking Shield, Inc.

Serving families since 1986, Walking Shield has followed the mission of improving the quality of life for American Indian families by coordinating programs that provide shelter, healthcare, community development support, educational assistance, and humanitarian said.

Phil Stevens, a Lakota Sioux, founded Walking Shield, Inc. to improve the quality of life for American Indians. Walking Shield is his Lakota name.

From May 12 to 16, Navajo elders and children received eye exams and eyeglasses free of charge after signing up for the services months in advance.

First Lady Shelly said, “The One Sight Project is unique because they do eye screenings, eye exams and produce eyeglasses on site through their mobile lab.”

A total of 157 Navajo elders from Kayenta and the surrounding communities received services and 99 percent received eyeglasses.

In addition, 800 school kids received free eye exams and glasses. The students were from Chilchinbeto, Dennehotso, Kayenta, Pinon, Rough Rock, and Shonto schools.

During the awards dinner on May 15, First Lady Shelly said the need for eye exams existed throughout the Navajo Nation because not all children and their families had the necessary insurance for examinations.

“In 2010, the Arizona Health Care Cost Containment System reduced the cost for children's healthcare, especially in the area of eye exams and dental care,” she said. “In addition, we have parents and grandparents that are not working and cannot afford healthcare.

“This project is addressing those needs,” she added.

For day one, the doctors served 150 elders from the Kayenta Senior Citizens Center. School kids were bussed in for the next three days to undergo exams for glasses.

In addition to the examinations for prescriptions, the professionals from Walking Shield checked for eye diseases and other vision conditions.

The Navajo Nation First Lady’s Office continues their mission of providing public outreach to the elders and children across the Nation.

“Thank you to Walking Shield for providing these desperately needed services. You have not only enriched the lives of all who participated, but opened up their view of the world,” First Lady Shelly said.

-30-
FOR IMMEDIATE RELEASE
May 28, 2014

Special Session to be streamed live on Council’s USTREAM Channel

WINDOW ROCK — The Navajo Nation Council’s special session on May 30, scheduled to begin at 10 a.m., will be streamed live on the web through the Council’s designated USTREAM channel.

"On behalf of the 22nd Navajo Nation Council, I invite Diné Citizens from around the world to join us live during Friday’s special session," said Speaker Pro Tem LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsioh Sikaad, Tse’Daa’Kaan, Upper Fruitland).

The special session will be held to address three separate legislations including Legislation No. 0115-14, accepting an audit report of the Navajo Nation’s primary government conducted by KPMG, LLC for FY 2013. The legislation was approved by the Naabik’iyáti’ Committee on Wednesday with a vote of 12-0.

Council will also consider Legislation No. 0100-14, approving and enacting the Navajo Adult Guardianship Act of 2014 and Legislation No. 0102-14, approving supplemental funding from the Nation’s Unreserved, Undesignated Fund Balance in the amount of $5 million for administrative activities in the Nation’s 110 chapters to address local level community needs.

To view the proposed agenda for Friday’s special session, please visit: http://www.navajonationcouncil.org/MeetingSchedules/2014/MAY/30MAY2014_NNC_Special_Agenda_PROPOSED.pdf

The Office of the Speaker continues its partnership with the Navajo Nation Office of Broadcast Services to provide the live-streaming service to the public. The live session will also be available on NNTV 5 which is available locally in Window Rock and surrounding areas.

Visit http://www.ustream.tv/channel/navajo-nation-council to view the live-streamed proceedings of the Council’s special session. Alternatively, viewers may log onto the USTREAM home page and search for ‘Navajo Nation Council’ in the search box.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
May 27, 2014

Naabik’iyáti’ Committee disappointed in President Shelly’s denial of funding for domestic violence and sexual abuse victims

WINDOW ROCK – Naabik’iyáti’ Committee members expressed disappointment last Thursday in President Ben Shelly’s decision to utilize his line-item veto authority to deny approximately $470,000 in supplemental funding for three separate non-profit organizations that currently provide critical services to domestic violence and sexual abuse victims on the Navajo Nation.

Council approved approximately $470,000 on April 23, to continue services for three separate organizations including the Home for Women and Children located in Shiprock, the Tohdenhashhai Committee Against Family Abuse located in Kayenta, and Ama Doo Alchini Bighan located in Chinle.

On May 5, President Shelly issued a memorandum in which he stated that he is obligated to deny the funding based on prior compliance performance for the Home for Women and Children, reported in the 2011 evaluation report conducted by the Contract Compliance Section of the Navajo Nation Division of Social Services.

Council Delegate Jonathan Hale (Oak Springs, St. Michaels), who sponsored the legislation approved by Council, said the president’s line-item vetoes were not in order, adding that he was unable to meet with President Shelly to discuss Council’s resolution, despite several attempts.

“The services that these organizations provide are critical for our communities and should not be denied based on compliance issues that were not brought to our attention prior to the veto,” stated Delegate Hale. “Compliance issues can be resolved and should not hinder assistance provided to our Navajo mothers and children.”

President Shelly also stated in the memo that the three organizations have received federal funding through the DSS. However, executive director for the Home for Women and Children Gloria Champion, explained that DSS now requires the organizations to expend funds at their own expense and to receive reimbursements through DSS at a later time.

“How can you encumber funds when you have no cash to encumber funds?” asked Champion, while stating that the organization’s need for funding remains a burden.

Council Delegate Nelson BeGaye (Lukachukai, Rock Point, Round Rock, Tsaile/Wheatfields, Tsé Ch’izhi) also expressed his disappointment and questioned the president’s reasoning for denying the funding.
“He’s able to give money to the Diné Rodeo Association for a banquet and year-end awards and we have our family members and our precious children that are being abused. What is his rationale?” Delegate BeGaye asked.

Council Delegate Joshua Lavar Butler (Tó Nanees Dizi) recommended that the non-profit organizations meet as a group to discuss their issues and to create solutions while also urging President Shelly to make the issue a top priority.

“I realize domestic violence is a monumental task,” said Delegate Butler. “[President] Shelly needs to take notice and make this one of his political platforms.”

At the conclusion of the discussion, Naabik’iyáti’ Committee members approved the report with a vote of 9-0, along with a directive to introduce three separate legislations to request funding for each of the three organizations.

Delegate Hale said the legislations are forthcoming, adding that he plans to work with President Shelly to address any questions or concerns.

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For news on the latest legislative branch activities, please visit [www.navajonationcouncil.org](http://www.navajonationcouncil.org)
President Shelly praises high court decision to uphold tribal sovereignty

WINDOW ROCK, Ariz.—Navajo Nation President Ben Shelly issued the following statement about the U.S. Supreme Court decision in Michigan v. Bay Mills Indian Community:

“Tribes have won few victories at the U.S. Supreme Court in recent years, but today in a case with implications for every tribe in the country, our sovereignty was upheld. Tribal sovereignty is not an abstract concept to be curtailed at the whim of a state. It is the concrete foundation of a government-to-government relationship that has shaped the federal relationship with Native Americans. We commend the court for following precedent. The Navajo Nation remains cautiously optimistic about the ruling because while sovereign immunity was upheld, the Court indicates other tools at the state of Michigan’s disposal that erode sovereignty.”

The Navajo Nation joined an amicus brief, which supported the sovereignty of the Bay Mills Indian Community.

-30-
President Shelly pays respect to fallen warriors, presents wreath in their honor

Deputy assistant director of the Arizona Dept. of Veterans Services, Mike Klier, joined President Shelly to lay the wreath of honor for Navajo servicemen and women that died in combat.

The wreath was laid on the east side of the park, where the names of fallen Navajo warriors are listed.

President Shelly said he would issue an executive order for the participation of Navajo Nation branches of government to pay respect to fallen warriors on Memorial Day.

“We’ll make it a tradition to have (a ceremony) here, with members of all our Navajo warriors,” he said. “The sun came up and my wife and I are here to join you in remembrance of our American heroes.”

Joining the president were representatives from the Dept. of Navajo Veterans Affairs, families that lost loved ones in battle, and a representative from the ADVS.

President Shelly said Navajo warriors didn’t hesitate to enlist for duty because of their love of country and their willingness to give their lives for it.

“I’ll issue an executive order for the Navajo Nation to have every program in our government be here to honor and remember our fallen heroes for the years to come,” President Shelly said.

“We’ll make it a tradition to have (a ceremony) here, with members of all our Navajo warriors.”

Klier has served as the tribal liaison for the agency for more than 12 years.

He said the celebration of Memorial Day goes back to the days of the Civil War, when wives and mothers would visit the graves of Confederate soldiers to decorate their graves.

“I used to be called ‘Decoration Day,’” he said.

Klier served in Vietnam and saw combat. He said many veterans from that era were not welcomed when...
they returned home and that the country was filled with strife from racism, assassinations, impeachments and the unpopular war in Southeast Asia.

“But life moves forward. You take those things that you learned back in the day and apply them to today,” Klier said. “We want to honor those that lost their lives.”

David Nez is the director of the DNVA and a U.S. Army veteran that served in the 82nd Airborne Division during the Persian Gulf War.

“Today, the Navajo Nation joins with our commander-in-chief to pay tribute to our men and women in uniform who have died in service to the United States,” Nez said.

He said Memorial Day was more than a three-day weekend, that it was a time of quiet reflection at national cemeteries and public places.

Nez said, “Today we pay tribute to the freedom fighters of every generation who gave the last full measure of devotion: World War I, World War II, Korea, Vietnam, Iraq and Afghanistan. Including those that gave their lives during the terrible years of the Navajo Long Walk. It is because of them that we are survivors living here today.”

Before the conclusion of the ceremony, Gold Star Mothers brought out their American flags to be unfolded and refolded. This ceremony not only airs out the flags and gives them a chance to breathe, but it also commemorates the fallen warriors again.

President Shelly shared the significance of the 13 folds of the American flag with the surviving family members and said they could stop in at the president’s office for a copy of “My Name is Old Glory,” a poem written by Howard Schnauber.

“We thank you all for joining us early today,” he said.

-30-
President Shelly salutes fallen Navajo warriors, issues Memorial Day statement

The Navajo Nation salutes the honor and sacrifice of our fallen Navajo veterans who passed in battle.

Brave Navajo men and women stand united across the country and overseas, protecting the ideals of our American way of life. They stand in defense of freedom, democracy and the safety of those they have left back at home.

Those that passed in battle have paid the ultimate price in the protection of our traditional homelands. The Navajo Nation is a tribe of warriors.

Time and again, we have answered to call of duty and flooded the U.S. Armed Services with the highest amount of volunteers per capita than any other demographic in the country.

Today, Navajos serve on the frontlines of war in Afghanistan, fighting against terrorism, tyranny and oppression. These valiant men and women know their efforts are for the protection of their families and friends.

Many of our veterans have lost their lives in battle and others returned home with life-changing wounds that have left them disabled.

Navajo Nation President Ben Shelly salutes all veterans, past and present, for their volunteerism and willingness to protect our tribal nation against all enemies, foreign and domestic.

“Memorial Day is a time of remembrance and respect for those who served in the military to protect our way of life,” President Shelly said. “This is especially true for the warriors we lost on the battlefield that never made it back home.”

“Ahe’hee nihi silatsohi,” he added.

Navajo veterans have served in all the major battlefields of the 20th and 21st centuries.

From World War I to World War II, they saw combat and protected the homeland with the most sacred of weapons, the Navajo language. The icy battlefields of Korean Conflict and jungles of Vietnam brought new challenges to our Navajo veterans to overcome.

Navajos answered the call again at the Persian Gulf, in Iraq, and once again in Afghanistan. Whenever America called, we answered.

President Shelly said, “We must answer the call of our Navajo veterans for needed services. They need assistance with housing, healthcare, jobs and other areas of their lives. They protected us and it is now our duty and responsibility to assist them.”

Take the time this Memorial Day to give thanks and appreciation for every Navajo man and woman that donned the uniform to protect their country and our Navajo way of life. This is especially true for those that paid the highest price for protecting our freedom – their lives.
FOR IMMEDIATE RELEASE
May 23, 2014

Budget and Finance Committee receives report on budget expenditures and restructuring of family assistance programs

WINDOW ROCK – The Budget and Finance Committee received a report on Tuesday, regarding budget expenditures for the Navajo Nation Department for Self Reliance and the ongoing restructuring of services offered under the program, and the possibility of moving the entity under the Navajo Nation Department of Family Services.

According to the report provided by the Navajo Nation Division of Social Services director Sharon Begay-McCabe, funds are not being spent efficiently for services such as the Low Income Home Energy Assistance Program, burial assistance, and firewood distribution.

“For instance, the LIHEAP administration has an unexpended amount of 96% and direct [payment to customers] is at 58%, and the administration for [PL-93-638 federal funding] is at 62% and direct [payment to customers] at 13%,” said Begay-McCabe.

Begay-McCabe added that the lack of expending is a contributing factor for the restructuring of the assistance programs and relocating services under the Department of Family Services, which is also under the Division of Social Services.

The primary issue raised by Begay-McCabe involved assistance services that were not adequately rendered to Navajo clients, which led to concerns and complaints from constituents.

“Our people out there are waiting for wood, or waiting for assistance for their loved ones who passed away. If there is an internal disagreement between the Division of Social Services and [the Department for Self Reliance], work it out,” said BFC member Council Delegate Danny Simpson (Becenti, Crownpoint, Huervano, Lake Valley, Nageezi, Nahodishgish, Tse’ii’ahi, Whiterock).

Delegate Simpson said it is unacceptable that Navajo elderly and families are not receiving assistance services immediately, due to internal disagreements that are potentially stalling client payments and firewood distribution.

Health, Education, and Human Services Committee chair Council Delegate Jonathan Hale (St. Michaels, Oak Springs) said the LIHEAP, burial assistance, and wood delivery programs were given
to the Department for Self Reliance because the program utilized an efficient automatic payment system that processed payments promptly.

“There was no waste, no mismanagement whatsoever, the reporting [system] was there, and the data was there,” said Delegate Hale. “[These services] have only been [under Self Reliance] for four months, and now they want to take it back. Let’s talk about it, that’s the only way we are going to fix this issue.”

Currently, the HEHSC serves as the oversight of the program’s plan of operation while the BFC oversees the financial portion of the program.

At the conclusion of the report, the Department for Self Reliance director Roxanne Gorman, said that the assistance services such as LIHEAP, was officially implemented in January and since then, 42% of the program’s funds have been expended and payments made to Navajo clients. Gorman added that no reversions of federal funding were reported for FY2014.

BFC members voted 4-0 to accept the report.

# # #
For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
President Shelly disappointed with council decision to remove people’s authority

WINDOW ROCK, Ariz.—Enterprises of the Navajo Nation cannot sidestep the influence of the Navajo people in their decision-making processes.

President Ben Shelly expressed disappointment with the Navajo Nation Council’s recent decision to remove the agency council and president’s voting authority in the Navajo Nation Oil and Gas Co. federal charter.

The agency council has the pulse of the chapters and they speak on behalf of their constituents. The removal of the agency council’s five votes from the NNOGC Board will have serious ramifications from the standpoint of the chapter members.

The voice of the people will be silenced, said President Shelly.

The council approved the charter on April 24 by a vote of 16-2. The next step is approval by the U.S. Department of Interior.

President Shelly is writing a letter to the secretary of interior to express his concern regarding the council’s decision to eliminate the voting members who speak on behalf of the people.

The NNOGC is owned by the Navajo Nation and is thereby owned by the Navajo people, he explained. He noted that the lopsided authorities in the new charter are solely to the advantage of the council.

“Leaving out the voting representatives of the Navajo people from the board is irresponsible,” President Shelly said. “The Navajo people own this company and we must protect their assets.

“We need to look at this charter objectively,” he said.

Sponsored by LoRenzo Bates (Nenahnezad, Newcomb, San Juan, T’iiis Tsoh Sikaad, Tse’Da’a’Kaan, Upper Fruitland), the legislation and amendments to the federal charter arrive more than 21 years after the company was established as a Navajo corporation.

In 1997, NNOGC was chartered as a Section17 corporation under the Indian Reorganization Act. A year later, the federal incorporation was achieved and the entity became wholly owned company of the Navajo Nation.

The council approved the charter in 1998 and stipulated that a representative from each of the 11 standing committees of the former 88-member Navajo Nation Council would act as company shareholders on behalf of the Nation.

The shareholder responsibilities are to hold annual meetings to receive updates on the health of the corporation and they have the ability to remove board members for just cause.

A nine-member board of directors is made up of a representative from each agency and four presidential appointments. The board is responsible for the governance of the corporation.

The removal of the president’s authority to appoint board members in the current charter is a usurpation of power, according to President Shelly.

After the 2010 reduction of members in the council from 88 to 24, the standing committees were also reduced from 11 to five. The council only appointed five shareholder representatives.

These changes were not consistent with the current charter and were not approved through proper federal processes.

“In order for the NNOGC to be in compliance with proper authority of shareholders, the council needs to appoint six more to the shareholder representatives,” said the president during a recent meeting with three of the shareholders.

“I was voted into office by a majority vote from the Navajo people. I am their ambassador and their voice on issues affecting them,” he said.

The Navajo people own the multi-million dollar entity that is NNOGC, the President Shelly said, and the company must still answer to the people.

Unilateral control by the council is not the answer, he added.

President Shelly said, “This results in political entanglement in addition to taking away the people’s say with the company. I will be contacting Kevin Washburn with the interior department with my concerns.”

The Navajo Nation Supreme Court is currently reviewing the charter and will issue a ruling on its legality soon.
FOR IMMEDIATE RELEASE
May 21, 2014

Law and Order Committee receives report regarding the elimination of the Equivalency Clause

WINDOW ROCK – On Monday, the Law and Order Committee received a report regarding the recent elimination of the Equivalency Clause and the status of its implementation by the Navajo Nation Division of Human Resources and Navajo Nation Department of Personnel Management.

In 2013, the Health, Education, and Human Services Committee passed a resolution amending the Navajo Nation Personnel Policy and Procedures by eliminating the Equivalency Clause to establish “minimum” and “preferred” qualifications for all positions.

The HEHSC was the final authority for the legislation.

“Because of the amendment, we realized it has been difficult to understand and implement,” said Human Resources director Bernadette Bernally. “Not every position requires a college degree, so it is not realistic to put college degrees in all employment positions.”

According to Bernally’s report, the amendment was implemented last October and since then all departments have been asked to submit a two-page Position Classification Questionnaire form to explain the minimum education and experience needed for each position. However, Bernally said that not all departments have responded, adding to the setbacks.

LOC member Council Delegate Russell Begaye (Shiprock) said the amendments were intended to address concerns over recent college graduates who are unable to obtain employment on the Navajo Nation due to being overqualified or lacking experience.

Delegate Begaye expressed his concern regarding the lack of cooperation from the Navajo Nation departments, specifically those who have not submitted their PCQ’s.

“Anytime we try to bring change, there is a natural resistance to it, so people ought to sit down and talk out the entire process, so when changes are made, they will remember that the best interest of the Navajo Nation should be kept in mind,” said Delegate Begaye.

In agreement, LOC member Council Delegate Duane Tsinigine (Bodaway/Gap, Coppermine, K’ai’bii’tó, LeChee, Tonalea/Red Lake) added, “If programs are not turning in the PCQ’s, then they are not respecting the amendments made by HEHSC, and I think we need to get a list of these
programs that have not submitted the PCQ’s so the committee [HEHSC] can assist DPM with these issues.”

LOC vice chair Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichii, Steamboat) said that since most of the employment positions require a certain type of degree or certification, the pay scale should reflect their position.

“If you are going to require an associates or bachelor’s degree, then the pay scale should also be included to be higher,” said Delegate Shepherd.

Delegate Shepherd added that a large number of employees do not remain employed with the Navajo Nation due to the low pay-grade, so retention rates need to be improved and the pay scale reanalyzed.

LOC members voted 3-0 to accept the report.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
May 20, 2014

Ground breaking ceremony marks the beginning of construction of judicial facility in Ramah

Photo: Left to right, DuWayne W. Honahi Sr.- Special Agent in Charge, Ben Shelly - Navajo Nation President, Honorable Edmund Yazzie - Chair of Law and Order Committee, Cecil F. Eriacho - Ramah Navajo Chapter Vice-President, Samantha Whitetail Eagle - Ramah Navajo Chapter Executive Director, Michael Eriacho - Ramah Navajo Chapter Community Development Acting Director.

RAMAH, N.M. – At the ground breaking ceremony for the Ramah Navajo Detention Center last Thursday, Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau), who currently serves as chair of the Law and Order Committee, congratulated the Ramah community for beginning the construction of the facility.
“I know the Ramah community and I see the needs of the detention facility and police department. With the current position as council delegate, it has given us the opportunity to give back to the community,” stated Council Delegate Yazzie, who formerly served as a police officer in the community of Ramah.

Construction of the judicial center will cost approximately $3.8 million and accommodate a total of 40 inmates. It will house two padded cells, a detox cell, booking area, detaining area, interview room, officer station, visitor check-in, storage area, medical room, and laundry room.

The judicial center is scheduled to be completed in September 2015.

Also in attendance was Navajo Nation President Ben Shelly, who commended all parties for their involvement in reaching the construction phase.

“It takes a long time for an action to go through. It does not happen overnight. You thought about this and you pursued it. This is about creating jobs and bringing in revenue,” stated President Shelly.

In 2009, funding was secured by the U.S. Department of Justice through the American Recovery and Reinvestment Act for construction on 15 acres of Trust Land. In addition, Navajo Nation contributed $400,000 to fund the new facility, including New Mexico TIF, CTAS Grant, Federal Highway Administration Funds, and Navajo Nation CIO Funds.

“I just want to thank the Law and Order Committee. We took many trips to Window Rock to get this going. A lot of effort and disappoints came about, but you got to be strong to accomplish your goal,” stated Ramah Chapter Vice President, Cecil F. Erachio.

Also in attendance were Ramah community members, Ramah Chapter officials, Ramah Law Enforcement Corrections, Bureau of Indian Affairs, contract and Staff.

Construction is set to begin on May 21.

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FOR IMMEDIATE RELEASE
May 20, 2014

Health, Education, and Human Services Committee receives update regarding Navajo Veterans Housing Project

WINDOW ROCK – Last Wednesday, the Health, Education, and Human Services Committee received an update regarding the Navajo Veterans Housing Project.

HEHSC chair Council Delegate Jonathan Hale (Oak Springs, St. Michaels), explained that the presentation from the Navajo Nation Department of Veterans Affairs was necessary to inform the public regarding the ongoing construction of homes for Navajo veterans.

In 2013, the Navajo Nation Council approved a two-percent set aside from the Veterans Trust Fund for the Department of Navajo Veterans Affairs to construct 15 homes and to provide renovations in each of the five Navajo agencies on an annual basis for a total of four years. Overall, 300 homes are expected to be constructed for Navajo veterans.

Agency staff from the Navajo Nation Department of Veteran Affairs defended claims that the construction of veteran homes is not proceeding in a timely manner.

“For the Shiprock agency, our goal is to build quality homes for veterans. A home that will last a long time. It seems like we may be going slowly but that’s the reason. We are putting these homes together at a pace where all the workers are doing quality work,” stated Wallace Charley, veteran’s service officer for the Department of Navajo Veterans Affairs Shiprock Agency office.

There are four phases of construction that include the footing, stem wall, subfloor, roofing, electrical, plumbing and drywall implementation of the new homes. Refrigerators, ovens, the septic tank and leach lines are not included in the house packages.

According to the report, the Fort Defiance Agency has constructed four veteran homes which are in the last stages of Phase II, which includes the installation of exterior and interior walling, roofing, windows and doors.

“In Tohatchi, the veteran is a National Guard. He is getting ready to be deployed back into a hot zone and he is looking forward to spending a night in his new house before he leaves. He is scheduled to be deployed to Turkey sometime in June,” stated Kendall Long, administrative service officer for the Fort Defiance Agency.

A contract with Home Depot allows the business to deliver and supply the agencies with procured bulk housing materials. Home Depot conducts 8-10 weekly deliveries from their Farmington warehouse throughout the Navajo Nation.
“The collaborative efforts and teamwork need to continue with these homes. The projects are starting to move and productivity is happening. As you know at our chapter, these projects are hindering in our area. One of the unique things that has happened is we have Home Depot on board,” stated HEHSC member Council Delegate Kenneth Maryboy (Mexican Water, Aneth, Teecnospos, Tółikan, Red Mesa).

HEHSC member Council Delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill) supported the project’s initiatives by recommending that the agencies work with veterans and other departments.

“I certainly wanted to thank you for the information and I am very happy to see the progress occurring. The recommendation being provided might be also for the veterans participating in the construction work. Proposing the opportunity for their involvement, and working with other departments and agencies to see about their divisional participation,” stated Delegate Witherspoon.

According to the report, budget expenditures of veteran housing projects are increasing and overall, all agencies have spent 43% of their allocated budget.

“When this first initiative started back a year ago, we had over 100 veterans on our waiting list. We brought that down to 46. We are still actively recruiting, letting veterans know that this initiative is available to them for housing,” stated Long.

HEHSC members voted 3-0 to accept the report.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
Navajo Nation President Ben Shelly met with representatives from the Navajo Nation Advisory Council on Disabilities and the Native American Disability Law Center to discuss issues facing disabled Navajos. Discussions focused on the need to pass the Navajo Adult Guardianship Act of 2014. (Photo by Rick Abasta)

FARMINGTON, N.M.—The disabled citizens of the Navajo Nation have rights.

The protection of such rights was the topic of discussion during a recent meeting in Farmington to assist disabled Navajos facing a multitude of issues.

Navajo Nation President Ben Shelly met with the Navajo Nation Advisory Council on Disabilities (Advisory Council) and the Native American Disability Law Center, Inc. (Law Center) to discuss legislation going through the tribal process.

According to the Law Center, 25,500 people, or 29.9 percent of Navajos between the ages of 21 and 54 have a disability. For Navajos 64 or older, 70 percent have a disability.

“We need to do something for the disabled. They are never really filtered into the main society of Navajo,” President Shelly said. “It’s because of the laws that we have.”

He said the number of disabled citizens is increasing, especially with many veterans of the U.S. Armed Forces returning home with medical injuries from the battlefields.

Meeting the needs of these citizens is a priority for the Navajo Nation Executive Branch, he explained and that plans are underway for an executive order for tribal divisions, departments and programs to carryout accessibility efforts on behalf of the disabled.

“The three branches need to work together to get these laws in place on behalf our disabled Navajos,” President Shelly said.

Hoskie Benally Jr., the president of the Advisory Council, said support is needed for passage of the Navajo Adult Guardianship Act of 2014.

The act is focused on protecting the rights of the disabled and is the first time amendments have been made to the tribal statutes for the handicapped since 1945.

“Current law really doesn’t have anything about court proceedings. Every judge calls the shots on how they’re going to review the case,” Benally said. “There’s no set procedure.”

The new act was written in accordance with Navajo Fundamental Law, which reflects the Navajo expression,
t'aa bi boholniih, which means it is up to the person.

“With this new proposed act we’re saying that according to Fundamental Law, all Navajos have the right for making their own decisions,” Benally said.

Current laws for guardianship of the disabled vary, based on the severity of the disability. Some individuals require a guardian to make decisions on their behalf. Others can make their own decisions, as their disabilities are physical rather than cognitive.

However, some cases have moved forward through the courts where disabled Navajos had guardianships imposed upon them without the opportunity to address the court on the guardianship.

“The ward loses all their rights, whether it be their finances, where they’re going to live or where they’re going to school. That’s what’s happening now,” Benally said.

The act has gone through public review and Department of Justice. It was also posted on the Navajo Nation Council website for public comment.

The Navajo Adult Guardianship Act of 2014 passed the Law and Order Committee on April 14 and the Health, Education and Human Services Committee two days later on April 16.

On May 16, the Naabik’iyati’ Committee reviewed the act during a scheduled work session. The guardianship act will be among legislation scheduled for review during a special session of the Naabik’iyati’ Committee scheduled for May 30.

The Advisory Council requested President Shelly to assist with developing three resolutions on behalf of the disabled citizens of the Nation.

The first would require an earmark of five to eight percent of the annual chapter allocations to address accessibility deficiencies at each chapter. Such deficiencies include the lack of ramps and the need for wider doorways.

The second resolution would mandate that Navajo divisions and departments pay a rental fee for tribally owned buildings to be used to address site accessibility deficiencies.

The third resolution would require private businesses to draft business leases in compliance with the Navajo Nation Vocational Rehabilitation and Opportunities for the Handicap Act of 1984.

“We will work on your behalf,” President Shelly said. “Your needs have not been forgotten.”
FOR IMMEDIATE RELEASE
May 14, 2014

Delegate Lorenzo Curley and Nahata Dziil community members speak out against renewal of liquor licenses in border town of Sanders

SANDERS, Ariz. – On Wednesday, Council Delegate Lorenzo Curley (Houck, Klagetoh, Nahata Dziil, Tsé Si áni, Wide Ruins) and members of the Nahata Dziil Renewal of Hope Task Force spoke out against the possible renewal of four liquor licenses owned by Gary MacDonald.

MacDonald owns three liquor establishments, and is currently jailed and facing numerous felony charges, resulting from two search warrants served in September 2013. During the search, police seized 20 firearms and large amounts of a substance believed to be methamphetamine in the home of MacDonald.

Ole Red Barn, High Country Liquor, and Lee’s Liquor are the three establishments owned by MacDonald, and are located a few miles of one another — two of which, within walking distance for many Navajo people residing on the Navajo Nation.

Media from 12 News KPNX-Phoenix conducted on-camera interviews with Delegate Curley and community members, who shared firsthand stories of family, friends, and loved ones who have been harmed and lost their lives.
Delegate Curley hopes the media attention draws critical awareness throughout the state to the heavy hand that the establishments have had in the “destruction” and “victimization” of Navajo people — contributing to the disproportionately high numbers of deaths, accidents, rapes, and violent crimes in Sanders and surrounding Navajo communities for years.

“As victims of these establishments, our Navajo citizens have a right to speak out against the renewal of these liquor licenses that have led to destructive and tragic circumstances for their families and loved ones,” stated Delegate Curley following the interview.

Delegate Curley also stated that community members are concerned about the possibility that Gary MacDonald used revenue from his liquor establishments to fund the alleged illegal activities.

“That is a serious issue that should not be tolerated,” added Delegate Curley.

In March, the Navajo Nation Council’s Naabik’iyáti’ Committee unanimously passed Resolution NABIMA-19-14, urging the Apache County Board of Supervisors, the Arizona Department of Liquor Licenses and Control, the Arizona State Liquor Board, and any other appropriate agencies to reject the renewal of the liquor licenses owned by MacDonald.

The renewal of MacDonald’s four liquor licenses will be addressed by the Arizona Department of Liquor Licenses and Control on May 30.

Since the creation of the Nahata Dziil Renewal of Hope Task Force in October 2013, chairperson Char James along with other task force members have worked with Delegate Curley, the Navajo Nation Human Rights Commission, Apache County officials, and other local leaders to prevent the renewal of the liquor licenses.

During the media interviews, task force member Antoinette Antoine shared personal stories of the tragedies experienced by her and her loved ones, including the death of her mother who was found deceased near the Ole Red Barn 14 years ago. She also recalled situations in which her mother was sold alcohol despite being heavily intoxicated at the time.

“When she was really intoxicated they would serve her,” said Antoine. “I’d go behind Red Barn to go looking for her and there [were] people that were drinking and just sitting there. How can you sell liquor to [intoxicated] people?”

James said similar stories are common among many local community members while noting that the Renewal of Hope Task Force is scheduled to meet on May 22, beginning at 10 a.m. at the Nahata Dziil Chapter House to further address the liquor licenses.

The story is scheduled to air on Thursday, May 15 on KPNX-Channel 12 News during its evening newscast, which is available statewide.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
THE NAVAJO NATION

Proclamation

IN HONOR AND RECOGNITION OF THE LATE
NAVAJO CODE TALKER CORPORAL TOM JONES, JR.

WHEREAS, The Navajo Nation is greatly saddened by the loss of the late Cpl. Tom Jones, Jr., who served in the U.S. Marine Corps; and

WHEREAS, The late Tom Jones, Jr. was a Navajo Code Talker who served the United States of America, the Navajo Nation, and U.S. Marine Corps with courage, honor and distinction; and

WHEREAS, The late Tom Jones, Jr., service date in the U.S. Marine Corps began on November 26, 1943; and his date of separation from the Marine Corps was December 30, 1945;

WHEREAS, The late Tom Jones, Jr., was a beloved member of the U.S. Marine Corps; where he served as a messenger for the 3rd Division, Unit 297, Navajo Code Talkers 767 and Navajo Code Talkers 642 Platoons at Camp Pendleton in Oceanside, California; and

WHEREAS, The Navajo Nation unites and offers prayers for his family and friends during this time of grief.

NOW, THEREFORE, I, BEN SHELLY, President of the Navajo Nation, do hereby proclaim that all flags shall be flown at half-staff in honor of the late Navajo Code Talker Cpl. Tom Jones, Jr., from sunrise on May 14 to sunset on May 17, 2014.

ORDERED THIS 13th DAY OF MAY 2014

[Signature]

Ben Shelly, President
THE NAVAJO NATION
President Shelly orders flags at half-mast in honor of Tom Jones, Jr.

Navajo Code Talker Corporal Tom Jones, Jr. served in the U.S. Marine Corps 3rd Division at Camp Pendleton in Oceanside, Calif. Jones leaves behind three children, eight grandchildren and seven great-grandchildren. (Courtesy photo)

WINDOW ROCK, Ariz.-Another Navajo hero has passed.

Navajo Nation President Ben Shelly ordered flags on the Navajo Nation to be flown at half-staff in honor of Navajo Code Talker Tom Jones, Jr. from sunrise on May 14, to sunset on May 17, 2014.

“The Navajo Nation has lost another hero and role model to our people. We are saddened by the loss of Tom Jones, Jr. and the Nation sends our condolences and prayers to his family,” President Shelly said.

Jones passed on May 12 at San Juan Regional Medical Center in Farmington, N.M. after a battle with pneumonia and other medical conditions. He was 89 years old.

His service in the U.S. Marine Corps began on Nov. 16, 1943 and he was honorably discharged on Dec. 30, 1945.

Jones was a messenger for U.S. Marine Corps 3rd Division, Unit 297 Navajo Code Talkers 767 and Navajo Code Talkers 642 Platoons at Camp Pendleton.

“Our father was a private, humble, simple, caring and giving father, grandfather, brother, friend and comrade,” said daughter Carmelita Nelson. “His heart was caring, his mind was strict, his life was blessed and his soul was graceful.”

Funeral services will take place on May 17 at the Diné Christian Center in Shiprock, N.M., beginning at 10 a.m.

An account with Wells Fargo Bank has been established for donations under account number 2221454164.

Jones leaves behind three children, eight grandchildren and seven great-grandchildren.
President Shelly tours Cutter Lateral pipeline, meets with officials

NAGEEZI, N.M.—Drive through the Navajo chapters of Nageezi, Huerfano and Dzil Na’oodili, one thing becomes abundantly clear: the communities are in the midst of drought.

A recent tour with tribal, federal and state officials provided a firsthand view of the conditions in the northwestern N.M. communities located on the eastern portion of the Navajo Nation.

Navajo Nation President Ben Shelly joined chapter officials and representatives from the Navajo Nation Council, U.S. Bureau of Reclamation, Bureau of Indian Affairs and Indian Health Services for a tour of Cutter Dam and Reach 22 on May 9.

The Cutter Lateral is one of two main laterals of the Navajo-Gallup Water Supply Project (NGWSP).

Authorized for construction in 2009 through the BOR, the NGWSP is a basis of the New Mexico Water Rights Settlement between the Navajo Nation, U.S. and State of New Mexico.

Estimates from the bureau indicate that by 2040, a population of 250,000 will be served by the project.

It will provide a long-term, sustainable water supply from the San Juan River Basin to 43 chapters on the Navajo Nation, the southwest portion of the Jicarilla Apache Reservation and the city of Gallup, N.M.

In Sept. 2012, President Shelly and former U.S. Department of Interior Secretary Ken Salazar announced an agreement for $43 million for the Navajo Nation to design and construct a portion of the NGWSP.

The portion will provide clean water to thousands of Navajos and create up to 600 new jobs in the area.

“This project has been in development for a long time, back to my days as a county commissioner and council delegate,” President Shelly said. “These chapters are in desperate need of water and this project will address that.”

The NGWSP is separated into 27 reaches for construction.
The BOR states that the beginning of a reach is typically the location of a turnout that will deliver water to communities. The two main laterals of the project features 270 miles of pipeline.

Cutter Lateral will provide water to the eastern side of the Navajo Nation and a portion of the Jicarilla Apache Reservation. Reaches 21 through 26 are in the Cutter Lateral segment of the project.

The San Juan Lateral will begin at the San Juan River near Kirtland and stretch south along U.S. Route 491 through Gallup. Reaches 1 through 20 and 27 are in the San Juan Lateral of the project, with extensions to Crownpoint, N.M. and Window Rock, Ariz.

BOR construction engineer Barry Longwell facilitated the tour of Cutter Dam and provided information on the project.

Constructed in the early 1970s, the Cutter Reservoir was completed in 1974 and has provided water to the Navajo Indian Irrigation Project since. About 80,000 acres is under irrigation presently.

He explained that when the dam was built, a pipe was constructed through the bottom portion of the reservoir to release water when the dam was low.

“That’s where we’re going to tie into to get water for the Cutter Lateral,” Longwell said. “That will be our pipeline that will be taking water out to all of your communities around Highway 550.”

The 27-inch conduit that extends into the reservoir is where the Cutter Lateral begins. The BOR will be doing modifications to the concrete down at the bottom of the vault, including the pipe gaskets and joints.

We want to ensure the pipe doesn’t leak, so we’re going to put steel bands inside that pipe where and gaskets and joints and seal those, he explained.

“They’re 40 years old now. We don’t know what condition they’re in, so we’re going to seal them and make them water tight,” Longwell said.

A new vault and a T will be constructed for the Cutter Lateral pipeline to hook into for water delivery. The pressure from the reservoir will be used to push the water down to the other side of Blanco Canyon, the site of the first pumping plant.

Longwell said the purpose was to reduce the amount of infrastructure in the remote location to keep costs low.

President Shelly expressed appreciation for the tour of the dam and explanation of its proposed Cutter Lateral use for Navajo chapters.

“For our chapters and communities in the Eastern Navajo Agency, the water is coming. All of you leaders from the eastern agency and agency council have a lot of planning to do,” he said.

“It’s great to see the progress that is being made on this project after so many years of development and discussions,” President Shelly said. “We will continue working together to serve the needs of the Navajo people.”
President Shelly encourages honor and love for Mother’s Day

WINDOW ROCK—Navajo Nation President Ben Shelly issued a statement on May 9 for Mother’s Day 2014.

“On behalf of the Navajo Nation, I wish all mothers a happy and relaxing Mother’s Day,” President Shelly said.

Our mothers and women are the cornerstone of Navajo tradition and culture, especially since we are matriarchal society, he noted.

Mother’s Day is a time of honoring the love and teachings from our mothers.

“Our mothers are the first people to teach us, to care for us,” President Shelly said. “They teach us the basics of life and the difference between right and wrong. They are our first teachers.

“Respect your mothers and take the time to celebrate Mother’s Day with them,” he added.

This Mother’s Day, do something special for your mom to let her know your appreciation and support for her parenting. Whether it’s a barbecue, a trip to the movies or dinner at a special restaurant, show your mom love for all she’s done.

Happy Mother’s Day!

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FOR IMMEDIATE RELEASE
May 9, 2014

Health, Education, and Human Services Committee receives report from the Navajo Head Start Program

FORT DEFIANCE, Ariz. – On Wednesday, the Health, Education, and Human Services Committee accepted a report regarding the Navajo Head Start Program.

The Head Start Program seeks to empower children and their families in Navajo communities by offering a variety of services such as dental, vision, nutrition, behavior development and mental wellness, according to their website. The program is divided into land sections that serve each of the Nation’s five agencies.

Olin Kieyoomie, policy council president for the Head Start Program, said the program is ready to become its own separate entity similar to Diné College and Navajo Technical University.

“The problem that faces us, is external. Currently we have 96 qualified Head Start teachers that have a masters or bachelor’s degree ready to work here on the reservation, but the qualification forms are stuck at the Department of Personnel Management,” stated Kieyoomie.

HEHSC member Council Delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill) recommended the committee write a letter to the Navajo Nation Department of Justice, inviting several entities to assist in moving this initiative forward.

“Certainly invite Head Start, committee members, and the policy council to discuss the options of how to essentially become separate—either as a school district or enterprise—to begin to manage on their own,” stated Delegate Witherspoon.

HEHSC member Council Delegate Joshua Lavar Butler (Tó Nanees Dizi) questioned the timing of the proposal by Head Start.

“I do speak in support of exploring ways Head Start can be independent. But I am not 100% sure yet and convinced that they can fully manage it. You know the history. You had a very rough history with Head Start. I think maybe a couple of years, three years from now, perhaps we can explore that option,” stated Delegate Butler.

In 2006, the Administration for Children and Families forced the shutdown of the program when it was found that a number of Head Start employees had criminal history. This action subsequently threatened the status of federal funding for the Head Start Program.

Since then, funding has been restored and the program continues to rebuild.
“Head Start is one of the oldest programs, since 1965, this program has been on the Navajo Nation. After this review, I think that would be a really good step in introducing something at summer session before Council. We do understand the challenges that we face,” stated Kieyoomia.

HEHSC members voted 4-0 to accept the report.

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FOR IMMEDIATE RELEASE
May 9, 2014

Naabik’iyáti’ Committee enables Navajo communities to pursue federal assistance through the Promise Zones initiative

WINDOW ROCK – The Naabik’iyáti’ Committee on Thursday voted 12-1 to approve Legislation No. 0073-14, authorizing the submittal of one or more applications to the U.S. Department of Agriculture to have one or more regions on the Navajo Nation selected as Promise Zone(s), including but not limited to the Former Bennett Freeze Area and the Navajo Partitioned Lands.

The Promise Zones initiative was announced by President Barack Obama in January 2013, in an effort to revitalize high-poverty communities across the country. The initiative allows the federal government to partner with and invest in high-poverty urban, rural, and tribal communities to create jobs, increase economic activity, improve educational opportunities, leverage private investment, and reduce violent crime.

The Naabik’iyáti’ Committee serves as the final authority for the legislation, which also authorizes Council Delegates, the Navajo Nation President and Vice President, and their designees to advocate for one or more areas to be designated as Promise Zone(s).

Legislation sponsor Council Delegate Walter Phelps (Cameron, Coalmine Canyon, Leupp, Tolani Lake, Tsidi To ii) said the initiative has the potential to benefit many communities throughout the Navajo Nation, adding that President Ben Shelly has assigned staff to assist with the development of applications and to discuss the matter with Navajo communities.

“This is an opportunity that should be appealing to all of us to help our communities,” said Delegate Phelps, who also encouraged his committee colleagues to submit applications on behalf of their respective communities.

The federal initiative will designate a total of 20 Promise Zones across the U.S. by 2017. The first round of applications were submitted in November of 2013 and in January, the Obama administration designated five Promise Zones, which included the Choctaw Nation of Oklahoma.

Selected designees receive benefits which include increased access to proven tools to help carry out strategies, preference for certain competitive federal programs, and technical assistance to make the most of funding that is already available.

During the discussion, committee members also approved an amendment proposed by Council Delegate Lorenzo Curley (Houck, Klagetoh, Nahata Dziil, Tsé Si áni, Wide Ruins) to include communities impacted by the 1974 Relocation Act to be considered as a Promise Zone designee.

Naabik’iyáti’ Committee members approved the amendment with a vote of 9-3.
Delegate Phelps said a public meeting to discuss the Promise Zone initiative is scheduled to take place on May 15 at 9 a.m. at the Leupp Chapter House.

Following the Naabik’iyáti’ Committee’s approval on Thursday, Delegate Phelps said the next step is to engage the federal agency representatives who can provide technical support in moving forward.

“Our May 15 public meeting will be a great opportunity to not only provide public information, but to also bring key stakeholders together. We will follow the guidance provided for tribal application submissions. I expect that the process toward developing a successful application is going to be extremely competitive,” Delegate Phelps stated.

For information regarding deadlines, criteria, and other information, please visit: https://www.onecpd.info/promise-zones.

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FOR IMMEDIATE RELEASE
May 8, 2014

Contact: Delilah Goodluck, Senior Public Information Officer | delilah.goodluck@nntanf.org | 928.810.8553, ext. 2132

Department For Self Reliance Earns Congratulations from U.S. Department of Health and Human Services Officials

WINDOW ROCK, Ariz. - On April 22, 2014 the Navajo Division of Health (NDOH) and the Navajo Division of Social Services (NDSS) hosted the Department of Health and Human Services (HSS) at the Navajo Nation Museum in Window Rock, AZ for the annual U.S. Department of Health and Human Services Navajo Regional Tribal Consultation.

The Tribal Consultation takes place to allow Tribes and the federal government the opportunity to speak and respond directly to the issues and concerns of each entity.

NDSS’s Department for Self Reliance (DSR) and Department for Family Services (DFS) were given an opportunity to speak on behalf of their programs.
Deannah Neswood-Gishey, DSR’s Assistant Department Manager explained the program had grown into a department. “The newly named DSR now administers the Low Income Home Energy Assistance Program (LIHEAP), General Assistance (GA), Burial Assistance (BA) and Emergency Assistance (EA) as well as Temporary Assistance for Needy Families (TANF)” stated Neswood-Gishey.

NDSS requested to HSS that the DSR’s Tribal TANF program maintain its current funding, maintain its unobligated funds in reserve and keep its flexibility to design and operate the program.

“Our issue with TANF is to maintain the flexibility because we have approved work activities that the states do not offer. For example, we have Traditional Practitioners on the Navajo Nation. We are in a unique area and our population has different activities from the states of how they want to grow and develop self-sufficiency,” stated Neswood-Gishey.

NDSS also requested to increase the administrative cost cap for the DSR’s LIHEAP to be able to hire more employees to assist with LIHEAP’s high demand and to award LIHEAP funds before the end of the previous physical year in order to provide heating assistance in a timely manner.

Neswood-Gishey stated, “LIHEAP serves the most in need with the highest energy burden. DSR’s LIHEAP program also has a priority system in which the elderly, disabled and children under the age of five in the household are our highest priority. We are finding through our statistics, that we have been achieving the true intent of LIHEAP.” Neswood-Gishey continues on to say, “the average head of household age is 59 years old. The average Income for the LIHEAP customers served is $806 per month. 90% of applicants are under 110% of the national poverty guideline.”

There were many congratulations to the DSR in regards to its LIHEAP and TANF program.

“Let me congratulate you on LIHEAP. You are doing a great job on LIHEAP. Some of the things in your issues however may take some legislative changes, but keep doing what you are doing because that is what it is all about. And congratulations on your 35% TANF work participation rate,” stated Leon R. McCowan, ACF Regional Administrator, Region Six.

In the spirit of a job well done, Neswood-Gishey brought the LIHEAP Federal Compliance Review to the HSS’s attention, “A few months ago Lauren Christopher of ACF and Margarita Valladares of ACF’s Region Nine had done site visits on the Navajo Nation. They were very impressed with our services and stated that we had raised the bar for LIHEAP. Our practices would be the comparison for the other visits they were going to make to the other states and tribes.”

The requests were appreciated by the federal officials as stated by, Commissioner for the Administration for Native Americans, Lillian Sparks-Robinson, “thank you for framing it the way that you did, because that allows us to really understand what the issue is and what the impact is, and what you are requesting for us to take back to Washington D.C. It allows me to have the conversations with my colleagues about TANF, and the LIHEAP dollars, and how they are being put to good use.”

For more information please contact, DSR’s Public Relations section at 928-810-8553.

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FOR IMMEDIATE RELEASE
May 8, 2014

Resources and Development Committee receives update regarding the proposed Grand Canyon Escalade Project

WINDOW ROCK – On Tuesday, the Resources and Development Committee received a report regarding the Grand Canyon Escalade Project.

According to the report, if constructed, the Grand Canyon Escalade Project would be considered a world class destination that would offer a trip via tramway to the bottom of the Grand Canyon as well as amenities including music, dining, shopping and sightseeing.

“There are two main agreements that we negotiated within the last year and a half. The first one is the master agreement. It is the framework for the development of the operations project,” stated Michael C. Nelson, attorney and project management team member for the Grand Canyon Escalade Project.

If authorized, the project would begin construction in the spring of 2017 and estimates suggest that the project would create hundreds of jobs at the proposed site.

“The Navajo Nation will receive a franchise fee of 8% to 18% of gross revenues based upon visitor volume. This project will be sustainable because the tourists are already here,” stated Eunice L. Tso, also a project team manager and consultant.

For more than 20 years, the Grand Canyon National Park has averaged more than 4 million visitors annually according to the report.

Although, the proposed project offers economic incentives, issues regarding sacred sites continue to be raised among Navajo communities.

“About sacred sites, we understand that that is a big issue for some people. We’ve reached out to the medicine men in the area, as many as nine, have written in support of the project. We continue to reach out to the medicine men in the western area that understand the significance of the area and working with them to further educate ourselves,” stated Tso.

RDC member Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) questioned the communication between the Diné Medicine Man Association and the Grand Canyon Escalade Project team.
“We encouraged you at another one of our meetings a long time ago, to have a visit with the Medicine Man Association. We did encourage that at that time because of the confluence and raising cultural and religious significance of the project,” stated Delegate Tsosie.

Nelson assured the Council members that the project team has met with the Diné Medicine Man’s Association to discuss the issues.

“As far as meeting with the medicine men, we have reached out to them, we have met with a number of them, and we have taken a number out there. I would say that they are not unanimous in their views on what happens down there. It is difficult to say if there’s a consensus,” stated Nelson.

The proposed project would require approval from the Navajo Nation Council.

RDC members voted 4-0 to accept the report.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
May 8, 2014

Budget and Finance Committee receives report on the gaming revenue distribution policy

WINDOW ROCK – The Budget and Finance Committee received a report from the Navajo Nation Office of the Controller on Tuesday, regarding a proposed gaming revenue distribution policy that would allocate funds to Navajo chapters to aid local level programs and administration.

Controller of NNOOC Mark Grant, said that his office and BFC members held an educational seminar for chapter officials at the Twin Arrows Navajo Casino Resort in March, to inform chapters of the proposed policies regarding the distribution of gaming revenues.

“The National Indian Gaming Commission has informed us of two concerns regarding the [Navajo] Nation’s gaming revenue distribution policy. First, the distribution to the chapters would be considered a per capita payment, and second, any priority given to host chapters could possibly be considered discriminatory or preferential treatment, which is not allowed,” said Grant.

According to the National Indian Gaming Commission, tribes can only distribute gaming revenues to local governments, charitable programs, economic development, and per capita payments to individual tribal members or groups.

BFC vice chair Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Ojato, Ts’ah Bii Kin) expressed his concern regarding the two issues raised by the NIGC.

“Since NIGC said that this might look like per capita, what is the process of getting that approval?” asked Delegate Nez. “Most of the gaming tribes out there are very small in population and it is easier for them to distribute to their members individually, but Navajo is very large, so I guess this is something that may have never been done before.”

In response to the concerns, Grant informed the BFC that the Nation would indeed have to meet with the NIGC to go over the gaming revenue distribution policies, develop solutions, and seek approval from the commission to move forward with allocating the funds to the chapters.

BFC member Council Delegate Lorenzo Curley (Houck, Klagetoh, Nahata Dziil, Tsé Si’ání, Wide Ruins) said he did not understand why the NIGC did not recognize the chapters as local
governments, when federal entities such as the U.S. Department of Interior, Bureau of Indian Affairs, and other governmental bodies acknowledge the Navajo Nation’s governmental structure.

Navajo Nation Department of Justice attorney Karis Begaye said that her office would communicate the BFC’s concerns to the NIGC regarding the chapters being recognized as local governments.

“It’s sad that we already brought the chapters and programs into this, and we do not even have our stuff in order with the NIGC and the allocation of funds,” said BFC member Council Delegate Nelson BeGaye (Lukachukai, Rock Point, Round Rock, Tsaile/Wheatfields, Tsé Ch’izhi).

Delegate Nez also said that after the issues have been addressed with the NIGC, the Nation’s focus would be to ensure funds are allocated as soon as possible to the Navajo chapters.

“I have had chapter officials approach me regarding the gaming [revenue] distribution policy and were requesting updates on the allocation of the funds, so I think it is important to get them the most updated information as soon as possible and keep them informed,” said Delegate Nez.

BFC members voted 3-0 to accept the report.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
May 8, 2014

Speaker Pro Tem LoRenzo Bates holds
directors meeting with Legislative Branch programs

WINDOW ROCK – Speaker Pro Tem LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse’Daa’Kaan, Upper Fruitland) held a meeting on Wednesday with the directors of each of the 11 programs under the Navajo Nation Legislative Branch to receive update reports and to address concerns.

“As part of my Speaker Pro Tem obligations, I felt it was important to hold this meeting to get a grasp of where these programs are at and what we need to do to ensure that all program projects continue to move forward, as well as voice any concerns regarding any issues that need to be corrected,” said Pro Tem Bates.

Programs under the legislative branch include: Office of the Speaker, Office of the Auditor General, Office of Legislative Counsel, Office of Legislative Services, Navajo Labor Commission, Navajo Election Administration, Navajo Utah Commission, Navajo Eastern Land Commission, Navajo Human Rights Commission, Office of Navajo Government Development, and the Navajo Ethics and Rules Office.

Interim Chief of Staff Leonard Gorman facilitated the meeting, and encouraged the directors to identify their program goals and to begin strategizing for the upcoming annual comprehensive budget session. He also urged each director to begin assessing their programs internally to ascertain what areas need improvement or adjustments.

Program directors expressed concerns regarding the status of their programs, as well as offered possible solutions.

Director of the Navajo Eastern Land Commission Larry Rogers, suggested that they meet on a regular basis to provide updates regarding their programs to improve communication.

“I like meeting like this and being able to see what the other programs are working on, and I hope we can continue these meetings because it is beneficial to communicate with one another,” said Rogers.
At the conclusion of the meeting, Gorman said he hopes to continue the Program Director’s meetings to ensure that each area receives adequate attention and resources that will lead to improvements.

“Just to conclude our meeting, I certainly think that it’s important that we come back together and exchange ideas and thoughts. We are a unit, and there is a need for the continuation for these types of discussions to ensure the branch is very effective and efficient, it’s very important,” said Gorman.

Gorman said that the director meetings will occur on a monthly basis.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
May 7, 2014

Statement from Speaker Pro Tem LoRenzo Bates regarding Window Rock District Court Case No. WR-CV-109-14

Diné Citizens and Members of the 22nd Navajo Nation Council:

As Speaker Pro Tem of the Navajo Nation Council, I respect today’s action by the Window Rock District Court to refer Case No. WR-CV-109-14 to the peacemaking program. This action provides Council with guidance and direction to consider. Meanwhile, the Legislative Branch and the 22nd Navajo Nation Council continues to function effectively to serve Diné Citizens and to carry out the duties and responsibilities of the government.

Honorable LoRenzo Bates
22nd Navajo Nation Council
President Shelly signs CIP five-year plan into law

WINDOW ROCK—It took almost 14 years to complete.

On May 5, President Ben Shelly signed the Navajo Nation Five-Year Plan into law and finalized 14 years of effort for prioritizing capital improvement projects.

During the spring session last month, the 22nd Navajo Nation Council approved Legislation No. 0118-13 and recommended for approval to President Shelly the Navajo Nation five-year capital improvement projects plan.

The multi-year plan is for capital expenditures, including a detailed one-year capital improvement budget. The priority list includes anticipated project costs, source of capital funds to complete projects, completion dates, and priority rankings.

The CIP plan includes various infrastructure projects, such as bathroom additions, house wiring, power lines, waterlines, buildings, wastewater treatment plants, parking lots, roads, sewer lines, and heavy equipment.

Cause for Celebration

The mood was celebratory as President Shelly penned his name to the legislation.

The five-year CIP plan from 2013 to 2017 totals $295,669,676.35 for projects from the 110 chapters.

The Division of Community Development, along with the Capital Improvement Office, hosted a barbecue luncheon at the Window Rock Veterans Park to kickoff the festivities.

President Shelly and members of the Navajo Nation Council provided remarks about the achievement during the luncheon, before sharing the news with the Navajo people during a live remote broadcast with KTNN AM 660 at the Office of the President and Vice President.

Navajo Nation Council

Katherine Benally (Chilchinbeto, Dennehotso, Kayenta) said the CIP plan from the 110 chapters was a major legislation that involved a lot of effort from tribal leaders and provided a blueprint for infrastructure development moving forward.

She mentioned that perhaps the interest from the Permanent Trust Fund could be utilized to fund the projects for the 110 chapters.

“Thank you to the Resources and Development Committee. We stood strong and worked on this. By a vote of 19-1, it passed Council. Thank you, delegates;” Benally said.

LoRenzo Bates (Nenahezad, Newcomb, San Juan, T’istoh Sikaad, Tse’ Daa’ Kaan, Upper Fruitland) said passage of the CIP plan was a new beginning for the Navajo Nation.

“We’re moving forward in improvements that are needed at the chapter level, as well as at the central government level,” Bates said. “This has been in the making for nearly 14 years.”

He noted that the 2014-2015 budget for the Navajo Nation is the first time there will be no waiver of the Appropriations Act because of the unavailability of a five-year plan.

“The next big step is to fund these projects,” he added.

Jonathan Nez (Navajo Mountain, Ojato, Shonto, Tsah Bii Kin) gave appreciation to President Shelly and the 22nd Navajo Nation Council for moving the initiative forward.

“I want to say to the Navajo people that this is your voice and a lot of the chapter officials deserve great kudos,” Nez said. “I want to thank each and every one of them for bringing their project listings to the Council.”

He added that there is still time for chapters to submit proposals.

“At the end of the day, as President Shelly always states, ‘It’s about job creation.’ I believe there will be a lot of
job creation as a lot of these projects go into construction,” Nez said.
Jonathan Hale (Oak Springs, St. Michaels) said he was thankful for the careful deliberation from tribal leaders to approve the CIP plan.
“There are many challenges facing our people. We need roads for our school kids,” Hale said. “We are thankful for this legislation moving forward.”
George Apachito (Alamo, Ramah, Tohajijelee) agreed with his colleagues and said it was time to address the many needs out at the chapters, such as new buildings for the Navajo Head Start students.
He gave thanks to the vision and leadership of the Resources and Development Committee, Health and Human Services Committee, and Speaker Pro Tem Bates.
“To our Navajo people, these are your funds. We will be moving forward on your behalf. Ahe’hee,” Apachito said.

“I see planning and tribal leaders working together to move this Nation forward.”

Working Together, Making Change Work
President Shelly was the final speaker for the KTNN live remote broadcast.
“This effort has been ongoing since 1998, during the days of the 88-member Navajo Nation Council, under the guidance of the former Transportation and Community Development Committee,” President Shelly said.
He said the CIP plan came directly from the Navajo chapters for infrastructure development.
They have conducted assessments for their community needs, he said, and noted that task forces were formed to conduct real property inventory and identification of chapter boundaries.
“We have nearly $2 billion in the Permanent Trust Fund and the interest from that is $295 million, enough to fund these projects,” President Shelly said. “A lot of hard work went into working on this project listing for almost 14 years.
“We must combine our savings and leverage them against other funding sources to get this work done,” he added.
President Shelly said thanks and gratitude must be given to the past leaders that had a hand in developing the CIP plan, from Peterson Zah, Edward T. Begay, Albert Hale and Kelsey Begay.
“People say there’s bad things happening in Window Rock. That’s not what I see. I see planning and tribal leaders working together to move this Nation forward,” he said.
“As leaders, we make decisions for the benefit of all. There’s three branches working together. Now’s the time to get working on behalf of your communities,” President Shelly said. “Together, we’re making change work.”
FOR IMMEDIATE RELEASE
May 6, 2014

Council Delegates participate in signing ceremony for the Navajo Nation’s Five-Year Capital Improvement Plan

WINDOW ROCK – On Monday, Speaker Pro Tem LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse’Daa’Kaan, Upper Fruitland) and Council Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta) were among several delegates in attendance as Navajo Nation President Ben Shelly signed into law Council Resolution CAP-18-14, the Navajo Nation Chapters’ Infrastructure Improvement Priority Projects listing, for Fiscal Years 2013 through 2018.

The Capital Improvement Plan required coordination from nearly all of the Nation’s 110 chapters to gather data and chapter resolutions over the course of several years and is viewed as a monumental achievement by many delegates and President Shelly.

Delegate Benally, who served as the primary sponsor of the legislation which was passed by Council on April 22, thanked her fellow Council colleagues for approving the capital improvement
project listing and also expressed appreciation for past leaders, including former Navajo Nation Chairman and President Peterson Zah, for laying the foundation years ago.

Although the five-year CIP is now in place, Delegate Benally said the next major step is to secure funding to begin construction of the projects.

Pro Tem Bates called the initiative a “new beginning” for the Navajo Nation, adding that the Council will soon revisit possible funding sources.

“As early as this week we will sit down and begin looking at the alternatives that we as a Nation have in funding these projects,” said Pro Tem Bates. “Hopefully, as early as the summer session, we’ll have something to bring to the Navajo Nation Council to consider funding these projects.”

The priority listing was developed over the course of several years by the Navajo Nation’s Capital Improvement Office and includes numerous projects such as, government buildings, chapter houses, senior citizen centers, waste and water systems, parking lots, and judicial facilities.

Also in attendance was Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts’ah Bii Kin), who thanked chapter officials for their contributions in developing and submitting project proposals and said the construction of the projects will improve the Nation’s economy and also create much needed jobs for Navajo people.

“With the President’s signature, we honor the collective hard work by many who contributed to the five-year plan, in particular, our chapter officials and staff from across Navajo land,” Delegate Nez stated. “I just want you all to know that you are greatly appreciated and your hard work is not going unnoticed.”

Co-sponsor of the legislation Council Delegate Jonathan Hale (Oak Springs, St. Michaels), said the signing of the resolution signified the culmination of years of hard work between delegates and chapter officials.

“This is an effort that took cooperation from all sides to develop a plan that will lead our Nation on the path to a prosperous future for our Navajo people,” said Delegate Hale.

The occasion marked the first time a five-year CIP has been approved and signed into law.

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FOR IMMEDIATE RELEASE
May 5, 2014

Health, Education, and Human Services Committee receives annual report from Diné College

WINDOW ROCK – Last Wednesday, the Health, Education, and Human Services Committee received the 2013 Diné College Annual Report, presented by Dr. Maggie George, president of Diné College, located in Tsaile, Ariz.

According to the report, Diné College is a two-year community college that is offered to a growing number of Navajo students throughout the Navajo Nation. Currently, there are six college campuses that are a part of the multi-campus system.

“In March, we had a visit from the Higher Learning Commission where we submitted the proposal to offer a Bachelor of Arts Degree in business administration with a focus on tribal management and entrepreneurship. They approved our proposal and it is going through the stages and we should hear from them sometime in May,” stated George.

In addition to offering degrees and certificates, Diné College offers a GED program in partnership with Navajo Nation Workforce Development and the State of New Mexico. Since starting the GED program, a total of 206 students have graduated.

“A couple years ago, we started looking at dual credit or access to higher education. We started in the fall and in the last year, we have entered 20 dual credit agreements with local high school districts,” stated George.

A total of 186 students will graduate from Diné College this May, with various degrees including Bachelor of Arts in Education, Associate of Art, Associate of Science, Associate of Applied Science and certificates, according to the report.

The first Navajo Community College was established in 1968, which later became Tsaile’s Diné College.

For the last three years, Diné College has been working on a congressional mandate facility study with the Bureau of Indian Affairs to reevaluate the Navajo Community College of 1968. There was a 36-year-old mandate for the BIA to conduct facility studies but which has yet to be accomplished.

“I know that the K-12 schools, the grant schools, and the old BIA schools, there’s years of being on the improvement list and there’s funding. I’m just thinking there seems to be a different
approach when it comes down to college campus,“ stated HEHSC member Council Delegate Walter Phelps (Cameron, Coalmine Canyon, Leupp, Tolani Lake, Tsidi To ii).

HEHSC vice chair Council Delegate Charles Damon, II encouraged the committee to support Diné College representatives in obtaining additional land for improvement.

“We will write a letter of support from the committee, if that is okay with all the community members,” stated Delegate Damon.

According to the report, Diné College is the first tribally controlled community college in the United States, fully accredited by the Higher Learning Commission of the North Central Association in 1976. About 52% of Diné college faculty is Native American.

“We are the first tribal college and over 46-years-old this year. Our buildings, especially at our administrative campus in Tsaile, is a challenge to keep up. I want to respectfully request that the Navajo Nation work with us to create a permanent construction funding source,” stated George.

HEHSC members voted 3-0 to accept the report.

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FOR IMMEDIATE RELEASE
May 5, 2014

Law and Order Committee approves amendments to the Navajo Nation Sex Offender Registration and Notification Act of 2012

Authorizes a referendum on term limits for Council Delegates and President

WINDOW ROCK – On Thursday, the Law and Order Committee approved three important legislations, the first regarding amendments to the Navajo Nation Sex Offender Registration and Notification Act of 2012, and two separate legislations concerning term limits for Council Delegates and the President.

Legislation No. 0101-14 aims to amend the NNSORNA to include provisions to improve the timely apprehension of sex offenders who fail to register or abscond, require registration of sex offenders convicted prior to 2006, and to meet the U.S. Congressional guidelines to safeguard the public from sex offenders through stringent registration requirements.

LOC vice chair Council Delegate Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichii, Steamboat) who sponsored the legislation, said that one of the major challenges of the NNSORNA is addressing absconders, or sex offenders who fail to register with the proper law enforcement agencies.

“We spent a year to almost a year and a half on this issue, and this legislation basically puts in those elements that are missing to address the issues of absconding,” said Delegate Shepherd.

Perry Yazzie, manager of the Navajo Nation Office of Background Investigations, submitted a public comment regarding the sex offender reporting systems.
“Our concern is that the sex offender registration managed by agencies at the federal, regional, state, and local levels do not really coordinate with each other and have a lack of communication between one another,” said Yazzie. “It is important to get comprehensive background histories of offenders that come in to apply for employment [with the Navajo Nation].”

Yazzie said his office had previously researched a known sex offender in several different agencies, but the individual’s name did not surface in some of the reporting systems, only a select few.

Delegate Shepherd suggested that proposed criminal background checks be reviewed by legislative counsel to determine whether it can be added as an amendment to the legislation, or go through separate legislation, or if it is an administrative fix that can be added to the Navajo Nation employment application by the Department of Personnel Management.

“We want this to make this a holistic attempt going forward to make this law as solid as we can,” said Delegate Shepherd. “This [law] protects all Navajo individuals especially young kids at the schools and in their own homes.”

LOC members voted 4-0 to approve Legislation No. 0101-14.

In addition, the LOC considered Legislation No. 0106-14, which seeks to authorize a referendum on the proposed term limits for Council Delegate’s to serve a maximum of two terms, or eight years, within their lifetime. LOC members voted 3-0 to approve Legislation No. 0106-14.

Lastly, LOC members considered Legislation No. 0107-14, which also seeks to authorize a referendum on the proposed term limits for the Navajo Nation President to serve a maximum of two terms, or eight years, within their lifetime. LOC members voted 2-0 to pass Legislation No. 0107-14.

The legislations now move forward to the Naabik’iyáti’ Committee for consideration. Council serves as the final authority for the three legislations.

For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
May 1, 2014

Resources and Development Committee tables legislation to rescind Uranium Resources Inc.’s right-of-way in Churchrock

WINDOW ROCK – On Tuesday, following nearly two hours of debate, the Resources and Development Committee tabled Legislation No. 0104-14, which is aimed to rescind RDCD-69-13, a resolution that grants Uranium Resources Inc. a right-of-way to properties in Churchrock, N.M.

The resolution was previously passed by the RDC on Dec. 24, 2013, which would allow URI to conduct an in-situ uranium recovery project in the Churchrock Chapter and authorized the establishment of a subcommittee to work with the Natural Resources Division, the Navajo Nation Department of Justice, and URI representatives to draft the terms of an agreement that results in mutual gains for the Navajo Nation and URI.

“I bring this legislation before you because there is two existing laws that we really did not look at. It is really conflicting and I think that there is a way to do this correctly if it is going to be done,” stated legislation sponsor Council Delegate George Apachito (Alamo, Ramah, Tohajiilee).


RDC member Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) urged committee members not to support the legislation.

“I do ask that you withdraw it. We have a 20% chance of winning this fight. What are you going to do if you lose jurisdiction? When we lose jurisdiction, we are going to be on the sideline. We won’t be able to object anymore,” stated Delegate Tsosie.

According to the legislation, in 1929, there was a deed between the Sante Fe Railroad and the United States Government that includes 42,000 acres of land in trust. URI has argued that the deed allows the company a right-of-way, to access uranium resources.

Navajo Nation Department of Justice attorney, David Taylor, supported the legislation to rescind, and said the issue is a complicated situation.

“The Navajo Nation Department of Justice supports this legislation. The legislation proposed by Delegate Apachito is fundamentally consistent with existing Navajo laws,” stated Taylor.
Another supporter of the legislation was Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau), who represents the community of Churchrock.

“I very much support this legislation. Think of the future. If this goes through, it is the kids that I am thinking of. What is going to happen to them? Why can’t URI understand that the Council already said ‘no’ to uranium. It is the greed,” stated Delegate Yazzie.

RDC chair Council Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta) recommended the legislation be tabled until the next meeting between the RDC subcommittee and URI.

RDC members tabled Legislation No. 0104-14 with a vote of 3-2.

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For news on the latest legislative branch activities, please visit [www.navajonationcouncil.org](http://www.navajonationcouncil.org)
President Shelly finalizes horse MOU with Gov. Richardson

WINDOW ROCK — Navajo Nation President Ben Shelly announced the agreement between the Navajo Nation and the Foundation to Protect New Mexico Wildlife has been completed.

President Shelly negotiated the terms of the agreement with former New Mexico Gov. Bill Richardson, who is also co-founder of the Foundation.

“Working together to resolve challenges is our approach as we work with Governor Richardson and his Foundation. They will give us funding and find more resources to reverse the population of feral horses,” President Shelly said. “We will continue to treat these animals humanely and implement the best solutions to our rangeland issues.”

We thank Governor Richardson and the Foundation for working with the Navajo Nation in this most important effort, he added.

He initialed off on the memorandum of understanding with Gov. Richardson and the Foundation on April 30, 2014.

The agreement between the parties came after months of negotiations and discussions on the language of the agreement.

Gov. Richardson said, “This historic agreement is a great first step in our efforts to not only protect these horses, but to find humane and long-term solutions that are in the best interest of the Navajo people and their land.”

“I commend President Shelly for his commitment to this issue, and we look forward to getting right to work,” he added.

According to the MOU, the foundation agrees to fundraise and secure resources for the Navajo Nation to use for the successful implementation of the management program.

This will involve working with the federal government, states, conservation groups, private parties, and foundations to identify resources for adoptions, triages, veterinarian services, and sanctuaries.

The Navajo Nation agrees to make reasonable efforts to work with buyers offering humane alternatives to the transportation of horses to slaughter facilities and sales to buyers transporting horses to slaughter facilities.

The Nation will also work with the Foundation to secure resources for the implementation of the program.

The term of the MOU is one year from the date of execution, which will be announced early summer 2014.

Plans are to have a signing ceremony in Window Rock with Gov. Richardson and Robert Redford. Redford is currently filming a movie and will not be available for the signing until early summer.

“Horses are sacred to the Navajo people. We have songs, prayers and ceremonies that are performed in their honor,” President Shelly said. “We will have a medicine man available during the signing to share our cultural perspective and relationship with horses.”

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He said there are over 300,000 Navajos in the world and what sets us apart from Indian Country as the largest tribe in the U.S. is our drive, vision and thought that there’s always something better out there.

“Everything rests on you,” President Shelly said.

The training program is part of PNM’s efforts to minimize economic impact related to the proposed 2017 closure of two units at the San Juan Generating Station near Farmington.

The closure is part of an agreement between, PNM, the Environmental Protection Agency and the New Mexico Environment Department that requires San Juan to comply with a federal regional haze rule.

The scholarship program is not funded by customer rates and provides $200,000 over five years.

“Helping lay the foundation for a stronger New Mexico economy is important to PNM and all of us here,” Collawn said. “Having a strong economic base empowers our communities.

“It allows individuals to provide for themselves and their families to improve their quality of life,” she added.

NTU President Dr. Elmer Guy and SJC President Dr. Toni Pendergrass joined President Shelly and Collawn last week to honor Navajo students in Crownpoint and Farmington.

“Because of this partnership, students will have the opportunity to achieve the career goals in numerous disciplines,” Pendergrass said.

From studying building trades and civil drafting to occupational safety and welding, she noted that the students are the future of business and the community.

Through the PNM-Navajo Nation Workforce Training Program, Navajo students can qualify for $1,000 to $2,000 in funding per semester for specific programs at NTU and SJC.

“Through public and private sector partnerships, we are able to enhance support for Navajo students enrolled in certificate, associate and bachelor degree programs,” Guy said. “The program is not only contributing to the success of Navajo students, but also empowering our graduates to compete economically at home, nationally and globally.”

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Dr. Toni Pendergrass has been San Juan College President since July 2, 2012. Her extensive experience in the community college realm for almost 20 years has brought firsthand experience for growing community partnerships and economic development efforts at SJC. (Photo by Michele Morris)
Navajo Nation Council appoints Levon Henry as Chief Legislative Counsel and approves the Navajo Housing Authority Reform Act of 2014

WINDOW ROCK – On the final day of the spring session, the Navajo Nation Council took action on several key legislations including appointing Levon B. Henry to serve in the role of Chief Legislative Counsel, and approving the Navajo Housing Authority Reform Act of 2014.

With a vote of 18-2, Council members approved Legislation No. 0062-14 co-sponsored by Council Delegate Roscoe Smith (Crystal, Fort Defiance, Red Lake, Sawmill), following an hour-long discussion on Wednesday afternoon.

“In accepting this appointment, I realize there is a great deal of work to be done and I know that the Council members are expecting quite a bit from the Office of Legislative Counsel,” stated Henry. “I’d like to ensure you [that my intent] —if this appointment is approved— is to offer professional services to each of you.”

Henry previously served for 10 years as the executive director for DNA-People’s Legal Services in Window Rock. His legal career spans 26 years, in which he also served as a Navajo Tribal Court Advocate, president of the Navajo Nation Bar Association, and as the Attorney General of the Navajo Nation.

In his new role, Henry will be responsible for providing legal advice and representation to the Council, its standing committees, and programs under the legislative branch.

Additionally, Henry will administer and manage the Office of Legislative Counsel which is currently staffed with five attorneys, including acting Chief Legislative Counsel Marianna Kahn.

On Wednesday, Council also approved Legislation No. 0075-14 with a vote of 17-1.

If signed into law by Navajo Nation President Ben Shelly, the resolution will amend Title 6 of the Navajo Nation Code to allow the Government Services Committee to be replaced by the Naabik’íyááti’ Committee as sole appointing authority to appoint NHA Commissioners of the Board.

Legislation sponsor Delegate Smith, has previously explained that when the Council membership was reduced from 88 to 24 members, the standing committees also changed. However, language in Title 6 has not been amended to reflect the changes made to the Council’s standing committees.

Another proposed change would eliminate language in Title 6, which requires Commissioners of the Board to take an oath of office prior to assuming duties.
President Ben Shelly will have ten calendar days to consider the resolution once it is sent to the Office of the President and Vice President.

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FOR IMMEDIATE RELEASE
April 22, 2014

Council approves Chapter’s infrastructure improvement priority projects; override of ‘junk food’ sales tax fails to garner required votes

WINDOW ROCK – On the second day of the spring session, Council members voted 19-1 to approve Legislation No. 0118-13, the Navajo Nation Chapters’ Infrastructure Improvement Priority Projects listing, for Fiscal Years 2013 through 2018.

Legislation sponsor Council Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta) explained that following Council’s decision to table the legislation and to refer it back to the Resources and Development Committee on Feb. 21, the Capital Improvement Office along with various programs reviewed additional project proposals which were then added to the listing.

The priority listing was developed over the course of several years by the Nation’s Capital Improvement Office and includes developments of government buildings, chapter houses, senior citizen centers, waste and water systems, parking lots, and judicial facilities.

Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) acknowledged the need for infrastructure development throughout the Nation, and suggested the legislation should take a different approach to addressing the need.

“We should fund power lines all over the Navajo Nation. Let’s get these power lines to the four corners of the Navajo Nation because the chapters cannot afford [the] power lines and we have the means to do it,” said Delegate Tsosie, while also expressing the need for telecommunications development for the entire Nation.

The legislation was met with strong support from several delegates including Council Delegate Duane Tsinigine (Bodaway/Gap, Coppermine, K’ai’Bi’i’To, LeChee, Tonalea/Red Lake) who said his chapter officials have devoted extensive time and expenses to developing their proposals.

“I plead with you Council members that we pass this important document,” Delegate Tsinigine said. “There [are] chapter houses that need to be rebuilt and we are tired of meeting in warehouses.”

Following over two hours of debate, Council members voted 19-1 to approved Legislation No. 0118-13. President Ben Shelly will have ten calendar days to consider the resolution once it is sent to the Office of the President and Vice President.

On Tuesday, Council members also addressed Legislation No. 0083-14, which sought to override President Shelly’s veto of Council Resolution CJA-04-14, the Healthy Diné Nation Act.
Council previously approved the original legislation which sought to impose a two-percent sales tax on “junk food” sold within the Navajo Nation in an effort to increase diabetes awareness and to promote healthy living.

The resolution was later vetoed by President Shelly who stated that it was an “unfunded mandate” and that the Nation was not prepared to implement such a tax.

Legislation sponsor Council Delegate Jonathan Hale (Oak Springs, St. Michaels) was joined by professional golfer Notah Begay, III, who asked for Council’s support to override the veto as a way of advocating for Navajo youth and doing what’s in their “best interest.”

“This message goes much further than a simple tax, it’ll resonate and ripple through Indian country saying that we finally have a government that is willing to take a stand on this issue,” stated Begay.

The override attempt failed to garner enough votes to override the veto with a vote of 13-7.

According to Navajo Nation law, an override of a presidential veto requires two-thirds of Council’s approval, or 16 supporting votes.

In a separate legislation also sponsored by Delegate Hale, Council voted 19-1 to override President Shelly’s veto of Council Resolution CJA-05-14, which eliminates the current five-percent sales tax on fresh fruits and fresh vegetables sold within the Navajo Nation.

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NIHIMA NAHASDZAAN DINISIN
DOO BAA AHOLYA
(Respect and Care for Mother Earth)

EARTH DAY 2014 LAUNCH
TUESDAY, APRIL 22, 2014

TAKE THE INITIATIVE.
TAKE AN EARTH PLEDGE!
SIGN UP @ WWW.NNPLEDGE.NAVAJO-NSN.GOV

CLEAN UP AROUND YOUR COMMUNITY
TOGETHER LET'S MAKE CHANGE HAPPEN FOR OUR
FUTURE INNOVATORS
COMPOSTING
RECYCLING

The Navajo Nation
Ben Shelly President
Rex Lee Jim Vice President
FOR IMMEDIATE RELEASE
April 21, 2014

Speaker Naize provides report to Council on opening day of the Spring Session

WINDOW ROCK – Speaker Johnny Naize (Low Mountain, Many Farms, Nazlini, Tachee/Blue Gap, Tselani/Cottonwood) provided a report to members of the 22nd Navajo Nation Council on the opening day of the Spring Council Session.

In the written report, Speaker Naize touched on several important issues including the purchase of Navajo Mine, the proposed “Department of Health”, the proposed Fort Wingate Army Depot Land Division, and the Little Colorado River Settlement.

Although the Navajo Transitional Energy Company, LLC has purchased Navajo Mine, there remain a number of challenges to ensure the continuation of operations of the Four Corners Power Plant and the mine itself, according to the report.

“There exists a need to expand the operations of the mine, which will require the renewal or issuance of several federal permits,” Speaker Naize wrote.

In addition, a draft of a comprehensive environmental impact statement is currently available for public review and comment which addresses the power plant lease amendment, energy transmission lines, Navajo Mine permit renewal, and the new coal mine area, each of which are required for the continued operation of the mine.

In other matters, Speaker Naize also addressed the ongoing development of a proposed “Department of Health” for the Navajo Nation.

Council Delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill) introduced Legislation No. 0346-13, which seeks to form a “Department of Health,” to consolidate certain responsibilities and authorities under the proposed department.

“I initiated legislation to create the Department of Health Creation Task Force, which is responsible for reviewing and assessing Legislation No. 0346-13 to develop it in the best interest of the Navajo Nation and Diné Citizens,” stated Speaker Naize in the written report.

Speaker Naize also addressed U.S. House Bill 3822, sponsored by U.S. Rep. Ben R. Luján (D-NM) which seeks to divide approximately 21,000 acres of parceled land east of Gallup, N.M. between the Navajo Nation and the Zuni Tribe, which was previously used by the military to store ammunition and explosive materials.

On March 27, Speaker Naize along with Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) testified before the House Subcommittee on Indian and Alaska Native Affairs in regard to the proposed land division.
“I testified that currently, the Navajo Nation has not taken a position in support of or in opposition of H.R. 3822. I made it clear that until the Navajo Nation Council does so, the issue is still open,” wrote Speaker Naize.

In reference to water rights, Speaker Naize said he has met with the Navajo Nation Department of Justice to discuss bringing together the various groups that have an interest in developing a settlement of water from the Little Colorado River.

Speaker Naize explained that the U.S. Department of Justice and the U.S. Department of Interior have yet to meet to discuss the issue.

“Because both the U.S. DOJ and DOI have declined to meet with the Navajo Nation, a formal letter from President Ben Shelly was sent on March 21st, 2014 to request a meeting on the issue and to reaffirm that both have a trust responsibility in the matter, and outright refusal to meet runs contrary to that responsibility. There has been no response to the letter to date,” Speaker Naize wrote.

In his report to Council, Speaker Naize also touched on the Cobell Land Buy-Back Program, Navajo Technical University, and veterans issues.

Council members voted 15-0 to accept the report.

To view Speaker Naize’s full report, please visit:  

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
We must work together for our future generations.

The Rangeland Improvement Act will become the roots in our efforts to address drought, overgrazing, feral horse roundups, and range management. We must get input from the Navajo people.

The Former Bennett Freeze Area is beginning to thaw after more than 44 years of remaining frozen in time. We must band together to help residents of this area build new homes and make improvements to existing housing stock.

Uranium cleanup from the former Kerr-McGee uranium mines will finally begin remediation with $1 billion in funding from the bankruptcy settlement from Tronox, Inc. The U.S. Department of Justice made the announcement in early April.

Our Navajo veterans that proudly served in the U.S. Armed Forces will finally get the respect and recognition from their faithful service to this Nation. The Department of Navajo Veterans Affairs has begun constructing 75 homes spread across all five agencies of the Nation. The goal is 300 homes in four years.

The Navajo Nation Washington, D.C. Office continues to track legislation affecting the Navajo Nation. Such legislation includes bills regarding education. We must find new ways to provide scholarships for our college students in colleges and universities across the country. They are our future.

Saluting our Navajo Vets.
The Navajo Department of Veterans Affairs has started the construction of 400 new homes for our veterans in the next four years.

Observe the Golden Rule.
On April 5, 2014, Navajo Nation Vice President Rex Lee Jim hosted Golden Rule Day. The event featured guest speakers and workshops on conflict resolution, peacemaking and difficult conversations.
Speaker Pro Temp, Delegates of the 22nd Navajo Nation Council, my fellow Navajo People:

Good morning. Thank you for the opportunity to join you today for the start of the 2014 Navajo Nation Council spring session.

Spring is a time of rebirth and renewed strength. Such is the case with this Council session, which will undoubtedly set the tone for the months to come.

Today, somewhere on the Navajo Nation, one of our Navajo elders woke up early to let the sheep out of the corral to forage for what little vegetation is available on our rangeland.

Elsewhere, a Navajo family gathers around the needs of their father’s deteriorating health. He worked for decades mining uranium and is now suffering from its effects on his health and well being.

In the Former Bennett Freeze Area, Navajo families continue the struggle they have lived for more than 48 years. Their challenge is to survive the bureaucracy and red tape that’s clogged any progress on this portion of the Nation.

Throughout our land, Navajo children step aboard yellow school buses and stare out the window daydreaming of a better life.

At universities and colleges across the country, our Navajo students pursuing a higher education tighten their belts and sit down to another bowl of ramen noodles for dinner.

Across the Navajo Nation, a veteran who once stood on the frontlines to protect this country and our way of life wakes up to substandard housing and wonders if he will ever find the respect that he once had as a soldier.

Today, we sit united inside this historic Navajo Nation Council Chamber and think of the impact we have on lives of our Navajo people and what we must do to keep our government moving forward.

For the Navajo elder that woke up early to let the sheep out to graze on barren lands, we are working on land conservation.

The Navajo Rangeland Improvement Act is reshaping outdated policies and empowering our Navajo Department of Agriculture and Department of Resource Enforcement with authorities to truly begin conservation of our tribal lands.

However, we must still take the Navajo Rangeland Improvement Act out to the chapters and include the people’s vision on this effort. Many have thoughts on this issue.

For the families suffering from exposure to uranium and radiation, they will be happy to know that the Navajo Nation received $1 billion for the cleanup of abandoned uranium mines.

On April 3, the U.S. Department of Justice announced a $5.15 billion settlement against Tronox, Incorporated. The Nation received a percentage of the settlement for cleanup of radioactive uranium waste left behind by former parent company Kerr-McGee.

One billion dollars may sound like a lot of money, but it will only provide cleanup of 49 abandoned uranium mines. There are 300 sites remaining, from a list of more than 1,000. At least this is a start.
For families in the Former Bennett Freeze Area residing on lands that have been motionless for over 48 years, we are making headway on your behalf for home repairs and construction.

The Navajo-Hopi Land Commission Office continues their active search for funding to address housing, home repairs and grazing management.

The commission developed a detailed project management plan for $2 million in NAHASDA funding. This will be for new home construction.

Additionally, funding from the Navajo Rehabilitation Trust Fund was utilized to re-roof nine homes in the Former Bennett Freeze area have been re-roofed and assess 20 other homes for work.

For our students at home and those pursing higher education at colleges and universities across the country, the Navajo Nation Washington, D.C. Office continues to monitor legislation on your behalf.

Like the Native Language Immersion Student Achievement Act, which is aimed at enhancing the learning opportunities for our Navajo kids.

Others like the Alternative Accountability Workbook is focused on cutting red tape and strengthening our Navajo sovereignty. The workbook will provide the Nation with an alternative to the Adequate Yearly Progress formula currently in use by states.

The Navajo Nation continues striving for self-determination in the education of our children. We need to address the disparity that exists with funding our college students.

For FY 2014, the Office of Navajo Nation Scholarship and Financial Assistance awarded scholarships to 4,792 students for a total of $16,954,052.

However, 6,260 students were turned away due to the lack of funds.

For our college students studying to become our future leaders, we must think outside the box for scholarships and financial aid that will give them the needed support to reach their educational goals.

We have not forgotten the faithful duty and sacrifice of our Navajo veterans that served in the U.S. Armed Forces.

In February, the Navajo Nation Department of Veterans Affairs executed their FY 2014 $1.9 million housing project to construct 75 new homes this year.

The goal is 300 homes in the next four years. We will find the money to ensure these homes are properly equipped with appliances and heating. There should be no shortcut when it comes to housing our veterans.

The only way these important initiatives are done is by working together. For our government to properly function, we must collaborate and pull these many projects and initiatives forward for the benefit of the Navajo people.

Let’s rewind the clock back five years ago.

Our Nation was in turmoil from the push to reduce the Council from 88 to 24 members. The battle cry was government reform and a reduction in costs for services from our legislators.

Here we are, five years later, and we all know that was not the case. Not only did costs rise, but the workload also doubled and tripled in some cases. In spite of these challenges, we
worked together and stabilized our government from those uncertain times.

Gone are the days of demeaning press releases being thrown back and forth between the Executive and Legislative Branches of government. If you recall, five years ago, it was like watching school kids arguing over name calling on the playground.

We have matured a lot since then, but we must do more and observe the Golden Rule, especially when we have disagreements.

Effective communication, conflict resolution, peacemaking and difficult discussions were the focus on April 5, when Vice President Rex Lee Jim hosted Navajo Nation Golden Rule Day.

The Golden Rule is simple: “Do unto others as you would have them do unto you.” Basically, this means treat others like you would like to be treated.

This simple teaching is a philosophy we have already been taught by our Navajo elders when they told us to “walk in beauty” and live in harmony with the world.

On July 5, 2013, Vice President Jim received the Golden Rule International Award from the Peace and Humanities International. There are 120 nations globally that observe Golden Rule Day. We can now be added to that list.

Navajo Nation Golden Rule Day began with prayer and a 5K run. The daylong event featured guest speakers and sessions on difficult conversations, conflict resolution, peacemaking and effective communication.

It’s important for us to remember that it is okay to disagree and have opposing opinions on matters. What we must practice is being respectful of different views. There is no need for animosity and grudges.

Let’s not fall back into the hole we were in five years ago, when nothing moved, except petty news and bickering. We’ve come this far working together and we still have much more ground to cover.

Through our partnership with the Navajo Nation Council and our mutual commitment to work together for the Navajo people, we have accomplished great feats.

Like the Navajo Nation General Leasing Act of 2013.

In February, I met with the U.S. Department of Interior in Washington, D.C. to obtain approval of this legislation. The Secretary of the Interior will give approval this month.

The 120-day review period is over. The Act has been approved by statute and we are awaiting the official announcement.

We can now streamline residential and business site leasing through the Navajo Nation General Leasing Act.

We will have the authority to approve leases without involvement from the Bureau of Indian Affairs. It is another step toward true self-determination.

Other tribes from across Indian Country have used our General Leasing Act as a template to expedite approval of residential home site leases, schools, religious sites, agriculture, energy and grazing.

We continue to lead the way on our journey to build a nation. Nation building would not be possible without roads to get us to our respective destinations. Recently, construction for one major artery on the Navajo Nation was announced.

For more than 20 years, New Mexico Senator John Pinto has been urging state legislators to complete four-lane construction on U.S. Route 491.

On March 25, at a roadside ceremony near Sheep Springs, New Mexico Governor Susana Martinez and I announced that $78 million would be allocated to U.S. 491 to finish the remaining 21.8 miles of construction. U.S. Route 491 was formerly named U.S. 666 and was
informally known as the “Devil’s Highway,” because of the countless accidents and fatalities that occurred on the two-lane roadway.

Senator John Pinto made it his mission to widen the road and his efforts have paid off, as accidents and fatalities have decreased on the four-lane segments.

With the construction of Navajo Route 20 in the Western Agency and now, U.S. Route 491 in the Eastern and Northern Agencies, this is the first time two major roads have been constructed during one administration of tribal leadership.

The Navajo Division of Transportation is also currently working with the Arizona Department of Transportation to address another dangerous stretch of road that has claimed many lives.

When traveling westbound on State Road 264 from Window Rock, you may have noticed road crews thinning trees and branches in the right-of-way area between the summit and Ganado.

This is in preparation of work to widen the road in this area, which has also seen its fair share of accidents over the years. While this initiative will take years to complete, the good news is that it is finally underway.

Through my directive last year, Navajo DOT also began working with Navajo leaders in the Arizona Legislature regarding funding from our Navajo Nation Fuel Excise Tax.

A tax of 17 cents is imposed on each gallon of fuel purchased on the Navajo Nation. For diesel, the tax is 25 cents per gallon. These funds go into the Navajo Nation Road Fund.

An average of $12 million is collected annually and used to fund road and airport improvements on the Nation.

From that amount, $3 million is distributed to road maintenance, $3 million to the Road Fund, $2 million to the Navajo Nation Permanent Trust Fund and $4 million to the State of Arizona.

That is, until now.

With the assistance of Arizona Senator Carlyle Begay, I am happy to report that the $4 million in FET funds that previously went to Arizona will now stay on the Nation for our road projects.

There’s much more to report to you on the progress of the Nation over the past quarter. These are just a few highlights of things we have been working on.

Later this week, please take the time to read our newsletter - *Hozhooni Nahat’á Ba Hane*’ – for more information on the work and progress we’ve made since the winter session.

We look forward to strengthening and growing our relationship with the Navajo Nation Council. Together, we can do great things for our Nation and our people.

Ahe’hee.
Navajo Nation Council Spring Session to be streamed live on the web

WINDOW ROCK – The Navajo Nation Council Spring Session will once again be streamed live on the web through the Council’s designated USTREAM channel, beginning Monday, April 21.

“On behalf of the 22nd Navajo Nation Council, I invite Diné Citizens to watch live proceedings of the Council’s spring session, particularly our Navajo men and women serving proudly in the armed forces throughout the world,” said Speaker Pro Tem LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse’Daa’Kaan, Upper Fruitland).

The Office of the Speaker continues its partnership with the Navajo Nation Office of Broadcast Services to provide this regular service to the Diné people.

In addition, the spring session will also be aired live on NNTV5, a locally operated television station.

Pro Tem Bates also asked for the public’s cooperation in maintaining an orderly and respectful atmosphere for the duration of the session.

“Our Nation’s leaders will once again deliberate and take action on very important issues, some of which may be controversial, and it is critical that we all maintain respect for one another and for the Council Chamber which continues to serve as a sacred place for all Diné people,” Pro Tem Bates stated.

To view the proposed agenda for the Spring Council Session, please visit navajonationcouncil.org and click the “Meetings” tab.

Visit http://www.ustream.tv/channel/navajo-nation-council to view the live-streamed proceedings of the Council’s Summer Session. Alternatively, viewers may log onto the USTREAM home page and search for ‘Navajo Nation Council’ in the search box.

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FOR IMMEDIATE RELEASE
April 17, 2014

Naabik’iyáti’ Committee approves the Navajo Housing Authority Reform Act; tables the Navajo Adult Guardianship Act

WINDOW ROCK – Naabik’iyáti’ Committee members on Thursday took action on several key legislations including approving Legislation No. 0075-14, the Navajo Housing Authority Reform Act of 2014 and tabling Legislation No. 0100-14, the Navajo Adult Guardianship Act of 2014.

With a vote of 10-1, committee members approved the NHA Reform Act of 2014 sponsored by Council Delegate Roscoe Smith (Crystal, Fort Defiance, Red Lake, Sawmill), which now proceeds to the Council for final consideration.

If approved by the Council and signed into law, the act will amend Title 6 of the Navajo Nation Code to allow the Naabik’iyáti’ Committee to serve as the appointing authority of the Commissioners of the Board for NHA.

Delegate Smith explained that when the Council membership was reduced from 88 to 24 members, the standing committees also changed. However, language in Title 6 has not been amended to reflect the changes made to the Council’s standing committees.

“One of the issues that has come up during this term is the validity of the oversight. So this legislation clarifies who that oversight will be,” said Delegate Smith. “The Naabik’iyáti’ Committee will assume that responsibility.”

Another proposed change would eliminate language in Title 6, which requires Commissioners of the Board to take an oath of office prior to assuming duties.

The proposed legislation does not change the oversight authority over the Tribally Designated Housing Entity, which remains with the Resources and Development Committee.

Legislation No. 0075-14 will be on the Council’s spring session proposed agenda.

On Thursday, the Naabik’iyáti’ Committee also considered Legislation No. 0100-14, which seeks to enact the Navajo Adult Guardianship Act of 2014, sponsored by Council Delegate Danny Simpson (Becenti, Crownpoint, Huerfano, Lake Valley, Nageezi, Nahodishgish, Tse’ii’ahi, Whiterock).

Delegate Simpson stated that the Nation’s guardianship laws were first implemented in 1945 and have never been amended.

According to the legislation, the rights of individuals with disabilities are rooted in traditional Navajo beliefs which say that such persons should, “be allowed maximum independence and be included as much as possible in decision-making about important aspects of their lives, such as
where they will live, their health care or their finances, and who may speak or act on their behalf.”

Delegate Simpson also explained that he had met with colleagues from the legislative branch and judicial branch, including Chief Justice Herb Yazzie, to compromise on the legislation language.

Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) raised concern over possible ramifications of the proposed act on disabled individuals and their families.

“We know we have serious substance abuse issues, so when is it that an individual reaches a certain stage of being mentally incapacitated to where they need help? Under this act, you will never be able to push them to get into rehab,” stated Delegate Tsosie. “This gives too much authority to that individual to not allow for the services that’s being offered to them.”

Delegate Tsosie said he supports the intent of the act, however, he recommended tabling the legislation to allow for a work session to clarify and work out the concerns of delegates.

Naabik’iyáti’ Committee members tabled the legislation with a vote of 12-0. A work session is scheduled to take place on Friday, May 16.

# # #

For news on the latest legislative branch activities, please visit [www.navajonationcouncil.org](http://www.navajonationcouncil.org)
FOR IMMEDIATE RELEASE
April 17, 2014

Health, Education, and Human Services Committee approves the Navajo Adult Guardianship Act of 2014

WINDOW ROCK – On Wednesday, the Health, Education, and Human Services Committee approved Legislation No. 0100-14, the Navajo Adult Guardianship Act of 2014.

The intent of the legislation is to protect the rights of individuals facing guardianship issues based on a perceived disability.

“This act basically states to protect the rights of our Navajo people with disabilities and making sure they get appropriate guardianship. It is very simple but the process of it, how the court will decide who will be the guardian to the individual and implementing certain guidelines is very important,” stated legislation sponsor Council Delegate Danny Simpson (Becenti, Crownpoint, Huerfano, Lake Valley, Nageezi, Nahodishgish, Tse’ii’ahi, Whiterock).

Currently, there is no statute in place that protects the rights of adults who are subject to adult guardianships.

President of the Native American Disability Law Center Hoskie Benally, said the Nation’s laws regarding guardianship was last evaluated in 1945, while pointing out certain problems that have developed over the years since.

“What was happening was a person gained guardianship over another person and assuming all the rights to make decisions for that person, like where they were going to live, spend their money, and that person didn’t have any say so as to their daily activities,” stated Benally.

Benally stressed the significance of the term “partial guardianship,” found within the language of the bill and also stressed the importance of distinguishing between a person with a cognitive disability that needs full-time guardianship versus a person with a disability that allows them to continue making decisions for him or herself.

“Partial guardianship is saying based on the nature of the disability, the accord needs to take that into consideration and give limited guardianship to the person that is going to be the guardian in the decision-making process,” stated Benally.

According to their website, the Native American Disability Law Center is a private non-profit organization that advocates for the legal rights of Native American with disabilities.
“This act, right now, if you look at it, there is only 5 sections and there are 5 sentences and that was approved back in 1945 and has never been changed and has never been amended. Now, if you look at the legislation, there is almost 25 pages and it is very comprehensive,” stated Delegate Simpson.

Council Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill) proposed an amendment to change language that includes adults with disabilities will, “have a freedom of choice between a home-based environment, a community group home environment, for an institution/facility care environment.”

HEHSC members approved Delegate Witherspoon’s amendment with a vote of 3-0.

HEHSC members voted 2-1 to approve Legislation No. 0100-14. The legislation now goes to the Naabik’íyáti’ Committee for consideration. The Navajo Nation Council serves as the final authority.

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For news on the latest legislative branch activities, please visit [www.navajonationcouncil.org](http://www.navajonationcouncil.org)
FOR IMMEDIATE RELEASE
April 16, 2014

Resources and Development Committee receives report regarding CARE 66 and funding initiatives

WINDOW ROCK – On Tuesday, the Resources and Development Committee received a report from the nonprofit development organization known as CARE 66, located in Gallup, N.M., regarding a request for funding for affordable housing services to benefit low-income residents.

In addition to affordable housing services, CARE 66 currently provides services such as job training, educational training, and assisting in transitional housing to permanent housing to help clients achieve their long-term goals.

“For statistical purposes, half the businesses in Gallup are owned by Native Americans. Almost half the population in Gallup are Native Americans. So, we serve a purpose. On any given night, there are 170 individuals that are homeless,” stated Carl Smith, Chief Operating Officer of CARE 66.

According to the report, CARE 66 develops housing primarily for Native Americans, 80% of which are for Navajo people. CARE 66 also accommodates mixed-ethnicities and a mixed income community.

“86% of Navajos have succeeded and went on to permanent employment. This should tell you that this organization is doing something good. We need money to make our people successful. I believe that we have the tools and knowledge to make our people successful,” stated Smith.

RDC member Council Delegate Leonard Pete (Chinle) pointed out that a large sum of revenue is being generated for the Gallup economy by Navajo people.

“I have a love/hate relationship with Gallup. I hate to go there and pour my money into that place. The reason why I am saying this is because we can’t even develop our own reservation and communities. If we can’t do that, we might as well move off the reservation and move into Gallup and spend our money there and develop Gallup,” stated Delegate Pete.

According to the report, CARE 66 completed the renovation of Gallup’s downtown Lexington Hotel to serve as a supported housing facility. The organization is currently in the process of developing, Hooghan Hózhó, which will provide green, affordable housing and support services to its clients.
RDC member Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) supported the organization’s initiatives adding that he was impressed with CARE 66’s proposed housing plans.

“CARE 66 has this great plan on how to help the Navajo people. [Navajo Housing Authority] has no plans. I go out there and you see all these houses boarded up and they are renovating the same houses that they have renovated a couple years ago. We need to change the players at NHA. The number one issue is housing,” stated Delegate Tsosie.

CARE 66 is seeking approximately $5 million among other projects, to plan and construct 100 microapartments for single people which will include the homeless, students, and others in need. CARE 66 will leverage NHA monies to make this project possible.

RDC chair Council Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta) proposed moving CARE 66’s office to a site on the Navajo Nation.

“We need housing in the heart of the Nation and they are not being built. Move to the Navajo Nation, CARE 66. Move on to the Navajo Nation and where you can see us. We still need homes and residencies, too,” stated Delegate Benally.

Smith said his team has hired case workers and believes they have found a solution to help Navajo people and to make them successful.

“You sit with them, you talk with them, you plan with them, you develop a service plan and you support and encourage them, all the way through until they become successful. 15 years ago, I was exactly in their shoes. I walked the City of Gallup. I ate in the trash cans. I had no education. Within 15 years, I got myself a job, went back to school and attained my master’s degree in Social Work. Our people can do that,” stated Smith.

RDC members voted 4-0 to accept the report.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
THE NAVAJO NATION

Proclamation

IN HONOR AND RECOGNITION OF THE LATE
NAVAJO CODE TALKER PFC SAMUEL “JESSE” SMITH, SR.

WHEREAS, The Navajo Nation is greatly saddened by the loss of the late Samuel “Jesse” Smith, Sr., who served in the U.S. Marine Corps; and

WHEREAS, The late Samuel Smith, Sr. was a Navajo Code Talker who served the United States of America, the Navajo Nation, and U.S. Marine Corps with courage, honor and distinction; and

WHEREAS, The late Samuel Smith, Sr., served as a Private First Class and saw combat in the Battle of Roi Namur, the Battle of Saipan, Battle of Tinian and Battle of Iwo Jima in the Pacific Theater, during World War II; and whereupon he was Honorably Discharged on after the Battle of Iwo Jima in 1944; and

WHEREAS, The late Samuel Smith, Sr., was a beloved member of the 4th Marine Division; and member of the Navajo Code Talkers; and

WHEREAS, The Navajo Nation unites and offers prayers for his family and friends during this time of grief.

NOW, THEREFORE, I, BEN SHELLY, President of the Navajo Nation, do hereby proclaim that all flags shall be flown at half-staff in honor of the late Navajo Code Talker Samuel “Jesse” Smith, Sr., from sunrise on April 15 to sunset on April 18, 2014.

ORDERED THIS 15th DAY OF APRIL 2014

[Signature]
Ben Shelly, President

THE NAVAJO NATION
Navajo Code Talker Samuel Smith, Sr. passes after bout with pneumonia

Navajo Code Talker Samuel “Jesse” Smith, Sr. passed on April 14, 2014. He served in the U.S. Marine Corps 4th Marine Division and survived the Battles of Roi Namur, Saipan, Tinian and Iwo Jima. (Courtesy photo)

The Navajo Nation has lost another beloved Navajo Code Talker. On April 14, 2014, Samuel “Jesse” Smith, Sr. lost his fight against pneumonia at Presbyterian Hospital in Albuquerque, according to his son Michael Smith.

“He caught pneumonia back in January and wasn’t able to shake it,” Smith said.

Navajo Nation President Ben Shelly said, “The Navajo Nation is saddened to hear that we lost another wonderful hero and role model to our people. He set a positive example for us to follow and we offer our prayers and condolences to his family.”

President Shelly ordered Navajo Nation flags to be flown at half-staff beginning at sunrise on April 14, 2014 and ending at sunset on April 18.

Vice President Rex Lee Jim said the Navajo Code Talkers are true American heroes that must never be forgotten for their countless sacrifices and use of the Navajo language to preserve the American way of life.

“Dine’ bizaad, the Navajo language, is not only beautiful, but powerful. The strength of our language and culture can never be disputed because of the heroes of our Navajo Code Talkers,” Vice President Jim said.

The Day of Infamy

On Dec. 7, 1941, three young Navajo men heard about the Japanese bombing Pearl Harbor and immediately decided to defend their country.

Samuel Smith, Samuel Billison and Virgil Kirk were “Are you NAVAJO? Pick up your sea bag and come with me!”

students at Albuquerque Indian School when they heard the news. They wanted to get revenge on the Japanese.

Soon after, they decided to join the fiercest fighting unit in the world, the U.S. Marine Corps and headed straight to their local recruiter.

Summer of 1943

Within two years, Smith was headed to boot camp with the Marine Corps. When he first enlisted, he was turned away because of his young age.

Before walking out of the recruiter’s office, he turned around and said he made a mistake and wrote down the wrong date of birth. His corrected birthdate made him a year older.

At age 16, he reported for boot camp after completing the school year. Smith had hopes of becoming a pilot because that was where he could inflict the most damage.

He completed boot camp and passed the aptitude tests for flight school. Eventually, the Marine Corps found out that Smith didn’t have a high school diploma and that he just finished his junior year before leaving for boot camp.

Before leaving, Smith’s maternal grandfather, his cheii, took him to táchééh, the traditional Navajo sweathouse, for a male puberty ceremony. His cheii also gave him a shield during this time for protection.

Camp Elliott

The drill instructor’s question was firm and direct: “Are you Navajo?”

“Yes, sir!” was Smith’s response.

“Pick up your sea bag and come with me!” commanded the drill instructor.

There was no turning back as Smith was brought into a barracks full of American Indians. Each man was tested extensively to determine who was proficient in Navajo and English.

Instructors were looking for recruits with substantial intelligence and the ability to retain a satisfactory amount of information. The men selected were sent to U.S. Marine Corps Communications School to learn every form of communication available.

From there, they were sent to Navajo Code Talker School to learn the code.

Fighting Fourth

Smith was 17-years-old when he was assigned to the 4th Marine Division. They would later be nicknamed the Fighting Fourth for their battles in the Marshal Islands.

Assigned to Headquarters Company, Smith was tasked with transmitting messages for Gen. Clifton B. Cates, commander of the Marine landings in Saipan and Tinian.

Gen. Cates would later be promoted to Commandant of the Marine Corps. Smith would be sent to Hawaii to assist with refreshing the code, which needed new terms added to the more than 600 code words. The 4th Marine Division would set sail for an undisclosed island in the Pacific, Iwo Jima.

Samuel “Jesse” Smith, Sr., Navajo Code Talker and member of the 4th Marine Division survived the Battles of Roi Namur, Saipan, Tinian and Iwo Jima.

The Navajo Nation salutes your service for preserving our way of life. Ahe’hee.
FOR IMMEDIATE RELEASE
April 15, 2014

Law and Order Committee approves amendment to the Navajo Nation Veteran’s Trust Fund

WINDOW ROCK – On Monday, the Law and Order Committee considered Legislation No. 0081-14, which seeks to amend the Navajo Nation Veterans Trust Fund to allow for the purchase of prefabricated homes, or modular homes, as well as to allow the homes to be built or placed outside the boundaries of the Navajo Nation.

According to legislation sponsor LOC chair Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau), the proposed amendment would allow Navajo veterans to have additional options regarding the type and location of the home.

“The amendment [to the Veterans Trust Fund] gives our veterans the opportunity to select the type of home they want to fit their needs—either a mobile home or permanent home—and they can choose the location that is closer to utility lines and road access,” said Delegate Yazzie.

LOC member Council Delegate Elmer Begay (Dilkon, Greasewood Springs, Indian Wells, Teesto, Whitecone) expressed his concerns regarding the quality of the prefabricated homes.

“Before we look into the modular homes, we need to have a thorough inspection so we know these homes will last a long time and are suitable for life on the reservation and the elements,” said Delegate Begay.

The construction of the homes is funded by a 2-percent set-aside from the Navajo Nation General Fund, which is derived from revenues generated on the Navajo Nation.

The Navajo Nation Council approved the legislation during a special session held on September 9, 2013, which amended the Veterans Trust Fund to authorize the 2-percent set-aside. The funds are then administered to the Navajo Nation Department of Navajo Veteran’s Affairs for distribution.

LOC vice chair Council Delegate Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichií, Steamboat) reminded his fellow LOC members that one of the original intents of the legislation is to provide construction jobs for Navajo veterans.

“In retrospect, [this amendment] goes against one of the original intents of the legislation, which was to provide [construction] jobs to veterans through constructing quality and long-lasting...
permanent homes,” said Delegate Shepherd. “We also need to take a holistic approach to cater to the needs of the veterans throughout the entire reservation, not just one area.”

In support of the legislation, LOC member Council Delegate Duane Tsinigine (Bodaway/Gap, Coppermine, K’ai’biitó, LeChée, Tonalea/Red Lake) commended Delegate Yazzie’s efforts to provide additional housing options to Navajo veterans.

“Our veterans that come back to the reservation have no where to live and are in need of housing, especially the retired and disabled individuals. This [legislation] would definitely allow for additional housing and the opportunity to provide more homes in each agency,” said Delegate Tsinigine.

LOC members voted 2-1 to approve Legislation No. 0081-14.

The Health, Education, and Human Services Committee will consider the legislation at its next scheduled meeting on Wednesday, April 16 at 10 a.m. in the North Conference Room of the Council Chamber in Window Rock, Ariz.

The Navajo Nation Council serves as the final authority for the legislation.

# # #
For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
ASU Hozho’ and Education brings together students, tribal leaders

TEMPE, Ariz. — There are more than 2,000 Native American students that attend Arizona State University. In May 2013, almost 300 students from 65 tribes graduated from ASU.

The keystone to success for many native graduates is the American Indian Student Support Services (AISSS), which provides students with a free computer lab, printing services and scholarship assistance.

More importantly, it provides students with a native community for support.

AISSS has services like the Native American Achievement Program, which provides emotional and academic support to empower and retain students at ASU. Students can also find tutors, peer mentors, dedicated professors, student organizations and new friendships at AISSS.

On April 11, two student organizations hosted an event that brought Navajo Nation leaders to ASU for a question and answer session on education, scholarships, self-identity and leadership.

**Hozho’ and Education**

Slowly but surely, the Navajo undergraduate and graduate students attending ASU began entering Discovery Hall on the main campus for the opportunity to hear Navajo Nation President Ben Shelly speak.

Hozho’ and Education: Balancing Culture, Life and Education was coordinated by the Pre-Health Association of Native American Leaders (PANAL) and the Native American Business Organization (NABO).

Delmar Blackhorse, NABO President and economics major originally from Bluff, Utah provided the welcome address.

“My community is small and simple. That’s how I describe myself. I carry my community with me everywhere I go,” Blackhorse said.

NABO was founded in 1990 to provide students with networking opportunities for business etiquette and support for academic success. It also promotes cultural awareness.

“We wrestle with two ideologies. On one hand, we’re...
President Shelly said Indigenous leadership begins with growing up on the Indian reservations. Living on tribal nations gives future leaders the insight and firsthand experiences with problems facing Native American people across the country. (Photo by Rick Abasta)

Albert Damon, director for Division of Economic Development, said a 1 percent tax was implemented for scholarships, education and economic development. He said $6 million was generated last year, with half of the funds going to scholarships and the other half to economic development. (Photo by Rick Abasta)

What happens in Washington, D.C. Indian Health Services determines the number of doctors, nurses and other health professionals needed on the Navajo Nation, said Larry Curley, Division of Health Director. He said the Navajo Nation is on the cusp of delivering our own Medicaid services, which will create a need for educated billing code specialists and other professionals. (Photo by Rick Abasta)

PANAL was established in 2011 for undergraduate and graduate students studying careers in health. They provide volunteerism, internship opportunities, mentors and peer cultural awareness.

Co-presidents Waynette Taylor and Aaron Bia also provided welcome addresses.

Taylor is an undergraduate student majoring in biological services and will be graduating in May. She said PANAL is always seeking new ways to strengthen the Native American community on campus.

“This is our approach to implement a creative way in trying to bring about culture and education,” Taylor said. “We wanted to have the opportunity to bring the Navajo Nation to ASU. It’s such an honor.”

Bia, a sophomore originally from Chinle, is majoring in global health.

“We are thankful today that we have a panel of Native American leaders. As a pre-health organization, we believe in education and know it is a pathway to life,” Bia said.

Statistics

Ramon Littleman, originally from LeChee, Ariz., is a junior in pursuit of his degree in construction management. He is also a budding filmmaker and the mastermind behind the YouTube video, “Native American Educational Unity.”

He screened the two-minute video and said he made it in response to the lack of videos and statistics about Native Americans pursuing higher education.

The video is a montage of scenes from ASU campus, contrasted against students exercising and holding signs of educational statistics. Throughout the video, President Shelly’s voice echoes views on education and the return home to become leaders.

“I created a video with Ben Shelly because I am inspired by him as our Navajo Nation President,” Littleman said. “I like the way he speaks. He speaks firm. He speaks well.

“I want to share the stories, it’s really inspiring,” he added.

T’áá hwó ájít éego

President Shelly told the students their road to higher education was going to be a hard climb, but not to give up.

“Some of you probably get up in the morning, look in the mirror and say, ‘I’m going to do something positive today and meet the challenge head-on,’” President Shelly said.

He said meeting that challenge was a matter of self-reliance and the ability to do things for yourself because nobody’s going to do things for you.

“It simply comes down to two words: self-reliance. In Navajo, it’s T’áá hwó ájít éego,” President Shelly said. “Nobody’s going to do it for you. Not your parents or grandparents. Not your leaders. You have to do it yourself.”

During the question and answer portion of the discussions, he shared his experiences serving the Navajo people as a council delegate and as president. He said the most obvious difference was that delegates make laws and as president, you administer laws.

President Shelly said, “A council delegate will represent a certain number of people from their chapter. That’s their only concern. When you’re president, you think different, you look at the whole Nation.”

He encouraged students to take pride in being Navajo and to respect their culture and tradition. Tradition and culture is common sense, the dos and the don’ts of life, he said.

“Navajo should be your first language and English your second language. The Holy
People put you on earth to speak Navajo and it saved a lot of lives through our Navajo Code Talkers,” President Shelly said. “Learn from your grandmas and grandpas. Balance yourselves.”

Academics and Scholarship
Sen. Carlyle Begay told students not to let the suit and tie that he wears on a daily basis not to fool them.

“I was actually a chizzy Navajo sheepherder,” Begay said.

He grew up with his nali, his paternal grandmother and she shared stories about the perseverance of his Navajo ancestors.

“Never forget who you are or where you come from,” Begay said. “You are bridging a gap of a generation. The Navajo Nation isn’t as isolated as it used to be. “Our culture was isolated for many decades, if not centuries. You are the future leaders of our people,” he added.

The biggest question from the university students was in regard to scholarships from the Nation.

Lena Joe from the Navajo Nation Scholarship Office shared a brief history of the program.

She explained the scholarship program began in 1953, an effort spurred on by Chairman Sam Ahkeah, with a meager $30,000. In 1972, the Indian Self-Determination Act, or Public Law 93-638, opened the funding stream to $15 million per year.

“To this day, we receive about $14 to 15 million per year and we receive about 17,000 applications per year,” Joe said.

Students receive from $500 to $2,000 from the Navajo Nation Scholarship Office, regardless if they attend a two-year college or attend the university setting.

She noted that students are encouraged to seek other resources because the Nation would need at least $80 million annually to fund all students.

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FOR IMMEDIATE RELEASE
April 13, 2014

Budget and Finance Committee receives report regarding ‘imminent threats’ from uranium mining

WINDOW ROCK – On Friday, the Budget and Finance Committee received a report from a community-based non-profit organization known as, Eastern Navajo Diné Against Uranium Mining, regarding “imminent threats” from uranium mining on the Navajo Nation, specifically in the Eastern Navajo Agency.

According to the report provided by ENDAUM president Jonathan Perry, the effects of uranium mining pose imminent danger to the Navajo people and cause further contamination, even from cleanup efforts that attempt to dispose of uranium mine sites.

“The main purpose [of ENDAUM] is to protect our water, air, and the general health of the community members in the Crownpoint area, as well as many other areas on the Navajo Nation affected by uranium mining,” said Perry.

Perry said his organization is requesting support from BFC members as well as other delegates to advocate for the passage of Legislation No. 0091-14, sponsored by Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau), which seeks to rescind Resolution RDCD-69-13 which was approved by the Resources and Development Committee on Dec. 23, 2013.


BFC member Council Delegate Nelson BeGaye (Lukachukai, Rock Point, Round Rock, Tsaile/Wheatfields, Tsé Ch’izhi) expressed his support of the initiative and said that uranium mining on Navajo land needs to end permanently.

“The entire Navajo Nation should support these efforts to end uranium mining, and all 110 chapters throughout the Nation need to pass resolutions in support of closing and cleaning up all the mines,” said Delegate BeGaye.
BFC vice chair Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts’ah Bii Kin) said remnants from uranium mining are still present today and continue to affect many Navajo people in the Western Navajo Agency, as well.

“The areas I represent in the [Western Navajo Agency] felt the effects of uranium mining and we are still seeking compensation from the [uranium companies] and the federal government for Navajo miners that are still struggling with health issues due to mining uranium near the Oljato area,” said Delegate Nez.

Delegate Nez said the cleanup of the Skyline Mesa Mine site, located near the community of Oljato, is an example of a successful effort in which the federal government allocated approximately $7.5 million to dispose of waste from the abandoned mine and attempted to stabilize the radiation levels.

At the conclusion of the discussion, Delegate BeGaye said the Navajo Nation should begin to recognize that individual lives are more important than seeking ways to obtain additional revenue through uranium mining.

BFC members voted 3-0 to accept the report.

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FOR IMMEDIATE RELEASE
April 10, 2014

Health, Education, and Human Services Committee supports funding efforts for the construction of a new Gallup Indian Medical Center

WINDOW ROCK – On Wednesday, the Health, Education and Human Services Committee approved Legislation 0082-13, supporting the funding for the construction of a new Gallup Indian Medical Center by the United States Department of Health and Human Services and Indian Health Services.

Legislation sponsor Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) said the overall goal of the legislation is to bring all entities together to begin securing funds.

“I just ask the committee [for] their support on this, so I can get everybody to the table and start talking. I am open to directives. I want everybody to have their input,” stated Delegate Yazzie.

Built in the 1950’s, Gallup Indian Medical Center is located in Gallup, N.M. and is one of the largest IHS facilities in the country.

HEHSC chair Council Delegate Jonathan Hale (Oak Springs, St. Michaels) proposed an amendment to change language to distinguish between out-patient and in-patient facilities, in accordance to the Navajo Nation priority listing.

“It is basically giving the authority to [President Ben Shelly] and myself, to advocate for new construction dollars, as it relates to new in-patient facilities in accordance with the Navajo Nation priority listing,” stated Delegate Hale.

Out-patient clinics are facilities used for diagnosis or treatment. In-patient facilities are hospitals that house patients who are admitted.

The amendment passed with a vote of 3-0.

Jenny Notah with the IHS Navajo Area Office, stated that GIMC is one of three projects on the in-patient listing for the IHS facility construction priority list.

The Healthcare Facilities Construction Priority System (HFCPS), which is under the Indian Healthcare Improvement Act, is a system that IHS uses to identify the need for IHS and
tribal healthcare facilities. It was first established in 1991 by Congress, to direct IHS in providing a priority list for facility construction projects.

“Indian Health Services has participated in a number of discussions regarding this project and have been planning for a number of years. The communities are very anxious, as well as the patients, and they are looking forward to having that facility,” stated Notah.

Delegate Yazzie stated that he is thankful for the hospitals in Crownpoint, Gallup, and Fort Defiance but the gradual “wear and tear” of the current building is evident.

“It is going to take teamwork from everyone. We have committees and departments that have presented but it is time we stop talking and actually go to work. We need to finalize a solid plan,” stated Delegate Yazzie.

The HEHSC approved Legislation No. 0082-13 with a vote of 3-0.

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FOR IMMEDIATE RELEASE
April 10, 2014

Naabik’iyáti’ Committee takes quick action on several key legislations

WINDOW ROCK—Naabik’iyáti’ Committee members convened at approximately 10:30 a.m. on Thursday, and approved two key legislations including a bill which opposes the use of disparaging references to Native people in professional sports franchises and a bill seeking to override Navajo Nation President Ben Shelly’s veto of a proposed “junk food tax” within the Navajo Nation.

Prior to taking legislative actions, Council Delegate Elmer Begay (Dilkon, Greasewood Springs, Indian Wells, Teesto, Whitecone) announced that the Office of Navajo and Hopi Indian Relocation and Navajo Nation Oil and Gas Co. will meet on Friday at 10 a.m. in Flagstaff, Ariz.

Council Delegate Jonathan Hale (Oak Springs, St. Michaels) informed committee members that a public hearing will be held on Sunday in the community of Klagetoh, to address the proposed “Navajo Rangeland Improvement Act.”

Additionally, Council Delegate Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichíí, Steamboat) announced that a town hall meeting is scheduled to take place at the Steamboat Chapter House, beginning at 9 a.m. on Friday, to discuss the proposed “Navajo Rangeland Improvement Act,” and an additional public hearing will take place at the Ganado Chapter House on Saturday.

Following the announcements, committee members addressed Legislation No. 0078-14, sponsored by Council Delegate Joshua Lavar Butler (Tó Nanees Dizi), which opposes the use of disparaging references to Native people in professional sports franchises was first considered and tabled by the Naabik’iyáti’ Committee on March 27.

Delegate Butler has previously stated that the use of terms such as, “Red Skins” by the Washington Redskins—a professional football team of the National Football Association—promotes discrimination, racism, and ignorance toward Native Americans.

“This unfortunate practice of using such insulting names as Redskins without regard to Native people and our unique identity has to stop,” stated Delegate Butler on March 27, while urging his committee colleagues to “blaze the trail” for other tribes to take a stance against disparaging references to Native people.

In addition, Delegate Butler cited the psychological ramifications of disparaging remarks on Navajo youth and provided a brief history of the term “redskins,” explaining that bounties were once offered for the murder of “redskins.”
“What do our youth think of themselves when they see team names and mascots that ridicule and deride our culture?” asked Delegate Butler. “This becomes a roadblock preventing them from achieving success, and being secure in their identity as a Native person, as Diné”

The Naabik’íyáti’ Committee, which serves as the final for Legislation No. 0078-14, approved the bill with a vote of nine supporting and two opposing.

Following the passage of Delegate Butler’s legislation, Naabik’íyáti’ Committee members also approved Legislation No. 0083-14, which seeks to override President Shelly’s veto of Council Resolution CJA-04-14.

Resolution CJA-04-14, the Healthy Diné Nation Act of 2013 which was sponsored by Council Delegate Danny Simpson ( Becenti, Crownpoint, Huérfano, Lake Valley, Nageezi, Nahodishgish, Tse’ii’ahi, Whiterock) sought to impose a two-percent sales tax, in addition to the Navajo Nation’s current five-percent sales tax, on “junk food” sold within the Navajo Nation.

Council approved the legislation during its Winter Session held in January. However, President Shelly vetoed the resolution, citing a “lack of regulatory provisions” as it relates to overseeing the collection of the sales tax among other issues, addressed in a memo dated Feb. 12.

The override legislation is sponsored by Council Delegate Jonathan Hale (Oak Springs, St. Michaels).

According to the legislation, “junk food” is defined as sweetened beverages and pre-packaged and non-prepackaged snacks low in essential nutrients and high in salt, fat, and sugar including snack chips, candy, cookies, and pastries.

The tax revenue generated would be allocated for use by chapters to develop wellness centers, community parks, basketball courts, walking, running and bike trails, swimming pools, community gardens, family picnic grounds, and health education classes.

Naabik’íyáti’ Committee voted 8-3 on Thursday to approve the legislation, which now proceeds to the Navajo Nation Council for final consideration. The bill will require two-thirds approval, or 16 supporting votes, to override President Shelly’s veto.

The Naabik’íyáti’ Committee members adjourned at approximately 2 p.m.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
April 9, 2014

Speaker Pro Tem Bates appoints Leonard Gorman as interim Chief of Staff

WINDOW ROCK - Speaker Pro Tem LoRenzo Bates today announced that Leonard Gorman, executive director for the Navajo Nation Human Rights Commission, has been placed on special assignment as Chief of Staff for the Navajo Nation Legislative Branch.

“Mr. Gorman has extensive knowledge and experience working with the Legislative Branch and the Navajo government as a whole,” said Pro Tem Bates. “I have full confidence that Mr. Gorman will guide the legislative staff in an effective manner that provides stability and accountability for the Navajo people.”

Gorman previously served as Chief of Staff under former Speakers Edward T. Begay and Lawrence Morgan.

Pro Tem Bates acknowledged the sensitive issues surrounding Council and said the appointment of Gorman is a critical step toward ensuring that the functions of the Legislative Branch continue without disruption for the benefit of the government and Diné citizens.

Gorman will assume all duties and responsibilities of the Chief of Staff immediately. The Legislative Branch continues to remain fully-functional.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
FOR IMMEDIATE RELEASE
April 8, 2014

Speaker Pro Tem LoRenzo Bates urges Council to move forward

Following the Navajo Nation Council’s action last Friday, to place Speaker Johnny Naize (Low Mountain, Many Farms, Nazlini, Tachee/Blue Gap, Tselani/Cottonwood) on paid administrative leave, Speaker Pro Tem LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsosie Sikaa, Tse’Daa’Kaan, Upper Fruitland) met with legislative branch staff on Monday morning, to explain that the functions of the Navajo Nation government will remain in tact to continue to serve the Navajo people.

“Continue to do your work for the Navajo people,” said Pro Tem Bates. “It’s business as usual.”

On Monday, a request for a temporary restraining order against the 12 members of Council who voted in favor of placing Speaker Naize on administrative leave was filed in Window Rock District Court, on behalf of Speaker Naize.

According to court documents, the court found “good cause” to deny the temporary restraining order. However, the District Court Judge requested for additional information including a full transcript of Friday’s special session, and scheduled a hearing to take place on Tuesday at 10 a.m.

Speaker Pro Tem Bates has refuted allegations that threats of any nature occurred following Friday’s action by Council.

“To my knowledge, no threats by any members of Council were made against Speaker Naize or his immediate staff members,” said Pro Tem Bates.

Additionally, Pro Tem Bates said that the actions of Council do not prevent Speaker Naize from carrying out his responsibilities or obligations to the communities he represents.

“By no means does Council’s action disenfranchise the voters within Speaker Naize’s legislative district,” said Pro Tem Bates. “Speaker Naize is still a voting member of Council with the freedom to fully carry out his duties as a delegate.”

Pro Tem Bates called for an end to the divisiveness between Council members, and implored delegates to unite and work together for the betterment of Diné citizens and to begin to move forward.

“We are here to serve the Navajo people and that should remain the focus of Council at this time,” Pro Tem Bates stated.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
Decision to place Speaker Naize on leave is internal to Council

Navajo Nation President Ben Shelly expressed concern over the recent decision by the 22nd Navajo Nation Council to place Speaker Johnny Naize on paid administrative leave. He said the matter of Speaker Naize is under litigation and that the Executive Branch will continue moving forward with the administrative functions of the government.

“The matter is in litigation,” President Shelly said. “We anticipate an immediate resolution as the court will make the appropriate decision.”

Title 2 of the Navajo Nation Code mandates that the Legislative Branch sets policies for the government and approves various matters set before it by the Executive Branch.

The Executive Branch carries out the administrative functions of the government and the Judicial Branch interprets the laws.

“We hope the matter is resolved immediately to preserve government duties and responsibilities.”
FOR IMMEDIATE RELEASE  
April 7, 2014

Resources and Development Committee receives report regarding Nacogdoches Oil and Gas Inc.

RED VALLEY, Ariz. – Last Tuesday, the Resources and Development Committee received a report from Red Valley chapter president Lee Zhonnie, regarding Nacogdoches Oil and Gas Inc. located four miles west of Red Valley, regarding concerns involving contracts, environmental and employment issues.

Issues included failure to comply with safety procedures within the work environment, unmaintained oil spills, animal safety, road conditions, air quality, and non-payment to contract workers.

According to the controller of Nacogdoches Oil and Gas Inc., Taylor Matthew, the company took over a lease which was previously owned by Mountain States, Inc., which was also owned by Mike Finley, current owner of Nacogdoches Oil and Gas, Inc.

“When we took over the lease, the previous company had a tremendous amount of debt. We couldn’t pay all of it. We made deals to pay portions of the debt, but some wanted all or nothing,” stated Matthew, regarding the issue over non-payment to subcontractors.

During the discussion, little information was disclosed about the company. When questions arose about the whereabouts of company owner, Mike Finley, Matthew said, “Finley is stepping back and will not be involved in today’s activities.”

Chapter president Zhonnie, said he has been informed of an array of issues regarding the condition of the company and its impact on the Red Valley community.

“Nobody knows about this company. The Resource and Development Committee needs to know more. We need to see reports from this company and the community needs to know what their goals are,” stated Zhonnie.

Also in attendance were representatives from the Navajo Nation Department of Justice, Navajo Nation Division of Natural Resources and the Navajo Nation Environmental Protection Agency.

RDC chair Council Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta) inquired about the current number of Navajo employees and subcontractors that the company employs and whether they are complying with the Navajo Nation Preference Law.
Matthews was unable to give the exact number of Navajo employees, explaining that the company now hires subcontractors for economical reasons but he says they try to use as many Navajo subcontractors as possible.

“To me, I feel that any company can come into the Navajo Nation and walk off with our money. This is wrong,” stated Zhonnie. “Have them pay their dues. They are not even giving money back to our community.”

RDC member Council Delegate Leonard Pete (Chinle) expressed his concern relating to the monitoring of water activity to prevent contamination.

“How often do you come into this area to do certain monitoring activities? Has any report been on contamination of the water? Sounds like you have been running a perfect operation until now, which I do not believe. When the community raises their voice, there is a reason,” stated Delegate Pete.

In addition, the company will be issued a notice of violation in the Aneth area for unauthorized landfills, according to Navajo Nation EPA environmental program supervisor Cassandra Bloedel.

“There are four areas that they have been cited for and that will need to be cleaned up and addressed. For this area, Red Valley, we do not know yet of anything that has come up but we will be willing to take a look at what the Minerals Department has on the siting of these different areas and take an inspection. If there are any findings, we will share that with your committee,” stated Bloedel.

RCD members agreed to meet with the involved entities during the first week of May.

RDC members voted 4-0 to accept the report.

For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
Navajo Nation to receive $1 billion court settlement for uranium mine cleanup

WINDOW ROCK, Ariz. — Today, the U.S. Department of Justice announced the court decision for Tronox Inc. v. Anadarko Petroleum Corp.

According to the settlement, Anadarko Petroleum and former parent Kerr-McGee Corp., have agreed to pay $5.15 billion for abandoned uranium mine cleanup in the northern and eastern agencies of the Navajo Nation.

Approximately $4.4 billion will fund environmental claims and cleanup for damages for claimants of Tronox. The Nation is one of several claimants in the case, which include the U.S., 22 states, four environmental response trusts and a trust for tort plaintiffs.

Tronox will receive 88 percent of the $5.15 billion settlement and the Navajo Nation will receive 23 percent of that amount, totaling $1 billion. The Nation will utilize the funds for cleanup of 49 abandoned uranium mines that were owned by the Kerr-McGee.

“This settlement was the result of the Navajo Nation’s claim against Tronox when it filed for bankruptcy in 2008,” President Shelly said. “We lobby Congress heavily to request funds from federal agencies and that takes a long time.

“Going into a bankruptcy case demonstrates that we have not stood idle on this effort. The government understands its trust responsibility for cleanup of the legacy uranium mines,” he added.

The settlement will address cleanup at 49 abandoned mine sites, but hundreds more still remain unfunded.

The Kerr-McGee reorganization of 2005 placed decades of environmental liabilities upon Tronox. Anadarko eventually acquired Kerr-McGee and became the parent company of...

Navajo Nation President Ben Shelly reported to the Dzil Yijiin Regional Council on April 3, 2014 at Black Mesa Chapter House. President Shelly shared news from the Navajo Nation, including the $1 billion bankruptcy settlement for abandoned uranium mine cleanup from Kerr-McGee. He said the settlement was a major victory for the Navajo Nation and that remaining abandoned mines still need funding for cleanup. (Photo by Rick Abasta)
For more than three decades, several individuals working for the Navajo EPA Superfund Program contributed significantly toward the landmark settlement, including the late Arlene Luther, Jerry Begay and Eugene Esplain.

Stephen Etsitty, director of Navajo EPA, said the opportunity to file a claim in the Tronox bankruptcy case came in 2009. “Tronox was overloaded with environmental liabilities from Kerr-McGee,” Etsitty said. “They wound up suing Kerr-McGee and Anadarko.”

David Taylor, staff attorney with Navajo DOJ, assisted Etsitty with the legal work to complete the filing.

Working for Navajo Nation since 2005, Taylor brought valuable Superfund cleanup experience to the table and was previously the principal enforcement attorney for the state of Missouri.

“Taylor’s efforts to cleanup the dioxin contaminated lands in Times Beach, Missouri in the 1980s and early 90s is commendable. It is still recognized as the largest civilian exposure to dioxin in U.S. history,” Etsitty said.

In 2011, staff from the Navajo EPA Superfund provided tours of the Kerr-McGee abandoned uranium mine sites to U.S. Justice Department attorneys in preparation for the trial.

In the summer of 2012, President Shelly and Navajo Nation Attorney General Harrison Tsosie testified in New York City for the court case. Etsitty and Perry Charley were selected as witnesses.

President Shelly said that tribal former leaders were instrumental in providing guidance. My administration never gave up and we ultimately prevailed, he added.

“I am proud to say ahe’hee to the Navajo people for your patience and prayers,” he said. “The settlement will be a great help in restoring the abandoned uranium mine sites, but we must not forget about the 460 other sites still in need of cleanup funds.”

The Navajo Nation’s litigation team included attorneys from the Chicago firm of Kirkland and Ellis, the Office of the U.S. Attorney for the Southern District of New York, U.S. Justice Department, and representatives from the U.S. EPA in San Francisco.

Navajo EPA Director Stephen Etsitty said the $1 billion settlement from Tronox Inc. for cleanup of 49 abandoned uranium mines from Kerr-McGee is a tremendous accomplishment for the the Navajo Nation. He noted that hundreds of other abandoned uranium mines still remain unfunded. (Photo by Rick Abasta)

Harrison Tsosie, Navajo Nation Attorney General, testified in the court case along with President Shelly in 2011. (Photo by Rick Abasta)
FOR IMMEDIATE RELEASE
April 3, 2014

Budget and Finance Committee receives report on the status of the Veteran homes construction project

WINDOW ROCK – On Monday, the Budget and Finance Committee received a status report on the construction of Veteran homes, including 19 homes that are currently under construction throughout the Navajo Nation.

The construction of the homes is funded by a 2-percent set-aside from the Navajo Nation General Fund, which is generated from all revenues on the Nation and is diverted to the Veterans Trust Fund annually in the amount of four-percent.

The Navajo Nation Council approved a legislation during a Special Session held on September 9, 2013, which amended the Veterans Trust Fund to authorize the 2-percent set-aside.

Navajo Nation Department of Veterans Affairs director David Nez, reported that a total of 19 homes are currently under construction in the Fort Defiance, Chinle, Eastern, and Northern agencies. The Western Agency is in the initial phase of selecting Veterans to receive a new home.

“This is the first year of the four-year project, and thus far we have expended [approximately] 45% of the funding,” said Nez.

Nez said construction materials were supplied by Home Depot through an agreement with the Nation, adding that the homes are also handicap accessible and are designed for the specific needs of the Veterans.

However, appliances and septic tanks/leach lines are not included in the final construction phase of the home due to budgetary constraints.

BFC member Council Delegate Nelson BeGaye (Lukachukai, Rock Point, Round Rock, Tsaile/Wheatfields, Tse Ch’zhi) said it is not right that home necessities such as appliances and a septic tank are not included in the home construction.

“The homes should be built so that Veterans can move right in, comfortably, without having to worry about having to pay for anything else after move-in,” said Delegate BeGaye.
According to Nez, in order to provide those basic services, additional funding is needed to purchase the items, as well as labor costs associated with installation. He added that wood stoves are included with the homes, and that his office would aid Veterans in obtaining wall heaters at low-cost.

BFC vice chair Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts'ah Bii Kin) suggested that DNVA hold a strategic planning session with all entities involved with the planning, design, and construction of the homes.

“I challenge your department to come together and devise ways to maximize the [funding] dollars to not only provide all home necessities, but to even try and have more homes built and bid out to more [cost-effective] vendors,” said Delegate Nez.

At the conclusion of the discussion, BFC members commended DNVA for their efforts to accommodate the Veterans and expressed their support for the forthcoming completion of the four-year project.

BFC members voted 3-0 to accept the report.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org
WINDOW ROCK, Ariz.—Today, Navajo Nation President Ben Shelly praised U.S. Department of Interior Secretary Sally Jewel’s announcement of a $20 million contract to assist with building the Tohlakai Pumping Plant, the first pumping plant for the Navajo-Gallup Water Supply Project. The pumping plant will be located eight miles north of Gallup, N.M.

“This priority project will bring clean drinking water to thousands of Navajo citizens and much needed jobs to the Navajo Nation,” President Shelly said. The collaborative effort between the Navajo Nation and DOI highlights a working government-to-government relationship.

“The Navajo-Gallup project will deliver clean, safe drinking water to tribal and rural communities, many of which have been hauling water over long distances for far too long,” stated Secretary Jewel in a news release.

President Obama’s proposed fiscal 2015 budget requests an $80 million investment in the Navajo-Gallup Water Supply Project and has the capacity to deliver clean running water to approximately 250,000.

The Shelly-Jim and Obama administrations utilized a streamlined permitting and environmental review process for the project.

“I express my support and thanks to the Obama administration to continuing to fund this high priority project for the health and economic benefit of the Navajo people,” President Shelly said.

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Multi-jurisdictional case under investigation by NNDPS, ADPS

TUBA CITY, Ariz. — The Navajo Nation Division of Public Safety and Arizona Department of Public Safety are investigating a head-on collision that occurred on U.S. Highway 160 on March 28, 2014.

The two-vehicle crash resulted in five fatalities.

A Japanese family of four collided head-on with a pickup truck that was reported driving recklessly in Tuba City.

From the family, a 50-year-old man, 42-year-old woman and 16-year-old boy died on the scene. A 9-year-old girl survived and is listed in critical condition at Phoenix Children’s Hospital. The suspected reckless driver and his passenger also died at the scene.

Navajo Nation President Ben Shelly said the accident was a tragedy and offered condolences to the families of the deceased.

“This was a senseless and tragic accident. We offer our deepest condolences to the families of the victims,” President Shelly said. “Navajo Division of Public Safety continues their investigation of this incident.”

According to the Navajo DPS police report, officers responded to complaints of a maroon colored pickup truck driving recklessly near Edgewater Drive and Warrior Drive in Tuba City. The intersection is located near Tuba City Trading Post and McDonald’s.

Navajo Police responded to the call at 9:41 p.m. and began pursuit of the vehicle. The suspect vehicle traveled on Warrior Drive toward Tuba City High School and began traveling eastbound on U.S. Highway 160 at a high rate of speed before colliding head-on with another vehicle at milepost 346. The incident occurred at 10:03 p.m.

Navajo Police Capt. Ivan Tsosie said the suspect’s vehicle was overturned on its cab when a fire ignited under the hood. Four Navajo Police officers were on the scene.

“Officers began rescue efforts and attempted to extinguish the flames to pull people out,” Tsosie said. “Officers broke a window to gain access, but the flames became intense and they had to stop life saving efforts as the fire went out of control.”

The suspect vehicle was engulfed in flames. Efforts to extricate the suspect and passenger from his vehicle were unsuccessful due to the flames that consumed the pickup truck.

Arizona DPS, Navajo Nation Department of Criminal Investigations, Navajo Nation Emergency Medical Services, Navajo Nation Fire and Rescue, Sacred Mountain and Lifeguard all responded to the accident.

Captain Harry Sombrero of Navajo DPS said the accident is still under investigation. Arizona DPS is currently reconstructing the accident scene and Navajo DPS is taking care of the bodies before autopsies are conducted by medical examiners.

“The chain of events and point of impact is still being determined,” Sombrero said.

He noted that the Navajo Police were in pursuit of the suspect vehicle for about 20 miles before the accident occurred.

“This will at least be a two-week investigation or longer and we are awaiting the Arizona DPS investigation report,” he said.

John Billison, director of Navajo DPS, said additional information could not be provided due to the sensitivity of the circumstances and the ongoing investigations.

“We offer our sincere condolences to the family. This is a horrible and tragic event. We are doing everything we can to determine the facts of the case and at such time we will act,” Billison said.

Navajo Nation Department of Criminal Investigations and Arizona DPS are actively investigating the case. No further information is available at this time.
FOR IMMEDIATE RELEASE  
April 1, 2014

Speaker Naize expresses condolences over the passing of Chairman Jimmy R. Newton, Jr. of the Southern Ute Indian Tribe

WINDOW ROCK – On behalf of the 22nd Navajo Nation Council, Speaker Johnny Naize (Low Mountain, Many Farms, Nazlini, Tachee/Blue Gap, Tselani/Cottonwood) extends his heartfelt condolences to the family of the late Jimmy R. Newton, Chairman of the Southern Ute Indian Tribal Council, who passed away on March 31.

“It is always difficult to accept the loss of a great leader. I extend my deepest condolences to Chairman Newton’s wife and daughter during this difficult time. His words of wisdom, his accomplishments, and his teachings will never be forgotten.”

Chairman Newton previously served as a Tribal Council member and as Vice Chairman, prior to being elected as Chairman of the Southern Ute Indian Tribe in 2012.

“Chairman Newton will always be remembered as a loving family man who also served his people with great dignity and respect,” Speaker Naize said. “My thoughts and prayers are with his family and with the people of the Southern Ute Tribe.”

According to the tribe’s constitution, a special election will be held within 60 days to fill the chairman position. Until then, Vice Chairman James M. Olguin will exercise the authority of the Chairman’s office.

Chairman Newton was recognized as one of the youngest tribal members to ever run for and win the Chairman position on the Southern Ute Tribal Council.

Funeral arrangements are pending and will be made available on the tribe’s website when services are confirmed.

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Near the conclusion of the meeting, LOC member Council Delegate Duane Tsinigine (Bodaway/Gap, Coppermine, K’ai’bii’tó, LeChee, Tonalea/Red Lake) expressed his support for the grant and the effect it will have on judicial and public safety personnel.

“I am so glad we are looking for additional funding to help the judicial branch and Navajo Nation Public Safety Division because these tools will help make their jobs much easier, and their work more efficient,” said Delegate Tsinigine.

LOC voted 2-0 to approve Legislation No. 0375-13. The legislation now goes to the Budget and Finance Committee, who serves as the final authority on the legislation. The Naabík’íyáti’ Committee serves as final authority in waiving the IDC rate for the U.S. DOJ grant.

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