



FOR IMMEDIATE RELEASE  
January 28, 2015

## President Shelly meets with Council to iron out letter of agreement



President Shelly sat down with members of the 23rd Navajo Nation Council at Quality Inn in Window Rock to discuss the presidency. The group agreed President Shelly would remain in office. (Photo by Rick Abasta)

WINDOW ROCK, Ariz.—A Jan. 24 meeting between Navajo Nation President Ben Shelly and members of the 23rd Navajo Nation Council at Quality Inn resulted in a letter of agreement that President Shelly remains in office until somebody was elected and installed into office.

The president signed the agreement along with delegates Kee Allen Begay, Seth Damon, Norman Begay, Mel Begay, Tom Chee, Amber Crotty, Davis Filfred, Tuchoney Slim, Raymond Smith, Otto Tso, Leonard Tsosie and Nelson Begay.

“What I hear from the people is, ‘Let’s get the election done.’ We need to continue working together to keep the Nation running,” President Shelly said.

Speaker Pro Tem Kee Allen Begay agreed with the president and said both branches need to work together to quickly have the election resolved. He said having leaders sit down and meet to discuss the issues is the way business should be conducted.

Once the floor was opened

up for comments, Tsosie was the first to speak.

“I don’t mind the agreement, it captures what we talked about. I ask the president to keep your door open to resolve this problem,” Tsosie said. “In defense of the council, we didn’t start this.”

He said it was two disgruntled former candidates running for the presidency that filed a lawsuit in court that started it.

“Council only came in to try and provide a solution,” he said.

Filfred said the agreement to keep President Shelly in office should be direct and simple.

“If we start adding on to it, it’s only going to make us look bad,” he said.

Begay thanked the president for promoting unity and coming to the table to work out the issue of the presidency. He said the president and former council needed to be thanked for bringing stability back to the Nation.

However, he cautioned against losing track of the budget and going on a spending spree that will be questioned by the public

and council.

“If the expenditures are shared with us, that would be good,” he said.

Chee took a traditional approach and said the Navajo way must be embraced. He was leery about western education and asked why traditional values took the backseat to the western way of thinking.

“Who convinced us to be educated? We were already educated. This (meeting) is a return to our values,” he said.

Basic teachings like listening to our elders, treating people with decency and Navajo kinship are slipping through the cracks, he maintained.

“We have a complete breakdown of values. When we move from Navajo to English (language), we lose sight of that. We become enculturated,” he said. “Let’s honor the Office of the President. The Legislative Branch. The Judicial Branch.”

Begay had respecting the president’s office in mind too and questioned why the meeting was taking place.

“I don’t like this agreement. He’s sworn in already. If we want the president to respect us, then by golly, we got to respect him too. That’s basically what Ke’ is. Let president do his job,” Begay said.

Tso said there are other more pressing needs by the people that need to be addressed aside from the presidency.

“People want new homes, firewood and jobs. Hozho’ and Ke’ are very sacred. We must have respect for one another,” he said. “The teachings come from our elders. I’m thankful to

be sitting together because that’s working together.

Slim said the issue was bigger than any one person.

“This isn’t about us. Out there, our constituents have given us the responsibility of looking out for them. Our president is worried. He doesn’t want people attacking him,” Slim said. “We need to do this right way to appoint a leader.”

President Shelly thanked the council and said he will be in close communication with them. He said the OPVP spent seven percent of its FY 2015 budget for the first quarter and the office would be mindful of spending.

“I like what you’re doing: coming together like this, working together. I like what I hear,” President Shelly said.

The agreement stated, “In the spirit of K’e and in consideration of the fact that both parties believe in a stable Navajo Nation government, the parties agree to following goals:

“The parties agree that President Shelly will remain in the Office of the President until such time that there is an election and a President-Elect and Vice President-Elect are installed in office.

“The parties agree that the election is of the utmost concern. As such, the parties will encourage, facilitate and expedite the conduct of an election so as to promote the stability of the Navajo Nation. Both parties agree to efficiently work towards an election for the President and Vice President and to enable that process in whatever way possible.”



FOR IMMEDIATE RELEASE  
 January 27, 2015

## Navajo Nation begins drawdown of \$1.2 billion Tronox settlement



President Shelly praised the drawdown of more than \$1.2 billion for the cleanup of 50 abandoned uranium mine sites and a former uranium mill on the Navajo Nation. However he said more funds were needed. (Photo by Rick Abasta)

WINDOW ROCK, Ariz.— The Navajo Nation is finally receiving funds from the \$5.15 billion Anadarko v. Tronox settlement. According to terms of the settlement, the U.S. EPA will receive \$985 million for cleanup of 49 sites on the Navajo Nation.

The Navajo Environmental Protection Agency is also receiving funding from the settlement, a total of \$43 million. The initial drawdown from the settlement will be 60 percent,

or \$26.4 million, which will be deposited in the next 10 days.

The remaining 40 percent will be paid after three months.

“These funds will go toward the cleanup of 50 abandoned uranium mines on the Navajo Nation. On Dec. 12, 2013, we announced that we prevailed in the bankruptcy case involving Anadarko Petroleum and Kerr-McGee Corporation,” said Navajo Nation President Ben Shelly.

Although we are receiving

more than a billion dollars, much more is needed to address the 520 abandoned uranium mines on the Navajo Nation, he added.

“Any funds resulting from this lawsuit are welcomed and long overdue,” President Shelly said.

The claims against Anadarko and Kerr-McGee involved cleanup for a number of former uranium mines and uranium processing site located in Cove, Ariz. and Shiprock, N.M. The Navajo Nation Department of Justice and Navajo EPA worked together to bring the settlement to a conclusion.

President Shelly became involved with the bankruptcy case when he was previously serving as vice president. During the previous administration, he met with Allison McFarlane, chairman of the U.S. Nuclear Regulatory Commission about prioritizing cleanups on the Nation.

On Jan. 23, 2015, Stephen Etsitty announced that since an appeal was not filed with the presiding judges, the Navajo Nation would begin receiving settlement funds in the next several days. Etsitty is the executive director of Navajo EPA.

“I understand the initial amount we will receive is \$26.4 million. This is 60 percent of the total amount we are set to receive,” Etsitty said. “The remaining 40 percent will come in a few more months to the Nation and U.S. EPA.”

Other claimants, including U.S. EPA, will also begin receiving funds from the settlement. U.S. EPA is set to receive approximately \$600

million to cleanup 50 abandoned uranium mines on the Navajo Nation. In addition to the U.S. EPA, other claimants in the case included 22 states, four environmental response trusts, and a trust for a number of environmental and tort plaintiffs.

According to Etsitty, the \$26.4 million will be wired to the Navajo EPA Hazardous Substances Fund. The fund is authorized by a fund management plan that was approved by the Budget and Finance Committee and the Comprehensive Environmental Response Compensation and Liability Act, he added.

On Jan. 23, the U.S. EPA issued a news release from Region 9 in San Francisco that stated the Anadarko and Kerr-McGee settlement was finalized and that funds are to be disbursed for cleanups around the country.

Jared Blumenfeld, U.S. EPA Regional Administrator for the Pacific Southwest, said communities from the Navajo Nation to Henderson, Nev. are finally getting funding needed to take critical steps toward cleaning up toxic legacies that pollute their environment.

“After decades of trying to avoid their environmental responsibilities, Anadarko is today paying billions of dollars to immediately fund these and other critical environmental cleanups,” Blumenfeld said.

The cleanup of radioactive waste remaining from cold war era Kerr-McGee mining operations will begin later in 2015, including the former uranium mill in Shiprock.



FOR IMMEDIATE RELEASE  
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## President Shelly meets with Congressional delegation, discusses ONHIR



Top, President Shelly reports to the Congressional delegation from Washington, D.C. that traveled to Ariz. to investigate ONHIR. Bottom, Rep. Ann Kirkpatrick said she understood the native plight. (Photo by Rick Abasta)

WINDOW ROCK, Ariz.— On Jan. 24 and 25, Navajo Nation President Ben Shelly met a Congressional delegation in Window Rock to discuss the Office of Navajo Hopi Indian Relocation.

Congressional members of the U.S. House of Representatives representing the House Appropriations Committee and Subcommittees on the Interior and Environment traveled to Ariz. to meet with the Navajo Nation

and Hopi Tribe.

Rep. Ken Calvert (R-Calif.), Rep. Mike Simpson (R-ID), Rep. Tom Cole (R-Okla.), Rep. Betty McCollum (DFL-Minn.) and Rep. Ann Kirkpatrick (D-Ariz.) met with President Shelly and members of the 23rd Navajo Nation Council to discuss the Office of the Inspector General report on the federal relocation program administered by ONHIR.

Jodi Gillete, Senior Policy Advisor for Native American

Affairs for the White House Domestic Policy Council joined the delegation. The federal delegation toured the Nahata Dzil community and families in Jeddito to see the firsthand results of relocation.

President Shelly explained the countless socio-economic disparities that resulted from lack of infrastructure and economic development. Before being relocated, many of the Navajo families were self-reliant and maintained a healthy lifestyle through livestock and farming.

However, relocation has disrupted that lifestyle and many entered into a modern world that they had no experience in.

“Our history is tied up in the land that you see,” President Shelly said. “The relocation of Navajos from land they lived on created traumatic ripples that continue to disrupt and destroy lives 41 years later.

“These people lost their homes, their heritage and their livelihood,” he added.

Still today, many families have not received compensation. Others, mostly elderly, are forced to go before ONHIR in Flagstaff and are often subject to interrogation to establish benefits. Far too often, these individuals are denied benefits and have to endure a review process to overturn the decision.

“This costly and unjust process puts added stress on our people and only increases the cost of relocation,” said the president.

For families that have not been relocated, the tremendous needs for infrastructure development and roads continue to dominate. Other considerations include the deteriorating school facilities, in spite of 2004 commitments by the federal government to replace 14 schools.

“The Little Singer Community School which you will see later today, is one of the last schools on the 2004 replacement school construction priority listing,” President Shelly said.

He noted that Navajo children learn better when traditional culture and language are supplanted in their curriculum.

Although the two-day meeting and tour of the Navajo Nation was brief, President Shelly strongly advocated for the continued funding of ONHIR and recommended addressing the pitfalls of the accommodation agreement entered into by the Navajo Nation and Hopi Tribe.

He also shared issues impacting families in the former Bennett Freeze area, where time has stood still for more than four decades. Families in the impacted area continue to live without running water, roads and substandard housing.

“Some families are forced to live in camper shells. I hope the subcommittee has listened to our concerns and will provide us with a favorable outcome,” President Shelly said.





FOR IMMEDIATE RELEASE  
 January 27, 2015

## President Shelly delivers State of the Navajo Nation address in Navajo

*Highlights spirit of cooperation between Executive and Legislative Branches*



President Shelly delivered the State of the Navajo Nation to the 23rd Navajo Nation Council on Monday. He said the only way things get done is by working together and compromising. (Photo by Rick Abasta)

WINDOW ROCK, Ariz.— President Ben Shelly delivered the State of the Navajo Nation on Jan. 25, outlining significant accomplishments from the past quarter and providing a vision for the future.

Flanked by Vice President Rex Lee Jim and Chief of Staff Arbin Mitchell, the president delivered his address in Navajo and highlighted the partnership between the Executive and Legislative Branches that made the accomplishments possible.

He began with lauding the efforts between both branches to fund the remediation of Administration Building No. 1, which reopened in early Jan. Funding came from the Unreserved, Undesignated Fund Balance, indirect costs and carryover funding, which totaled more than \$5.5 million

for construction.

“Several tribal divisions and departments stepped up to the plate and housed our displaced employees until the building could be renovated,” President Shelly said.

He noted that the health and welfare of tribal employees was the primary concern and that renovations have already begun on Administrative Building No. 2, which was also shutdown due to black mold infestation. The president said construction was expected to begin by the spring of 2015.

President Shelly said he approved \$8.3 million in supplemental funding for chapters on Jan. 6. The approval came after discussions with his legal counsel and the Office of Management and Budget.

“Some of these projects

were not in compliance with the Appropriations Act, but we worked around that to approve the projects because of their importance to their respective chapters,” he said.

The president also mentioned that the Appropriations Act states that project funding will be approved only if they are listed on the five-year CIP plan, which was recently approved in the summer of 2014 after 14 years of limbo.

He said fiscal conservatism resulted in a \$30 million surplus in the UUF, which was in the red by \$22 million when the Shelly-Jim administration took office.

“I loosened the purse strings,” President Shelly said.

\$500,000 was approved for the Oljato Chapter to pay professional technical services

for the architecture and design of their new multipurpose building. \$5 million was approved for the Nahata Dzil shopping center. Tonalea-Red Lake Chapter was approved for \$500,000 for their demolition project. Cameron Chapter received \$180,120 to go toward their new multipurpose facility. Navajo Transit System will purchase a new bus with the \$600,000 that was approved. And finally, more than \$1.5 million was approved for elected officials to receive operating, planning and regular chapter meeting expenses.

President Shelly spoke of the repatriation mission to Paris, which was undertaken by Vice President Rex Lee Jim on Dec. 11, 2014. The purpose of the trip was for the return of sacred Yei Bi Chei masks that went up for auction by a private collector.

Members of the Navajo Human Rights Commission and the Navajo Nation Washington Office joined the vice president.

Seven masks were purchased at a cost of \$9,000 by the Navajo delegation before they went on auction. The president said the action sent a message to the world that sacred cultural resources should not be sold and that they violate the human rights of indigenous people around the globe.

President Shelly said, “We are grateful for the efforts of the U.S. State Department, U.S. Embassy-Paris and the U.S. Department of Homeland Security for their assistance in returning these traditional masks back to the Navajo Nation.

The president also spoke about a Dec. 8, 2014 town hall meeting in Gallup regarding the Gallup Detoxification Center. He said more funding was needed to address the alcoholism epidemic in the city.

In June 2013, the former Na’Nizhoozhi Center Inc. closed its doors after providing more than 20 years of service when funding dried up. Realizing the importance of the facility, the Navajo Nation invested funding and reopened it as Gallup Detox Center.

“To date, we have spent more than \$1.6 million providing services,” President Shelly said. “Despite our partnership with the city, it is not enough to operate the facility and provide needed services.

“We are looking at more than \$2 million annually that is needed,” he added.

The president also mentioned a House bill on Indian Energy that was introduced during the 113th Congress by Congressman Don Young, chairman of the House Natural Resources Committee.

“The bill proposed to streamline the federal bureaucratic process in energy development for large land base tribes,” President Shelly said.

After passing the House, the bill is now at the Senate for deliberation. The Navajo Nation Washington Office reported that the bill would be reintroduced in the 114th Congress. Another bill being monitored by the D.C. office is the Indian Trust Asset Reform Act, which proposes authorization of an eight-year trust asset demonstration project that would enable tribes to develop plans.

President Shelly also praised the enactment of the Navajo Department of Health and said it was a major step toward tribal self-determination because it allows the Navajo Nation to regulate healthcare on tribal lands.

“Our newly formed Navajo Department of Health will ensure

the public health service needs are met through assessments, policy development and quality assurance,” he said.

While changes won’t happen overnight, the president said creation of the first tribally administered Medicaid agency was a possibility, after a recent feasibility study conducted by the U.S. Department of Health and Human Services.

The president also mentioned a recent visit by members of the U.S. Congress to follow up with the Navajo Nation and Hopi Tribe on report by the Office of the Inspector General. The report was on the status of the federal relocation program administered by the Office of Navajo Hopi Indian Relocation Program.

President Shelly said the federal government’s failed relocation program that was imposed on tribal members has resulted in dismal living conditions.

“We have many families without running water, electricity and unfinished homes. Others are still awaiting relocation,” he said.

The Navajo Nation encouraged the federal delegation to continue funding ONHIR and provide for adequate benefits to all families forced off their ancestral homelands more than 41 years ago.

President Shelly concluded that it is his responsibility to ensure continuity of government and direct services to the Navajo people, regardless of the political climate that exists.

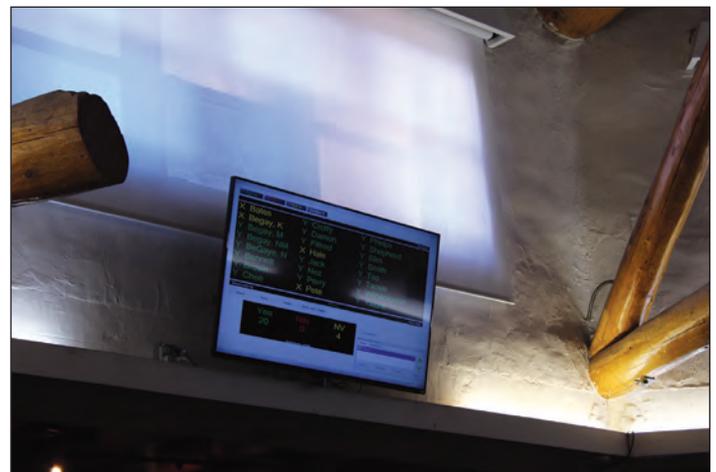
“Vice President Jim and I stand prepared to continue providing stability for these government functions until a new president has been elected and installed into office,” President Shelly said.



President Shelly was flanked by Vice President Rex Lee Jim and Chief of Staff Arbin Mitchell during the State of the Navajo Nation address on Monday. (Photo by Rick Abasta)



LoRenzo Bates was nominated and took the oath of office as the Speaker of the 23rd Navajo Nation Council after council delegate Alton Joe Shepherd stepped aside when votes were knotted at 12-12. (Photo by Rick Abasta)



The State of the Navajo Nation, as delivered by Navajo Nation President Ben Shelly, was accepted by the 23rd Navajo Nation Council by a vote of 20-0-4. (Photo by Rick Abasta)

# THE STATE OF THE NAVAJO NATION

President Ben Shelly

and

Vice President Rex Lee Jim



*The Executive Branch Report*

Presented to the  
23rd Navajo Nation Council  
January 26, 2015



**2015 WINTER SESSION  
STATE OF THE NAVAJO NATION  
PRESIDENT BEN SHELLY AND  
VICE PRESIDENT REX LEE JIM  
JANUARY 26, 2015**

**M**r. Speaker, members of the 23rd Navajo Nation Council, visitors, and my fellow Navajo people:

Yá'át'ééh! Thank you for joining us today. Let's welcome our new Navajo Nation Council for the start of the 2015 winter session. These leaders will join the long and distinguished list of leaders that gathered inside this historic chamber to create laws for the Navajo people.

Vice President Jim and I are very honored to join you here today. The Vice President and I are prepared to provide continuity of government.

**ADMINISTRATION BUILDING NO. 1 RENOVATIONS**

We are proud to announce that Administration Building No. 1 is open for business. Many of our displaced tribal employees are now back inside the renovated building and providing direct services to the Navajo people. They have endured many challenges over the past two years, as we worked with the Council to identify funding to begin construction.

Remediation began on Sept. 15, 2011, when black mold was discovered as the cause of the many health issues affecting tribal employees in the building. We had to close the building down immediately to begin remediation. Lack of maintenance resulted in water leaking into the walls and causing black mold.

Several tribal divisions and departments stepped up to the plate and housed our displaced employees until the building could be renovated. Funding from the UUFB, indirect cost and carryover funds were utilized to cover the more than \$5.5 million in construction costs. We worked with our legislators in the Council to address this legacy issue that other administrations chose to ignore.

The health and welfare of our tribal employees was the primary concern. Renovations have already begun on Administration Building No. 2 and we anticipate construction to be in full swing by Spring 2015.

**APPROVAL OF \$8.3 MILLION IN SUPPLEMENTAL FUNDING**

On Jan. 6, I approved more than \$8.3 million in supplemental funding for several chapter



projects. Some of these projects were not in compliance with the Appropriations Act, but we worked around that to approve the projects because of their importance to their respective chapters.

However, we must be clear here: all projects selected for funding must be in compliance with the Appropriations Act. Furthermore, they must also be listed on the five-year CIP plan that was approved last summer after 14 long years of waiting. The more than \$30 million that was saved in the UUFB has allowed these supplemental funding requests to be funded.

\$500,000 from the UUFB will go to the Oljato Chapter for professional technical services and architecture for the design of the new multipurpose building. \$5 million will go to the Nahata Dzil Shopping Center. This was added as an amendment to the legislation. \$500,000 will go to the Tonalea-Red Lake Chapter for professional technical services and demolition project.

Cameron Chapter will receive \$180,120 from the UUFB for their multipurpose facility. \$600,000 will go toward the purchase of a new bus for the Navajo Transit System. Finally, \$1,559,250 from the UUFB will provide elected officials operating expenses, planning and regular chapter meetings.

The cost breakdown will provide district grazing officials \$877,500. Farm boards will receive \$483,750 and the Eastern Land Board will receive \$198,000.

## **RETURN OF SACRED MASKS FROM PARIS**

On Dec. 11, 2014, Vice President Rex Lee Jim left for Paris, France for the return of Navajo Yei Bi Chei masks that were put up for auction. A private collector put them up for auction through a Paris auction house.

Members of the Navajo Nation Human Rights Commission and a staff member of the Navajo Nation Washington Office joined the vice president for the return of these sacred masks. My staff from the Navajo Historic Preservation Department worked closely with the council's Sacred Sites Task Force for the return of the masks.

Thankfully, the Navajo delegation was able to purchase the masks outright before they were auctioned. This action sent a message to the world that these sacred cultural resources are not for sale and that they violate the basic human rights of native peoples across the globe. HPD recently held a special blessing ceremony for the masks to bring things back into harmony.

We are grateful for the efforts of the U.S. State Department, U.S. Embassy-Paris, and the U.S. Department of Homeland Security for their assistance in returning these traditional masks back to the Navajo Nation.



## **GALLUP DETOXIFICATION CENTER**

On Dec. 8, 2014, we met with Senator George Munoz and city leaders in Gallup to discuss the epidemic of alcoholism on the streets of the city. Specifically, we talked about the Gallup Detox Center, formerly known as Na'nizhoozhi Center, Inc. In June 2013, funding for NCI dried up and the responsibility to operate the facility fell squarely on the shoulders of the Navajo Nation.

We accepted the responsibility of helping the people suffering from alcoholism and began working with the center through the Navajo Department of Behavioral Services. After more than 20 years of service, NCI closed its doors and we opened the facility, the name changed to Gallup Detoxification Center. To date, we have spent more than \$1.6 million providing services.

The city of Gallup contributed \$320,000 to DBHS, bumping up the annual operating budget up to \$1.6 million. Despite this joint effort, it is not nearly enough to operate the facility and provide needed services, including counseling and rehabilitation. Estimates from DBHS indicate that to provide that level of service, we are looking at more than \$2 million annually.

In the late 1980s, I joined the senator's father, Eddie Munoz, the former mayor of Gallup for his march on Santa Fe. We marched from Gallup to Santa Fe to bring awareness to the alcoholism issue and in the end, \$400,000 in seed money was provided by the legislature to conduct a feasibility study for the detox center. Eventually, a \$3 million grant from the Robert Wood Johnson Foundation got the facility off the ground.

Today, the Gallup Detox Center averages about 2,400 people per month. We need help to address the revolving door effect for the center. This means medical detox services and increasing the 12-hour hold for clients to 72-hours for protective custody. Other issues include needed repairs for the HVAC system and an increased budget for protective custody, intervention, treatment, medical detox and aftercare treatment.

## **FEDERAL LEGISLATION**

During the 113th Congress, Congressman Don Young, Chairman of the House Natural Resources Committee, introduced a house bill on Indian energy. The bill proposed to streamline the federal bureaucratic process in energy development on large land base tribes. It passed the House, and was in the Senate for deliberation. The time ran out for the 113th Congress. Our Navajo Nation Washington Office reports that the bill will be reintroduced in the 114th Congress, now under new leadership.

During the 113th Congress, some 142 standalone bills were introduced. Several of them were important to the Navajo Nation, yet the bill we were monitoring was the Indian Trust Asset Reform Act. This bill was introduced in both the House and the Senate. It proposed to



authorize an eight-year trust asset demonstration project to enable tribes to develop plans. It is our understanding that this bill will be reintroduced during this Congress. It is our strong recommendation to support this and the many other proposed bills during this new Congress.

### **NAVAJO DEPARTMENT OF HEALTH SIGNED INTO LAW**

On Nov. 6, 2014, I enacted the Navajo Department of Health Act of 2014 and affirmed the Navajo Nation's sovereignty in the process. This was a major step toward tribal self-determination because it allows us to regulate healthcare on the Navajo Nation. Many of the 638 contract organizations were against this legislation because it provides the Nation the authority to oversee their programs.

As a sovereign nation, there are certain essential governmental functions that we cannot give away to other sovereigns, entities and organizations. This authority to regulate and monitor healthcare programs within the Navajo Nation's jurisdiction is one of them. Our newly formed Navajo Department of Health will ensure the public health service needs are met through assessments, policy development and quality assurance.

This is a long-term vision that we have for the Nation and all of these changes will not happen overnight. Instead, we must build capacity and hire new experts in policymaking and rulemaking. For the Navajo people, this means consultations and public hearings to ensure their voice is included in these new policies. We will work with tribal, state and federal healthcare providers to begin our next goal: creation of the first tribally administered Medicaid agency.

A recent study conducted by the U.S. Department of Health and Human Services concluded that it is feasible for the Navajo Nation to begin operating its own Medicaid agency. The potential for the future of our healthcare is tremendous, thanks to the enactment of the Navajo Department of Health. A generation from now, our kids will realize the great investment that was made for the future of the Nation.

### **NAVAJO-HOPI INDIAN RELOCATION OFFICE**

Over the weekend, we had a historic visit from members of the U.S. Congress, and we are grateful that the House Appropriations Committee Subcommittee on Interior, Environment, and related agencies came to the Navajo Nation.

The purpose of their trip was to follow up with the Navajo Nation and Hopi Tribe as to the Office of the Inspector General report that was requested by the subcommittee on the status of the federal relocation program administered by the Office of Navajo Hopi Indian Relocation Program.

Jodi Gillete, Senior Policy Advisor at the White House joined the Congressional delegation.



They toured the Nahata Dzil community and families in Jeddito. The Inspector General has asked for our comments to the recommendation of ONHIR's fate.

The federal government imposed a failed relocation program that has many of our families still without running water, electricity, and unfinished relocation homes. Meanwhile, many of our families are still waiting relocation. Therefore, the message was that the Navajo Nation urges the subcommittee to continue funding ONHIR and finish providing adequate benefits and relocation to all those families who were forced off their ancestral land more than 41 years ago.

The accommodation agreement was entered into between the Hopi Tribe and Navajo Nation. A federal mediator approved it and the subcommittee also addressed the courts. There are pitfalls relating to the agreement that impact Navajo families who signed it. The agreement ends in the year 2071. There are no accommodations provided for them, their life is substandard, there is no infrastructure, no housing and their main livelihood, their livestock, is impounded without proper notice and due process of law.

Other issues shared with the subcommittee were the ongoing impacts of the Bennett Freeze area. The families impacted live without running water, power lines, or roads. Their homes are substandard. Some are never able to construct a home and instead, are forced to live in camper shells or shacks.

We are hopeful the subcommittee listened to our concerns and will give us favorable feedback.

## **LOOKING AHEAD**

As leaders, it is our responsibility to ensure continuity of government and services to the Navajo people, regardless of the political climate that exists. Vice President Jim and I stand prepared to continue providing consistency for these government functions until a new president has been elected and installed into office. We are here for the Navajo people, not for personal self-interests.

With all of the challenges and confusion on when the election will take place and who will be on the ballot, we will continue providing a balance that will keep the Navajo Nation on a direct course for the future. What the Navajo people need is consistency and we are here to provide that support until a successor has been identified.

We appreciate the term of office that we completed by working with our partners on the Navajo Nation Council.

We made our relationship with the tribal legislators of the 22nd Navajo Nation Council strong and one that resulted in progress for the Navajo people. Just as we pledged to do, we



will get through these new challenges facing our Nation and achieve these results through commitment as we uphold the oath of office.

Thank you, 23rd Navajo Nation Council for the opportunity to report on the Executive Branch. Ahe'hee.



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FOR IMMEDIATE RELEASE  
January 15, 2015

## President Shelly lauds building renovations, tours facility



*In Sept. 2014, President Shelly toured Administration Building No. 1 and pushed for its completion before his term ended. On Jan. 12, this goal was realized. (Photo by Rick Abasta)*

WINDOW ROCK, Ariz.—A crowd of tribal employees and officials gathered on a dreary Monday morning to celebrate the renovations of Administration Building No. 1. The cold weather did not deter them from participating in the celebration held in a white tent outside the building.

Thanks to Oakland-Arviso Construction Co., the renovated building is finally after 28 months of renovation activities.

Housed inside the

newly improved building are Division of General Services, Finance, Office of Management and Budget, Department of Personnel Management, and Design and Engineering Services.

President Shelly said the building's completion was the product of cooperation between the Executive and Legislative Branches of tribal government.

“Whoever is taking office next, I hope you took notes because this is how you get things done: by working

together, not against each other,” President Shelly said.

He said Operation Breathe Safe began on Sept. 15, 2011 and closed the administration building due to black mold contamination. Employees were complaining of headaches and other medical issues.

Personal protective gear was required for employees to retrieve documents and equipment that needed to be decontaminated. The mold infestation was the result of non-maintenance.

“Water began to leak into the building and the walls,” the president explained.

The mildew eventually resulted in a strong odor that gave employees headaches. Something had to be done. Closing the building meant employees had to find available workspace from other tribal divisions and departments.

“More than \$5 million was spent to remediate the building. Thank you Speaker Pro Tem Bates and Delegate Hale for securing the funding

that made these renovations possible,” President Shelly said.

Vice President Rex Lee Jim spoke next and provided his remarks entirely in Navajo.

He said the renovated building was like your own home; it is the center of learning and thinking for family and the Navajo people.

“Take good care of (the building). Be responsible for it. If you see trash, don’t just walk over it, pick it up and dispose of it,” Vice President Jim said. “Talk to each other and work with each other in a good way. Incorporate K’é into your office.”

He also encouraged employees to quickly process the requests from the public.

“You were all in crowded workspaces. You know what it’s like to be waiting. For this reason, quickly process your work for the people,” Vice President Jim said.

Chief of Staff Arbin Mitchell also gave words of thanks and encouragement.

“We worked very hard on this building. I would like to thank Design and Engineering Services. Also Facilities Maintenance and NOSHA,” Mitchell said. “Those are a few departments that assisted with making this happen.

“It took a lot of money, just like president said,” he added.

Funds were pooled together from the Unreserved, Undesignated Fund Balance and indirect cost monies. Carryover funds were also leveraged to cover the costs of construction.

“We’re working on Administration Building No. 2 right now. When you add these two buildings, it

probably runs close to \$10 million,” he said.

Jonathan Hale, chairman of the Health, Education and Human Services Committee, said Navajo elders would use this building renovation as a lesson to learn from.

“We’re at a time when our buildings are aging and in need of repairs. Our elders have always said to us, don’t you see the needs of your home? Are you going to fix it? I’m thankful for your work here,” Hale said.

He said employees had to endure cramped conditions for the past two years and that many complained about illness being spread and other issues.

“Thank you. Take care of it. When this building was first constructed, it wasn’t done right. Now it’s up to code and has blueprints for the work that was done. Take care of it in case something like this happens again 10 years from now,” Hale said.

Virgil Brown, director for the Division of General Services, took a lead role on the project and directed his crew from Facilities Maintenance to work with DES to complete the work.

“It was a team effort. That’s the only way that things get going fast. Administration Building No. 2 is being built right now and it will probably be finished a lot faster than this one,” Brown said.

He said it was a long journey that’s finally been completed.



*President Shelly took a tour of the newly renovated administration building, led by Division of General Services director Virgil Brown. The group stops to take a look at the employee lounge for DGS staff. (Photo by Rick Abasta)*



*Vice President Rex Lee Jim said the new building is like an individual’s home: it is the center for learning and teaching tribal employees and clients alike. He challenged employees to process work quickly. (Photo by Rick Abasta)*



*One of the biggest additions to the administration building was the spiral stairway on the eastside of the building, which included elevator access for the disabled. More than \$5.5 million was invested to repair the building from black mold infestation.. (Photo by Rick Abasta)*



FOR IMMEDIATE RELEASE  
January 13, 2015

## President Shelly, Vice President Jim take oath of office



President Shelly takes the oath of office. (Photo by Rick Abasta)

WINDOW ROCK, Ariz.— Navajo Nation President Ben Shelly and Vice President Rex Lee Jim took the oath of office at noon today and extended their presidency.

The decision to extend the term of office for President Shelly came on the heels of a late night negotiation meeting and subsequent letter of agreement between Executive and Legislative Branches of government.

The terms of the agreement state, “In the spirit of K’é and Hózhó the Executive and Legislative leaders have come together to talk things out in resolving a controversy that would impact the stability of the Navajo Nation.”

The agreement further states that President Shelly will maintain all power and duties under the provisions of the Navajo Nation Code. The president will meet with members of the 23rd Navajo Nation Council during the winter session to discuss the best interests of the Nation moving forward.

Until then, President Shelly and Vice President Jim will maintain

continuity of government until a new president is elected.

Chief Justice Herb Yazzie administered the oath of office at the Office of the President and Vice President. The State Room was packed with cabinet members, OPVP staff and members of the media to witness the event.

Standing in front of the mahogany Great Seal of the Navajo Nation, President Shelly placed his left hand on the Bible and raised his right hand to take his oath of office.

President Shelly repeated the oath after Chief Justice Yazzie:

“I, Ben Shelly, do solemnly swear to continue to uphold and abide by the laws of the Navajo Nation and Treaty of 1868 between the Navajo Nation and the United States of America, and will faithfully execute the Office of the Navajo Nation President, representing the Navajo Nation, and will to the best of my ability continue to preserve, protect and defend the laws and government of the Navajo Nation, and advance the interests of the Navajo people, having due regard for the ethical duties and responsibilities of the

office. So help me God.”

First Lady Martha Shelly held the Bible and witnessed her husband’s historic swearing in ceremony for the second time. Navajo Nation Vice President Rex Lee Jim was next and took his oath of office for the second term by swearing on his jish (medicine bundle), which was held by his mother.

“I, Rex Lee Jim, do solemnly swear to uphold and abide by the laws of the Navajo Nation and Treaty of 1868 between the Navajo Nation and the United States of America; and will faithfully execute the Office of the Navajo Nation Vice President, representing the Navajo Nation; and will to the best of my ability continue to preserve, protect and defend the laws and government of the Navajo Nation; and advance the interests of the Navajo people, having due regard for the ethical duties and responsibilities of the office. So help me God.”

Vice President Jim signed the affidavit of certification, followed by President Shelly.

“We’ll keep it together until somebody shows up,” President Shelly said after he signed his name.

Cabinet members and others filed through to congratulate the president and vice president. The event was low key and lasted about 15 minutes. A press conference followed, where President Shelly spoke about conducting “business as usual.”

“The standard functions of a president’s protocol, we will continue to do that,” he said. “I will continue to function as a president, that’s what we agreed to.”

Approval or veto of tribal council legislation will continue, he added, noting that his standing as president will move forward with all authorities in place.

President Shelly’s staff and cabinet will continue on, if they chose to, he said. For those choosing to leave, they will be replaced with young Navajo professionals. For his future, the president will return to private business as an entrepreneur.

Other options included running for state and national leadership.

“There’s a lot of work to be done, the Navajo people need help,” he said.

At the conclusion of the ceremony, OPVP staff and cabinet members convened with the president and vice president at the Navajo Nation Museum to discuss plans moving forward.

For the short time in office, staff must give 110 percent or more was the message, in order to complete projects that are still in progress. President Shelly told everybody that maintaining continuity of government was the order of the day.

All of his staff and cabinet members will continue working with the administration until a successor is elected into office.





FOR IMMEDIATE RELEASE  
January 12, 2015

## Presidential oath of office ceremony changed to noon Tuesday

### MEDIA ADVISORY

WHO : President Ben Shelly  
THE NAVAJO NATION  
  
Vice President Rex Lee Jim  
THE NAVAJO NATION  
  
Herb Yazzie, Chief Justice  
THE NAVAJO NATION



WHAT : Presidential Oath of Office

WHERE : Navajo Nation State Room  
Office of the President and Vice President  
Window Rock, Ariz.

WHEN : Jan. 13, 2015  
12 p.m.

CONTACT : *Deswood Tome, Special Advisor to the President*  
*Office of the President and Vice President*  
*THE NAVAJO NATION*  
*Phone: 928-871-7925*  
*Mobile: 505-506-7729*  
*Email: [deswoodtome@yahoo.com](mailto:deswoodtome@yahoo.com)*

*Rick Abasta, Communications Director*  
*Office of the President and Vice President*  
*THE NAVAJO NATION*  
*Phone: 928-871-7884*  
*Mobile: 928-206-8460*  
*Email: [rickyabasta@navajo-nsn.gov](mailto:rickyabasta@navajo-nsn.gov)*

The oath of office ceremony has been changed to 12 p.m. due to a statutory requirement that was cited by Chief Justice Herb Yazzie. from the tribal code. A press conference will follow immediately after President Shelly and Vice President Jim have been sworn into office.



FOR IMMEDIATE RELEASE  
January 6, 2015

## President Shelly signs into law special run off election, NBOES pardon



On Jan. 10, Navajo Nation President Ben Shelly signed election legislation into law. (Photo by Rick Abasta)

In other election related news, the Supreme Court vacated a motion filed by the Navajo Department of Justice seeking clarification from the court on the election before Jan. 31, 2015, and additionally, an opinion on whether President Shelly remains as president beyond Jan. 13, 2015.

During the late hours of Jan. 9, President Shelly met with the Speaker Pro Tem LoRenzo Bates and members of the Navajo Nation Council, along with attorneys from the DOJ and the chief legislative counsel to fashion an agreement for the president to remain as president beyond Jan. 13. The agreement will require President Shelly to take an oath of office on Tuesday.

It was agreed by the parties that stability is important to the functioning government and to ensure a greater sense of continuity. The agreement does lend opportunity for the incoming lawmakers to introduce legislation that would otherwise address the matter of the presidency until an election is held.

WINDOW ROCK, Ariz.—On the afternoon of Jan. 10, Navajo Nation President Ben Shelly signed the special run off election legislation passed on the last day of the year by the Navajo Nation Council into law, as well as a bill that grants a pardon to the members of the Navajo Board of Election Supervisors who were stripped of their offices by order of the Navajo Nation Supreme Court.

“It is in the best interest of the Navajo people that

we give the thousands of voters a new opportunity to choose their next leaders,” President Shelly said. “There have been too many discrepancies over the last several months. A new election will restore some hope among the voters and the people that their voice will be heard.”

Believing that individual rights are undeniable, President Shelly signed legislation CD-81-14 and pardoned the NBOES members from sanctions imposed upon them by the

Supreme Court.

The legislation sets forth a special election for June 2015, in which the 17 candidates who were contenders for the 2014 primary election are eligible to reapply as candidates for president. The two candidates with the highest votes will proceed to a special general election in Aug. 2015. The legislation calls for the oath of office to be administered to the President-Elect and Vice President-Elect on Sept. 9, 2015.

RESOLUTION OF THE  
NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL—FOURTH YEAR, 2014

AN ACT

RELATING TO NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL; PARDONING NAVAJO BOARD OF ELECTION SUPERVISORS FROM ANY VIOLATIONS OF LAW IN THE PERFORMANCE OF THEIR WORK IN PRESIDING OVER THE 2014 ELECTION INCLUDING INDIRECT CIVIL CONTEMPT FINDINGS AND REINSTATING THE NAMED INDIVIDUALS TO THEIR OFFICES AS NAVAJO BOARD OF ELECTION SUPERVISORS

BE IT ENACTED:

**Section One. Findings**

- A. The Navajo Nation Council established the Naabik'iyáti' Committee as a Navajo Nation standing committee and as such proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naabik'iyáti' Committee. 2 N.N.C. §§ 164 (A)(9), 700 (A) (2012); see also CO-45-12.
- B. The Navajo Nation Council is the governing body of the Navajo Nation and all powers not delegated are reserved with the Navajo Nation Council. 2 N.N.C. § 102 (A), (B) and (C) (supervise all powers delegated) (2012); see also CO-45-12.
- C. The pardon power is an attribute of governance which the Navajo Nation has not delegated to any Navajo Nation governmental entity and the Navajo Nation Council established precedence when the Council pardoned Mr. Peter MacDonald. Memorandum from the Office of the Attorney General, Herb Yazzie, to the Navajo Nation Council (Apr. 17, 1995).
- D. The Navajo Nation Council recognized in Diyin Bits'áádéé Beehaz'áanii that they will "use their experience and wisdom to always act in the best interest of the people [and]...ensure the rights and freedoms of the generations yet to come...[and] enact policies and laws to address the immediate and future needs... ." 1 N.N.C. § 203 (A) and (D) (2009).

- E. Hózhó and k'è calls for the Navajo Nation Council, as Naat'aanii, to acknowledge their duty and aid the Navajo Nation in healing.
- F. Wallace Charley, Jonathan Tso, Norman L. Begay, Harry D. Brown, Sr., Michael Coan, Tom M. White, Jr., Lenora Fulton, Frannie George, and Ruth Watson were elected on a staggered term basis by Navajo voters and properly installed as the Navajo Nation Board of Election Supervisors.
- G. Navajo Board of Election Supervisors was established as an independent entity, 11 N.N.C. § 321, and has the duty to provide for the efficient and uniform administration and conduct of elections.
- H. The Navajo Board of Election Supervisors was presiding over the 2014 election when its conduct was intertwined with private parties litigating before the Navajo Nation Supreme Court in *Tsosie, et. al, v. Navajo Board of Election Supervisors, et. al*, No. SC-CV-68-14. The Court indicated that it was enforcing its own order dated October 23, 2014 against the Navajo Board of Election Supervisors and Director of Navajo Election Administration. *Tsosie, et al. v. NBOES, et al.*, No. SC-CV-68-14, slip op. 10 - 11, (Navajo Sup. Ct., Nov. 4, 2014).
- I. In a hearing on October 31, 2014, the Court removed the Supervisors by indicating that the Navajo Board of Election Supervisors, as Respondents, failed to comply with the Court's Order and "took deliberate actions in violation of the Election Laws." The Court's action to hold Navajo Board of Election Supervisors in contempt is questionable and troubling as:
- a. The Court failed to expressly identify the Navajo Board of Election Supervisors to carry out a certain act in the October 23, 2014 Order, but issued its order directed to the Navajo Election Administration, *Tsosie*, No. SC-CV-68-14, slip op. at 10 (Nav. Sup. Ct., Oct 23, 2014);
  - b. The Court did not give due process to the members of the Navajo Board of Election Supervisors in failing to specifically delineate how the members did not abide by the Court Order in violation of the Navajo Bill of Rights, 1 N.N.C. § 3;

- e. The Court did not give an opportunity to the members of the Navajo Board of Election Supervisors to have individual hearings where the members can defend themselves; in removing them under the Penal provisions of the Election Code, Section 365 the Court denied the Navajo Board of Election Supervisors equal protection and due process in a misdemeanor offense allegation, 11 N.N.C § 367;
- d. The Court Order and appellate hearing was originally based on an appeal from the Office of Hearings and Appeals (OHA) and it was later discovered that the hearing officer may not be qualified pursuant to Navajo Nation law to issue a decision; and this is particularly concerning in light of the Court order regarding the Hearing Officer and the Presidential decision on continued employment of the Hearing Officer. The Court relies on this debatable OHA Order of October 9, 2014, to indicate that the Navajo Board of Election Supervisors was on notice. Further, Navajo Board of Election Supervisors was not a party to the case that the Court refers to.
- J. The Court references 11 N.N.C. § 8(F) (as amended in 2014) (CJA-02-14) to indicate that the Board is "to maintain their qualifications throughout their term of office or face removal." The Board's qualifications are listed at 11 N.N.C. § 324. An indirect contempt of court by an appellate court is not listed as reasons to disqualify the members of the Navajo Board of Election Supervisors and the Court is over-reaching in doing so.
- K. The Navajo Nation Council and Naabik'iyáti' Committee has invited the Chief Justice of the Navajo Nation Supreme Court to explain its decision but he declined to do so.
- L. Navajo Nation People, communities and Chapters are expressing great concern of the removal of the members of the Navajo Board of Election Supervisors and the action of the Navajo Supreme Court.
- M. The Navajo Nation finds the pardon and restoration of the Navajo Board of Election Supervisors, named in SC-CV-68-14, is in the Navajo Nation's best interest.

**Section Two. Pardon of Navajo Board of Election Supervisors**

- A. The Navajo Nation pardons Wallace Charley, as a member of the Board of Election Supervisor, of indirect civil contempt, of violation of Navajo Election Laws and of knowingly and willfully failing or neglecting to perform duties under the Election Code as ruled in Case No. SC-CV-68-14.
- B. The Navajo Nation pardons Jonathan Tso, as a member of the Board of Election Supervisor, of indirect civil contempt, of violation of Navajo Election Laws and of knowingly and willfully failing or neglecting to perform duties under the Election Code as ruled in Case No. SC-CV-68-14.
- C. The Navajo Nation pardons Norman L. Begay, as a member of the Board of Election Supervisor, of indirect civil contempt, of violation of Navajo Election Laws and of knowingly and willfully failing or neglecting to perform duties under the Election Code as ruled in Case No. SC-CV-68-14.
- D. The Navajo Nation pardons Harry D. Brown, Sr., as a member of the Board of Election Supervisor, of indirect civil contempt, of violation of Navajo Election Laws and of knowingly and willfully failing or neglecting to perform duties under the Election Code as ruled in Case No. SC-CV-68-14.
- E. The Navajo Nation pardons Michael Coan, as a member of the Board of Election Supervisor, of indirect civil contempt, of violation of Navajo Election Laws and of knowingly and willfully failing or neglecting to perform duties under the Election Code as ruled in Case No. SC-CV-68-14.
- F. The Navajo Nation pardons Tom M. White, Jr., as a member of the Board of Election Supervisor, of indirect civil contempt, of violation of Navajo Election Laws and of knowingly and willfully failing or neglecting to perform duties under the Election Code as ruled in Case No. SC-CV-68-14.
- G. The Navajo Nation pardons Lenora Fulton, as a member of the Board of Election Supervisor, of indirect civil contempt, of violation of Navajo Election Laws and of knowingly and

willfully failing or neglecting to perform duties under the Election Code as ruled in Case No. SC-CV-68-14.

H. The Navajo Nation pardons Fannie George, as a member of the Board of Election Supervisor, of indirect civil contempt, of violation of Navajo Election Laws and of knowingly and willfully failing or neglecting to perform duties under the Election Code as ruled in Case No. SC-CV-68-14.

I. The Navajo Nation pardons Ruth Watson, as a member of the Board of Election Supervisor, of indirect civil contempt, of violation of Navajo Election Laws and of knowingly and willfully failing or neglecting to perform duties under the Election Code as ruled in Case No. SC-CV-68-14.

**Section Three. Reinstatement of Navajo Board of Election Supervisors**

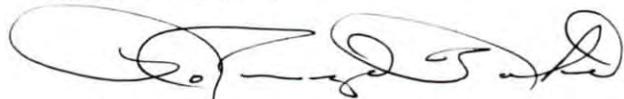
The Navajo Nation hereby reinstates Wallace Charley, Jonathan Tso, Norman L. Begay, Harry D. Brown, Sr., Michael Coan, Tom M. White, Jr., Lenora Fulton, Frannie George, and Ruth Watson as Navajo Nation Board of Election Supervisors.

**Section Four. Effective Date**

The Act is effective upon its approval pursuant to 2 N.N.C. §221.

**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 1 opposed, this 30<sup>th</sup> day of December 2014.



LoRenzo Bates, Pro Tem Speaker  
Navajo Nation Council

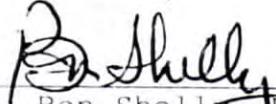
12-31-14

Date

Motion: Honorable Danny Simpson  
Second: Honorable Charles Damon, II

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 10<sup>th</sup> day of JANUARY 2014.



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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.

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Ben Shelly, President  
Navajo Nation

RESOLUITON OF THE  
NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL - Fourth Year, 2014

AN ACTION

RELATING TO AN EMERGENCY; TO ADDRESS A MATTER OF NAVAJO VOTER  
DISENFRANCHISEMENT; AND PROVIDING FOR A SPECIAL RUN-OFF ELECTION  
AND A SPECIAL GENERAL ELECTION FOR THE OFFICE OF PRESIDENT

BE IT ENACTED:

**Section One. Findings**

- A. 2 N.N.C. § 164(A)(16) provides, in part, that an emergency is limited to matters which directly threaten the sovereignty of the Navajo Nation and that such emergency matters must arise due to the pressing public need for such resolution and must be a matter requiring final action by the Council.
- B. The Navajo Nation election cycle for 2014 began with the primary election being held on August 26, 2014 and for the office of the President, seventeen (17) candidates filed; the two candidates with the most votes were slated to face each other in the general election which was scheduled for November 4, 2014.
- C. After the primary election, election grievances were filed by two candidates who did not prevail in the election and the grievances by the two candidates have been finalized by Navajo Nation tribunal bodies; however, Navajo People remain dissatisfied as their voice through their votes are being ignored and continued disharmony remains.
- D. Navajo Nation Supreme Court has issued an Opinion in the court case: *Tsosie, et al., v. Navajo Board of Election Supervisors*, slip op. SC-CV-68-14 (October 23, 2014) in a 2-1 majority vote with one (1) justice dissenting. The Opinion orders the name, Christopher C. Deschene, to be taken off the ballot.

- E. The decision of the Navajo Nation Supreme Court has disenfranchised the ample number of voters who voted in the 2014 primary and general election and no remedy was provided for them.
- F. The decision of the Navajo Nation Supreme Court indicates that it "is unavoidable that the November 4, 2014 election must be postponed..." The Navajo Nation Council agrees.
- G. The late filing of grievances, the different interpretations of the laws and the late decisions by the Office of Hearings and Appeals and the Navajo Nation Supreme Court has caused instability and confusion in the 2014 Navajo Nation Election. Such on-again, off-again appearance with respect to the carrying out of the Navajo Nation laws is damaging to the image of the Navajo Nation. In the meantime, community leaders are requesting the voters to have a civil dialogue and resolve the matter through the concept of hozho.
- H. Navajo Nation Council has received hundreds of Navajo Chapter resolutions, petitions or letters from Navajo voters. The request of the Navajo People should not be ignored and, rather, be seriously considered by all Navajo Nation branches and departments. If the confusion is not resolved, civil unrest may develop.
- I. Navajo Nation does not have a constitution but has a set of developed laws, including election laws. Navajo Nation Supreme Court's decisions should be given due deference when it identifies ambiguities in Navajo Nation laws; however, Navajo Nation Council, as the representative body of the elected representatives of the Navajo People, has the prerogative and the authority to address matters by determining if laws were properly applied, to reduce confusion in the interpretation of the laws, and to resolve emergency matters facing the Navajo Nation or its residents.
- J. Navajo Nation Council, as the representative body of the elected representatives of the Navajo People, pursuant to 2 N.N.C. § 102(A), has the prerogative and the authority to amend laws to provide for certain remedies and pass resolutions, pursuant to 2 N.N.C. § 164(A)(1).

- K. "Resolution" is defined as a form of legislation, which means a formal action of the Navajo Nation Council or its Committees adopting its approval of or stating its opinion on a matter. 2 N.N.C. §110(T).

**Section Two. Amendments to Title 11 of the Navajo Nation Code**

This Resolution does not amend Title 11 of the Navajo Nation Code, and other relevant laws, but shall be interpreted as a Resolution to provide for a special remedy to address the disenfranchisement of Navajo voters pursuant to the authority of the Navajo Nation Council over election matters.

**Section Three. Authorizing a Special Run-off Election and a Special General Election**

Notwithstanding certain election laws contained in Title 11 of the Navajo Nation Code, and other relevant laws, the following provisions shall be used to implement a special run-off primary election and a special general election:

- A. Except for the Office of the President and Vice President, the general election results of November 4, 2014, for all Navajo Nation elected offices shall be certified by the Navajo Election Administration.
- B. The Navajo Nation Council hereby authorizes a special run-off election and a special general election for the offices of the President and Vice President pursuant to the laws existing at the time of the special primary election.
- C. Navajo Nation Council hereby authorizes the following procedures to be used to conduct the 2015 special run-off election, if necessary, and the 2015 special general election:
  - 1. A special run-off election shall be scheduled for June 2, 2015.
  - 2. A special general election shall be scheduled for August 4, 2015.

3. Laws existing at the time of the special primary election shall be used to allow presidential candidates who filed for and participated in the 2014 primary election to be given an opportunity to participate in the special run-off election for the offices of the President and Vice President.
4. The requirements under 11 N.N.C. § 26 regarding filing fees shall be waived for candidates.
5. Subject to laws existing at the time of the election only the 2014 primary election candidates shall be qualified to be a candidate for the special run-off election and the Navajo Election Administration shall contact them to determine if they wish to file an application for candidacy for the Office of the President, to wit:
  - a. Donald Benally;
  - b. Edison J. Wauneka;
  - c. Moroni Benally;
  - d. Hank Whitethorne;
  - e. Dan Smith;
  - f. Ben Shelly;
  - g. Chris Deschene;
  - h. Kee Yazzie Mann;
  - i. Myron McLaughlin;
  - j. Joe Shirley, Jr.;
  - k. Duane H. Yazzie;
  - l. Dale E. Tsosie;
  - m. Carrie Lynn Martin;
  - n. Cal Nez;
  - o. Edison "Chip" Begay;
  - p. Kenneth Maryboy; and
  - q. Russell Begaye.

6. Navajo Election Administration shall maintain a record of how the contact with each candidate was made and the candidate's answer. Personal contact is preferred, but the Administration may contact the candidates by telephone or other form of electronic means. The candidate shall be allowed to file their application for candidacy for the Office of the President no later than April 3, 2015.
7. Candidates for the special run-off election shall be certified by the Navajo Election Administration no later than April 4, 2015.
8. If only two candidates file their applications for candidacy for the special run-off election, the special run-off election shall be canceled and the two candidates who filed shall be allowed to run in the special general election for the Office of the President.
9. If three or more candidates file their applications for candidacy for the run-off election, then all candidates who filed their candidacy application shall be allowed to run in the special run-off election. A special ballot shall be printed for the special run-off election. If a special ballot cannot be printed within the timeline herein, Navajo Election Administration shall arrange for in-house printing and the hand-counting of the ballots, along with security measures to prevent voting fraud.
10. Unless otherwise prohibited by Navajo Nation law, voters who are registered to vote by May 4, 2015, shall be allowed to vote in the special run-off election and the special general election.
11. Early voting for special run-off election shall be allowed from May 21, 2015 to May 29, 2015. Voters may be allowed to bring their special early voting ballot and cast it on special run-off election day.

12. Absentee ballots for special run-off election shall be mailed to all voters who requested absentee ballots in the regular primary election and regular general election no later than May 4, 2015, and the due date for the return of absent ballots shall be June 2, 2015. Additional absentee ballot requests may be allowed for the special run-off election.
13. Final certification of the result for the special run-off election shall be done no later than June 15, 2015 the Navajo Election Administration. The candidates with the two highest votes in the run-off election shall be certified as candidates for a special general election.
14. Grievance filed by a candidate for the special run-off election shall be filed no later than June 12, 2015; and the Navajo Nation Office of Hearings and Appeals shall render a decision no later than June 13, 2015. Appeals of the decision of the Navajo Nation Office of Hearings and Appeals shall be made to the Navajo Nation Supreme Court no later than June 14, 2015; and the Navajo Nation Supreme Court shall render a decision no later than June 16, 2015.
15. A special ballot shall be printed for the special general election and included on the ballot shall be the two certified candidates.
16. Early voting for the special general election shall be allowed from June 22, 2015, to June 31, 2015 if no grievance is filed for the special run-off election. If a grievance is filed in the special run-off election, then early voting for the special general election shall be allowed from June 27, 2015, to June 31, 2015. Voters may be allowed to bring their special early voting ballot and cast it on special general election day.

17. Absentee ballots for special general election shall be mailed to all voters who requested absentee ballots in the regular primary election and regular general election no later than July 6, 2015, and the due date for the return of absent ballots shall be August 4, 2015. Additional absentee ballot requests may be allowed for the special general election.
18. Absentee voting for the special general election shall be allowed from July 6, 2015, to August 4, 2015 if no grievance is filed for the special run-off election. If a grievance is filed in the special run-off election, then absentee voting for the special general election shall be allowed from July 11, 2015, to August 4, 2015.
19. Final certification of the result for the special general election shall be done no later than August 17, 2015 by the Navajo Election Administration. The candidate with the highest votes shall be certified as the elected official to take the oath of office on September 9, 2015.
20. Grievance filed by a candidate for the special general election shall be filed no later than August 14, 2015; and the Navajo Nation Office of Hearings and Appeals shall render a decision no later than August 18, 2015. Appeals of the decision of the Navajo Nation Office of Hearings and Appeals shall be made to the Navajo Nation Supreme Court no later than August 21, 2015; and the Navajo Nation Supreme Court shall render a decision no later August 25, 2015.
21. Campaign reports for the special run-off election and the special general election, as required by 11 N.N.C. §§ 201 - 209 shall be filed no later than June 12, 2015 and August 14, 2015.
22. Poll officials used in the 2014 regular general election may be used as poll officials for the special run-off election and the special general election.

23. Navajo Election Administration shall take all precautions and necessary steps to promptly send absentee ballots to persons who have voted by absentee ballots in the 2014 election cycle.
  24. Navajo Election Administration shall use the special provisions contained herein in a congruent manner with the current Election Code provisions.
  25. Elections scheduled by Navajo Election Administration for President and Vice President should be canceled for 2014.
- D. Navajo Election Administration shall make arrangements for the public announcement of the procedure adopted herein in Navajo and English languages on a daily basis until January 13, 2015.
- E. Navajo Election Administration shall prepare a budget to cover the costs of the special run-off election and the special general election and communicate this to the Navajo Nation Council so it may allocate additional resources.
- F. Employees of the Navajo Nation government shall be given time off beginning at 1:00 p.m. on special run-off election day, if necessary, and on special general election day only if they use the leave to go vote.
- G. The Oath of Office for all Navajo Nation elected officials shall be September 9, 2015.

#### **Section Four.**

The special primary and general elections shall be funded at the Amount of \$317,891.00 and said funding shall be expended pursuant to budget documents inserted hereto as Exhibit "B".

#### **Section Five. Effective Date**

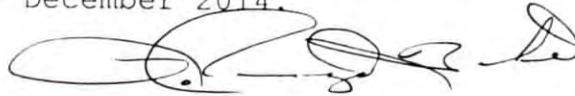
These amendments are effective upon its approval pursuant to 2 N.N.C. §221 and shall be in effect for the 2015 Navajo Nation Election subsequent Navajo Nation elections.

**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 1 opposed, this 30<sup>th</sup> day of December 2014.



LoRenzo Bates, Pro Tem Speaker  
Navajo Nation Council

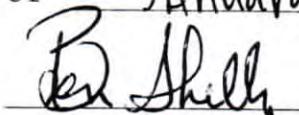
12-31-14

Date

Motion: Honorable Duane Tsinigine  
Second: Honorable Roland Tso

**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 10<sup>th</sup> day of January 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.

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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.

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Ben Shelly, President  
Navajo Nation



FOR IMMEDIATE RELEASE  
January 6, 2015

## President Shelly approves \$8.3 million in supplemental appropriations



President Shelly let go of the purse strings and approved \$8.3 million in supplemental funds. (Photo by Rick Abasta)

WINDOW ROCK, Ariz.—On Jan. 6, Navajo Nation President Ben Shelly met with the Office of Management and Budget to discuss council resolutions requesting supplemental appropriations amounting to more than \$8.3 million.

“It’s important that we ensure funding for these projects are in line with the Navajo Nation Appropriations Act,” President Shelly said. “We have more than \$30 million in the UUFB right now, but we must be prudent with those funds.”

President Shelly signed CD-71-14, which provides \$500,000 from the Unreserved, Undesignated Fund Balance for Oljato Chapter. The funds will be for professional technical services and architecture and design for the chapter’s new multipurpose building.

The same bill provides \$5 million to the Nahata Dzil

Shopping Center project. The president had reservations about signing the legislation because the two projects are not listed in the five-year Capital Improvement Plan.

The Appropriations Act states, “All budget requests for capital improvements shall be in compliance with an adopted Capital Improvement Plan and shall not be approved unless in compliance with the plan.”

The legislation was originally only for the Oljato Chapter, but the shopping center was added as an amendment.

“I compromised and signed this legislation because the shopping center project is shovel-ready and listed on the five-year Economic Development Plan,” President Shelly said.

Resolution No. CD-75-14 was also signed for approval of \$500,000 from the UUFB for Tonalea-Red Lake Chapter’s

professional technical services and demolition project. President Shelly approved this project, but again, it is not listed on the five-year CIP. The project, however, is also listed on the five-year Economic Development Plan.

“I’ve worked with the council on approving these projects, but they need to ensure their legislation is in compliance with the law for any future legislation,” President Shelly said.

Legislation No. CD-69-14 was also approved by the president and allows Cameron Chapter to receive \$180,120 from the UUFB for their multipurpose facility. The project is on the five-year CIP and is in compliance with the Appropriations Act.

Resolution No. CD-72-14 was approved for \$600,00 from the UUFB for the purchase of a new bus for Navajo Transit System. The president had a small concern with the proposal summary

because it does not mention the bus purchase, but OMB will apply an administrative fix.

President Shelly also approved Legislation No. CD-73-14 for \$1,559,250 from the UUFB for elected officials operating expenses, planning and regular chapter meetings. The funds will be distributed to the elected officials as follows:

The district grazing officials will receive \$877,500. The farm boards will receive \$483,750. The Eastern Navajo Land Board will receive \$198,000.

“During this administration, we have held tight to the Nation’s purse strings to ensure the UUFB was maintained above the minimum balance allowed,” President Shelly said. “Today, we have let go of the purse strings to approve these projects for the people.”



FOR IMMEDIATE RELEASE  
January 5, 2015

## President Shelly vetoes amending fluency requirements for election code



President Shelly said the Navajo people must be involved in the decision making process whether or not to eliminate the Navajo language fluency requirements for candidates running for president. (Photo by Rick Abasta)

WINDOW ROCK, Ariz.—On New Year’s Eve, Navajo Nation President Ben Shelly vetoed CD-79-14, a Navajo Nation Council resolution to amend the Navajo language fluency requirements for Office of the President and Vice President.

The council attempted to pass a similar legislation in Oct. 2013, which was also vetoed by President Shelly, who favored a referendum vote brought before the Navajo people for amending the language. He said a thoughtful and deliberative conversation needed to occur with the Navajo people before changing the qualifications for tribal leadership.

“This conversation has yet to occur and, as such, my feelings on the matter have not changed,” President Shelly said. “The

people are divided and we need their participation in this decision that will affect the generations to come.”

He said piecemeal changes to the Election Code in the form of council resolutions and Supreme Court opinions will not suffice. A major overhaul is need to ensure clear, concise and fair laws, he noted, adding that such important change can only be done through a referendum vote of the Navajo people.

“It’s the people’s right to determine this, not myself, the Council or the courts,” President Shelly said.

The same day, President Shelly also signed into law three bills.

Legislation no. CD-64-14 was for amendments to Title 11 of the Navajo Nation Code by authorizing the Navajo Board

of Elections Supervisors to eliminate filing fees for elective positions filled by appointment.

Currently, filing fees by

The amendments included change of legislative oversight to Resources and Development Committee, purpose of farm boards, duties and responsibilities of officers, meetings, powers, accountability and compensation.

Legislation No. CD-68-14 was also signed into law by President Shelly and established the Sihasin Fund for the \$554 million settlement.

Establishment, purpose, investment, definitions, expenditure, annual audit report and expenses of the Sihasin Fund were outlined in the legislation.

“The Navajo people can rest easy knowing that the \$554 million from the trust settlement is properly accounted for and audited through the Sihasin Fund,” President Shelly said. “This is the Navajo people’s money and they deserve to know what it’s spent on.

Such transparency in government has been a hallmark of this administration and we will continue to keep the Navajo

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**“The people are divided and we need their participation in this decision that will affect the generations to come.”**

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candidates are submitted when they file their candidacy application. The filing fees are non-refundable.

“For an appointment to fill an unexpired term, the applicable filing fee shall not be required,” was the amendment to the code.

President Shelly also signed CD-76-14 into law and enacted the amendments to the Navajo Nation Farm Board plan of operation.

people informed,” he added.

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FOR IMMEDIATE RELEASE  
January 5, 2015

## President Shelly approves FTA grant and purchase of allotment land



*President Shelly signed and approved two bills before the end of 2014. The first legislation was to accept a \$166,000 grant award for the Navajo Transit System. The second bill was to purchase individual allotment land in Ramah. (Photo by Rick Abasta)*

WINDOW ROCK, Ariz.—On Dec. 30, 2014, Navajo Nation President Ben Shelly enacted two bills to provide funding to the Navajo Transit System and approval of purchasing individual allotment land.

Legislation No. CD-65-14 was for approval of the \$166,000 grant to the Navajo Transit System from the Federal Transit Administration for public transportation operation. Also included was approval of the indirect cost rate of 10 percent.

“The Navajo Transit System continues to provide important services to the Navajo people, that of mobility,” President

Shelly said. “I applaud their tenacity in seeking funds outside the Nation to continue their mission of public transportation.

“I hereby sign into law the foregoing legislation, pursuant to 2 NNC Subsection 1005 (C) (10), on this 30th day of December 2014,” he added.

The FTA awarded the Navajo Transit System the grant award of \$166,000 on Jan. 8, 2013. The maximum rate of 10 percent was levied on the FTA, which waived the Navajo Nation indirect cost rate of 16.95 percent.

The FTA is an agency of the U.S. Department of Transportation that is

tasked with providing financial and technical assistance to local public transit systems. With headquarters in Washington, D.C. and 10 regional offices, the FTA oversees public transportation including buses, subways, light rail, commuter rail, monorail, passenger ferry boats, trolleys, inclined railways and other modes of transportation.

The resolution was approved by a vote of 18-0 by the Navajo Nation Council on Dec. 23. Speaker Pro Tem LoRenzo Bates signed the resolution on Dec. 29 before sending it to the Office of the President and Vice President.

Legislation No. CD-67-14 was for approval of purchasing of individual allotment land for 160 acres located within the Ramah Chapter by Roy Chap Martinez. The cost of the purchase, including closing costs, amounted to \$128,000.

Martinez made contact with the BIA Southwest Regional Estate Office and expressed his decision to sell his allotment to the Navajo Nation. On Sept. 24, 2013, Martinez agreed to the purchase price of \$800 per acre for a total

sale price of \$128,000.

The Navajo Land Acquisition Trust Fund will cover the purchase price of the land, which will be utilized for the development of residential subdivisions, mutual help housing, home site leasing and community development purposes for the Ramah Chapter.

“I hereby execute the real estate purchase agreement on behalf of the Navajo Nation for purchase of lands held by the Roy Chap Martinez allotment,” President Shelly said. “The Navajo Nation will utilize this land to build homes for those living in the Ramah Chapter boundaries.”

The Navajo Nation Council approved the legislation by a vote of 18-0 on Dec. 23 and was signed by Speaker Pro Tem Bates on Dec. 29 before it reached President Shelly’s desk for approval.

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