

# THE NAVAJO NATION EXECUTIVE BRANCH



DR. JOE SHIRLEY, JR., PRESIDENT  
BEN SHELLY, VICE PRESIDENT

FY 2010 - 1ST QUARTERLY REPORT



# EXECUTIVE BRANCH DIVISIONS & OFFICES

- \* DEPARTMENT OF DINE EDUCATION
- \* DEPARTMENT OF JUSTICE
- \* DIVISION OF COMMUNITY DEVELOPMENT
- \* DIVISION OF ECONOMIC DEVELOPMENT
- \* DIVISION OF GENERAL SERVICES
- \* DIVISION OF HEALTH
- \* DIVISION OF HUMAN RESOURCES
- \* DIVISION OF NATURAL RESOURCES
- \* DIVISION OF PUBLIC SAFETY
- \* DIVISION OF SOCIAL SERVICES
- \* NAVAJO DIVISION OF TRANSPORTATION
- \* NAVAJO ENVIRONMENTAL PROTECTION AGENCY
- \* NAVAJO GAMING REGULATORY COMMISSION
- \* NAVAJO HOPI LAND COMMISSION
- \* NAVAJO NATION WASHINGTON OFFICE
- \* OFFICE OF THE CONTROLLER
- \* OFFICE OF THE FIRST LADY
- \* OFFICE OF HEARINGS & APPEALS
- \* OFFICE OF MANAGEMENT & BUDGET
- \* OFFICE OF MISS NAVAJO NATION
- \* OFFICE OF NAVAJO TAX COMMISSION

# DEPARTMENT OF DINE EDUCATION



ANDREW M. TAH  
SUPERINTENDENT

FY 2010 - 1ST QUARTERLY REPORT

The Navajo Nation  
**DEPARTMENT OF DINÉ EDUCATION**  
 First Quarterly Report – FY 2010  
 (October, November, December, 2009)

**I. Program Information:**

Department Superintendent: Andrew Tah  
 Department Deputy Superintendent: Tim Benally

Departments:

Navajo Head Start	Spencer W. Willie, Department Manager III
Office of Youth Development	Pauline Thomas, Interim Department Manager III
Office of Diné Culture, Language, & Community Services	Eddie Tso, Program Supervisor II
Office of Diné Science, Mathematics & Technology/RSI	Dr. Calvin White, Education Administrator
Office of Educational Research and Statistics	Vern Duus, Statistician/Demographer
Office of Navajo Nation Library	Irving Nelson, Program Supervisor I
Office of Monitoring, Evaluation, & Technical Assistance	Lorena Zah-Bahe, Education Program Manager
Office of Navajo Nation Scholarship & Financial Assistance	Rose Graham, Department Manager III
Office of Special Education, & Rehabilitation Services	Treva Roanhorse, Education Program Manager
Johnson O'Malley Program	Darrell Watchman, Program Manager I

**II. Budget/Performance Information:**

**a. Budget Summary:**

Program	Funding Source	# of Personnel	# of Vehicles	FY 2010 Personnel	% Used	FY 2010 Operating	% Used
Administration	General Funds	9	01	\$693,558	16%	\$206,340	19%

**III. Accomplishments:**

**Department of Diné Education (DODE) – Administration**

**MEETINGS WITH STATE AGENCIES**

- Attended monthly meeting with the Apache County School Superintendent Dr. Pauline Billie. The discussion focused on the need to infuse Dine' Language & Culture in schools. The Window Rock School District Immersion Program has demonstrated that success in the Immersion Program has contributed to the school's achieving Adequate Yearly Progress.
- Met with the New Mexico Public Education Department-Office of Indian Education staff to share DODE initiatives and plan collectively to strengthen and support the mission, goals, and strategic plans of Title X.

**NAVAJO NATION SPECIAL RETIREMENT PROGRAM**

- 121 DODE employees were determined eligible by Department of Personnel for the SRP. As of this writing 14 employees accepted the offer by the SRP.

**NATIONAL INDIAN EDUCATION ASSOCIATION CONFERENCE**

- Attended the session on Tribal Education Department’s for Native America meeting. Two resolutions were not adopted due to lack of a quorum. The two resolutions addressed: 1) FERPA (Family Educational Right Privacy Act), which needs to be amended to include the Tribes accessibility to student data presently collected and safeguarded by the States and Federal programs. An amendment would grant Tribal Education Departments authority to analyze State data and identify reasons for low achieving populations; and 2) Support for Tribal Education Departments with more resources that would lead to the establishment of a viable, fully-functioning education department. Presently, appropriation of small allotments limits operations.

- Attended several sessions but most importantly was the Ft. Defiance Elementary School Immersion model presented by several original students of the program. They shared their experiences on how the program impacted their educational accomplishments (i.e. teaching in Phoenix area, Adjunct Professor at ASU, and Adult Education teaching Dine’ Language). They totally support the program and encourage the Navajo Nation to implement the model in all elementary schools.

**ARIZONA STATE UNIVERSITY-INTERGOVERNMENTAL AGREEMENT**

- Met with Dr. Peterson Zah on the ASU-IGA: discussed the IGA and identified four committees (SES, School Improvement, Early Childhood and Professional Development). DODE submitted a staff list for the committees and ASU is doing the same. The committees will begin meeting in November on their tasks.

**SCHOOL IMPROVEMENT TEAMS**

- The Team continues to visit schools monthly and reporting favorable exit reports from administrators, staff and parents/community members.

**OTHER PROGRAMS**

- DODE administrative staff continues presenting the Proposed Compulsory School Attendance Law at several schools, community/school organizations, and with Tribal stakeholders.
- Major void continues by the lack of filling the Legislative Analyst’s vacant position which hampered our needs in contacting and setting meetings with Legislative and other state officials to solicit their support in our goal to seek SEA status and other initiatives.
- The Office of Diné Language, Culture, & Community Services program co-sponsored another cultural seminar entitled: “Fourth World Gathering”.
- The Office of Youth Development met with Fire Rock Casino staff to solicit funds in an effort to replenish needed resources that have been reduced by the expiration of the one-time youth demonstration grant.
- The Office of Special Education & Rehabilitation Services program sponsored the Disability Awareness Conference in Shiprock, NM.
- The Office of Math, Science & Technology conducted their second training Using Data Process model to assist Chinle schools’ teachers and administrators to improve on school achievement.
- The Fall Navajo Nation Council session impacted the Executive Branch (DODE programs included) by placing President Shirley on administrative leave, which impeded the Tribal Summit meeting with President Obama.
- NN Superintendent of Schools; Assistant Superintendent, and Manager (Science/Math & Technology) attended a couple of Secretary Duncan’s Listening & Learning Summit sessions in Washington, D.C. The NN representatives shared the Department’s endeavor of implementing the *2005 Navajo Nation Sovereignty in Education Act* and requested for support and resources to assist with the successful implementation of the provisions.

**Navajo Nation Board of Education (NNBOE)**

**Budget Summary:**

Funding Sources	# of Members	# of Personnel	# of Vehicle(s)	FY 2010 Personnel	% Used	FY 2010 Operating	% Used
General	9	1	0	\$21,830	13.11%	\$118,746	24.38%
Total	9	1	0	\$21,830	13.11%	\$118,746	24.38%

- Board members participated in Public Comment Meetings with the Communities, Education Stakeholders, Parents and Students regarding “Proposed Policies on Compulsory School Attendance Law” on the following dates and locations:
  - October 01, 2009, Career Prep High School

- October 06, 2009, Monument Valley High School
- October 07, 2009, Window Rock High School
- October 08, 2009, Many Farms High School

The Education Stakeholders are glad that the Navajo Nation is finally establishing truancy policies and procedures and support the implementation of the draft recommendations. Some concerns have surfaced, i.e. legal custody of children staying with grandparents and other relatives, consequences for noncompliance for both parents and children in regards to Title 17, etc.

- On October 2, 2009, the Board had Regular Meeting at Navajo Technical College, Crownpoint, NM:
  - The Board wrote a supporting letter to the Navajo Nation President, Dr. Joe Shirley, Jr. for Dr. Joseph Martin to fill the vacancy for Director of the Bureau of Indian Education. The Board approved Mr. Herman Cody to do research entitled "To what Extent has the Title 10 Amendment been implemented for the Navajo Schools?"
- On October 19, 2009, at the Special Board Meeting at Department of Diné Education, Window Rock, AZ.
  - The Board discussed the Navajo Nation Grant Reauthorization Handbook with Office of Monitoring, Evaluation and Technical Assistance staff and issued a directive to edit and correct the handbook. They scheduled a work session on October 30, 2009 to finalize the handbook and forward the document for action by the NNC-Education Committee.
  - The Board discussed the Negotiate Intergovernmental Agreements for data collection with BIE/Tri-state schools. They issued a directive to Mr. Andrew Tah to work on the Memorandum of Understanding (MOU) between the Navajo Nation and Arizona, New Mexico and Utah State Departments of Education.
  - The Board discussed and reviewed the handbook of the K-2<sup>nd</sup> Grade Implementation of full Diné Language Immersion and Maintenance Language Program for 3<sup>rd</sup> – 12<sup>th</sup> Grades. The Board directed the Office of Diné Culture, Language, & Community Services staff to edit the handbook and present it for action by the Board at the December meeting.
  - The Board approved a National Indian Education Association Resolution in Support for Tribal State Education Agency (SEAs), Tribal-centered Adequate Yearly Progress (AYP) measures, and Tribal language and culture in the No Child Left Behind Act Reauthorization and forward to NNC-Education Committee for their approval.
  - The Board appointed Ms. Dolly C. Begay Board of Education Representative to serve on the Executive Committee on the ASU-IGA.
- On October 30, 2009 a Work Session and Special Meeting, DoDE Sunrise Board Room, Window Rock, AZ:
  - Grant Reauthorization Proposed Changes:
    - a. Tribal Requirements regarding School Operation and Management
    - b. Financial Management – Single Audit Act Requirements
    - c. Academic Requirements – Reading, Math, Language Arts, and Science, and Diné Language and Culture
    - d. Local School Data/Statistics, and 10% AYP Gain
    - e. Background Checks – Tribal, State and Federal.
  - Special Meeting
    - a. A directive was issued to Ms. Lorena Zah-Bahe, Director, OMETA to work on the contents of the Reauthorization Handbook, and to Ms. Paulina Billie, Executive Director, Diné Olta School Board Association (DOSBA) to finalize School Board's policies and responsibilities.
    - The Board wrote a supporting letter for Dr. Rena M. Yazzie to fill the vacant position for the BIE, Gallup Education Line Officer.

**Navajo Nation Johnson O'Malley (NNJOM) Program:**

**Budget Summary:**

Office	Funding Source	# of Personnel	# of GSA vehicles	FY 2010 Personnel	FY 2010 Operation	% Used
JOM Central Office*	External P.L. 93-638	7 Full-time 3 Temp.	2	7 Full-time 3 Temp.	\$3.5 million	95%
30 Subcontr actors*	FY 2004-2006 unexpended funds. SY FY 2007-2008 and SY FY 2008-2009 base funding	Approx. 100 staff	2 at Central C.S.D.	Approx. 100 staff	Less than 1 million*	90%
30 subcontr actors*	SY FY 2009-2010 base funding	Approx. 100 staff	2 at Central C.S.D.	Approx. 100 staff	Approx. \$3.5 million*	45%

\*This includes SY FY 2008-2009, FY 2007 base funding of approximately \$2.6 million and \$1.6 million in unexpended funds from FY2004-2006, for a total of approximately \$4.23 million to be expended and closed out by December 31, 2009.

**NOTE:** During this quarter, subcontracts began on July 1, 2009 and will continue until June 30, 2010. This is considered the SY FY 2009-2010 base funding for the subcontractors. This funding overlaps the previously mentioned unexpended funds and any previous school year fiscal year funding not spent to date.

The Navajo Nation Division of Finance is using "First In First Out" (FIFO) accounting method to reimburse subcontractors and closeout the FY 2007 base funding and the Unexpended Funds awarded in March 2008.

The JOM central office is utilizing the FY 2008 and FY 2009 base funding under a FIFO method of accounting.

- Note: The JOM Central Office is on calendar year fiscal year (Jan. 1, 2009 – Dec. 31, 2009).
- Note: The 30 subcontractors are on a school year fiscal year (July 1, 2009 – June 30, 2010).
- Mr. Velarde, Superintendent, Cuba Independent Schools (CIS), allowed the SY/FY 2008-2009 subcontract to continue and signed the SY FY 2009-2010 subcontract. It took many months of meetings and discussions between the JOM central office, CIS Indian Education Committee, CIS administration and a letter of recommendation from the Navajo Board of Education to accomplish the acceptance and continuance of the NN JOM Program at CIS.
- The JOM Central office staff met with Gallup-McKinley County Schools JOM Program administration and Indian Education Committee at various times to plan and develop the "Navajo Nation Reception" for the National JOM Conference.
- The JOM central office administration staff attended the 2009 National JOM Association Conference local planning committee meeting at various locations in October to assist with planning activities.
- There were numerous National Johnson-O'Malley Association teleconferences held during this quarter. The purpose was to strategize, collaborate and network with Tribes across the U.S. on JOM program issues in FY 2010 and beyond. Two JOM central office staff members, E. Thomas (Region One Rep.) and E. Roanhorse (Alternate) are on the NJOMA board. Navajo JOM Director is the alternate for Virginia Thomas, President, NJOMA board.
- A JOM central office staff member attended the Arizona Indian Education Assoc. (AIEA) meeting in Phoenix to update them on the 2009 NJOM Conference activities, including the local planning committee. Many Arizona NN JOM Program subcontractors are members of the AIEA.
- JOM staff assisted with the "2<sup>nd</sup> Annual Heritage Language Conference", a joint venture of DODE, Office of Diné Language, Culture and Community Services and the JOM subcontractor, San Juan School District (Utah).
- A P.L.93-638 negotiation was held for the JOM program in mid-October with the BIE at the Navajo Region Office, Gallup, NM. NN Tribal Attorneys, NN Contracting Officer and JOM Central office staff were present to meet with the BIE staff who oversees the P.L. 93-638 federal contract.
- JOM central office accountants and education specialists focused on monitoring of JOM subcontractors after the NJOMA Conference in early November. The Program Manager conducted monitoring visits at Flagstaff USD and Sanders USD. A few technical assistance sessions were conducted for subcontractors at school sites. A staff member attended and represented the NN JOM Program at an Academic Awards Ceremony at Navajo Preparatory School, Farmington, NM.
- Almost all of the FY 2004-2006 JOM subcontractor unexpended funds are now complete with only few subcontractors still spending SY/FY 2006-2007 and SY/FY 2008-2009. Gallup-McKinley County Schools is the largest subcontractor and is still spending the \$606,000 in combined unexpended funds. They spent 90% of their unexpended funds with the remaining amount to be encumbered before December 31, 2009. Numerous subcontractor budget transfers were initiated during this quarter to complete the expenditure of unexpended funds.
- Nazlini Community School-Charter Mid School requested to become a new NN JOM Program subcontractor. The school has about 30 students. The JOM program manager made a presentation to the Nazlini C.S. governing board in late October and provided background information. The Nazlini C.S. also sent a governing board member to the National JOM Conference in Phoenix. A student count was conducted in December for the upcoming SY/FY 2010-2011. Their allocations will be determined in February 2010.
- The JOM program manager provided technical assistance at a meeting between the Arizona Dept. of Education Indian Education Director, BIE Phoenix Area Office Education Line Officer, Gila River Indian Community education administrators and local Phoenix metropolitan school district staff concerning the administration and JOM count of Gila River students in the Phoenix metro area public schools.
- A special meeting was held with the Subcontractors on Thursday, December 17<sup>th</sup> at the Navajo Nation Museum and Library. 70 subcontractor representatives from the 30 NN JOM Program attended the daylong meeting. The meeting was to inform the Subcontractors that despite any JOM Central office personnel changes due to the NN Special Retirement Program, the NN JOM Program will continue without any interruption. Although no one represented the NN Division of Finance, the Subcontractors were assured that their funding will continue as a "continuous stream of funding utilizing First in First Out (FIFO)" with all unexpended funds to date. Title 10 implementation was addressed and detailed to the Subcontractors per the priority of the Navajo Nation Board of Education and Department of Diné Education administration.

**Office of Youth Development (OYD)**

**Budget Summary:**

Office	Funding Source	# of Pers.	Vehicles	FY2009 Personnel	% Used	FY 2009 Youth Employmt.	% Used	FY2009 Operating	% Used
Admin. WR	General	03	0	\$190,468	13%	0	0	\$34,033	12%
Chinle	General	04	01	\$191,633	18%	\$315,516	3%	\$132,971	10%
Crownpoint	General	04	02	\$201,115	18%	\$357,397	5%	\$125,689	15%
Ft. Defiance	General	06	01	\$272,555	17%	\$327,682	5%	\$101,571	14%
Shiprock	General	04	01	\$194,863	14%	\$323,185	5%	\$133,959	13%
Tuba City	General	05	0	\$219,102	13%	\$349,060	10%	\$158,296	8%
						H.S. Scholarship	% Used		
H.S. Prep/Enrichment	Trust Funds	0	0	0	0	\$163,000	0%	0	0
<b>Boys &amp; Girls Clubs of the Diné Nation</b>									
Office	Funding Source	Personnel	Vehicles	FY2009 Pers.	% Used	FY2009 Youth Employmt.	% Used	FY2009 Operating	% Used
NAHASDA	HUD/NHA	16	0	\$1,531,890	31%	N/A	N/A	\$468,110.00	20%
<b>GRAND</b>	<b>TOTAL:</b>	<b>42</b>	<b>5</b>	<b>\$ 2,801,626</b>		<b>\$1,835,840</b>		<b>\$1,154,629</b>	

- The OYD Agencies continue to provide various types of social, recreation, competitive and non-competitive sports, and numerous experimental learning opportunities to 8,340 youth throughout the Navajo Nation.
- The *Boys and Girls Club of Diné Nation* (B&GCDN) provided 1,126 members with after school programs/activities and crime prevention activities at the seven (7) open Clubs.
- 267 Youth were able to experience working and exploring different career fields that are available on the Navajo Nation. Job Readiness Training was also provided. Both NN General and Federal funds are utilized.
- In the Educational Component of OYD/BGCDN, Boys & Girls Clubs and Agency Youth Centers provided reading programs, afterschool homework assistance during POWER Hour in the areas of math, science and English, and mentors have been helping mentees with homework at least once a week. In this quarter, a total of 1,722 Boys and Girls Club members participated in POWER Hour, Reading Programs, and Educational Programs.
- The OYD/BGCDN Mentoring Program involves all Club sites and more than 100 mentors and youth. Mentor matches meet once a week at a Club engaged in a variety of activities such as talking, playing games and sports, doing homework, creating art projects, sharing general life experiences, and getting involved in team-building activities. In this quarter, we have 75 mentors and 127 mentees.
- OYD has been successful in getting approval to receive \$1 million from the Navajo Housing Authority NAHASDA funding to provide crime prevention activities for youth from low-income households. Once the sub agreement is made final by NHA, we will send through the SAS review process for acceptance by the Navajo Nation. We hope to receive a FMIS account number by mid-January.
- College and high school winter break employment is well underway. Youth begin employment on December 21, 2009 and end the 1st week of January 2010. Job Readiness trainings have begun for potential youth employees. OYD now offers Worksite Supervisor Training to ensure effective supervision of youth employees at assigned worksites.
- This holiday season, OYD agencies and Boys & Girls Clubs have successfully collaborated with various organizations for toy donations. Organizations include KOATs for Kids from KOAT-TV, National Relief Charities, and Toys for Tots. Community Event participation includes Veterans Day activities, Christmas caroling, benefit pow-wow, food drives, night parades, fun runs and other youth activities.
- College and high school winter break employment is well underway. Youth begin employment on December 21, 2009 and end the 1st week of January 2010. Job Readiness trainings have begun for potential youth employees. OYD now offers Worksite Supervisor Training to ensure effective supervision of youth employees at assigned worksites.

- This holiday season, OYD Agency staff and Boys & Girls Clubs have successfully collaborated with various organizations for toy donations. Other activities include KOATs for Kids by KOAT-TV, National Relief Charities, and Toys for Tots. Community events participation on Veterans Day activities, Christmas caroling, benefit pow-wow, food drives, night parades, fun runs and other youth activities.

### Navajo Head Start (NHS)

#### **Budget Summary:**

OFFICES	Acct. No.	Budget	Expenditure	Open Commitment	Available	Expended
Head Start - Central	K100538	964,072.00	43,346.23	506.00	920,219.77	4.5%
Chinle Admin	K100539	491,754.00	27,028.74	108.50	464,616.76	5.5%
Crownpoint Admin	K100540	532,551.00	26,971.17	-	505,579.83	5.1%
Fort Defiance Admin	K100541	529,501.00	31,339.06	140.56	498,021.38	5.9%
Shiprock Admin	K100542	532,908.00	32,487.35	-	500,420.65	6.1%
Tuba City Admin	K100543	603,756.00	38,308.79	74.88	565,372.33	6.3%
Chinle Direct Service	K100544	4,473,654.00	353,127.63	3,326.01	4,117,200.36	7.9%
Crownpoint Direct Service	K100545	4,861,780.00	377,649.43	10,776.10	4,473,354.47	7.8%
Fort Defiance Direct Serv	K100546	5,120,455.00	388,987.75	4,676.39	4,726,790.86	7.6%
Shiprock Direct Service	K100547	3,979,395.00	276,402.55	1,025.03	3,701,967.42	6.9%
Tuba City Direct Service	K100548	3,897,415.00	327,120.18	50.00	3,570,244.82	8.4%
Head Start Central Direct	K100549	527,030.00	35,369.68	-	491,660.32	6.7%
Head Start Disabilities	K100550	1,287,832.00	78,023.95	56,775.78	1,153,032.27	6.1%
Head Start Parent Cost	K100551	75,950.00	-	438.95	75,511.05	0.0%
Head Start T/TA	K100552	580,944.00	-	277.14	580,666.86	0.0%
Early Head Start	K100553	584,705.00	45,589.90	6,370.48	532,744.62	7.8%
Early Head Start Admin	K100554	25,429.00	-	-	25,429.00	0.0%
<b>TOTAL</b>		<b>\$ 29,069,131.00</b>	<b>\$ 2,081,752.41</b>	<b>\$84,545.82</b>	<b>\$ 26,902,832.77</b>	<b>7.2%</b>
Navajo Language Full Immersion	109007	383,143.00	63,441.12	472.05	319,229.83	16.6%
General Funds (Match Only)	109019	715,340.00	95,095.10	-	620,244.90	13.3%
<b>TOTAL</b>		<b>\$ 1,098,483.00</b>	<b>\$ 158,536.22</b>	<b>\$ 472.05</b>	<b>\$ 939,474.73</b>	<b>14.4%</b>

- The first Onsite Monitoring training was conducted on October 6, 2009 in Window Rock, Arizona. Monitoring was conducted during October and November by in-house monitoring teams. A second Onsite Monitoring will be conducted in the new year.
- Human resources training was conducted by the Human Resources Specialist on October 7, 2009 in Gallup regarding the processes and policies regarding human resource issues.
- Navajo Head Start staff participated in a conference call on October 8, 2009 for the American Indian/Alaskan Native (AIAN) grantees to receive technical assistance regarding the upcoming Federal Review on Navajo Head Start.
- Navajo Head Start staff attended trainings on Eligibility, Recruitment, Selection, Enrollment, and Attendance (ERSEA) on October 12 and 13, November 9 and 10, and December 14 and 15, 2009 at Isleta Pueblo. The sessions focused on enrollment issues and community assessment.
- Central Navajo Head Start staff and the Agency Program Managers reviewed the organizational chart and conducted a policy meeting on December 2, 2009.
- Navajo Head Start hired Patricia Begay, as the Program Manager II for the Crownpoint Agency.

### Navajo Nation State Office/North Central Association-Commission on Accreditation & School Improvement/AdvancED (NNSO/NCA-CASI/AED)

**Budget Summary:**

Actual Budget for FY010	Expenditures	Balance and % Used
\$321,684	\$59,303	\$262,381

- 11 schools were visited by a Quality Assurance Review (QAR) team during October, November and December. QAR is a comprehensive assessment of school improvement efforts. QAR teams details actions taken and provide TA to schools, offering feedback and recommendations.
- NCA office staff participated in the monthly NCA/CASI webinar training regarding the accreditation management system. Staff participates in training to help schools and districts meet and maintain accreditation, find the latest professional development opportunities, locate resources and tools, and connect with NCA CASI/AdvancED staff.
- Accreditation Fee Structure for 2009-10 has been disseminated to member schools. The annual fees help the state office provide schools with: quality assurance review visit coordination and support, customized technical assistance, web-based reporting, professional development, publications, best practices, school improvement support, resources and tools, and on-going maintenance of list for accredited school/districts.
- NCA provided on-going TA, preparing 4 schools for the QAR process for school administrators, staff, School Improvement teams and school board members.
- NCA served on DoDE's School Improvement Teams in a coordinated and collaborative effort to address DoDE Strategic Plan initiatives and Title 10 mandates. Team members provided TA on action items, strategies and tactics to enhance school improvement efforts. 15 schools were visited.
- Schools submitted Standard Assessment Report (SAR) to NCA as part of the preparation prior to QAR visit. The Standards Assessment Report is designed to serve as a valuable self-assessment tool to help schools prepare for a QAR. The SAR engages the school community in an in-depth assessment of each of seven AdvancED standards. In completing the report, the school identifies the data, information, evidence, and documented results that validate that it is meeting each standard. This self assessment helps the school identify areas of strength and opportunities for improvement.
- NCA provides TA on the online QAR and SAR reporting system. *Navigating the Website* training was conducted at the NN Museum Computer Lab. 35 people participated.
- The Arizona Administrators Association (ASA) sponsored the "Administrator's Evaluation" training. NN NCA State Director attended.

**Office of Diné Culture, Language and Community Services (ODCLCS)****Budget Summary:**

Office	Funding Source	# of Personnel	# of Vehicle(s)	FY 2009 Personnel	% Used	FY 2009 Operating	% Used
ODCL&CS	General	6	2	\$376,232	15.06%	\$74,505	26.15%
	External	n/a	n/a	n/a	n/a	\$60,000	n/a
	Others	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>6</b>	<b>2</b>	<b>\$376,232</b>	<b>15.06%</b>	<b>\$134,505</b>	<b>26.15%</b>
Navajo Traditional Apprenticeship Project	Fiduciary	0	0	0	0	\$126,975	32.05%
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$126,975</b>	<b>32.05%</b>

**Full Diné (Navajo) Language Immersion:**

- The proposed Full Diné (Navajo) Language Immersion has been approved by Navajo Nation Board of Education and Navajo Nation Education Committee for implementation.
- The booklet is now in the process of being published.
- Once the publication is completed, the publication will be distributed to the thirty-four (34) Grant and Contract Schools.

**FY 2009-10 Fall On-Site Assessment:**

- Program has completed the on-site assessment to thirty-four (34) Grant and contract Schools.
- Assigned staff to each Grant and Contract Schools will coordinate with schools to enhance Navajo language and culture based upon the recommendation from the on-site assessment.

**San Juan School District Monitoring**

- The San Juan School District Heritage fall monitoring is completed in November 2009.
- The report is now in the process of being distributed to DODE, DOJ, SJSJ and ODCL/CS.

**Intergovernmental Agreement between NN and NMPED:**

- ODCL/CS, NMPED and Navajo Language teachers train to the administer the Oral Diné (Navajo) Language Assessment had their first meeting on December 12, 2009 to plan and prepare for their monthly meetings.

➤ Project was informed to start in July 2009 but due to government approval process, project is just starting in December 2009.

➤ The next Advisory Committee meeting is scheduled for January 9, 2010 in Gallup, NM at the GMCS Board Room to start at 8:30 a.m.

**Status of On-Going Projects, Initiatives:**

➤ Continue Navajo language proficiency testing by ODCL/CS and certification by NMPED to teach the Navajo language and culture in schools.

➤ Continue to assist and provide guidance to Grant and Contract schools to enhance the teaching of Diné language, culture, history, government and character building.

➤ Training NM Navajo language teachers to implement the Diné language assessment instrument will continue this year with their first meeting on December 12, 2009.

➤ Continue to coordinate the Navajo Traditional Apprenticeship Project.

**NM and Utah Licensing Programs and Teachers of Navajo Language and Culture.**

➤ MOA between the Navajo and the NM Public Education Department to test and certify Navajo Language and Culture Teachers.

➤ MOA between the Navajo Nation and Utah State Department of Education to test and certify Navajo Language and Culture Teachers.

**Navajo Parental Involvement.**

➤ Continue to provide training to parents on parent-school leaders upon request from Grant and Contract schools.

**Navajo (Diné) History Curriculum Guide.**

➤ The developed Diné History Curriculum Guide, grades 9-12, has been published and distribute to Grant and Contract Schools.

**NM Native Language Maintenance and Revitalization**

➤ Continues to train Navajo language teachers to implement the Navajo Language Assessment Instrument this year in NM public Schools.

➤ Plans are to coordinate with Grant and Contract schools in the near future.

**Office of Diné Science, Math, and Technology**

**Budget Summary:**

Fund Type	FY10	1 <sup>ST</sup> QTR	2 <sup>ND</sup> QTR	3 <sup>RD</sup> QTR	4 <sup>TH</sup> QTR	% Bal.
GENERAL	\$723,351.00	\$122,124.22				83.12%
EXTERNAL	\$250,000.00	\$202,972.69				19%

• The Office has been working with Education Committee on the development of the NN alternative AYP formula. The Bureau of Indian Education (BIE) agreed to fund the development of Diné Studies Content Standards. The scope of work for this project is currently being developed.

• The Office staff is working with 10 BIE Grant schools on implementing the Using Data Process (UDP). The UDP is a school improvement initiative that guides the schools in their professional development planning for their teachers to improve classroom instruction. UDP requires the schools to establish data teams comprised of teachers and administrators. The data team is responsible for analyzing school data to improve the quality of instruction in the classroom. The UDP is a three-year process to meet the 10% academic gain as stipulated by the NN Board of Education (NNBOE) and NNC Education Committee.

• The Office continues to work with Kayenta Unified School District (KUSD) on the Improving Teacher Quality (ITQ) grant. A partnership between ODSMT and KUSD is established to addresses this critical need on the Navajo Nation. The ITQ grant was awarded by the Arizona Board of Regents to KUSD. The role of the Navajo Nation is a liaison between the public and BIE Grant schools. Teachers from public and BIE are trained on the same Arizona Department of Education (ADE) requirement to meet the criteria for highly qualified teacher per the NCLB. 30 teachers are enrolled in this initiative.

• The Office assisted the DODE School Improvement Team visits to the following Community Schools: Wide Ruins, Greasewood, and Kin Dah Lichee. Each visit focused on stipulations issued by the Navajo Nation Board of Education and NNC Education Committee (EC).

• The Office is collaborating with the Utah State Office of Education and the University of Utah on Navajo educational initiatives in data collection, research and professional development for teachers, school administrators, and school counselors.

• The Navajo Education Information System (NEIS) portion of the Office continues to provide general services and support of technology-related tasks and issues within the operation of daily technical support tasks; including, computer hardware and software troubleshooting for all DoDE Programs.

• Conducted 2 Technology Assessments at Pinon and Rough Rock BIE Schools.

- On October 26 & 27, 2009: GCI School Access Video Conferencing Demonstration was done by connecting with Hochunk School in Alaska to broadcast distance learning capabilities and promote cultural exchange programs.
- On November 16, 2009 – A meeting was held with BIA to establish right-a-way clearance for 5 schools on Navajo to upgrade satellite connectivity to higher speeds.
- On December 15, 2009 – GCI Technologies Video Distance Learning presentation was done at Hunters Point Boarding School. This demonstration was to promote distance learning and cultural exchange opportunities
- A meeting was convened with Rosetta Stone Company on December 7, 2009 to discuss current development of the Navajo language software and to identify how to distribute this software, i.e. ownership, etc.
- Participated in the Native American Grant School Association Conference on December 10-12, 2009 in Las Vegas, NV. Provided a presentation on Security Awareness.
- The Office provided major workshops and trainings for 334 teachers, 62 school administrators, 60 parents, and 28 teacher aids this quarter. We served 42 schools this quarter which included 35 BIE and 7 Public Schools. For a detailed description of services and school locations please contact ODSMT.

**Office of Educational Research and Statistics (OERS)**

**Budget Summary:**

Fund Type	FY 09	1st QTR	2nd QTR	3rd QTR	4th QTR	% Bal.
GENERAL	\$287,754	\$25,594.58				91.11%

**Partnerships**

- OERS updated the NEIS system sorting and flagging students with three or more years of data to identify patterns of growth or decline over a three year period.
- OERS traveled with OMETA staff to visit schools preparing for 2010 Reauthorization to collect criterion referenced tests.
- OERS provided School Profile Reports to ODSMT staff for UDP (Using Data Process).
- OERS attended ODSMT/OERS work session to review ODSMT/OERS/NEIS strategic plans.
- OERS attended Seminar on P.L. 100-297, P.L. 93-638, P.L. 95-561 & P.L. & 107-110, to gain an understanding on the interrelationships of these laws in Indian Education.
- OERS provided TA to NCA’s Quality Assurance Review team for 3 schools.
- OERS met with the Utah, New Mexico and Arizona State Departments of Education and Department of Indian Education.

**School Support**

- OERS attended a UDP Professional Development work session with Dzil Nao Dith Hle Community School. Assisted Sr. Ed. Specialist in providing an overview of creating charts using pivot tables and pivot charts.
- Sr. Ed. Specialist provided information on the UDP for Pinon Community School Board members.
- Sr. Ed. Specialist provided Using Data Process work sessions to the following 4 schools.

**Data Collection and Analysis**

- OERS continuously assists ODSMT with data collection for the Using Data Process (UDP) trainings/ School Improvement Technical Assistance initiatives.
- OERS staff continuously updates enrollment, graduation rates, attendance rates, CRT Testing Results, and AYP status for all Navajo Nation schools to establish a data model by which Navajo Accountability will be calculated.
- Statistical Research Analyst continues to provide changes to the Academic Growth Model using academic data.
- OERS staff currently working with Grant schools to collect missing data for Reauthorization in 2010.
- OERS staff compiled and calculated 10% gains for 17 Reauthorized Schools (2007).
- OERS staff compiled the Pilot School Data Report.

**EC and BOE (Board of Education)**

- OERS staff prepared AYP presentation for EC Work session in December, 2009. The presentation will compare public schools to BIE schools in Arizona, New Mexico, and Utah.

**Presentations**

- Sr. Ed. Specialist presented Math and Science standards at Fourth World Gathering Conference.
- Sr. Ed. Specialist attended Distance Learning presentation.

**Office of the Navajo Nation Library**

**Budget Summary:**

Office	Funding Source	# of Personnel	# of Vehicles	FY 2008 Personnel	%	FY 2008 Operating	%
Office of NN Library	General	9	1	\$233,699	18 %	\$55,629	30 %
	External						
	Others						
<b>Total</b>		<b>9</b>	<b>1</b>	<b>\$233,699</b>	<b>18 %</b>	<b>\$55,629</b>	<b>30 %</b>

- Irving Nelson, Program Supervisor, received the following awards:
  - First ever Prism Award from the Smithsonian’s National Museum of the American Indians.
  - Lifetime Achievement Award from the National Tribal Archives, Libraries and Museums Conference.
  - Librarian of the Year Award from the Reader to Reader organization in Amherst, Massachusetts.
- ONNL traveled to: 1) Amherst, Massachusetts and secured approximately 10,000 books from Reader to Reader organization; and 2) Los Alamos, New Mexico and secured 50 boxes of donated books.
- *Little Black, A Pony* Project – staff delivered 3,807 books to 199 first grade classes on the Navajo Nation.
- ONNL assisted the Navajo Nation Museum with their annual Keshmish Festival. Library staff members did crafts programs for the children and made ornaments, gingerbread houses, Christmas pins, etc.
- ONNL attended the Arizona Library Association’s annual conference.
- Ms. Aurita Ashley, Senior Office Specialist, Ms. Alma Yazzie, Library Assistant, and Ms. Verna Teller, Library Assistant attended the 7th Gathering of Tribal Libraries.

**Office of Monitoring, Evaluation, and Technical Assistance/School Facilities Repair/Replacement (OMETA/SFR/R)**

Program	Funding Source	# of Staff	# of Vehicle
OMETA	General Fund	06 (1-vacant)	02
FY’09 Personnel	% Used	FY’09 Operating	% Used
\$439,898.00	12%	\$73,097.00	20%

**Technical Assistance to Schools**

- Rock Point Community School – AFA Contract Negotiation. Issues included school facilities and staff housing. RPCS is on “high-risk status” due to incomplete audits for two fiscal years. Funding issues were negotiated. AFA completed.
- OMETA visited Aztec Dormitory to report on situation between administration and board. Shiprock Education Line Officer expressed concern.
- OMETA attended a meeting with administrators, school board members and Shiprock agency officials regarding SASI Board.
- TA has been provided 109 times during this quarter.
- TA has been provided to the 9 schools, which are experiencing problems with board micromanagement, financial management, management of Administrative Cost Grant fund, including attorney fees, consultant fees, and excessive board travel.

**Reauthorization Reviews**

- OMETA conducted reauthorization reviews for 13 schools. In addition, OMETA prepared 17 schools for reauthorization in SY 2009-2010. Each school is reviewed for compliance in the following areas: Financial Management and Audits; School Board Management and Administration; Academics (Reading and Math); and Personnel (Background Checks and Certification). Office of Educational Research & Statistics assists with review of student achievement data. Diné Culture & Language Services assists with review of Diné Language and Culture instruction. Navajo Nation Central Association reports school’s accreditation status.
- The following schools were reviewed: Shonto Preparatory School, Inc.; Nazlani Community School, Inc.; Ramah Navajo School, Inc.; Jeehdeez’a Academy, Inc.; Leupp Schools, Inc.; Borrego Pass Community School, Inc.; Rough Rock Community School; Pinon Community School; Richfield Dormitory; Chilchinbeto, NaaTsis’Aan; and Dzilth-Na-O-Dith-Hle Community Schools, Inc.
- General findings at these schools are as follows: 1) school boards are in compliance with “Open Meeting” laws (Title X and state laws); 2) stipends are approved by EC and followed by business office. However, two boards are not complying with their travel and stipend requirements. This was reported to EC.; 3) boards are not planning conferences in advance and results in over expending of travel budget.

- Re: Wide Ruins Community School, Inc. School is in restructuring and not participating in the BIE's System of Support (SOS); they chose to implement their own program for Reading and Math. WRCS is experiencing problems with personnel, school facilities, and board micromanagement. WRCS project 03N2N (\$21M) is at a standstill; attempts to get the latest information from BIA-OFMC have been unsuccessful.
- OMETA visited Ramah Navajo School Board, Inc. (Pine Hill Schools). Classroom instruction observed; facilities data sheet delivered to facility manager.
- Re: Jeehdeez'a Academy, Inc. and Nazlini Community Schools. Schools' facility's managers were not familiar with duties and responsibilities.
- Pursuant to EC directive, OMETA has been reviewing, revising and streamlining the reauthorization process over the last several months. Plan will be presented to BOE and EC.

### **School Improvement Team (SIT)**

- SIT monitoring focuses on school improvement based on recommendations from Education Summit. SITs are a Department initiative in response to achieving SEA status.
- OMETA Sr. Ed. Spec. are now involved with SIT monitoring in partnership with other programs: Office of Dine Science, Math & Technology (ODSMT), Office of Dine Culture, Language & Community Services (DCLCS), and North Central Accreditation Association (NCA).
- OMETA participated in School Improvement Team visit to To'Hajiilee Community School; Na'Neelzhiin Ji Olta, Inc, Black Mesa Community School, Jeehdeez'a Academy, Nazlini Boarding School, Rock Point Community School, and Rough Rock Community School.
- SIT conduct instruction observation, training, evaluations, provide school improvement recommendations.
- Restructuring Navajo schools are being encouraged to participate in the Navajo Nation School Improvement effort and to enroll in the FOCAL program as well as the UDP program.
- Communications and cooperation needs to be maintained between our program and the Bureau. School Improvement Teams can focus on this partnership.
- There is a need for a Special Education Monitor position. Many schools do not have a special education teacher or coordinator to advocate for children with special needs.

### **Training/Conferences Provided/Attended**

- OMETA provided a work session for the Navajo Nation Board of Education (BOE) regarding plan of operation for the new fiscal year.
- OMETA provided a two-day seminar for administrators and school board members, inviting Carol Barbero, an attorney from a Washington, D.C. law firm actively involved in Indian Education Laws.
- OMETA provided training at NCA Conference, contacting 13 schools and 90 different people from various BIE funded, BIE operated and schools.
- OMETA provided P.L. 93-638; P.L. 100-297; P.L. 95-561 and P.L. 101-110 training, contacting five BIE funded schools, two BIE operated schools, three peripheral dormitories, and sixty schools.
- OMETA has logged 692 instances of direct school contact through workshops, trainings, conferences and other on-site activities.
- OMETA staff also participated in the Navajo Nation Employment Law Conference; school board training on ethics violations and legislative issues; National Native American Human Resources Association Conference; Fingerprinting Techniques Training; and Using Data Processing (UDP) training.
- OMETA provided training on: Reauthorization; P.L. 100-297 and P.L. 93-638; Indian Education Law; and American Renewal and Recovery Act of 2009.
- OMETA participated in SCAN (Suspected Child Abuse and Neglect) training. Michelle Begay, BIE SCAN Program Manager, negotiated with the Navajo Nation Public Safety/Police Department and Navajo Nation Social Services to prioritize SCAN reports. The Navajo Nation Council has passed a resolution during the summer to begin this protocol.
- OMETA needs additional funds for provide professional development for administrators and teachers.

### **Restructuring**

- OMETA/DODE continued to work in partnership with the BIE regarding System of Support (SOS), which includes a reading (*BIE Reads*), writing (*Reading First*), and math (*Math Now*) program. As a result, there has been an increase of Navajo schools achieving Adequately Yearly Progress (AYP).
- Some grant schools are resistant to address restructuring in the manner recommended by the BIE. Board members are citing local authority. By rejecting BIE recommendations, Boards are making uninformed decisions re: restructuring. In addition, OMETA has observed that some administrators and teachers don't know what their curriculum is.

**Office of Navajo Nation Scholarship & Financial Assistance/Teacher Education (ONNSFA/TE)**

**Budget Summary:**

Program	Funding Source	Number of personnel	Number of vehicles	FY 2010 personnel	% used	FY 2010 operating	% Used
ONNSFA	P.L. 93-638 contract	28	6	\$1,464,445	None. Still in FY 09	\$351,950	None. Still in FY 09

- ONNSFA works with two fiscal years. Funds are derived from the Navajo Nation Trust, General Funds and corporate funds in accordance with the Navajo Nation October to September fiscal year. The BIA Higher Education Grant funds are on a January to December fiscal year.

- For this Quarter, the number of students awarded by the following fund category and based on the FY 2009 Program Performance Criteria is:

- Navajo Graduate Trust Funds: 317
- Navajo Nation General and P.L. 93-638 Contract funds: 2,439
- Navajo Teacher Education funds: 172
- Private and Corporate funds: 673
- Walk-ins, telephone calls and other forms of contact: 4,500
- For Spring 2009 Graduates, the following degrees were awarded:
- Bachelors of Art: 266
- Bachelors of Science: 129
- Associates of Art: 686
- Certificates: 453

**Office of Special Education and Rehabilitation Services (OSERS)**

**Budget Summary:**

Office	FUNDING SOURCE	# of Personnel	# of Vehicle(s)	FY20010 Personnel	% Used	FY20010 Operating	% Used
<b>OSERS</b>	Federal US Dept. of Ed	22	14	22	21%	\$1,200,000.00	21%
<b>Growing in Beauty</b>	Federal P.L. 102-117 IDEA Part B	13	09	10	21%	\$5,059,000.00	21%
<b>Growing in Beauty</b>	Federal P.L. 102-177 IDEA Part C	13	---	12	11%	\$935,600.000	11%
<b>Food Service Vending</b>	NN-General (Salary)	01	---	01	10%	\$35,684.00	10%
<b>Tuba City Industrial Laundry</b>	NN-General Funds	04	01	04	17%	\$130,961.00	17%
<b>Tuba City Industrial Laundry</b>	Proprietary Funds				42%	\$30,000.00	42%
<b>Trust Fund for Handicapped Services</b>	Trust Fund	02	----	01	30%	\$450,000.00	30%
<b>DES/AZEIP Initial Planning</b>	<b>Az Dept. of Security</b>	03	0	03	29%	\$195,496.41	29%
	<b>TOTAL</b>	53	24	49		\$7,989,569.00	

- OSERS provided Vocational rehabilitation to 506 persons with disabilities and provided Independent Living Program services to 97 persons. Services included: referrals, evaluation assessments, follow-ups, home visitations, training, employment, counseling and guidance, traditional healing, restoration services, transportation, home modifications for handicapped accessibility, assistive devices (high and low tech), peer mentoring, information, room and board, job

development/placement, self-employment and other employment services. Vocational Rehabilitation has 506 open cases, 93 new referrals, 81 cases closed, 130 eligibility certifications. 14 evaluation assessments were completed and 10 cases successfully employed.

- Independent Living Services has 97 current open cases with 24 new referrals, 16 eligible cases and 10 successful closures.
- OSERS generated \$41,362.66 in comparable benefits for Vocational Rehabilitation and \$3,650.00 for Independent Living to supplement direct services.
- Independent Living completed 10 home modifications, such as ramps, doors and railings for physical accessibility for clients with spinal cord injuries.
- OSERS vocational rehabilitation will be submitting a new five-year grant application with US Department of Education Rehabilitation Services Administration for vocational rehabilitation services.
- NAU and San Diego State University are providing capacity building grant management training for tribal VR programs. The first training was in November 2009. Anna Joe, VR/IL Supervisor attended.
- OSERS participated in the 2009 Annual conference including tribal VR directors meeting on funding, annual reports, capacity building grant management training, training and TA.
- OSERS submitted comments to the federal register on training and technical assistance center for tribes as it relates to the Rehabilitation Service Administration (RSA).
- OSERS coordinated with the Navajo Nation Advisory Council (NNCOD) in hosting a Disability Awareness conference in Shiprock, NM. There were 216 participants. The sessions include: advocacy/rights, Independent, San Juan Center for Independence, vocational rehabilitation, early intervention, disability rights, housing, transportation and other topics.
- OSERS submitted the annual program performance electronic report on the VR grant to RSA from October 01, 2008 to September 30, 2009.
- OSERS is working with contract accounting re: carryover funds.
- OSERS met with AZ public schools on the Navajo Nation re: transitional services for high school students in special education and students with special needs, and parental involvement for post secondary education or employment services.
- OSERS staff serves on the newly established Technical Assistance and Continuing Education (TACE) advisory council for state VR agencies with San Diego State University and University of Arkansas TACE centers.
- OSERS attended and participated in the AZ, NM and Utah State Rehabilitation Council. Anna Joe, NM VR/IL Counselor Supervisor will serve on Utah SRC.

#### **Early Childhood Intervention**

- EIP provides services to Navajo children with special needs from birth to five years of age that live in New Mexico, Arizona, and portions of Utah. Services included early identification, screening intake, evaluations, transitions, Native Healing Services, parent trainings, home visits, obtaining related services and keeping records confidential.
- Arizona Early Intervention amended the contract with the Arizona Early Intervention, and as a result referrals increased with nine children referred for direct services.
- New Mexico early intervention cooperative agreement has also been signed with the state for direct services, effective October 01, 2009.
- MOU between the Navajo Nation NM GIB and NM Department of Health Family Infant Toddler program has been completed and approved.
- EIP staff met with NAU Indian Children's Program regarding service models and identified training needs to be implemented during the second quarter.
- EIP attended and participated in the National DEC Conference.
- OSERS hired a Developmental Specialist, Office specialist, and is currently advertising for Office Aide.
- EIP continues to provide services within their respective service delivery area across the Navajo Nation and provide parental training. EIP parent training coordinators conducted eight trainings with 371 parents participating. Topics included: Child Care, Disability Awareness conference, Individualized Education Plan, FACE, transition training and effective childhood transition, and cross training on natural environment.

#### **Tuba City Industrial Laundry & Dry Cleaning and Food Service Vending**

- Tuba City Industrial Laundry revenues were \$11,211.86 for dry service and \$2,829.86 for mending, alterations, wet-cleaning and pressing services for a grand total revenue \$14,041.54 1Q.
- Two consumers successfully completed work adjustment training.
- Tuba City Industrial Laundry processed and delivered 12,602.05 pounds of linen with 326 customers with 22 new customers for first quarter.

## **OSERS Food Vending Services**

- Food Service Vending served approximately 200 patrons per week.
- Food Service Program generated \$8,842.00 in revenues for 1Q.
- Environmental Health Department renewed the Food Handler's permit.

## **Navajo Nation Advisory Council on Disability**

- Advisory Council sponsored a Disability Awareness Conference in October. Gilbert John from Twin Lakes, NM was awarded *Disability Person of the Year*. He recently published a book entitled *Unbroken Spirit* about his life as a person with a disability.

## **Ongoing Program Issues**

- Ongoing delays in processing position reclassifications by DPM.

## **Status of On-going Projects, Initiatives and Activities:**

- The OYD/Fort Defiance Agency has successfully begun construction this quarter of the new Fort Defiance Youth Center. Construction management meetings continue throughout this phase of the Project.
- The OYD Pinon Boys & Girls Club will be opening January 2010. Membership drive has begun.
- OYD continues to collaborate, network and partnership with other service providers, such as Health Promotion/Disease Prevention, Program for Self-Reliance, Social Services, schools and local businesses that play a major role in providing our services at the local chapter/agency level. Each OYD Agency is very unique and their collaboration with program partners is at their discretion and their schedule.
- OYD will not be able to provide for youth services at the five OYD agencies once the Youth Opportunity Grant expires on September 30, 2009. This was a onetime grant that was transferred from the Navajo Department of Labor that OYD implemented since early January 2009.
- The Office continues to work with NNC EC, the NNBOE and DODE administration on the NN Accountability Workbook. Staff met with BIE on four different occasions to address the funding of the NN Accountability Workbook.
- A Plan and Timetable to Reduce or Eliminate Under-Enrollment was created by the Office of Head Start to report on several program issues related to enrollment. They concern the community needs assessment, facilities, staff development, collaborations, and agency management procedures.
- Ninety-three (93) employees have been offered early retirement packages with over half being center level staff. Twenty-two (22) employees have opted for early retirement including fifteen (15) center level staff. Navajo Head Start applauds the commitment of these staff members in providing early education services to Navajo children.
- The Tri-Annual Review for Navajo Head Start is to occur during school year 2009-2010. The Head Start Bureau reviewers request financial and programmatic documents be provided them prior to their official visit.
- NEIS program with the DODE-Administration continues to provide daily technical support services on computer hardware and software trouble shooting for all 11 Department programs; including, upgrading of computers to Microsoft Vista Business.
- NEIS program with the DODE-Administration continues to conduct Technology Users Group meeting to enhance staff with their technology goals and professional development.
- NEIS program with the DODE-Administration continues to develop the NEIS policies and procedures to the NEIS database users and network servers, and in collaboration with Dr. P. Galvin and program directors.
- NEIS program with the DODE-Administration continues to develop the DODE Internet Service Provider (ISP) project to address local and remote communication sites. Met with three vendors: AT&T, Frontier, and SCS Connect.
- NEIS program with the DODE-Administration is developing the proposed DODE Website using DotNetNuke software. This is in collaboration with NEIS staff and the Senior Public Information Officer.
- OERS is currently working on New Mexico, Arizona, and Utah Public High School's Reading, Mathematics, Language Arts, and Science averages for the School Year 2007-2008.
- OERS is currently, working with the Grant schools that were given reauthorization during SY 2006-08, to collect missing data for their next grant reauthorization.
- OERS is currently researching the history on Navajo Education since 1868 to 2008.
- OMETA will continue on-going technical assistance and networking with the schools, parents, students, communities, and all programs that provide services to the schools and teachers toward serving the children of the Navajo Nation.
- OMETA will continue to:
  - a. Focus on the schools that are plagued by programmatic deficiencies and in need for administrative improvements.
  - b. Work with schools that are in restructuring.
  - c. Work with schools that are in grant reauthorization.

d. Work with schools that are behind in submitting financial audit reports.

e. Closely monitor schools to insure background checks have been completed for new employees and school board members.

f. Assist with monitoring as a team member of the Agency Support team (AST).

g. Pursue and advise the importance of establishing a position for Special Education to monitor the K-12 Special Education Programs within the Navajo Nation. Funds need to be sought for this position from Gloria Yepa, BIE Special Education Program Director.

h. Work on documents needed to streamline program monitoring activities and reporting system for the SY/FY 2008-2009.

- Despite the larger OMETTA operating budget, additional funds are necessary to provide technical assistance conferences for schools to provide quality services for students, teachers, administrators, and school board members.

- Per OMETTA, Ch'ooshgai Community School, Inc.: Project number 05N03 (~\$2.7 Mil). Construction activity is winding down. Occupancy set for August 2009.

- Per OMETTA, Dilcon Community School, Inc.: Project number 06N1N (\$21.2 Mil). Construction activity is 98% complete. Occupancy set for August 2009.

- Per OMETTA, Wide Ruins Community School, Inc.: Project number 03N2N (~\$21 Mil). The project is at a standstill. The school is being considered for reassumption by BIE due to non-compliance issues.

- The ODCLCS program is implementing the mandates of the NNBOE and the Education Committee to provide classroom observation, technical assistance and training on the Diné language, culture, history, and government curricula to 24 reauthorized Grant/Contract Schools.

- The ODCLCS continues to implement the Joint Powers Agreement between the NN and New Mexico Public Education Department (NMPED) to coordinate and train Navajo Language Teachers in six (6) New Mexico public schools to implement the Oral Navajo Language Assessment Instrument in September 2009.

- The ODCLCS continue to implement the MOA agreement between NN and NMPED to administer the Navajo language proficiency exam with background clearance and certification by NMPED.

- The ODCLCS continues to coordinate the Navajo Traditional Apprenticeship Project, and recruit apprentice(s) and practitioner(s) for the Navajo Apprenticeship Project.

- The ODCLCS continues to administer the exam for teachers to be certified to teach Navajo language and culture in the Public schools and San Juan School District (UT). Tests administered in NM were 330 with 245 teachers passing. For the state of Utah 10 were administered the exam and they all passed.

#### **V. Status of Conditions of Appropriation for FY 2009:**

**1)** *The Department of Dine Education Navajo Nation Head Start (Business Unit No. 109019/109007) shall resolve the audit findings set forth in the Navajo Nation Fiscal Year 2008 single audit report by the end of the 2nd quarter of Fiscal Year 2010. If the audit findings are not resolved by the end of the second quarter of Fiscal Year 2010, the program managers of these Business Units shall not be permitted to participate in business travel outside the Navajo Nation and shall not be compensated for any such travel, until such time as the audit findings are resolved.*

#### **STATUS:**

The Office of Contracts and Grants of the Navajo Nation had received notification from the National External Audit Review Center (NEARC) in Kansas City, Missouri regarding the audit responses for FY2008 findings for several Navajo Nation programs including Head Start. NEARC wanted further documentation regarding these audit findings which is to be submitted by this month. The following is the response provided to NEARC as well as the Department of Health and Human Services (DHHS):

➤ **Finding 08-17. Travel Expenditures:** We recommend procedures be strengthened to ensure travel expenses are properly reviewed and approved. **Corrective Action Plan:** Mileage reports are continually signed by the respective Program Manager, Department Manager, or appropriate designee, pursuant to a July 23, 2009 memorandum issued by the Department Manager III of Navajo Head Start. This directive was provided to all Program Managers with copies to the Fleet Management Department of the Navajo Nation and the Office of the Superintendent of the Division of Dine' Education.

➤ **Finding 08-18. Matching, Earmarking and Level of Effort:** This is a material instance of noncompliance, a material weakness and a repeat finding. We recommend procedures be developed and implemented to ensure 1) the match requirement is met and 2) the questioned cost be returned. **Corrective Action Plan:** The process in enumerating the match requirement is found within the Financial Management Policies and Procedures for Navajo Nation Head Start adopted December 2007. Pages 5 through 9 are attached for review. There has also been match funds identified from the payout of a settlement agreement with the United Mine Workers of America from this period of time. This settlement did not occur until this year and which had been the subject of legal discussion. Documentation of this in kind contribution is being provided to the Office of the Controller of the Navajo Nation.

➤ **Finding 08-19. Enrollment Levels:** This is a material instance of noncompliance, a material weakness and a repeat finding. We recommend procedures be developed and implemented to ensure program enrollment levels meet minimum Federal requirements. **Corrective Action Plan:** A Plan and Timetable to Reduce or Eliminate Under-Enrollment has been created with the Office of Head Start to address under-enrollment issues. This plan includes an assessment of the effectiveness of Eligibility, Recruitment, Selection, Enrollment, Attendance (ERSEA) efforts in recruiting children, identifying client demographics including mobility, identifying facilities issues, fostering community partnerships, assessing and analyze management practices, and developing a regular reporting system.

➤ **Finding 08-20. Procurement, Suspension and Debarment:** This is a material instance of noncompliance, a material weakness and a repeat finding. We recommend procedures be strengthened to ensure compliance with procurement, suspension and debarment requirements. The auditor identified unallowable costs for the following programs: IHS: \$76,896; ACF Head Start: \$229,424. **Corrective Action Plan:** There are policies and procedures regarding Procurement by the Navajo Nation. The Office of the Controller also issues a checklist for sub-contracts including evidence of bidding, suspension and debarment. Procurement training had been provided to Navajo Head Start during August 2008.

➤ **Finding 08-21. Subrecipient Monitoring:** This is a material instance of noncompliance, a material weakness and a repeat finding. We recommend procedures be developed and implemented to ensure compliance with subrecipient monitoring requirements. **Corrective Action Plan:** A subsequent review by the Office of Head Start was conducted during November 2008 concerning Identified Deficiency Determinations. The status of this Deficiency Determination has been corrected pursuant to the attached Follow Up report from the Office of Head Start.

#### **Legislative Concerns:**

1) *The Department of Dine Education Office of Dine Culture, Language and Community Services (Business Unit No. 109005/N01170) shall visit each Navajo BIE-funded grant/contract schools throughout the school year to provide technical assistance in developing Navajo language curriculum with documentation of such visits when each school(s) are seeking reauthorization.*

#### **STATUS:**

Partnership between ODCL/CS and Grant and Contract Schools: A memo was written to all BIE reauthorized Grant and Contract Schools on plans and expectations to develop Diné standards, curriculum and assessment in the content areas of Diné language, culture, history, government and character building. Action items include:

- School Diné Language and Culture program survey.
- Creating Culturally Relevant Schools.
- School site assessment using DISOP.
- Form Diné Language and Culture Committee to coordinate the development of Diné Standards.
- Observe State standards and alignments.
- Observe Diné standards and community specifics.
- Develop Diné Curriculum mapping framework.
- Review school standards, curriculum and assessment in the content areas of Navajo studies.
- Select the appropriate Diné standards, curriculum and assessment in the content areas from schools.
- Compile and publish the material for all schools.
- Train the Navajo Language and Culture Teachers on the new materials.

2) *The Department of Dine Education Office of Monitoring, Evaluation and Technical Assistance (Business Unit No. 109023) shall follow the established guidelines for monitoring each BIE-funded grant/contract school throughout the school year.*

#### **STATUS:**

The requirements of P.L. 100-297 Grant Schools, 93-638 Contract Schools, and 95-561 serve as the basis for OMETA'S monitoring functions and provides the guidelines for offering technical assistance and/or training for contract and grant schools. Furthermore, OMETA monitors a school's compliance with special conditions passed by the Navajo Nation Board of Education and the Navajo Nation Education Committee through the authorization/reauthorization process.

#### **Outstanding Program Issues:**

- Four (4) OYD staff officially announced their retirement from the Navajo Nation. Upcoming vacancies are for the Department Manager III (Central Administration Office), Program Supervisor III (Tuba City Agency), Counselor (Tuba City Agency), and Senior Counselor (Fort Defiance Agency). Ms. Paulene Thomas has been temporarily assigned the Acting Department Manager III while the position is being advertising.
- Former OYD staff members who were laid off at the end of September were picked up under the Navajo Department of Workforce Development Dislocated Worker Program. This provided an opportunity for OYD/BGCDN to continue to

provide GED Preparation, data collection, recreation, and tutoring. The Dislocated Worker Program will end on December 31, 2009, which will further reduce staff and direct services. Also this quarter OYD witnessed a reduction in service numbers due to both funding and reduction in employees to deliver direct services.

- Tuba City and LeChee Youth Centers were vandalized seven times this quarter. The Tuba City Program Supervisor III has been in contact with Risk Management and has begun repairs on the damage. The Program Supervisor III is researching the cost of installing additional lights and a burglar alarm system.
- Youth Centers and Boys & Girls Clubs in some agencies are experiencing problems with building issues such as lack of space for recreation or insufficient heating. Most heating issues are due to poor construction or the age of the building. Because it is now winter, most activities occur indoors.
- The BIE is funding PL93-638 programs at 2% (two percent) of the Contract Support Cost policy rate. A U.S. Supreme Court decision allowed for these federal contracts to receive Contract Support Cost, but the BIE is only funding the contracts at 2%. The BIE claims there is not enough funding to provide for at the 100% level.
- The process of land surveys and clearances is very lengthy. It will be a long time before ONNSFA will have an office built on the land approved for the Chinle Agency Navajo Nation Scholarship Office.
- Johnson O'Malley program: (Navajo Head Start Program) – There are still three unresolved outstanding financial issues identified in previous Quarterly Reports:
  - 1) Three Head Start agencies over-expended in their NN JOM allocations from FY 2003 to FY 2006 in the amount \$57,011.45. The over-expenditures must be reimbursed to the Navajo Nation JOM program in order to bring Head Start into compliance.
  - 2) The production of Traditional Hand Puppets was contracted by Head Start central administration with a T. Yazzie, vendor from Chinle, AZ. The total amount for the hand puppets order was \$43,750.00. The “missing” advanced funds must be repaid to the JOM program in order to bring Head Start into compliance.
  - 3) There is also an outstanding balance with Crownpoint Agency Head Start with the National Johnson-O'Malley Association conference for fees not paid.

For detailed information on these outstanding issues contact the Central JOM program.

- For Navajo Head Start there are many vacant Center positions at the five Agencies. This is due to the inability to maintain the required staffing and the low teacher-student ratio. Several Centers had to be closed voluntarily or by the Office of Environmental Health.
- For Navajo Head Start there is a need for further training at the Agency and Center level to quantify in-kind contribution correctly and in a timely manner. Navajo Head Start intends to request a waiver of matching funds in the next grant application for program year 2009-2010.
- For Navajo Head Start the tri-annual review is to be conducted during school year 2009-2010. Compliance and monitoring processes are in place which needs to be continuously adhered to for quality assurance purposes.
- Fiscal Year 2009 General Funds are insufficient to finance implementation of the statutory provisions of Title 10 Education Code, such as the Navajo Education Information System (NEIS) that will serve as information technology resource and as infrastructure to provide accurate and timely data to educators, policymakers, and the public in support of education in the Navajo Nation.
- Two (2) membership vacancies exist on the NN Board of Education and is pending appointments by the Office of the President.
- Navajo Head Start continues a recruitment drive to meet the projected funded student enrollment.
- DODE programs continue to experience frustrations and difficulties in processing paperwork through different department/programs; especially, within the Division of Finance; particularly the Travel office, and the Department of Personnel Management. The problems encountered are unwritten policies, requirements, and the poor attitude of staff at all levels within. Recommendation: Have the NNC and/or the appropriate office study the feasibility to transfer responsibility and authority for essential fiscal and personnel functions directly to the Department of Diné Education-Administration where such functions can be managed more efficiently.
- The declaration of Education being a top priority by the Shirley-Shelly Administration should be backed up with appropriate actions, such as sufficient funding level for education programs and needs.
- Provide technical assistance to Grant Schools experiencing financial mismanagement and related issues by providing training on federal regulations regarding prudent management of federal funds.

## **VI. Problems/Recommendations:**

- The Financial Assistance Award (FAA) from the Department of Health and Human Services (DHHS) was not received by Navajo Head Start until December 8, 2009 for November expenses. The Navajo Office of the Controller allowed for personnel expenses and minimal operating expenses.

- DODE Administration highly recommends supplemental appropriations be considered for the Navajo Education Information System (NEIS). This system is needed for data collection to benefit all the Department programs. Additional funds will be used to upgrade the technology equipment to establish an infrastructure capable of handling program communications, school data and other pertinent information.
- Program Director and Assistant Director met with OMB regarding IDEA, Part B and C funding and explained Child Count funding and biannual reports. However, OMB staff went outside the realm of the Navajo Nation and contacted BIE requesting a 638 contract. This was done without the knowledge of the Superintendent or the OP/VP. OMB staff further contacted an outside Attorney in reference to IDEA, Part C and B funding and 638 contracting. A meeting was held with Navajo Nation DOJ, OMB and OSERS staff. This issue has yet to be resolved by the appropriate parties/offices.
- The Johnson O'Malley program recommends the Contract Support Cost policy be funded at 100% in the future years to come. The BIE is offering only a token 2% to P.L. 93-638 contracts in order to comply with the U.S Supreme Court decision.
- The Navajo Nation Head Start program has assured the JOM central office administration that they have an on-going investigation into the \$17,500 taken by T. Yazzie. To date, after reporting this for over a year, there is still no resolution. The JOM program is preparing to turn this matter over to the U.S. Dept of Interior – Bureau of Indian Education's Office of the Inspector General for further investigation, since the Head Start administration is unwilling to provide proof of any on-going investigation.
- There are Navajo Nation Council Conditions of Appropriation specific to Navajo Head Start concerning FY 2007 Audit Findings. Navajo Head Start has responded to these Audit Findings to KPMG, OMB, and to the Education Committee. However, each of these entities has different "reporting formats" and subsequently there are three different versions of the same information. Navajo Head Start recommends that the Corrective Action Plan submitted to KPMG be the definitive document in response to the Audit Findings.
- OYD will be in need of additional office space before the Youth Opportunity grant expires on September 30, 2009. Staff are housed in the YO trailer.
- There is continuous need of support from the Navajo Nation for Head Start Centers' improvements. This includes a new Administration building in the four agencies at Chinle, Crownpoint, Fort Defiance, and Tuba City. Agency programs are operating out of dilapidated facilities. We must ensure the health and safety of employees and our customers at these critical sites.
- The ODCLCS recommends three (3) additional positions to meet the mandates of incorporating Navajo language and culture in the 34 Grant and Contract schools.
- The ODCLCS recommends one (1) Parent Coordinator to work with parents in the Grant and Contract schools and other schools upon request.
- The timely process for Federal background checks takes from 30 – 45 days to complete. This results in many potential employees to lose interest in working for Navajo Head Start. There is a Navajo Nation task force to address background checks for applicable tribal employees with the intention that the Navajo Nation conducts its own Federal background checks. Follow-up needs to be done regarding recent news from a new Program Instruction from the Head Start Bureau that provides tribal grantees the opportunity to use tribal background checks to satisfy criminal background check requirements.
- It is recommended by OMETA that the Department of Diné Education convene a strategic planning meeting with the Navajo Nation Board of Education, the Navajo Nation Council's Education Committee, Department of Justice, the Navajo Elections Administration Board members, the Navajo Ethics and Rules Office and Committee, Office of Navajo Labor Relations, the Bureau of Indian Education's Education Line Officers & their Area Director, Federal, State & Local Law Enforcement Officials, Diné Bi Olta School Board Association, and the Business Regulatory Office to modify current Navajo Nation laws, policies and procedures to effectively address concerns and issues involving School Board members, School Administrators, School Construction, School Attorneys, and be in compliance with Federal, State and Local Laws regarding financial matters, and background checks at all Bureau-funded schools.
- Per OMETA, the main issue is budget cuts. Onsite monitoring is more effective than distant monitoring via telephone or letter. OMETA cannot determine effective school programs without performing onsite reviews. It is important to be onsite to monitor and evaluate school programs. The impending drastic budget cuts will impact our staffing and create even more unrealistic expectations to perform our job with an increased work load covering the five Agencies.
- Per OMETA, the need for dissemination of all data by the ODSMT and data gathered by NCA should be available to OMETA. What pertains to schools under OMETA should be shared. DODE is in the business of helping our Navajo Nation schools. Especially, where decisions must be rendered quickly when a major problem occurs that impact the health, safety and welfare of students and staff as well as the operation of Grant schools. There are easy solutions, but the bureaucracy of the Navajo Nation government stifles solutions. The Navajo Nation Board of Education, Navajo Nation

Education Committee and the Superintendent need to establish a clear understanding of their jurisdiction and where their authority begins and ends. There is a need for communication and collaboration among school improvement programs within DODE.

- Per OMETTA, DODE should consider establishing a pool of administrators, teachers, teacher aides, and other staff that is readily available when schools call wanting to fill a vacancy. The Department can send the names and contact information so schools can immediately fill the vacated positions. This would eliminate advertising costs for schools.
- Per OMETTA, the Department of Diné Education Scholarship Program should have prospective teacher education students sign a document agreeing to teach in their local Bureau-funded school once they get their teaching degree. Too many schools are fighting for the few certified Navajo teachers available. Prospective teachers are recruited by districts off-reservation and they end up staying there.
- Per OMETTA, The Navajo Nation needs to address the quality and dependability of financial organizations that should be allowed to handle finances for Grant schools. The need for highly accurate and up-to-date financial records is required since they are accountable for federal funds to operate their schools.
- Per OMETTA, DODE should obtain services by attorneys who are fully cognizant, knowledgeable and have high levels of expertise in the operation of schools across the Navajo Nation; including all Bureau-operated schools, Grant/Contract schools, and Public schools. There are many issues that slip by unchallenged by the Navajo Nation and our students end up not getting top-notch educational opportunities or education facilities.

# DEPARTMENT OF JUSTICE



LOUIS DENETSOSIE  
ATTORNEY GENERAL

FY 2010 - 1ST QUARTERLY REPORT

The Navajo Nation  
**OFFICE OF THE ATTORNEY GENERAL**  
 First Quarterly Report – FY 2010  
 (October, November, December, 2009)

**I. PROGRAM INFORMATION**

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 Tax Unit Anthony Aguirre, Assistant Attorney General  
 Human Services/Government Unit Paul Spruhan, Assistant Attorney General  
 Water Rights Unit Stanley M. Pollack, Water Rights Counsel

**II. BUDGET/PERFORMANCE INFORMATION**

A. Funding and Expenditure.

TABLE A							
Program	Funding Sources	# of Personnel	# of Vehicles	FY2010 Personnel	% Used	FY2010 Operating	% Used
Attorney General	GF/CO	39	5	2,370,364.65	19.26%	179,584.84	19%
Prosecutor	GF	29	0	1,366,126.01	12%	10,619.00	29%
Juvenile Justice	GF	13	4	556,705.06	13%	13,865.07	14%
Navajo-Hopi Legal Services Program	GF/CO	04	0	255,458.00	10%	141,336.29	86%
(*)Fixed Cost Litigation	GF/CO	0	0	0	0	409,212.02	99%
(**)Water Rights Litigation	Special Revenue	7	1	62,257.24	96%	3,733,139.77	54%
(***)Historical Trust Asset Mismanagement Litigation	Special Revenue	0	0	0	0	1,574,017.00	31%
Peabody	FY'08 Supple	mental	only	0	0	0	0
Total		92	10	4,610,910.96	150.26 %	6,061,773.99	332%

(\*)Fixed Cost Litigation. This is a continuing account since 1993 to present.  
 (\*\*)Water Rights Budget. Pursuant to Resolution CMY-47-02 dated May 20, 2002. This is a continuing account since Fiscal Year 2003.  
 (\*\*\*)Historical Trust Asset Mismanagement, Resolution CN-57-06. This is continuing account.

B. Budget/Performance Information (attached).

C. Statistical Information.

1. Office of the Attorney General/Service Delivery.

TABLE B			
Attorney General	Requests for Services		Services Completed
	Executive Branch	439	323
	Legislative Branch	15	11
	Judicial Branch	06	05
	Tribal Entities	01	01
	Non-Tribal Entities	04	01
Total		465	341

To provide legal services to the Navajo Nation Three Branch Government, including the Council, Divisions, Chapters and Entities.

Please Note: The formal Request for Services (RFS) does not include work completed by attorneys and advocates where time is spent in meetings, court appearances, negotiations, preparation for litigation, business calls, correspondence and internal departmental administrative/management issues.

## 2. Prosecution Cases.

District	TABLE C			
	Cases Received	Cases Filed	Cases Closed	Cases Pending
Alamo	86	70	228	411
Aneth	41	16	66	56
Tohajilee	112	102	222	895
Chinle	514	385	259	621
Crownpoint	489	318	531	1,038
Dilkon	167	152	49	117
Kayenta	519	188	416	840
Ramah	161	144	42	37
Shiprock	1,189	698	1,002	2,452
Tuba City	761	83	236	4,556
WCCU	154	64	64	26
Window Rock	1,918	1,047	1,167	970
Total	6,111	3,267	4,282	12,019

To provide criminal and civil case litigation and to represent the Navajo Nation in exclusionary proceedings before the Nation Courts.

## 3. Juvenile Justice Cases.

District	TABLE D			
	Cases Received	Cases Filed	Cases Closed	Cases Pending
Alamo	54	43	121	246
Aneth	27	7	7	47
Tohajilee	43	36	107	174
Chinle	34	34	15	27
Crownpoint	84	42	15	69
Dilkon	8	2	2	6
Kayenta	204	95	161	473
Ramah	15	1	17	0
Shiprock	84	29	64	652
Tuba City	85	11	43	1,172
Window Rock	196	36	258	36
Total	834	336	810	2,902

To provide legal service for juvenile delinquency, children-in-need-of supervision, and abused or neglected children within the Navajo Nation jurisdiction.

## 4. Navajo-Hopi Legal Services Program (Tuba City, Arizona).

TABLE E		
Opened Cases	Closed Cases	New Open Cases
342	28	06

To provide legal services to Navajo (and potential Hopi) individuals affected by the Navajo-Hopi Settlement Act of 1974, including legal matters related to: 1)ONHIR construction of relocation housing; 2)problems arising with homesite leases; 3)livestock impoundment activities of the BIA and the Hopi Tribe; 4)Hopi harassment of Navajo residents of the HPL; 5)complaints of relocatees now living at New Lands; 6)assisting residents of the HPL who have signed Accommodation Agreements with the Hopi Tribe; and 7) assisting applicants who have been denied relocation benefits by ONHIR.

## III. SIGNIFICANT ACTIVITIES

On December 28, 2009 the Attorney General filed a petition with the Special Division of the Window Rock District requesting the appointment of a special prosecutor to investigate and prosecute criminal and ethical violations, and bring civil actions, related to the OnSat and BCDS matters. In addition, the Attorney General asked that the special prosecutor be authorized to investigate and prosecute violations of federal and tribal laws in connection with discretionary fund abuses that were reported in the Navajo Times beginning in September 2009.

A summary of major cases handled by the Department follows, along with the significant accomplishments.

### Office of Attorney General

1. *Navajo Nation v. United States*, U.S. Court of Federal Claims No. 06-945L. This case is referred to as the “Trust Asset Mismanagement Case”. The Nation filed its Complaint against the U.S. in the U.S. Court of Federal Claims on December 29, 2006 claiming various violations of fiduciary trust duties owed to Navajo Nation by the U.S. resulting in monetary losses and seeking indemnification from the U.S. because of it. The period of time covered by the Complaint is August 14, 1946 to the present.

Pursuant to requests to the Court filed on behalf of the Navajo Nation, the Court entered a Confidentiality and Protective Order (CAPO) on May 11, 2007 and a Record Retention Order (RRO) on September 10, 2007 (modified by the Order of November 30, 2007 and amended on July 11, 2008).

By agreement of the parties, the case was referred to Senior Judge Eric G. Bruggink to conduct Alternative Dispute Resolution (ADR) proceedings (Order entered October 10, 2007) and the parties negotiated an ADR CAPO (entered February 5, 2008) and an Agreement Governing ADR Proceedings (ADR Agreement) (effective March 18, 2008) to govern the conduct and production of records within the ADR proceedings.

As a result of these Orders and the ADR Agreement, and pursuant to the requirements of Rule 26 of the Court's Rules of Procedure, the parties have been involved in the identification and review of records relevant to the issues in the case. During this informal discovery process, and as required by the Court's Rules, the Navajo Nation attorneys have compiled and provided the U.S. with an inventory of Navajo Nation repositories containing relevant records.

Contemporaneously, the U.S. has provided indices and inventories of active and inactive relevant records to the Nation's attorneys for Agency records from the BIA Navajo Regional Office, the BIA Navajo Regional Realty Office at Window Rock, AZ, and the BIA Fort Defiance Agency, among other Agency offices.

In addition to the foregoing, experts have been engaged to analyze relevant financial information and to construct a computerized litigation assessment and damage calculation program which will provide the foundation for proving federal liability to the Court of Federal Claims.

2. *Navajo Nation v. United States*, U.S. Court of Federal Claims, Washington D.C. The Navajo Nation filed a breach of trust and inverse condemnation action against the United States for imposition of the Bennett Freeze by Commissioner Robert L. Bennett in 1966. The complaint alleges damages of \$50 million. This action was dormant until the Bennett Freeze was lifted by court order in December 2006. The parties have been engaged in discovery, and only recently the U.S. filed a motion for summary judgment arguing that the only damages that can be proven by the Nation are economic damages resulting from failure or refusal by the United States to approve projects submitted for approval in the former Bennett Freeze pursuant to the Navajo-Hopi Settlement Act. The U.S. bases its motion on grounds that the government has no money-mandating fiduciary duty to the Navajo Nation under the Navajo-Hopi Settlement Act, and that the Court lacks jurisdiction because the statute of limitations has run. Oral argument was heard by the Court of Federal Claims in Albuquerque, New Mexico on January 8, 2009. On February 27, 2009, the Judge granted summary judgment in favor of the United States on the Navajo Nation's breach of trust claim, stating that he found no money mandating fiduciary duty on the part of the government and directed additional briefing on the question relating to the statute of limitations. After additional briefing, the Court ruled the statute of limitations issue adversely to the Navajo Nation and dismissed the case. In summary, the Court of Federal Claims ruled against the Navajo Nation on both the breach of trust and inverse condemnations. After extensive discussion with outside legal counsel, the Department determined it best to appeal only the decision on inverse condemnation, as the other case was severely weakened by the Navajo I and Navajo II decisions. Outside counsel for the Navajo Nation filed a notice of appeal on the inverse condemnation issue on September 12, 2009.

3. *Navajo Nation v. Peabody, et al.*, U.S. District Court for the District of Columbia, No. 99-469-EGS. This matter, referred to as the District of Columbia RICO case, involves several claims against Peabody, Southern California Edison, and Salt River Project based on the Federal Racketeering Statute and interference with the Secretary's trust duty in connection with the 1987 Peabody Lease Amendments. Salt River Project has been dismissed but the Nation has yet to release Salt River Project from possible appeals of the order of dismissal. During August 2009 the parties entered into active discovery phase. Discovery with the exception of expert discovery and some Department of Interior depositions will conclude in February 2010. The Nation's contract attorneys, Ropes & Gray, have worked to conclude document discovery with defendants and responded to a series of third party subpoenas issued to law firms and businesses who worked for the Navajo Nation during relevant time periods. The attorneys are continuing their efforts to prepare for trial and have worked to identify trial witnesses, exhibits and to refine the theory of the case. The Navajo Nation must now designate a Rule 30(b)(1) witness, an expert who will speak authoritatively on the royalty and damage issues and whose testimony will bind the Navajo Nation.

4. *Black Mesa Coal Lease Re-opener Negotiations*. Under the 1987 amendments to the Peabody coal leases, the Nation and Peabody agreed to re-open the royalty provisions every ten years. The last ten-year agreement expired on March 14, 2007. Since 2007, the Nation and Peabody have been negotiating new royalty terms of Lease 8580 (Navajo lease) and Lease 9910 (Former JUA Lease). This negotiation is now complete and the final documents have been prepared for presentation and approval by the Resources Committee and the Navajo Nation Council. On December 22, 2009, the Navajo Nation Council voted not to recall the royalty adjustment approval legislation, which had been tabled, and directed that the legislation will be brought back again in the Spring Session, after a work session is held on the Peabody leases.

5. *In the Matter of the Disposition of the Mohave Generating Station, California Public Utility Commission (CPUC).* The Navajo Nation intervened in this proceeding filed in January 2002 in which Southern California Edison (SCE) sought the approval of the CPUC to either decommission the MGS or to approve \$58 million for pre-engineering studies to install pollution control equipment and to retrofit the MGS. This case has not finally been disposed of by the CPUC although SCE has abandoned its efforts to reoperate MGS, after MGS closed on January 1, 2006. Intervenors in the CPUC proceeding include the Navajo Nation, Hopi Tribe, Peabody Coal Company, Salt River Tribe and a host of non-governmental entities or NGO's including the Sierra Club, Black Mesa Trust and other local environmental associations. Operations at the MGS and the Black Mesa Pipeline (slurry pipeline) ceased on December 31, 2005 after a failed negotiation by the interested parties to enter into new coal and water supply agreements. On June 10, 2009 SCE announced its decision to decommission the plant.

The Navajo Nation has submitted a claim to the CPUC for an award of sulfur dioxide credits to compensate the Nation for the harm to its land, resources and economy resulting from the operation and closure of the Mohave Generating Station.

The CPUC has determined a schedule to conclude this proceeding. A proposed decision on the Navajo Nation's right to the sulfur dioxide credits has yet to be finally adjudicated.

6. *Navajo-Hopi 1934 Land Dispute Issues.* Since the settlement of litigation between the Navajo Nation and the Hopi Tribe, the Department of Justice and outside counsel have been engaged in the following activities: (1) efforts to repeal 25 U.S.C. Section 10(f), the statutory freeze; (2) coordinating with the San Juan Southern Paiute Tribe's attorneys to have the Secretary of the Interior recommend the approval of the Navajo Nation-San Juan Southern Paiute Treaty to the United States Congress; and (3) coordinating the agreed-upon eagle study with the Hopi Tribe and the U.S. Forest Service. The Department of Justice and the Division of Natural Resources are also cooperatively addressing matters of enforcement and implementation of the Compact.

On May 8, 2009 President Obama signed into law an act of Congress repealing Section 10(f) of the Navajo-Hopi Settlement Act.

For any Indian reservation to be established in Arizona, an act of Congress is required. The Navajo-Paiute Treaty setting aside some 5,000 acres for a Paiute reservation was signed in 2000, but thereafter the parties negotiated an "Addendum" in 2004, which would support the Paiute Tribe's effort to take a parcel of land near Bellemont, Arizona into trust for gaming purposes. Since that time, the Paiute Tribe has abandoned its hope of taking the Bellemont parcel into trust and the Addendum has become a nullity. Since the Paiute change of plan, the Navajo Nation and the Paiute Tribe submitted the Treaty to the Department of Interior for review and approval. The Secretary on review has indicated that he has no objection to the terms of the Treaty and settlement but will not approve the settlement until Congress has enacted legislation approving a reservation for the Paiutes. No bill to approve the Treaty and settlement has been introduced. The San Juan Southern Paiute Tribe at present is incapable of making governmental decisions due to internal disputes over which of three claimants is the rightful Chairperson of the Tribe.

In November 2009 the Paiute Tribe made another request to the Attorney General for a further extension of the stay on litigation of the Southern Paiute case in the Ninth Circuit Court of Appeals. The Attorney General agreed to an extension up to June 30, 2010. Further extensions of time are required to allow time for Congress to pass the legislation setting aside the Paiute reservation agreed to by the Nation in the Navajo Nation-Paiute Treaty.

Navajo Nation Fish & Wildlife, with DOJ, continues to work on the proposed eagle study with the U.S. Fish & Wildlife and the Hopi Tribe.

7. *Navajo-Hopi 1882 Land Dispute Issues.*

a. *Owelty.* On September 30, 2008, the U.S. District Court for the District of Arizona entered judgment on the owelty claim in favor of the Hopi Tribe in the amount of \$426,750.00 plus prejudgment interest from April 18, 1978, until paid. The Nation has requested reconsideration of this matter as the judgment is inconsistent with earlier rulings entered by the Court.

b. *Post Partition Rent.* On December 31, Judge Carroll of the United States District Court of Arizona entered an ORDER RE 1990-95 HOMESITE, 1979-05 GRAZING AND 1986-95 FARMSITE RENTAL DETERMINATIONS AND PRE AND POST-JUDGMENT INTEREST granting in part and denying in part the tribe's pending motions for entry of judgment and denied a United States motion for summary judgment. In essence, the Court order enforces and awards pre-judgment and post-judgment interest to the Hopi Tribe on certain Homesite and Farmsite Rental determinations through 1989 and grants in part and denies in part motions to enforce other Homesite, Farmsite and Grazing Rental determinations through 1995. The department and outside counsel must make a decision quickly whether to appeal the judgments that are final or to pay the

rents. A more in depth report will be given to the Navajo Hopi Land Commission.

The last BIA determination of rents for Navajo use of the HPL was in 2000. Notwithstanding the lack of determinations the Nation will remain liable for the Navajo use of the HPL under the terms of the 1974 Settlement Act.

#### 8. *Gaming Activities.*

a. Gaming Enterprise. The Navajo Nation Gaming Enterprise opened its Fire Rock Casino operations on November 17, 2008 in Churchrock, New Mexico. On November 19, 2009, the Fire Rock Casino celebrated its first year of operations which has been a successful year.

b. The Gaming Enterprise made its first payments pursuant to the Loan Agreement on loans received from the Navajo Nation Land Acquisition Fund. Due to the current banking crisis, it appears the Navajo Nation may have to fund any additional developments of Class III or Class II gaming facilities.

c. The Department of Justice is taking an active role to gain site control over the proposed Casino sites near Leupp and Upper Fruitland. The Gaming Enterprise reports that the Leupp site should be ready to proceed as early as February 2010.

d. New Mexico Gaming Compact. The Navajo Nation-New Mexico Gaming Compact is due to terminate at midnight on June 30, 2015. A negotiating team was formed to develop an outline of the Nation's position regarding the negotiation of a new compact with the state of New Mexico. After letters were exchanged between the parties to begin negotiations, Governor Richardson informed the Nation that he did not desire to renegotiate the Navajo Nation-New Mexico Gaming Compact during his remaining term.

e. The Office of the President and Vice-President has been successful in their quest to recruit a new director for the Gaming Regulatory Office. The successful candidate has been confirmed by the Navajo Nation Council to serve in this capacity.

13. *Desert Rock Energy Project.* On July 31, 2008, the U.S. Environmental Protection Agency, Region 9, issued a prevention of significant deterioration permit (Permit) to the Desert Rock Energy Project. The Permit authorizes Desert Rock to build a new 1500 megawatt coal-fired power plant near the existing BHP Navajo mine. After issuance of the Permit, various environmental groups and groups opposed to the project initiated an administrative challenge to the decision of the U.S. Environmental Protection Agency. The State of New Mexico is also participating in the challenge to the issuance of the draft air permit.

On September 24, 2009, U.S. Environmental Appeals Board (EAB) issued a Remand Order to the US Environmental Protection Agency (EPA). The Remand Order is based on two independent justifications. First, the EPA requested a voluntary remand during the proceedings and the EAB found no reason to deny this motion. The EAB reasoned that a remand to address issues which needed additional attention by the EPA would lead to administrative and judicial efficiency. Secondly, the EAB determined that the administrative record is inadequate to support the Region's decision not to consider the Integrated Gasification Combined Cycle in step one of the Best Available Control Technology analyses.

The proponents of the Desert Rock Project submitted an application to the federal government seeking funds to install Carbon Capture and Sequestration Technology on the proposed plant. This application was unsuccessful.

The Navajo Nation needs to take a more active lobbying and politicking role if it desires to build the proposed Desert Rock Energy Project. This project has been stalled by the federal departments responsible for permitting and EIS compliance.

10. *OnSat Network Communications, Inc. v. Elizabeth Begay*, Case No. WR-CV-318-07. In July of 2007. *OnSat v. Navajo Nation*. The parties are engaged in active discovery going to the accuracy of the findings contained in the Special Review of Payments made by ONSAT to the Navajo Nation. This matter will likely be resolved by summary judgment during 2010.

11. *E-Rate.* As a result of the Special Review of the Nation's involvement with ONSAT Native American Services conducted by the Auditor General in 2007, the Nation has been unable for the past three years to participate in the E-Rate Program, which heavily subsidizes internet connectivity in rural areas. The Nation has subsequently authorized two additional investigations of our E-Rate involvement, and has demonstrated to the Federal Communications Commission that we are committed to full compliance with E-Rate Policies and Regulations. In addition, the Attorney General on December 28, 2009 filed a petition requesting the Special Division of the Window Rock District Court to appoint a special prosecutor to investigate and prosecute any legal violations in this matter. Therefore, we are hopeful of partial reinstatement in 2010, and full reinstatement into the E-Rate Program in 2011.

## Water Rights Unit.

### 12. *Little Colorado River (LCR).*

a. Litigation (*In re the General Adjudication to Use Water from the Little Colorado River System and Source*, Civil Case No. 6417, Superior Court for Apache County.) This general stream adjudication was filed in 1978. The Arizona Supreme Court has issued numerous decisions arising out of this case and the Gila River Adjudication, but the trial court has yet to adjudicate a single water right.

i. Litigation has commenced on two “Hopi questions,” which are matters that can be litigated prior to litigating the substance of the Hopi Claim.

(1) The first issue is whether the Hopi Tribe and the United States acting as trustee for the Hopi Tribe are precluded from claiming a right to water from surface streams that are located within the Little Colorado River Basin but do not traverse any part of the Hopi Reservation. On March 2, the Court granted the Navajo Nation’s Motion for Summary Judgment precluding claims by the Hopi Tribe from water sources that were not on or adjacent to the Hopi reservation. The court did not rule that adjacency is a requirement of a water right, but it held that in this narrow case, the Hopi Tribe may not claim water off-reservation if the only access to such water would require intruding onto lands owned by the Navajo Nation. The Hopi Tribe’s Motion for Reconsideration was denied August 26, 2009, and the Hopi Tribe has filed an interlocutory appeal.

(2) The second issue is whether the claims to water rights asserted by, or on behalf of, the Hopi Tribe in this adjudication have priority of “time immemorial” or are otherwise senior to the claims of all other claimants. In preparation for this issue, the Nation has retained experts to testify about Navajo origins in the Little Colorado River basin on the history of the creation of the Navajo and Hopi reservations and the federal government’s policy intentions to the Navajo Nation about Spanish colonial law and the effect of the Treaty of Guadalupe Hidalgo; and Dennis Gilpin, PaleoWest, to serve as a rebuttal witness to the Hopi experts. We are also retaining Navajo singers to testify about Navajo beliefs regarding water and the Navajo creation stories. The discovery deadline is January 28, 2010. Depositions of the total eleven (11) expert witnesses are progressing well.

(3) On June 30, the Nation and the Hopi Tribe joined in a Motion seeking a partial stay of the proceedings to address the two Hopi questions. At the July 16 status conference, the Court granted an extension of 120 days for all deadlines in that litigation (motions are now due by March 22, 2010) and established a deadline of August 14, 2009 for motions on other issues.

ii. Meanwhile litigation has begun on the Hopi claim. The Arizona Department of Water Resources has filed a Preliminary Hydrographic Survey (PHSR) for the Hopi Reservation. We submitted comments on the PHSR, as did many of the other parties on June 30. On August 3 we submitted a Motion for Clarification on the process that will result in a Final Hydrographic Survey consistent with the motions deadline established in at the July 16 status conference. The Hopi Tribe amended its claim on November 12, 2009.

b. Settlement Negotiations. Because the Little Colorado River Basin is part of the Lower Colorado River Basin, whatever water rights the Navajo Nation would have in the LCR would be part of an overall Colorado River entitlement. Consequently, the settlement discussions concerning Colorado River have merged with discussions concerning LCR. These issues are addressed in the Colorado River discussion below.

### 13. *Colorado River.*

a. Litigation. (*Navajo Nation v. United States Department of the Interior*, CIV 03 0507 PCT PGR.) This lawsuit seeks declaratory and injunctive relief against the Department of the Interior for failing to adequately protect Navajo interests in the Lower Basin of the Colorado River. Various parties from the States of Arizona, California and Nevada intervened in this matter. The parties have agreed to stay the litigation in order to pursue a negotiated resolution of the underlying claims of the Navajo Nation for water from the Colorado River within the Lower Colorado River Basin, including the Little Colorado River Basin. The federal court entered an order on October 13, 2009 extending the stay until April 13, 2010.

b. Negotiations. Discussions have been occurring between the Navajo Nation, the United States, the various intervening state parties, and the parties to the LCR Adjudication, including the Hopi Tribe. As discussed above, these Navajo Nation’s claims in the LCR Basin are integral to the Colorado River claims and the parties to the LCR discussions, including the Hopi Tribe, have participated in the discussions.

i. Agreement in Principle (AIP). The attorneys for the negotiating parties entered into an AIP on March 28, 2008 concerning the basis terms of a settlement. The AIP includes, inter alia, provisions on C-Aquifer and N-Aquifer management and regulation.

(1) Water Infrastructure. The settlement would be conditioned on the development of three water projects: a) Ganado Ground Water Project; b) Leupp Ground Water Project; and c) Western Navajo Project.

(2) Settlement Funding. Off-budget funding for the settlement would come from three sources:

(a) \$100 Million from the Reclamation Fund to be authorized in the Navajo San Juan River settlement legislation.

(b) Funding from the Lower Basin Development Fund authorized by the Arizona Water Rights Settlement Act of 2004.

(c) Funding from the President's Emergency Plan for AIDS Relief (PEPFAR). In August 2008, Senator Kyl inserted language into the PEPFAR bill for the authorization of \$1 billion to be used for water infrastructure projects in Indian Country that are included in Indian Water Rights Settlements (Title VI of PEPFAR, also referred to as the Emergency Fund for Indian Safety and Health ("EFISH")). Since that time Senator Kyl has urged the parties to expeditiously conclude their settlement discussions. Many other settlements are currently competing for the PEPFAR monies

ii. Settlement Discussions with Hopi. The United States has urged the two tribes to sit down and negotiate a settlement. Proposed dates for such negotiations are scheduled for January 11 and 12. We hope to quickly reach a conceptual agreement on the N-Aquifer and the washes.

iii. Upper Basin Issues.

(1) Arizona Upper Basin Claims. We initiated discussions to settle the Nation's rights to Upper Basin Colorado River. It is not clear whether these issues can be included in the current settlement,

(2) Navajo Generating Station. On May 5, 2009, various environmental groups filed a petition with the National Park Service requesting Certification that Visibility Impairment at Grand Canyon is Reasonably Attributable to NO<sub>x</sub> and Particulate emissions from NGS. On August 28, USEPA issued an Advanced Notice of Proposed Rulemaking (ANPR) prefatory to making a determination of what emissions controls constitute best available retrofit technology (BART) for NGS and FCPP. The Park Service has declined to act on the Petition to attribute visibility impairment at the Grand Canyon to NGS pending the outcome of the EPA rulemaking process. On urging from the power plants, the Navajo Nation and Hopi Tribe, the comment period on the ANPR was extended until October 28. Subsequently, USEPA extended the deadline, only for Tribes, and will receive tribal comments that are reasonably timely. After meeting with USEPA and management of both NGS and FCPP, representatives of the Nation, including NNEPA and the Division of Natural Resources, have come to a consensus on the Nation's position on the ANPR and Kate is drafting the Nation's comments. After comments are submitted on the ANPR, EPA will issue proposed federal implementation plans for both NGS and FCPP. The proposed rule will have an additional 60-day comment period.

14. *Gila River*. Litigation (*In Re: The General Adjudication of All Rights to Use Water in the Gila River System and Source*, Superior Court, W-1 through W-4 (Consolidated), Maricopa County). The Navajo Nation has certain state-based water rights in the Gila River Adjudication by virtue of various water rights associated with the Big Boquillas Ranch. However, most of our attention to the Gila River Adjudication involves monitoring and participating in legal issues that can affect Navajo water rights elsewhere.

a. Subflow Proceedings, Contested Case No. W1-103. The Navajo Nation monitors this action but is not an active participant.

b. State Trust Lands, Contested Case No. W1-104. The Arizona Land Department has asserted federal reserved rights for the state trust lands. The Gila River and LCR courts are considering this matter as a consolidated contested case with Case No. 6417-100 in the LCR. The Navajo Nation is an active participant in this litigation. Briefs were filed by Scott McElroy and Alice Walker concerning the Special Master's Report, which was favorable to the Navajo Nation. McElroy and Walker also filed responses to objections filed by the State Land Department and other parties.

c. *De Minimis* Water Uses, Contested Case No. W1-105. The Special Master is in the process of organizing a contested case to address the issue of whether certain small water used can be summarily adjudicated. Again, the Water Rights Unit will continue to monitor these proceedings to ensure that there is no adverse impact on Navajo water rights in the LCR.

d. Interlocutory Review, No. WC-07-0001-IR. There is an interlocutory appeal concerning the entry of a final decree for the Gila River Indian Community's water rights settlement. While we did not initiate the appeal, we are a party to the appeal.

e. Settlement Discussions. Settlement of the Nation's rights to the Gila Basin have been folded into the Arizona water rights negotiations.

15. *San Juan River*.

a. Litigation (*New Mexico v. United States*, No. 74-184, Dist. Ct., 11th Judicial District, San Juan County, New Mexico). The New Mexico Supreme Court has appointed Court of Appeals Judge Jim Wechsler to preside over the San Juan River Adjudication.

1. La Plata Irrigation Uses. Adjudication has commenced. The Navajo Nation has filed briefs in support of the positions taken by the State Engineer.

2. Ute Mountain Ute Claims. The Ute Mountain Ute Tribe filed its claim for 9,300 acf with a March 2, 1868 priority date, predating the June 1, 1868 priority date for the Navajo Nation in the San Juan settlement. On August 4, 2009, the Court entered the Preliminary Scheduling Order for the Adjudication of the Water Rights of the Ute Mountain Ute Tribe. The adjudication of those claims must commence not later than March 30, 2020.

3. Navajo Nation Claims. The United States must file a Hydrographic Survey concerning uses on Navajo Lands by October 1, 2010. This work has been ongoing.

4. Approval of the Navajo Settlement. The State of New Mexico, the Navajo Nation and the United States (“Settling Parties”) filed numerous pleadings with the Court on September 2, 2009 to request the Court to approve a process for proceedings to approve the Navajo Settlement with the State of New Mexico:

(a) Joint Motion for an Order Governing Initial Procedures for Entry of a Partial Final Judgment and Decree of the Water Rights of the Navajo Nation;

(b) Memorandum in Support of Joint Motion for an Order Governing Initial Procedures for Entry of a Partial Final Judgment and Decree of the Water Rights of the Navajo Nation;

(c) Proposed Notice of Expedited *Inter Se* Proceeding to Adjudicate the Water Rights of the Navajo Nation; and

(d) Proposed Order Governing Initial Procedures for Entry of a Partial Final Judgment and Decree of the Water Rights of the Navajo Nation.

(e) On November 17 the Special Master heard argument on the Settling Parties Joint Motion to establish an expedited *inter se* proceeding. At the Special Master’s direction, the Settling Parties have revised the Proposed Notice and Proposed Order. The revised documents are to be filed December 15. The Settling Parties have also drafted comments on the Special Master’s Proposed Order, which differs significantly from theirs. Objectors to the Joint Motion will have until December 31 to file their responses to the revised documents.

b. Settlement.

1. The Omnibus Public Land Management Act of 2009 was signed into law by President Obama on March 30, 2009. Title X.B. – the Northwestern Rural Water Projects Act authorizes the Secretary of the Interior to execute the Settlement Agreement with the Navajo Nation and the State of New Mexico.

2. The next phase to implement the settlement is to revise the Settlement Agreement and Settlement Contract so that they conform to the Settlement Legislation. A Federal Implementation Team has been designated and the Navajo Nation and the State of New Mexico are working with the Team to prepare the necessary documents, including the appropriate decrees, the settlement agreement, and the water delivery contract. The revised Settlement Agreement is currently being reviewed by the United States. We plan to have the revised Settlement Agreement ready for the Navajo Nation Council’s consideration at the Spring Session.

c. Other. Numerous other activities affect Navajo interests on the San Juan River:

1. San Juan River Recovery Implementation Program. Stanley Pollack serves as the Navajo Nation’s representative on the Coordination Committee. During the past quarter the Coordination Committee revised the basic Program Document in an effort to address perceived conflict of interest issues by the researchers for the Program.

2. Navajo-Gallup Water Supply Project. The Final Environmental Impact Statement was released by the Bureau of Reclamation on July 6, 2009. The Bureau of Reclamation issued a formal Record of Decision on October 1. Stanley Pollack represented the Nation at the signing ceremony in Washington, D.C.

3. Animas-La Plata Project.

a. Farmington to Shiprock Pipeline. Construction has begun on this pipeline, and the pipeline is more than 25% complete.

b. Operation and Maintenance of ALP features in Colorado. All sponsors of the ALP, including the Navajo Nation through the Council, have approved and executed the Intergovernmental Agreement among the sponsors of the ALP to create a non-profit association to operate and maintain the ALP in Colorado.

c. Transfer of Operation and Maintenance from the U.S. Bureau of Reclamation to the Operating Entity. We have been reviewing a proposed contract between the Association and Reclamation for the transfer of operations, maintenance, and replacement from Reclamation to the Association. A near final draft exists.

d. Water Delivery Contract. The Navajo Nation and Reclamation hope to be negotiating a water delivery contract, but the timing will depend on how the San Juan Settlement Federal Team decides how to treat the water delivery contract.

16. *Rio San Jose Adjudication*. (*State of New Mexico, ex rel. Elnid L. Martinez, State Engineer v. Kerr-McGee, et al.*, Nos. CB-83-190-CV and CB-83-220-CV, Thirteenth District, Cibola County, New Mexico).

a. Subproceeding regarding the past and present claims of the Acoma and Laguna Pueblos. Currently, the parties are adjudicating the historic uses of the Pueblos of Acoma and Laguna. The Navajo Nation, while an objector to the Pueblos' past and present claims, is not an "active participant" in this subproceeding.

b. Navajo Nation Claim. The United States is conducting the hydrographic survey of the Navajo Nation lands. The United States informs Water Management and the Unit when it is conducting its survey on Navajo lands. No survey work was conducted this past quarter.

17. *Zuni River Adjudication*. (*United States v. State of New Mexico, et al.* CIV 01 0072, U.S. District Court, New Mexico. Bidtah Becker is handling this adjudication.

a. Lead Case. The Court granted the United States' motion to limit the temporal aspect of this case.

b. Zuni Claim. The Nation has retained Hydrosphere, Inc., now AMEC, an engineering firm, as an expert. The first subproceeding concerns Zuni Past and Present Permanent Works. On July 30, the subproceeding parties exchanged Initial Rule 26 Disclosures. The United States submitted its expert reports in November, 2008, and the Zuni Tribe submitted expert reports in March 2009. The State of New Mexico must file its expert reports in January 2010 and the Navajo Nation will file its expert report in April 2010.

c. Navajo Nation Claim.

i. On May 21, 2008, the Court issued a Scheduling Order regarding the Navajo Nation Subproceeding. In February 2011, the United States will file the Nation's claim. In April 2011, the Nation will file a supplemental claim. The first trial of the Navajo Nation subproceeding will be the domestic, commercial, municipal, and industrial claim. The expected date of trial is May 12, 2014. These dates are pushed back from the original schedule. We hope to take advantage of the delay to determine whether or not the Nation has actual groundwater conflicts with the Zuni Tribe. The purpose is to minimize conflict between the two tribes.

ii. The United States has nearly completed the Hydrographic Survey for Navajo Nation lands. Our experts and the U.S. experts visited the field this summer to further refine the Navajo claim.

18. *Utah Water Rights*. The settlement discussions have progressed to the point that we are currently drafting a settlement agreement. We met with representatives of Utah by teleconference on October 5, October 26, and November 16. Our next teleconference is scheduled for December 21. The basic framework of the settlement agreement is largely complete. There is still significant work that needs to be done on defining the water delivery projects that will be a part of the settlement. We continue to push for the designation of a federal team to participate in the negotiations.

19. *Permit Applications within the State of New Mexico*.

a. City of Gallup Groundwater. (*In the Matter of the Application by the City of Gallup for Permit to Appropriate Ground Water and for a Plan of Replacement within the Gallup Underground Water Basin of New Mexico*, Hearing No. 99-003, OSE File Nos. G-22-S-58, et al.).

The City of Gallup applied to the New Mexico State Engineer to develop groundwater from an area east of the City near the Continental Divide. The Navajo Nation is one of the Protesting parties to the application and we have reached a proposed settlement with the City. The Attorney General was requested to execute this settlement under his authority as contained in his Plan of Operation. See 2 N.N.C. § 1964. Pursuant to this authority, the Natural Resources Division Director and the Resources Committee were consulted. The settlement has been executed.

The Administrative Hearing Officer issued an order allowing the City to move forward with its application. There was some question as to whether the City's application related back to what was originally filed by Plains Electric in 1981. Conditions of the application will be that a model that was developed during the 1990s will be utilized, a plan of replacement will be utilized as a condition.

a. Augustin Plains Ranch, Application No. RG-89943. Augustin Plains filed an application with the New Mexico State Engineer to appropriate 54,000 acre-feet of groundwater in Catron County for use in Catron and Socorro Counties. The Alamo Chapter is in Socorro County. We filed a Protest.

c. San Juan Water Commission. The SJWC filed an application with the OSE seeking to appropriate additional water on the theory that the ALP, as a result of downsizing, has been deauthorized. We filed an objection with the OSE. The OSE denied the application and the SJWC has appealed that decision. We filed a motion with the District Court on the Nation's behalf, seeking leave to appear as amicus curiae. Under the San Juan settlement, any San Juan River water that becomes available would be split between the Nation and the SJWC, and we argued that the SJWC's application is therefore contrary to the terms of the Settlement

Agreement executed by the State of New Mexico.

### Natural Resources Unit

20. *Uranium Contamination – Rare Metals Related Sites.* Rare Metals UMTRCA Site. Like the other five UMTRCA sites on Navajo land, the Rare Metals UMTRCA site is unlined and could pose a risk of contamination of ground water in the N-Aquifer. Similarly, at Shiprock, there is evidence that the Many Devils Wash is contaminated with nitrates, sulfates and uranium directly attributable to the Shiprock UMTRCA site. There has been little progress in moving the federal government to accept that there are substantial environmental issues related with the five Navajo UMTRCA sites on Navajo land, therefore the Department of Justice is considering possible avenues of moving the United States to action. One possible avenue is litigation, which has commenced in the case of Rare Metals-related sites. Litigating against the U.S. will, of course, be expensive and protracted.

a. Litigation: EPNG in May 2007 filed suit in the United States District Court for the District of Columbia naming numerous federal agencies including the Department of Defense, the Department of Energy and the U.S. Environmental Protection Agency. Among other things EPNG alleged that the Departments of Defense and Energy had acted arbitrarily and capriciously in failing to identify the Highway 160 site and the Tuba City Open Dump sites as “vicinity” properties under UMTRCA. The Navajo Nation on January 27, 2009 sent out RCRA (Resource Conservation Recovery Act) Notice letters to various potentially responsible parties, including the federal government and El Paso Energy, indicating the Nation’s intent to file suit against the named parties pursuant to RCRA. On May 26, 2009, the Navajo Nation filed a complaint in intervention in the District of Columbia lawsuit.

21. *Tuba City Open Dump.* On October 24, 2008 we received the Final Summary Report from Brown and Caldwell, the El Paso Natural Gas Company contractor who conducted the Water Sampling Program in the Tuba City area in accordance with the Cooperative Agreement between the Navajo Nation and EPNG negotiated by this office and entered into on June 25, 2007. The Report continues to show radio-active related contaminants above the U.S.EPA maximum contaminant levels (MCL’s) at the two Herbert Chief wells and one of the springs (LeChee) located in the area. There appears to be an “expert” disagreement regarding the nature and extent of the threat posed by the documented groundwater contamination.

The Hopi and Navajo experts believe that the radioactive contamination in the groundwater is an imminent and substantial threat to human health and the environment because it is migrating toward a number of Hopi springs in the immediate vicinity. The Hopi and Navajo experts include Mark Miller, a hydrologist employed by Daniel B. Stephen & Associates out of Albuquerque. Daniel B. Stephens & Associates is the Hopi contractor. Mr. Miller has been doing work in this particular area on behalf of the Hopi Nation for over ten years. Dr. Bill Walker is the primary outside Navajo Nation consultant. He was instrumental in establishing the evidentiary link between the Highway 160 site and the Rare Metals processing facility. Additionally, we rely on Henry Haven who works for Navajo EPA, has a Masters degree in Geology and is working on a Ph.D. in that field from Northern Arizona University. All of these people believe 1) there is a connection between the Rare Metals processing facility and the radioactive groundwater contamination beneath the Tuba City Open Dump, and 2) the contamination beneath the Open Dump poses an imminent and substantial threat to human health and the environment. While the federal agency experts acknowledge the existence of the groundwater contamination beneath the Open Dump they are not convinced that the contamination represents an “imminent and substantial” threat to human health or the environment.

This stalemate, together with other related factors, led the Navajo Nation to decide to join, as a party, in the litigation initiated over a year ago by El Paso Natural Gas in the U.S. District Court for the District of Columbia naming numerous federal agencies as defendants.

22. *The Highway 160 Site.* The appropriation bill for Fiscal 2009 included five million dollars for remediation of the Highway 160 site, across the highway from the Rare Metals UMTRCA, which was apparently used by El Paso for dumping uranium tailings and other contaminated equipment and materials. The Navajo Nation Environmental Protection Agency will undertake the task to remediate the site as quickly as possible, using these funds. It is recommended that transfer of the funds be accomplished through an amendment to the Cooperative Agreement between the Navajo Nation and the Department of Energy to allow for the money to be passed through to NNEPA for purposes of remediating the site. DOJ and NNEPA will meet with the USDOE on April 3, 2009 to discuss this matter.

23. *Northeast Church Rock Site.* The National Remedy Review Board in San Francisco is considering the USEPA’s proposed action to clean up the NECR site. Review by the Board is required for all remedies where the projected cost will exceed \$30 million dollars. The remediation alternatives are set forth for the NECR Engineering Evaluations/Cost Analysis (EE/CA) and these alternatives range from on-site capping to total offsite removal outside of Indian Country. It is anticipated that USEPA will sign the “Action Memorandum” on NECR environmental remediation sometime this summer. There will be Interim action taken this summer that will involve consolidation of off-site contaminated materials onto the NECR site itself and stabilization of the contaminated waste bluff located within a few hundred yards of Navajo residences.

## Human Services & Governmental Unit

24. *Snyder v. Navajo Nation*, Ninth Circuit of Appeals. This "class action" litigation is centered on allegations that the Navajo Division of Public Safety (NDPS) has violated the Fair Labor Standards Act (FLSA) since before 1994 by failing to properly pay overtime compensation and contractual agreed pay rates to Navajo police officers, criminal investigators, and emergency medical personnel. At the Arizona District Court level, DOJ filed a motion to dismiss for lack of jurisdiction, i.e., FLSA does not apply, sovereign immunity, failure to exhaust tribal remedies and failure to join an indispensable party (the United States). The Arizona District Court ruled that the FLSA did not apply to the Navajo NDPS and dismissed the Navajo Nation. The Plaintiffs appealed to the Ninth Circuit.

The litigation was assigned to mediation until the Ninth Circuit concluded after four mediation conferences that the parties would never reach settlement. Plaintiffs' counsel had asked for \$17.5 million on behalf of all NDPS employees while the Navajo Nation offered approximately \$150K on behalf of the named Plaintiffs in the Snyder and Cooke (see below) cases. Plaintiffs' counsel has filed similar suits on behalf of 60 NDPS employees in addition to the 18 Snyder plaintiffs and 37 Cooke plaintiffs.

The Ninth Circuit heard oral arguments on February 9, 2004, and on June 10, 2004, upheld the lower courts dismissal of this matter. The Ninth Circuit recently declined to reconsider the matter or hear the matter *en banc*. Nonetheless, based on the Nation's Mutual Aid Agreement with Apache County executed in February 2004, Plaintiff's counsel filed a Motion for a New Trial with the federal district court to which the Nation filed opposition. The court has not issued any rulings.

25. *Cooke v. Navajo Nation*, Arizona Federal District Court. This litigation is identical to and has been consolidated with *Snyder v. Navajo Nation* at the district court level.

26. *Henderson v. Navajo Nation*, Arizona Federal District Court. This is new litigation substantially identical to *Snyder v. Navajo Nation* involving 60 new police officer plaintiffs. NDOJ filed a Motion to Dismiss. The district court granted the Nation's motion to dismiss and plaintiffs appealed. The Ninth Circuit issued a Memorandum Decision on December 6, 2004, dismissing the appeal on the Nation's motion for summary affirmance.

27. *United States v. Navajo Nation*. (Notice of Pending Suit from USDOJ). The U.S. Department of Justice provided notice of its intent to file suit (civil) under the False Claims Act, alleging the Nation's intentional misuse of federal funding when, in 1999 and 2002, the Child Care Development Fund Program used federal funds to pay for modular buildings that were never delivered. USDOJ has stayed action on the civil matter until the criminal charges against three Nation employees and a contractor are adjudicated. The Navajo Nation employees plead guilty in late November, but USDOJ has not indicated that they intend to pursue the civil matter.

28. *EEOC v. Peabody Coal Company*, (United States District Court of Arizona). The EEOC originally filed this case against Peabody Western in 2001, claiming that the Navajo preference in employment provisions in the 8580 and 9910 coal leases between the Navajo Nation and Peabody are violative of Title VII as discrimination based on national origin. Peabody defended on the grounds that the Navajo Nation was an indispensable Rule 19 party which could not be joined and that the issue was a non-justifiable political question. The district court, Judge Mary H. Murguia, agreed on both counts. The EEOC then successfully filed an appeal in the Ninth Circuit, which reversed Judge Murguia on both counts. See *EEOC v. Peabody Western Coal Co.*, 400 F. 3d 774 (9th Cir. 2005). Peabody filed a petition for certiorari with the U.S. Supreme Court, which was denied. Subsequent to the denial of cert, the EEOC joined the Navajo Nation as a Rule 19 defendant. Upon being joined as a defendant, the Navajo Nation filed a motion to dismiss on various grounds, including lack of subject matter jurisdiction, failure to state a claim, and failure to join the Nation and the Secretary of the Interior as indispensable Rule 19 parties. Oral argument was had on September 18, 2006. Judge Murguia issued an opinion in favor of the Navajo Nation on September 30, 2006. The EEOC has appealed this decision to the Ninth Circuit. The Ninth Circuit held oral argument on September 22, 2008. The Nation has submitted a supplemental brief in support of its position. The parties have now been awaiting a ruling from the Court for more than a year.

29. *EEOC v. Bashas and Navajo Nation*, No. 2:05-CV-02382. *EEOC v. Bashas' and Navajo Nation*, No. 2:05-CV-02382. This matter is being handled by the Frye law firm. This was filed on August 17, 2005. The Navajo Nation filed a motion to dismiss almost identical to that filed in *EEOC v. Peabody Western and Navajo Nation* on April 5, 2006. Prior to the EEOC's having filed a response to that motion and in response to its requests for discovery, we filed a motion to stay the *Bashas'* proceedings pending resolution of the Peabody Western case. This motion was filed on June 6, 2006. On December 14, 2006, Judge McNamee issued a helpful opinion which stayed the case pending resolution of the *EEOC appeal in EEOC v. Peabody Western and Navajo Nation*. Thus, there is no current activity in this case.

30. *Salt River Project v. Lee*, U.S. District Court of Arizona, No. CV 8028-PCT. Plaintiff SRP has filed a complaint seeking to enjoin the Navajo Nation, during the term of the 1969 lease, from applying the NPEA or enforcing the Act against them or their contractors (Headwaters) at NGS or otherwise regulating, through tribal proceedings, the “operations” of NGS by SRP. Plaintiffs sought an injunction enforcing the same, and were granted their motion for an expedited briefing and hearing schedule, which was to be argued in an evidentiary hearing on March 31, 2008. The order scheduling this hearing has now been vacated. The basis for the Court’s granting of an expedited briefing/hearing schedule was the Labor Commission’s refusal to stay the underlying grievants’ (Thinn and Gonnies’) hearings. Due to conflicts, NDOJ secured the services of Phil Higdon, from Perkins, Coie, Brown and Bain to represent all the named Navajo government named defendants, the ONLR Director, the Labor Commissioners, and members of the Navajo Judiciary. The court set arguments on cross motions for summary judgment for January 5, 2009. On January 13, 2009, the Federal Court issued a decision dismissing the complaint on grounds that SRP had not sought a remedy with the Secretary of Interior as required under the lease documents. The Federal Court later denied SRP’s motion to reconsider that decision. SRP has filed a notice of appeal to the Ninth Circuit Court of Appeals and briefs have been submitted. Oral argument has been set in this matter for February 10, 2010 in San Francisco.

### Tax Unit

31. *In Re Krystal Energy Co. Inc.*, U. S. Bankruptcy Court for the District of Arizona, No. 01-00166 ECF-SSC(*Krystal Energy Co. Inc. v. The Navajo Nation*, Adversary No. 01-171.) This is a case in which Krystal Energy filed for bankruptcy and filed an adversary proceeding against the Navajo Nation challenging a tax assessment issued by the Office of the Navajo Tax Commission wherein the Bankruptcy Court dismissed the claim. Krystal appealed the Bankruptcy Court’s decision to the Federal District Court. The District Court issued a decision affirming the Bankruptcy Court. This decision was then appealed by Krystal to the Ninth Circuit Court of Appeals.

In 2004, the Ninth Circuit Court of Appeals issued a decision reversing the lower courts. The Ninth Circuit Panel in reversing the Bankruptcy Court and the Federal District Court held that Congress waived the sovereign immunity of an Indian tribal government under the U.S. Bankruptcy Code

A petition for rehearing en banc was filed on March 5, 2004. The Ninth Circuit denied the petition for rehearing en banc on April 6, 2004. A petition for a writ of certiorari has been filed with the U.S. Supreme Court. The Supreme Court denied the petition. This matter is now back in the Bankruptcy Court. Krystal filed an amended complaint on July 25, 2006. We filed an answer on August 28, 2006 to the amended complaint. In our answer, we raised a statute of limitations affirmative defense.

Krystal recently filed a motion to amend their complaint to add claims for breach of contract, violation of due process, unjust enrichment/estoppel, violation of automatic stay and injunctive relief. We filed our response to their motion to amend and application for preliminary injunction on January 5, 2007. A hearing was held where the Court allowed Krystal to amend their complaint. The Court denied Krystal’s application for injunctive relief which sought the permission of the Court to allow Krystal to operate oil and gas leases on the Navajo Nation.

We filed a motion to dismiss Krystal’s Second Amended complaint on grounds of sovereign immunity, failure to exhaust available administrative remedies, and failure to join a necessary and indispensable party. On May 23, 2007, the Court dismissed the claims for breach of contract, violation of due process, unjust enrichment/estoppel. We are currently in the discovery process. Krystal filed a motion for summary judgment seeking a determination for violation of the automatic stay for failing to turn over the equipment on the oil and gas leases. The Bankruptcy Court granted partial summary judgment to Krystal on the turnover of equipment located on two oil and gas leases. We provided an accounting of the property on February 15, 2008. We appealed the order on the turnover of property to the Federal District Court in Phoenix. The District Court affirmed the decision of the Bankruptcy Court on appeal. The case is continuing with discovery and valuation of the lease equipment.

### Navajo-Hopi Legal Services Program

#### 32. *Litigation/ Administrative Hearings*

##### A. Administrative Advocacy/Office of Navajo and Hopi Indian Relocation (ONHIR)

1. Eligibility Determination. Three certifications were received this quarter: one new applicant, one post-86 applicant, and one client certified under her own name and record.

Pre-hearing conferences for self-represented clients began November 13, 2009 and will be held every two weeks at ONHIR offices in Flagstaff. The majority of the applicants appearing pro per are individuals with whom we have made contact but have declined to represent. These individuals are unlikely to be found eligible. The latest ONHIR statistics show 1,535 have submitted

applications in the aftermath of the *Noller Herbert* decision and 1,021 remain to be examined.

ONHIR, NHLSP, and ALJ Harold Merkow met December 4, 2009 to discuss hearing and pre-hearing procedures. ONHIR and NHLSP will have its first pre-hearing conferences on December 14, 2009 where Rule 16 discovery will be exchanged on the first six hearings to be held January 22, 2010. Further hearings will be held in February and March (one Friday each month) and two Fridays per month beginning in April, 2010. We hope to have the new Tribal Advocate ready for hearings no later than May.

ONHIR reports that 394 possible eligibles remain to be contacted. Our two agencies have discussed further outreach efforts to include publication of the names in area newspapers as well as on KTNN. ONHIR has offered to organize the names into Chapter affiliations so that the reading of common names will more likely result in appropriate contacts.

ONHIR is publishing its application process in the CFR consistent with the federal Paperwork Reduction Act; comments can be submitted, and it is estimated a deadline for applications will not be set until January, 2010 when that project is completed. ONHIR will discuss a deadline with NHLSP sometime after January 12.

For anyone who believes he or she may qualify as a 1974 resident and head of household by HPL move-off, ONHIR will distribute a written application which must be completed and mailed back; the application is also available at [www.onhir.gov](http://www.onhir.gov). Individuals may schedule an appointment with ONHIR employee Joe Shelton for help in filling out the application; they can also walk-in.

Benefits remain \$127,000 for a family of four or more but have increased to \$122,000 for a family of three or less. In addition to these funds, each family receives several thousand dollars for infrastructure such as water, power, and septic. The benefit amounts are reviewed annually.

2. Late Applicants. NHLSP's group of approximately 123 "post-86" or "late applicant" cases will now be evaluated under ONHIR's Policy Memorandum #14 criteria. As a result, both new applicants and those that applied in 2005 will be certified if they were legal residents of the HPL as of December 22, 1974 and heads of household by date of move-off.

3. New Applicants. NHLSP is representing 31 new applicants; 49 others have been interviewed and either declined representation or are providing us discovery, prior to a representation commitment.

4. Rejected Appeals and Waivers. Because of the large number of new applicants, NHLSP is reviewing its pool of 113 rejected appeal cases as we have time. We are searching for those cases showing both eligibility and "good cause" for late appeal. Factors which contribute to "good cause" include an applicant's age and education; whether physical, mental, educational or linguistic limitations contributed to the applicant's lack of understanding concerning appeal procedures; the length of the late appeal; and whether ONHIR gave the applicant incomplete, misleading or confusing information on how to appeal. We are targeting individuals who speak little or no English.

B. Accommodation Agreement. Since March 31, 2000, no HPL residents have been permitted to relinquish their Accommodation Agreements, although thirty or forty residents have approached either NHLSP or ONHIR in the last six years to do so. The draft agreement permitting additional relinquishments is currently in the hands of the Hopi Tribe, but no recent progress has been made. Now that a new group of three judges have been appointed to the Hopi Appellate Court, perhaps this agreement can move forward.

C. Relocation Housing Construction and Repair/Post-Builder's Warranty Claims. NHLSP has 3 open housing repair cases. We continue to receive requests for assistance because of client's concerns with the construction of their replacement homes. We are asserting the obligation of ONHIR to make repairs beyond the warranty period in cases where latent defects can be demonstrated.

D. Federal Court Litigation. We believe that the new Policy Memorandum #14 will eliminate the filing of many federal appeals on cases which have already been heard. No federal cases were filed this quarter and no appeals are pending.

#### **IV. STATUS OF ONGOING PROJECTS, INITIATIVES AND COA'S.**

A. Securing Financial Independence. The Office of Attorney General continues to support tribal departments and tribal enterprises and corporations in the ongoing effort to secure financial independence for the Navajo Nation.

B. Promoting Mutually Respectful Partnerships. The Department continues its involvement in negotiations with the state, federal, tribal and surrounding local governments on a number of issues, including Intergovernmental and cross-commission agreement,

dispute resolution, and water rights. The department reviews all Intergovernmental Agreements, Memorandum of Understandings and Memorandum of Agreements.

## **V. STATUS OF ACTION PLAN (A, B, AND C LISTS).**

A. List. The Attorney General is making every effort to assure a close working relationship between DOJ, the Office of the President/Vice President (OP/VP) and the Navajo Nation Council. Deputy Attorney General Harrison Tsosie has been available to cover the Division Director meetings with OP/VP. The Attorney General personally schedules meetings with OP/VP on vital issues.

DOJ readily assists and works with the Navajo Nation Washington Office. DOJ is monitoring legislation that affects the Navajo Nation with the assistance of NNWO.

B. List. The DOJ does assign particular attorneys within each of the Department Units to each of the Divisions. There have been increasing requests by the various executive departments to assign an attorney to work only with that department. The Chapters have also discovered that they can request DOJ for legal services and the requests are coming in at increasing pace, especially with regard to gaming and personnel matters. There has been a tremendous increase generally in Navajo preference in employment litigation before the Navajo Nation Labor Commission and the Department's attorneys are devoting substantial time to defending these cases, at the expense of time that could be spent on program matters.

## **VI. OUTSTANDING PROGRAM ISSUES.**

A. The proposed approved FY 2010 Navajo Nation budget does not include the pay raises given to attorneys of the Department of Justice in FY 2009. As a result, the attorneys and advocates in the NNDOJ are only funded at 80% of their salaries for FY 2010. The attorneys will all continue to work at 100% availability until the funds run out, on the assumption that the remaining 20% will be covered by a supplemental appropriation. The available funds will run out July 2010.

B. To maintain their standing with the Navajo Nation Bar Association and the state bar associations, the attorneys and advocates within the Department have incurred personal expenses to travel to the NNBA Annual Conference and other conferences to comply with mandated continuing legal education standards. Under the FY 2010 budget, attorneys will not have enough funds to cover their travel and conference fee expenses and will again have to incur them out-of-pocket. Any supplemental appropriation should also cover these costs.

C. Information technology. We have completed the IT network transition from workgroup computing with local PCs as file servers to a Windows Business Network. The WBN is a domain-controller based system that integrates our new server systems, networking, client PCs, services, printing, security, and users into a single integrated computing environment. We have standardized all systems using one operating system, moved all local PC file server data onto HP Proliant DL380 Business Computer Servers, initiated daily backup using an HP automated tape robot, and installed a new client security system where all users are required to use a secure logon and password.

We programmed all client computers and laptops onto the Windows Server system (domain controller). We programmed Microsoft Outlook 07 to use Microsoft Exchange 2003 as an internal messaging system. We also set up user home folders that are backed up daily. We installed Symantec Endpoint Protection version 11 on all computer systems. SEP is our network protection package (antivirus) for local computers. We insulated the IT section windows in order to provide better cooling and cut power consumption costs. This also cut the amount of airborne dirt and dust coming into the section. We also have consolidated the last of the remaining legacy hardware. These items will be returned to NN Property stores for recycling. We have updated about 50 percent of our network documentation.

NNDOJ attorneys will begin keeping track of their time for FY 2010 in order to justify award of indirect costs to cover salaries and other expenses of the Department. The Department must keep records of time expended by attorneys working on federally funded programs and these hours will be used to form the basis for the indirect cost percentage. The Office of Attorney General has implemented a spreadsheet to be used by the attorneys to compile the information on a bi-weekly basis. Ultimately, it is hoped that time billing software will be utilized to carry out this new task.

## **VII. PROBLEMS/RECOMMENDATIONS.**

A. Budget Concerns. The Department of Justice, including the Office of the Attorney General, the Office of the Chief Prosecutor, the Juvenile Justice Program and the Navajo Hopi Legal Services are all underfunded for FY 2010. As an example, the Attorneys

and Advocates in the Office of the Attorney General are funded for only 1664 hours in 2010. Based on the hours funded, the Office of the Attorney General decided to work 80 hours per pay period until the funded hours expire. If additional funds are not secured, the Office of the Attorney General will need to lay off all attorneys and advocates by mid July, 2010.

For the Office of the Prosecutor, the current allocation for FY 2010 only covers personnel salaries and benefits but does not provide for any operating costs and expenses. If the budget deficiencies are not addressed, the Prosecutor's Office will have to close Aneth, Tohajiilee, Alamo, Ramah and Dilkon offices. The Juvenile Justice program has similar constraints in their appropriation for FY 2010.

DIVISION OF  
COMMUNITY DEVELOPMENT



ARBIN MITCHELL  
EXECUTIVE DIRECTOR

FY 2010 - 1ST QUARTERLY REPORT

The Navajo Nation  
**DIVISION OF COMMUNITY DEVELOPMENT**  
First Quarterly Report – FY 2010  
(October, November, December, 2009)

**I. PROGRAM INFORMATION**

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Division Executive Director:	Arbin Mitchell
Division Deputy Director:	Stanley Yazzie
Telephone No:	928-871-6810
Fax No:	928-871-7090
Website Address:	<a href="http://www.nndcd.org">www.nndcd.org</a>

Departments:

Capital Improvement Office	Casey Begay, Department Manager
Community Housing & Infrastructure Department	Chavez John, Department Manager
Design & Engineering Services	Jerrald Scott House, Acting Department Manager
Solid Waste Management	James Benally, Senior Environ Specialist
Rural Addressing	Claudeen Tallwood, Program & Projects Specialist
Local Governance Support Centers (5)	
Navajo Nation Chapters (110)	

**II. ACCOMPLISHMENTS**

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**A. ADMINISTRATION**

1. Completed collection of Internet reports from chapters from fourth quarter of FY 09
2. Completed SteadyState hard drive updates for 8 chapters
3. Successfully migrated Rural Addressing Authority web domain and email to DCD
4. Completed development work for WIND mapping, ICIP, project authorization, Navajo profile, and DCD portal. Currently deploying by populating the application with live data.

**B. CAPITAL IMPROVEMENT OFFICE**

1. Central
  - a. CIO Staff attended four (4) meetings.
  - b. Hired Ms. Wanda Juan on a temporary basis, since the Office Specialist went on maternity leave.
  - c. Thirty (30) applicants submitted their employment application for qualification assessment.
  - d. Attended five (5) Agency Council Meetings
  - e. Attended nineteen (19) New Mexico Projects Update meetings regarding projects that were in Active, Non-Active, Pending status.
  - f. Met with TCDC regarding NM Projects, 3rd party contract and SB 29.
  - g. Attended the Division of Community Development Staff meeting
  - h. Attended one (1) Recon Meeting
  - i. Met with Division of Controller's Office regarding the New Mexico projects
  - j. Due to the freeze on the NM Capital Outlay Projects, temporary employees were laid off as of October 30, 2009 (3-Senior Carpenters, 20-Carpenters, 7-Laborers, 2 Senior Electricians and 1-Construction Supervisor).
  - k. Participated in the NM Projects meeting with Chapters
  - l. Staff participated in the 14th Annual Infrastructure Finance Conference at Isleta Casino Hotel
  - m. Staff attended the Procurement Training in Flagstaff, Az
  - n. Two (2) staff attended the FMIS training.
  - o. Met with DFA, LFC, Speaker's Office and IAD regarding the NM projects.

- p. Met with TIF Board meeting.
- q. Staff assisted with the relocation of Shiprock PPS's office.
- r. One (1) staff retired.
- s. Continue to input raw data with RealTime Site on the Project Authorization.
- t. Staff attended the CHID/CIO Work Session at Route 66
- u. Continue to input raw data with RealTime Site on the \$30 million projects.

2. ARCHEOLOGY DEPARTMENT:

	Programs	Service	Number of Services
OCT	NNCIO	Administrative	(1) Laptop computer orientation for four (4) staff
		Training	(2) 1 staff attended NM infrastructure Conference, WIND/eNavajo Portal Presentation at NM Infrastructure Conference
	NNDCD	Administrative	(5) 1 staff division staff meeting, 3 WIND meeting, 3-day WIND Mapping/Portal Work session.
	NTUA	Cultural Resource Inventory	(2) Leupp P/L, 4 Ft. Defiance District P/L, 9-Shiprock District P/L.
Individual Requests	Administrative	(1) Tsii Toh Sikaad Groundbreaking	
	Cultural Resource Inventory	(2) 1 Greasewood HS DCEC 3 Phase as built	
NOV.	NNCIO	Administrative	(1) Laptop computer orientation for 1 staff
		Training	(1) 1 staff attending HazWoper 8 hrs refresher training.
	NNDCD	Administrative	(2) 2 Wind Meeting, 2-day WIND Profile/Portal Work Session.
NTUA	Cultural Resource Inventory	(31) 18 Chinle District P/L, 10 Ft. Defiance District P/L, 3 Shiprock District P/L	
	Cultural Resource Reports	(52) 18 Chinle District P/L, 11 Western Agency P/L, 7 Ft. Defiance P/L, 16 Shiprock District P/L	
DEC	NNCIO	Administrative	(0)
		Training	(1) NNICIP Training for District 14-Ft. Def.
	NNDCD	WIND Meetings	(2) 2 Wind Meetings, Tech Team meeting
	NTUA	Cultural Resource Inventory	(1) 1 Ft. Defiance District P/L
		Cultural Resource Reports	(10) 10 Ft Defiance District P/L
Individual Requests	Cultural Resource Inventory	(3) 3 Tuba City Home site	
	Cultural Resource Reports	(1) 1 Lower Greasewood HS	

3. CHINLE AGENCY:

- a. Attended Tsaille/Wheatfield Chapter CLUPS planning mtg.
- b. Prepared/implemented training materials regarding the Project Management Planning Guide.
- c. Inventoried Navajo Nation Chapter's fixed assets at Nazlini, Black Mesa, Whippoorwill, Chinle, Tselani/Cottonwood Chapters.
- d. Updated with chapters re: Projects Priority List (ICIP) with Many Farms, Nazlini, Tsalin/Cottonwood, Chinle, Lukachukai and Black Mesa Chapter
- e. Attended five (5) project coordination meetings.
- f. Made feasibility assessment on eleven (11) homes at Black Mesa community re: bathroom additions.
- g. Attended one (1) CSC/OS Monthly Coordination Meeting.
- h. Conducted trainings on CIO Public Infrastructure Manual & Project Management Planning Guide with Many Farms, Black Mesa and Nazlini Chapters
- i. Provided technical assistance to two (2) proposals review for Rough Rock Chapter for Water-line Extension & Chapter Parking Lot
- j. Met with DES re: Tsaille/Wheatfields Headstart, Hardrock Chapter and Round Rock Chapter.
- k. Attended the division (DCD) conference meeting for FY-10.

4. EASTERN NAVAJO AGENCY:

- a. Made daily contacts with Chapters and LGSC CIS to follow up on projects, expedite funds, submit QR, source documents and invoices.
- b. Made daily contacts with CIO/Central office regarding up-dates, meetings.
- c. Scheduled meetings with Chapters, Project updates, Monitor Project, & Inspections.
- d. Bi-weekly meetings with OEH-Engineer, Project Updates.

- e. Met with the Crownpoint Chapter Land Use Planning committee (CLUPC) to discuss the status of the Crownpoint Wellness Center, Office Complex Project.
  - f. Attended the DCD all staff Meeting.
  - g. Attended Eastern Navajo LGSC Strategic planning Meeting.
  - h. Attended Crownpoint Chapter Project Planning update meeting.
  - i. Met with Indian Health Service (OEH) to go over the Waterline Projects in the Eastern Agency Area.
  - j. Assisted Chapters with submittal of NMQR and Questionnaire.
  - k. Weekly Schedule to monitor / inspect Crownpoint Chapter and Casamero Lake Chapter Bathroom Additions.
  - l. Attended the meeting with DCD, NNCIO and Task Force in Santa Fe.
  - m. Attended the Chapter planning meeting at Standing Rock, Becenti, Casamero Lake, Baca and Crownpoint Chapters.
  - n. Attended the Little Water Chapter, Waterline Project meeting.
  - o. Attended the project reconciliation IAD/NN meeting.
  - p. Meet with Nahodishgish Chapter, to discuss Head Start and Road Project.
  - q. Attend Iyanbito Chapter Land Use Planning (CLUPC) Meeting.
  - r. Assisted the Becenti Chapter with SOW for the (TIF) Bathroom Addition Project..
  - s. Attended and assisted with the DCD, NNCIO and CHID project status form.
  - t. Attended with the Project Management Training.
  - u. Attended the Eastern Agency Council Meeting @ Smith Lake Chapter.
  - v. Attended the LGSC annual winter conference.
5. FORT DEFIANCE AGENCY:
- a. The Finance Department refused to pay out on purchase orders, contracts and RDP using NM State funds. This was done because Governor Richardson made an announcement that he “froze all capital outlay projects”.
  - b. Continue to meet once or twice a week to up-date the status of each project.
  - c. Attended the FMIS Training, (Passed the Test).
  - d. Continue to work with project sponsors (mainly the Chapters) and kept them informed of the new developments.
  - e. Met with the Real Times Sites Consultants to go over the “Authorization” Module but it fell through.
6. NORTHERN NAVAJO AGENCY:
- a. Attended meetings with Newcomb chapter on house wiring and power line extension.
  - b. Attended meeting with on project status with House Speaker, Chief of Staff, Legislatures and IAD.
  - c. Beclabito conducted monitoring site visit on bathroom addition project with CSC.
  - d. Attended the capital outlay meeting with IAD committee.
  - e. Met with Shiprock chapter president and civil engineer on project update
  - f. Attended Shiprock budget committee meeting to update project status.
  - g. Attended project meeting on water/wastewater system with OEH on terminating of JPA.
  - h. Attended home for women and children on NM state funding, 164A review process, master agreement, 164B process for contract for contractor.
  - i. Conducted assessment for house wiring recipient with Civil Engineer.
  - j. Attended meeting on Shiprock cementary improvement with the chapter, DES and DNVA.
  - k. Attended meeting with OPVP, home for women and children on construction contract that has not move.
  - l. Met with the chapter, Ute tribe on bringing across water for state line residents, will look into the illegal aspect of water assessments.
  - m. Site visit with civil engineer to west wing project-contractor demanding payment with unfinished work.
  - n. Attended CIO/IAD meeting in window rock on reconciliation and project updates
  - o. Conducted monitoring of state line bathroom addition project in progress.
7. WESTERN NAVAJO AGENCY:
- a. Conducted the Navajo Utah Commission/CIO monthly project coordination meeting. Utah Chapters reported on their status of local chapter projects, and to make efforts to do work sessions in regards to the upcoming six (6) priorities ICIP project proposals.
  - b. PPS is in the process of closing out completed project under the general funds allocations, funds were earmarked since 1994 and have inherited these projects. Western Agency has at least (36) projects to be considered as close out.

- c. Trainings was conducted to implement chapter budget into the new WIND System, scanned, give it a project name and a description of the project, when the documents are loaded into the computer and then forward the project authorization to CHID or DES to proceed with the contract and construction.
- d. Navajo Mountain: The chapter has been meeting with Shonto Chapter to revisit the proposed power line extension, Shonto has 25 clients and Navajo Mountain community have at least 30 homes that need to be served with power, some of the grazing owner are rejecting the idea of infrastructure running though their grazing area, the two chapters have been wanting to run the line on the East side of Tall mountain to avoid the conflict, the community has at least more than 50 percent elders living in that region. The second proposal would be to continue with solar project installation and continue with the house wiring project.
- e. Leupp Chapter House Addition: A sum of dollars is left from the previous construction, an additional piece work is requested to complete the project, DES is working to submit a request to contract Lam Construction, but the contract is still in the 164 review.
- f. Cameron Senior Center: the \$90,000 awarded from Az-DES was used to complete the parking lot and the side walk to the entrances of the senior building, the short fall funds from the NN general funds is to be contracted to Ken Fowler Co. to do the interior of the building such as the replacement of certain mechanical equipment, and portions of the interior walls.
- g. Tuba City Veterans Parking lot: The project was completed, all the curb and gutter were installed and two and half inch of asphalt was laid in the parking area, at this point I will be awaiting the final report from contractor and start on the final close-out of the project, 200,000 was allocated for this project.
- h. Oljato Chapter: The Utah Navajo Royalty Holdings Funds are starting on the (4) four bathroom kitchenette addition projects. All building material is stored at the chapter ware house. UNRHF is projecting to have the project underway and completed by the end of this summer.
- i. Tonalea Chapter project ready for Yah ee Tiin power line extension, the chapter has hired an electrician to do correction on failed inspection sites, the right of way funds have been paid to NTUA and cost estimation for 40 homes, the project is located between Inscription house Chapter and Tonalea chapter.

## **C. COMMUNITY HOUSING & INFRASTRUCTURE DEPARTMENT**

### **1. Administration**

- a. Attended five (5) Department Directors meeting to exchange information and to provide program updates, status of projects and issues and concerns.
- b. Conducted twenty-one (21) Program staff (CDBG & CHID) and field staff meetings to discuss project management, program issues/concerns, recommendation for improvements, staff development, application process, close out timelines, and to provide additional information on the operation of the Division.
- c. Attended one (1) Transportation & Community Development Committee; No Intergovernmental Relations Committee; one (1) TCDC Housing Subcommittee and one (1) Navajo Nation Council meetings..
- d. Staff attended the following Orientations, Workshops, Conferences and Trainings during this quarter:
  - 1) Attended the Procurement Code Revision Work Session on September 09, 2009 at Department of Justice, Window Rock, AZ.
  - 2) Attended the District 14 Procurement and Contracting Training on September 24-25, 2009 at Route 66 Casino in Albuquerque, NM.
  - 3) Attended the Procurement Code Work Session on October 05-06, 2009 in Flagstaff, AZ.
  - 4) Attended the Strategic Planning and Project Management Work Session with DES on November 19-20, 2009 in Phoenix, AZ.
  - 5) Attended the 14<sup>th</sup> Annual New Mexico Infrastructure Conference on October 27-29, 2009 at the Isleta Indian Casino & Resort in Albuquerque, NM.
  - 6) Attended the NDOT Conference on October 27-29, 2009 in Mesa, AZ.
  - 7) Attended a meeting with ASU regarding Project Management on October 30, 2009 in Tempe, AZ.
  - 8) Attended the Weatherization & Intergovernmental Training on December 15-17, 2009 at the NN Museum in Window Rock, AZ.
- e. Attended two (2) meeting with PWT, Real Times and the Core Team to discuss the Project Management System, Web Application & Integration of the Project Management System and the Restructuring Task.
- f. Attended fifty-three (53) Coordination meetings with DHUD, ARRA, NM/IAD, NTUA, I.H.S., BIA, Chapters, CIO, NHA, Agency Councils, NN Departments and other entities.

- g. Work in progress to move housing office closer to CDBG office. New office panels should be delivered the week of December 28-31, 2009 tentative date of complete set up.
- h. Met with NHA four (4) times to review and discuss issues on audits, project delivery and eminent issues.

**2. Community Housing & Infrastructure Dept. (CIO Projects):**

CHID has taken over the responsibility of processing MOA's for all CIO powerline extension, bathroom addition and housewiring projects:

- a. Bathroom Additions project locations are at Mariano Lake, Church Rock, Becenti, Manuelito, Ft. Defiance, Crownpoint, Nageezi, Beclabito, Torreon, White Rock, Baca/Prewitt, Iyanbito, Breadsprings, Greasewood, Ramah, Pueblo Pintado, Littlewater, Tohatchi and Pinedale.
- b. Powerline Extension project locations are at Sanostee, Tohatchi, Hogback, Cornfields, Red Valley, Shiprock, Thoreau, Breadsprings, Chichiltah, Church Rock, Ramah, White Rock, Standing Rock, Standing Rock, Tsayatoh, Naschitti, Blue Gap and Oljato.
- c. There were four (4) final inspections for Bathroom Addition conducted on CIO project at the following locations: Beclabito, Pinedale, Becenti and Nageezi. There were two (2) final inspections for Powerline Extensions conducted on CIO projects at the following locations: Nageezi and Shiprock.
- d. Four (4) projects were closed out at the following location: Beclabito, Pinedale, Becenti and Nageezi B/A.
- e. Preliminary Assessment was conducted on the Tsayatoh Housewiring projects to serve 19 households.
- f. Various meetings were held with NM/IAD and NN/CIO regarding NM-CIO bathroom addition and powerline extension projects. The bathroom addition projects were saved and legislation is going through the process for action by TCDC and IGR.
- g. Continue the outreach services to Chapters and NN Programs whom have been requesting for program information or presentations at their convenience and locations including weekends.

**3. Community Development Block Grant:**

- a. There was one (1) final inspection conducted on the CDBG project at the following location: Kinlichee P/L. There were no final inspections conducted on NAHASDA bathroom addition projects.
- b. There were no pre-construction meetings for this quarter.
- c. The CDBG Field staff conducted project monitoring for CDBG and NAHASDA projects at the following sites: Torreon, Oljato, Dennehotso, Chilchinbeto, Kinlichee, Rock Point, Mexican Water/Red Mesa, Chinle and Tsaille/Wheatfields.
- d. Project assessments were conducted during this quarter at the following project sites: Steamboat, Red Valley, Chinle, Dennehotso, Kinlichee, Oljato, Rock Point & Tsaille/Wheatfields for Powerline Extension projects and Mariano Lake, Coyote Canyon, Sanostee & Littlewater for NAHASDA Bathroom Addition projects.
- e. Still waiting on DHUD approval notification regarding the FY'2009 ICDBG Application that was submitted on August 07, 2009.
- f. Researched, compiled and completed the environmental review record process for the B-08 Kaibeto P/L projects. The concurrent notice was published in the local newspaper to request for release of funds from HUD. Form HUD-7015.15 (Request for Release of Funds) was prepared and sent to DHUD for HUD-7015.16 (Authority to Use Grant Funds).

**4. Housing Improvement Program:**

- a. HIP is currently operating on FY'2008 unexpended funds to continue with the operations for all administrative and construction activities. All staff, permanent and temporary, has been extended to April 30, 2010.
- b. Environmental Specialist is hired to assist with the required NEPA clearance requirement to get the FY'2009 construction activities going. To date, 85% of the environmental assessment and clearances for the FY'2009 ARRA applicants have been completed. The reports will be sent to the Navajo Regional BIA Office for review and approval.
- c. FY'2010 certified eligible applicants listing has been submitted to the Central Office for final review and to be compiled as one report for submittal to Navajo Regional BIA Office by December 28, 2009.
- d. HIP application enrollment drives continue being coordinated by the HIP Central Office staff with the five (5) Agency offices for fiscal year 2011. The five (5) Agency offices are encouraged to

continue to visit Chapter Houses to provide application assistance to individual(s) and families needing housing assistance.

- e. HIP is meeting with IHS and NTUA to coordinate the new housing units infrastructure (powerline, waterline and sewer/septic) systems connection.
- f. HIP and LSA, L.L.C. (Leon Shirley, Architect) continue to have monthly construction coordination meetings to provide construction activities update reports.
- g. HIP and LSA, LLC completed the new contract requesting for extension. The packet was submitted to Business Regulatory for review process.
- h. Bureau of Indian Affairs, Navajo Regional Office released the FY'2009 budget allocation in the amount of \$1,072,806 and was received at Contract & Grants Office on September 15, 2009. Proposed to construct ten (10) projects.
- i. HIP received written notification award from Navajo Region BIA Office in the amount of \$2,355,000 of the American Recovery & Reinvestment Act (ARRA). The Navajo Nation has accepted the award. HIP proposed to build twenty-two (22) new housing units on scattered sites throughout the Navajo Nation.
- j. The BIA-Navajo Regional Office and DOJ agreed on the ARRA Model 108 Contract after several meetings.
- k. HIP has a contract with GEOMAT to conduct compaction soil testing. The contract is pending due to the vendor has to have a certain amount of insurance coverage per Risk Management within Insurance Services Department. GEOMAT is in the process of submitting their insurance coverage information to HIP.
- l. The FY'2008 construction activities have started i.e., site preparation, foundations and footing.
- m. HIP management staff made (28) home visits to FY'2009 selected applicants. Each client were informed about the "demolition" requirement of existing homes and relocation when construction begins.
- n. The FY'2011 application enrollment will begin January 01, 2010 at each Agency Offices.

**5. Weatherization Assistance Program:**

- a. Met several times with Department Manager regarding the Weatherization's projects; program issues; concerns; upcoming grants; ARRA funding; accounting section; energy audits-assessments; equipment; personnel; training; data sharing; partnership, etc.
- b. NWAP conducted a bid opening on November 09, 2009 regarding the purchase of building materials to assist seventy-nine (79) weatherization projects within the Navajo Nation. The bid was awarded to Sunshine Builders, the PR was prepared and submitted to Purchasing Department for processing.
- c. NWAP & ARRA Program Managers and Department Manager met with NN/Communication & Utilities Department on December 09, 2009 to discuss some issues regarding the phone, fax and internet lines. Three telephone lines were installed at the ARRA/WAP Office on December 17, 2009.
- d. NWAP Senior Carpenters completed (7) out of (11) Arizona Public Services projects within the Tuba City area.
- e. NWAP restored 93 chimney kits from the Tuba City Chapter Warehouse to the Housing Improvement Program. Six (6) chimney kits were issued to clients that were on the eligibility list.
- f. NWAP Senior Carpenters are registered for Energy Conservation Boot Camp in Phoenix, AZ with the ARRA staff on January 11-15, 2010.

**6. Weatherization Assistance Program - ARRA: No Reports were submitted by Program Manager.**

**7. NAHASDA Construction:**

- a. The NAHASDA Construction projects have completed a total of 22 homes. Four (4) homes were completed in July 2009 in Alamo. The NHA has assigned one staff to close out all invoices by December 31, 2009.
- b. The FY'2005 for Planning only is about 100% completed with the environmental studies being approved by NHA Environmental Office. Sixteen (16) clients have been approved as construction/shovel ready under the FY'2005 in both AZ and NM scattered site. No development funds at this time and these 42 clients are in construction ready status.

**D. LOCAL GOVERNANCE SUPPORT CENTER CHINLE AGENCY**

- 1. Fiscal Year 2010 began "business as usual" and like any other day without much interruption of services. Chapter Budgets and Chinle LGSC Agency Office Budgets were inputted into the WIND Budget System in a timely manner. Budget documents, i.e.; Budget Forms 1-6, Chapter Resolution, Request for Direct Payment

and Disbursement Memorandum were submitted prior to deadline and all we were waiting for was Check Disbursements.

2. All sixteen (16) Chinle Agency Chapters reconciled their prior fiscal year fund balances and were awaiting data entry into the WIND Budget System. This fiscal year is the first time that chapters do not have to wait for a carryover balance report from the Window Rock level. Since Chapters have all funds disbursed to them and funds are sitting in their chapter bank accounts, all they need to do is to reconcile their carryover balances against cash in the bank, re-budget, obtain community approval to carry over funds and authorization to expend.
3. The Department of Personnel Management conducted Desk Audits of ten (10) Chinle Agency Chapter Community Services Coordinators (CSC) on November 30, 2009 and December 1, 2009. The Desk Audit was requirement of FY 2009 Condition of Appropriation to determine class specification of CSC and supervision of CSC.
4. The Division of Community Development amended it's Plan of Operation to establish a Technical Assistance Office within the Division to provide assistance to Governance Certified Chapters. This is a Condition of Appropriation and the Division met on October 21, 2009 and November 12, 2009 with the affected Governance Certified Chapters for input and awareness.
5. Chinle Agency has collected fifteen (15) Chapter Resolutions pertaining to the Five Management Act. This Act requires ratification and acknowledgement from the Chapters in order for it to become law.
6. The Division of Community Development Division Director, Mr. Arbin Mitchell called a reservation-wide Division Staff Meeting on October 5, 2009 to thank employees for helping the Navajo people in providing services and in providing technical assistance and training to the Navajo Leadership at the local level. Mr. Mitchell also took the time to remind all personnel to refocus and reenergize efforts to do more and continue to have good work ethics.
7. Meetings regarding amending the Navajo Nation Procurement Code have been ongoing; in this quarter monthly meetings have occurred and LGSC staff attended on October 5, 2009 and November 5-6, 2009 held in Flagstaff, Arizona. LGSC staff continue to advocate for flexibility on behalf of chapters in procuring and contracting services.
8. The Navajo Nation offered a special retirement package to Navajo Nation employees; seven (7) Chinle Agency LGSC and Chapter employees received the offer. Only three employees, one LGSC and two Chapter staff elected to retire. We appreciate the services of the three employees and congratulate them for providing services to the Navajo people and serving the Navajo Nation.
9. On October 15, 2009, the SPPS met to discuss Condition of Appropriations and Legislative Concerns and provide progress as to how COAs are being implemented. A couple new business related to a Texting Policy and Uniform Breast Feeding Policy were discussed and recommended to be part of DCD Internal Policies. The CIO-PPS Reporting/Supervision was tabled as presenter did not show. Each LGSC Agency Office provided Agency Report.
10. On October 19-20, 2009, Chinle Agency LGSC provided the new Tsaile/Wheatfields Chapter Community Land Use Planning Committee (CLUPC) members an Orientation. The Tsaile/Wheatfields Chapter is the only Chinle Agency Chapter that has not had their Chapter CLUP Manual certified. The Chapter's CLUPC was inactive for almost five years and recently reactivated their CLUPC.
11. Chinle Agency LGSC staff continue to be involved in the Rural Addressing Meetings held via conference calls. Although the rural addressing activities has not been implemented on the Arizona side, we continue to stay tuned.
12. Attended the Monthly CSC/OS Meeting in Round Rock Chapter on October 22, 2009. Topics covered were: ARRA Employment Opportunities with Navajo Department of Workforce Development, Office of Environmental Health Engineers, Navajo Tribal Utility Authority and Chinle Agency LGSC provided updates on the Status of FY 2010 Budgets, Carryover Budgets and shared information regarding Chapters.
13. Attended the Chinle Agency Council Meeting at Hardrock Chapter on October 24, 2009. The Chinle Agency Council demanded that the Navajo Nation Council fund the special election scheduled for December 15th and cautioned the Council Delegates to do the right thing in legislating laws and voting to keep the Navajo Nation Government operating smoothly.
14. On October 28, 2009, the Agency SPPSs met to compile a response to the Auditor General regarding the LGSC Performance Audit.
15. Attended the Monthly SPPS Meeting on November 10, 2009 held at the Division of Community Development. The Division of Community Development provided program updates. The SPPS exchanged and shared information regarding chapter activities.
16. Attended the Monthly CSC/OS Meeting on November 18, 2009 held at the Rough Rock Chapter. Presentation made was: "Instilling Navajo Culture in Workplace Environment to Achieve Goals and

- Objectives,” Creating a Culture of Professionalism in a challenging Workplace, H1N1 Awareness and Benefits of Community Assessment. LGSC and Purchasing Department provided and shared information.
17. Attended the Monthly CSC/OS Meeting held at Chinle Chapter on December 16, 2009. Topics covered were: CDBG Grant Proposals Deadline, CIO Grant Proposals Deadline, Septic Tank Service and LGSC exchanged and shared program information.
  18. Tselani/Cottonwood Chapter held their FMS Worksession in Pinetop, Arizona. Chapter made a final review of their FMS Manual.
  19. Lukachukai Chapter held their FMS Worksession at Chinle Thunderbird Conference Room. Chapter completed review of three sections of the FMS Manual.
  20. Fiscal Year 2010 1<sup>st</sup> Quarter Form 2 Reviews are scheduled for January 5-6, 2010 and preparation is underway.

**E. LOCAL GOVERNANCE SUPPORT CENTER EASTERN NAVAJO AGENCY**

1. Crownpoint LGSC Building demolition and abatement project completed on October 2, 2009. Invoice submitted to NNPIO Office on October 14, 2009 along with Quarterly Report ending October 30, 2009. NNDES implemented the procurement for new office building; Bitco was selected to design and construct the new LGSC building. The total budget of \$600,000.00 available for the project. The \$40,000 plus may be at risk of reversion due the state deficient. NNDES presented a plan but exceeding the proposed budget therefore a revised plan to reduce the building to decrease the dollar amount as well.
2. LGSC had their strategic planning work session on October 06-07, 2009 at Sandia Courtyard & Convention Center.
3. The Senior Planner had a preparation meeting on October 20/29, 2009, with the CLUPC members and Chapter officials of Whiterock Chapter to prepare for the CLUP certification.
4. The LGSC staff attended the monthly CSC meeting on October 22, 2009 at Churchrock Chapter.
5. The Senior Planner attended the monthly CLUPC meeting at Iyanbito Chapter on October 23, 2009.
6. Whiterock Chapter CLUP was certified on November 03, 2009 by TCDC which makes the twenty first for Eastern Navajo Agency.
7. The LGSC staff had another strategic planning work session on November 23-24, 2009 at PeeWee's Kitchen, all the LGSC staff.
8. The Agency Annual Winter Conference was held on December 2-4, 2009 in Albuquerque. The sessions offered education, motivation and some foresight of changes. All the Chapters attended and I appreciate the DCD approving this trip for us and understanding the purpose of AWAC.
9. I (and my Senior Accountant) traveled to Flagstaff, AZ for work session on 12-7/9-09. The purpose was to gather plan of actions towards the findings of the Office of the Auditor General's performance audit. On December 24<sup>th</sup> was the deadline to complete all the homework on the Plan of Action.
10. The Senior Planner attended the monthly CLUPC meeting at Lake Valley Chapter on December 09, 2009.
11. The LGSC met with Thoreau Chapter on 12/14/09. It was scheduled for 12/12/09 but it was postponed. The meeting with the President and the CSC actually went well. The overview of the LGSC Plan of Operation, Budget Instructions Manual, NN Personnel Manual and the Chapter's FMS proved worthy to addressing some internal issues.
12. It is not unusual to complete a week's work without hearing a report on Chapter staff not honoring the Official's wishes. The Agency is expected to provide immediate solution to some of these internal dysfunctions. And certainly, some cannot be corrected because it is conditionally habituated.
13. Standing Rock and Whiterock Chapter completed Power line Extension project with NTUA with several community members' receiving the electricity to their homes before Christmas time. A joyful time for the families.
14. With the assistances from DOJ most chapters were introduced to using required agreement format for procuring services such as; consultant services, electrical services lines and intra-governmental building leases.
15. Chapter officials and staff were trained on preparing project quarterly reports and most of all the Right of way procedures to gain proper understanding of land withdrawal for projects to avoid delaying project implementation.
16. Implementing MIP Software for 7 Chapters
17. Implement FMS and issue assurance letters for 4 Chapters, they are Nageezi, Torreon, Nahodishgish and Casamero Lake.
18. Conducting monthly finance work session with the CSC and OS during our staff meeting.
19. Sr. Accountant and Accountant assisted the Chichiltah Chapter with the FMS Worksession in Albuquerque the last week of December 2009.

**F. LOCAL GOVERNANCE SUPPORT CENTER FORT DEFIANCE AGENCY**

1. OMB – FORM 02 assessments and evaluation of all twenty-nine (29) chapters was conducted by the Community Involvement Specialist during the week of October 13, 14, 15, 16, and 20, 21, 2009 on-site with the chapter staff. The objective was to make a determination whether or not the chapter administration implemented the goal statements and performance measures as approved by the chapter membership. After compiling all of the assessments, each chapter was rated according to: (1) not met; (2) met, and (3) exceeded. Based on our findings, most chapters did meet or exceed their goals; and some were not able to meet the standards they set for their chapters FORM 02 was sent to Office of Management and Budget along with the rating. It is the responsibility of the chapter administration to share this information with their officials.
2. A performance audit of Local Governance Support Centers (LGSC) by an independent auditor was completed on July 31, 2009. This audit was performed under a contract between the Navajo Nation and Eliot M. Stenzel, Certified Internal Auditor, CPA, out of Albuquerque, New Mexico, for the period April 20, 2009 through July 31, 2009, and extended to September 30, 2009.  
On October 19, 2009, there was an exit conference between the LGSC staff, Office of the Auditor General, the Division of Community Development, and Eliot Stenzel, Auditor; Mr. Stenzel presented a report of the audit and the findings; as well as his recommendations.  
There are basically six (6) findings including:
  - a. LGSC does not have a standardized management system that is uniform across all five offices.
  - b. LGSC does not have a system of assuring technical expertise and continuous improvement of LGSC employees in the Five Management System.
  - c. LGSC interacts with the chapters in an authoritative role which causes conflict with roles and responsibilities of chapter officials pursuant to the Local Governance Act.
  - d. Technological advances have not been implemented with respect to time sheets from the chapter employees to LGSC to the office of Payroll.
  - e. There is a great need for help with bookkeeping tax compliance and use of accounting software at the chapters. LGSC staff is not accredited or certified in accounting or bookkeeping. There are no certified Bookkeepers.
  - f. LGSC plan of operation provides for the LGSC to take an active role in the management of chapters which conflicts with the roles and responsibilities of the chapter officials. This creates a continued misunderstanding of roles and responsibilities, and weak certification results.

After considerable discussion, we were instructed by the Auditor General's office the process that will take place towards development of a response by LGSC within (10) days and subsequently a Corrective Action Plan will be submitted by LGSC.
3. By a memorandum from the Office of the Auditor General, LGSC was instructed to respond to the audit findings and recommendations through a Corrective Action Plan and submit by December 24, 2009.  
The Local Governance Support Centers from all five (5) Agencies met in Flagstaff, Arizona on December 8 and 9, 2009 to develop a Corrective Action plan. The task was difficult in some areas because the audit recommended some drastic changes or restructuring of LGSC. In order to accomplish this, the chapters have to be consulted with, the Office of the Auditor General has to be consulted, and our oversight committee probably has to make the final decision on some of the more radical changes to LGSC structure and plan of operation. The audit calls for realignment of chapters to equal numbers to each LGSC offices. The audit also recommends the creation of a sixth LGSC office to spread the workload. It also recommends aligning the LGSC plan of operation with LGA where currently LGSC roles and responsibilities conflict with LGA. This could be a radical change to give all of the monitoring and reporting of chapter funds in the hands of the chapter officials in compliance with LGA.  
At the end of the second day we were able to develop a rough draft and assigned each agency to fine tune one of the six findings and help finalize the documents for review by LGSC before it is submitted to Office of the Auditor General.
4. On November 16, 17, 2009, the Department of Personnel Management, the Classification Section, conducted desk audit on ten (10) Community Services Coordinators on site at their respective chapters, to help determine whether any significant changes has occurred within the CSC job duties and responsibilities that would help them get a new job classification with a higher pay. This is the intent of the desk audit. Rather than doing all 110 chapters, it was decided between LGSC and the Department of Personnel Management to only do ten (10) from each agency. The Fort Defiance Agency chapters that participated in the desk audit include: Cornfields, Greasewood Springs, Coyote Canyon, Dilkon, Ganado, Naschitti, Kinlichee, Tohatchi, Crystal, Twin Lakes.  
Currently we are waiting for the results from the Department of Personnel Management. We may not know the findings until the New Year.

5. To date twenty-five chapters converted from manual accounting to computerized accounting using the MIP Accounting software. On-going training was provided on November 18-20, 2009 at Gallup Pantry Community Center for all chapters who are in the implementation stage of the computerized Accounting. The participating chapters were Ganado, Kinlichee, Oak Springs, Greasewood Springs, Klagetoh, Teesto, Cornfields and Indian Wells. This was a classroom training applying hands-on techniques and using a practice set to enter budgets, cash disbursements, cash receipts, bank reconciliation, processing payroll and stipends, paying third party taxes and preparing end of month financial statements.
6. There are 23 students attending the Governmental Accounting and Computer Applications course. The students will be presenting their final exams on December 18, 2009 by power point presentations. The students will be recognized at the holiday/retirement festivities on December 30, 2009. UNM will be present to recognize the students.
7. Twin Lakes Chapter will submit the letter requesting for LGA certification the week of December 28<sup>th</sup>. Our office has already provided the onsite field review and provided feed back to the chapter as to what deficiencies have been sited and chapter is currently addressing the deficiencies.
8. Kayenta Chapter follow up review on the corrective action plan is scheduled for December 21-23, 2009. A favorable review is expected where the chapter sanction status will be lifted.

**G. LOCAL GOVERNANCE SUPPORT CENTER NORTHERN NAVAJO AGENCY**

1. All Chapters worked and coordinated with LGSC Senior Accountant and Community Involvement Specialist to develop, submit and have chapter approval of their budgets.
2. The first (1<sup>st</sup>) Quarterly draw downs were made and all Chapters received their allocations and submitted reports to LGSC Program Office.
3. LGSC worked with individual Chapters on development of (14) Strategic Plans for a four (4) years that will be used as a guideline for the Officials, staff and chapter membership of community goals and priorities. There are five (5) Chapters left to complete.
4. Supervisory Skills Orientation was conducted in October to help newly elected officials on how to supervise chapter employees for designated supervisors.
5. Parliamentary Procedures instructions were also done by LGSC with various chapters that requested for technical assistance.
6. Procurement and Contracts Session was conducted for chapter officials as another needed training request.
7. On Going Project Management Seminars are planned and workshops has been on going activities during this quarters with CIO, CHID, State, Utah and County Offices. Anticipated meetings with the State of New Mexico Capital Outlay Projects may resume in January of 2010 for better communication and coordination services between the State Government and Northern Agency Chapters. An extensive Project Planning and Management for Community Services Coordinators will be implemented by LGSC Office.
8. Sheep Springs Chapter has received certification of Alternative Form of Governance on November 20, 2009. The model that was chosen is 10 community members (3) Chapter Officials to conduct a meeting. The Chapter has to wait for (60) days to conduct a referendum vote by the membership whether to accept or decline this model.
9. Tse Daa Kaan Chapter has been working on producing alternative form of governance in draft form and waiting on TCDC approval.
10. Mexican Water has been audited and is 80% implemented their corrective action plan and done several significant planning for new facilities and land withdrawals for several projects in the community.
11. During the summer of 2009, Aneth Chapter has worked very hard in completing and furnishing a new court for their district to serve the public. Aneth Chapter has also produce a new coordination with USDA Program from the State of Utah USDA office to build a sub office to serve the Utah residents. Several new projects were developed to help the community.
12. LGSC has worked with the Chapters on various legislation and implementation of newly passed legislation and interpreted the contents to the chapters.
13. In 2010, all administrative travel funds are granted to the chapters, who will manage their own travel budgets. This is another step towards self-sufficient and self determination concept. LGSC used to oversees this responsibility and will continue to monitor these funds.
14. On December 2/3, Senior Planner and Community Land Use Planning Committee from (19) Chapters gathered at Upper Fruitland Chapter to talk about new issues and new development that will be forthcoming in the future to all CLUPC members and officials. The gathering was successful and more valuable information was disseminated to the communities. New Association officers appointment was recommended but was postponed to the next quarterly meeting.

15. Community Involvement Specialist and Senior Accountant conducted (19) monitoring and compliance visits with the chapters on their financial management and bookkeeping chores. Numerous discrepancies were noted and corrective action plans were recommended to Community Services Coordinators to work with their officials to comply and make corrective actions to those findings. Another compliance visits is necessary to ensure CSC are doing their jobs.
16. The Navajo Nation Department of Personnel conducted desk audit for Northern Agency on December 03 & 04, 2009 in coordination with Reycita Toddy, Senior Personnel Analyst on reclassification a via directive from TCDC to potentially reclassify job titles and define responsibilities at the chapter level.
17. A two years grievance and court litigation was finally settled with DOJ/Individual complainant. This history shows that Officials, Supervisors and staff must follow all policy and procedures on supervision and employee relations all personnel action must meet specific procedures to avoid costly mistakes.
18. A quarterly training is scheduled for Chapter Officials and Chapter staff for the Fiscal Year 2010. One of the most needed training is how to handle and develop contracts and the principles of Construction Management.
19. A more detailed training of Community Planning is going to be implemented in land use planning, economic and conservation topics.
20. LGSC Program was also audited at all five (5) agencies and corrective action plan was developed and will be finalized on December 18, 2009. The audit focused on programmatic reorganization.

## **H. RURAL ADDRESSING PROGRAM**

1. Rural Addressing Office has been successfully transition to the Division of Community Development on October 1, 2009 along with a budget of \$250,000.00.
2. RA office is also relocated to the Navajo Nation Shopping Center space # 9.
3. MOU for the Master Plan of Operation has been submitted for Mr. Mitchell's signature.
4. Received the final Frontier network quote and the service plan is completed and ready for review.
5. Received our contract number and submitted be budget transfer request to DCD.
6. Requested for two (2) months payment for our office lease awaiting approval and payment.
7. Maps for San Juan Utah Chapters (7) are 90% completed on the road names and addressing, once completed then the phone numbers will be going to Frontier for verifications.
8. Our office continues to assist walk in clients for letters of resident, which is now a requirement for driver's license. Average of walk in about 2 -3 per month.
9. Work on one case of personnel issues and assisted Mr. M.C. Baldwin regarding the matter.
10. **Memorandum of Understandings:**
  - Bernalillo County is in placed with the Navajo Nation.
  - San Juan County is in placed with Navajo Nation.
  - San Juan County/Utah is in placed with Navajo Nation.
  - Socorro County is in placed with Navajo Nation.
  - Cibola County/county commissioner's signature, waiting for Legal's advice weather they need to sign on approval per Presidents Office.
11. **Rural Addressing/GIS:**
  - NNAA/Rural Addressing Coordinator has been working with his staff regarding our strategic planning action items.
    - Structural/organizational changes,
    - Department resources needs processes
    - Policies and guidelines/standards
    - NN/rural addressing rollout/timeline
    - Non disclosure agreements with telephone/utilities companies
    - Funding activities.
  - Rural Addressing Technicians Carrie House and Clarence Begaye have been re-orienting all (7) seven of the San Juan Utah Chapters and giving hands on training to those that are assign to address within their community which have been very effective.
  - RA Techs have been traveling to San Juan Chapters to assist on the maps and ensure that these maps are sent to Rick Bailey and Contact One.
  - RA Tech Carrie House has been traveling out Aztec working with Nancy Instead regarding assignments of numbers to the San Juan Navajo Chapters.

- RA Tech Carrie House has reserved October 19-23 and 26-30 to work with Nancy Instead on the actual assignment of 9000 series with the Northern San Juan County.
- Rural Addressing staff attended a two day Address it training with SDR Kathy Shalh.
- Training is schedule from SDR Trey Crane who will be conducting the MSAG training on September 30, 2009.

**12. Public Safety:**

- The last report from Public Safety was to GSC E911 meeting that they were ready to finalize the Public Safety plan of operation. They did have the JVA and ready to submit to NN Personnel. To date there has been not reports from Public Safety.
- Lt. Tulley Jim did contact me for Public Safety updates; however there were no update as he has not received anything from his division. Inform him that he needs to contact Mr. Cowboy as I have made several attempts.
- I delivered the Service Plan to Public Safety for Mr. Cowboy's review and he schedule two dates for a meeting none of the meeting came through per Mr. Cowboy not being available on his set schedule. I will continue to pursue a meeting with Mr. Cowboy regarding the Service Plan.

**13. NDOT:**

- NNAA/Rule Addressing Coordinator M.C. Baldwin and RA Tech Clarence Begaye conducted a presentation at the NDOT conference in Mesa, Az.
- Mr. Jeff Swan the consultant for NDOT had not provided the installation and maintenance guidelines
- Our office has not received any updates for the road signage funding from NDOT, Mr. Baldwin is still working on contacting Mr. Platero to see who he appointed as our contact person.
- Rural Address Technician will continue to participate and provide assistance as needed to NDOT.

**14. Tohajiilee Structure and Road Signs Project is 99% completed:**

- a. Tohajiilee is now on line they are able to receive and locate the point of emergency from Bernalillo PSAP.

**15. Contact One:**

- RA Techs have been working with all (7) seven chapters and AGRC/Contact One to complete the rural addressing for the Utah Reservation.
- All seven chapters have submitted there completed maps to Rick Bailey, he is working with Contact One to address all the points structures that were indentify.
- To date with San Juan Utah chapter is just minor work; schedule for completion is December 31, 2009 so far we are still on schedule.
- M.C. Baldwin is working with Frontier Jim McKinnon regarding the phone numbers.

**16. LGSC meeting**

- Had a work session with Ft. Defiance LGSC Club-C and LRAC members and it was very successful, everyone had a better understanding of the Rural Addressing initiatives.
- Recommendation with all the remaining LGSC agency to work on similar work sessions as Ft. Defiance Agency did which was very successful.

**I. SOLID WASTE MANAGEMENT PROGRAM**

1. Program personnel provide public education on proper solid waste management and recycling practices to 5 chapters, 2 schools, an agriculture seminar, a parent meeting, NN Fair Parade Committee, and community clean up activity, as well as participations in other chapter related functions. Approximately 225 individuals attended these public education forums at the following chapters, organizations, and activities:

	<u>Chapter/Agency - Schools</u>	<u>Others</u>
1.	Baahaali/Eastern	Navajo Ag Seminar - Shiprock
2.	Chichiltah/Eastern	NNF Parade Committee
3.	Smith Lake/Eastern	DYCS & Ganado Community Clean Up Activities
4.	Crystal/Ft Defiance	Sanders School Parent Meeting
5.	Greasewood Springs/Ft Defiance	
6.	Hilltop Christian School	
7.	Nazlini School	

The Program has throughout the quarter, promoted proper solid waste management and recycling practices by disseminating brochures, flyers, and posters. These brochures, flyers, and posters were disseminated throughout the Nation to chapters/communities, schools, and other organizations.

2. Program personnel conducted a Solid Waste Management Plan workshop for Western Navajo Agency chapters on November 11<sup>th</sup> and 12<sup>th</sup>, 2009, at the Coconino County Administration Bldg, Flagstaff, Arizona. The workshop consisted of the following topics: Current Waste Management Collection Programs on the Navajo Nation; Solid Waste 101-Why Should We Manage Solid Waste; Building a Successful Program – What Steps Should I Take?; Integrated Solid Waste Management Planning; and Funding a Solid Waste Program. The workshop 15 participants.  
The Program’s personnel also provided Cove Chapter’s CLUPC members a workshop on Siting a Convenience Center during its CLUP orientation at the Best Western Inn, Farmington, New Mexico. The workshop had ten participants. Topics covered included the following: Public Support and Participation; Definition of a Solid Waste Convenience Center; Transfer Station versus Convenience Center; Landfill versus Illegal Dump Sites; Planning and Siting a Convenience Center; Siting Criteria; Convenience Center’s Design and Operations; and Facility’s Oversight.
3. Program personnel along with New Mexico Recycling Coalition (NMRC), San Juan County (SJC), Waste Management of New Mexico (WM), and other adjacent communities lacking recycling facilities explored and proposed to utilize the City of Farmington’s planned regional recycling center. The proposal will allow chapters in the Northern Navajo Agency, and to some extent, Eastern, Chinle, and Western Agencies to also use this regional recycling center.  
The Program along with San Juan County proposes to, place a single stream (*where recycling materials are not separated*) recycling bin at the following convenience center currently operated and maintain by the county through a Joint Powers Agreement at the Shiprock station. The proposal would also allow at a later date when disposal rates increases, additional recycling bins at these convenience centers: Huerfano, Lake Valley, Sand Springs (Burnham Junction), and Upper Fruitland stations.  
The Program will continue to dialogue and interact with NMRC, SJC, WM, and the City of Farmington to provide Navajo communities to participate in recycling activities to lower their transport and disposal fees of their generated solid waste materials as these prices continue to increase yearly.
4. The Program has reviewed, identified areas of concerns, omissions, and sections to be rework or deleted on the Nation’s Solid Waste Management Plan and will submit a proposal to US EPA and/or other agencies for funding during the second or third quarter dependent on the respective agency’s timelines. US EPA does recommend this review process and to update the SWM Plan every five years or when warranted.  
The Program teleconferenced with US EPA and Arizona Department of Environmental Quality (ADEQ) for funding opportunities to collect household appliances and abandoned vehicles for recycling and/or proper disposal. US EPA has a funding opportunity forthcoming and the Program will have a proposal to submit then. ADEQ requires a Smart Growth Score Card in place to award any proposals by statutes.

### **III. STATUS OF ON-GOING PROJECTS, INITIATIVES, AND COA’S**

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#### **A. ADMINISTRATION**

1. Broadband Stimulus –The USDA/NTIA grant office has completed the proposal review stage and the joint Navajo Nation-NTUA application passed the first round and is currently being reviewed for the second round. Second round decisions are starting to come out of NTIA/USDA and will continue for the next several weeks. If the Navajo Nation/NTUA proposal is awarded, the broadband activities need to be finished within three years.
2. E-rate – The Navajo Nation E-rate team began meeting with the NN Dept. of Education and currently, the DODE is interested in taking over the primary E-rate management activities for the Navajo Nation, but continuing to involve relevant organizations like DCD, NNTU, DIT, and DOJ in the planning process.
3. Gates Foundation – Web portal contract task has substantially completed development with current tasks being data entry and ongoing testing and updating. Existing contract with Bear Data Systems to upgrade networking equipment at chapters is still on hold pending USAC release of funding, but talks have been initiated with Bear Data about the possibility of working together on a public computer center grant application under ARRA.
4. Budget web application project – Additional tasks to deal with chapter carryover budgets were completed by RealTimeSites. A meeting was held to revisit the budget application and plan for any necessary changes for the upcoming budget development for 2011. Additional funding will be needed for any additional work.
5. WIND project – Currently RealTimeSites has substantially completed the development of the ICIP, Project Authorization, mapping, and profile under the existing contract tasks. All these modules are being deployed by data entry of live data into the system, and working with RealTimeSites on any issues that come out of this

- secondary testing. Once the initial data entry is done and all software issues are worked out, training and a wider deployment will begin.
6. Videoconferencing with Chapters and Agency offices – Currently, DCD has installed some videoconferencing equipment but due to changes that DIT needs to make to their network infrastructure, it is not yet possible to have Chapters and Agencies connect to the videoconferencing equipment for videoconferencing sessions. DCD might need to use third-party videoconferencing hosting services to accomplish this, but the added cost would defeat the intent of cost savings.
  7. COA #17: Direct deposit policy memo has been finalized and ready for signature and distribution. The policy would go into effect on February 15, 2010.
  8. COA #18: Electronic submission of timesheet memo has been finalized and ready for signature and distribution. Activities would commence for pay period ending 1/1/2010.
  9. Chapter Internet services reports –FY 2010 first quarter reports are beginning to come in.
  10. Tech support activities – 20 computer tech support cases were opened. 15 computer tech support cases were closed or resolved.

## **B. CAPITAL IMPROVEMENT OFFICE**

1. ARCHAEOLOGY: The office has been involved in the effort to integrate technology into project management and other aspects of operations consisting of project scheduling and monitoring.
2. EASTERN NAVAJO AGENCY:
  - a. Continue to provide technical assistance and work with all chapters on CIO
  - b. Conduct another quarterly report work session
  - c. Continue to work with Lead Agencies, to complete all on-going projects.
  - d. Continue to make effort to attend meetings, when schedule or invite is made available.
  - e. Continue to work with LGSC office.
3. FORT DEFIANCE AGENCY:
  - a. There are (50) projects under this agency.
4. NORTHERN NAVAJO AGENCY:
  - a. Conduct work session for all chapters on CIO policies and procedures
  - b. Conduct pre-construction meetings for projects.
  - c. Provide project updates and funding for the affected chapters
  - d. Aneth waterline and bathroom materials listing will be submitted for purchase. Chapter submitted resolution to reallocate solid waste station funds into housing.
  - e. Burnham meter loop service completed, chapter will submit resolution for remaining balance to service new clients.
  - f. Cove power line, NTUA needs a letter from chapter for the four (4) clients - no activity by the chapter.
  - g. Nenahnezah building contract agreement submitted for review process and hung up at DES.
  - h. For Red Valley veterans home renovation, the chapter submitted a letter for purchase of materials for the bathroom addition, power line, multi-purpose building projects and also submitted a resolution to pool funds into contraction materials.
  - i. Sanostee power line/house wiring projects, three (3) homes are in progress and additional ten (10) clients have been also identified.
  - j. Partial payment was made for house wiring project and the senior center, work has been complete and payment is made. Chapter additional renovation is waiting at DES for design.
  - k. Two Grey Hills power line project, client list was submitted and for the photovoltaic project, there is insufficient funds and is recommended for reallocation to another project.
5. WESTERN NAVAJO AGENCY:
  - a. (26) projects are still being constructed, pending, shortfalls or close to completion, and (25) projects are completed and ready for close-out.
  - b. Dennehotso Chapter - Multi-purpose/Senior Center is at 90% completion. All the exterior walls are finished and most of the landscaping are near completion. All the interior walls are up and the venting system are in order, the project should be completed by January, 2010.
  - c. Continue to provide technical assistance to Former Bennett Freeze Recovery and the chapters with projects re: problems with procedural steps, closing out of projects, meeting their goals, proposal submission, up-dating documents, completing scope of work, legal notices, project site visit and monitoring their projects.

## **C. COMMUNITY HOUSING AND INFRASTRUCTURE DEPARTMENT**

1. Continue monitoring CDBG, NAHASDA, BIA and other federally assisted projects
2. Project Status Report – (See attached Project Status Reports)
  - a. CDBG Projects
  - b. BIA/HIP Projects
  - c. Weatherization Projects
  - d. NAHASDA Projects

**D. SOLID WASTE MANAGEMENT PROGRAM**

1. Program personnel will continue to provide public education forums on proper solid waste management and recycling practices utilizing public presentations, brochures, flyers, posters, airwaves, work shops, and its website, promote viable operation and maintenance of solid waste disposal systems, assist chapters/communities with recommendations and technical support to plan, design, and implement solid waste develop community plans for their solid waste management programs. Additionally, Program personnel will continue to seek and request for external funding for its landfill and illegal dump site closures, as well as for viable alternative solid waste disposal options.
2. Program personnel will continue to interact with the Bureau of Indian Affairs, Indian Health Service, Navajo EPA, and other concerned federal, state, county, and tribal entities to coordinate their respective activities in resolving solid waste issues and concerns/problems on the Navajo Nation and its neighboring communities.
3. The Program's Cost Sharing Agreement was designed to promote local responsibility for chapters to develop and implement a Solid Waste Management Program for their general population to become familiar with proper solid waste disposal and recycling activities. The Program provides presentations to clarify the protocols required to enter a Cost Sharing Agreement.
4. Accordingly, the Program along with McKinley County, are assisting Baahaali and Chichiltah Chapters in opening their convenience center. Most of the required tasks have been completed with the exception of installation of the access gate. The county plans to install the gate in early January 2010. Once the gate is installed, Jackson Compaction, Inc., of Albuquerque, NM, will deliver and install the trash compactor. Soon thereafter, Chichiltah Chapter's PEP workers will demolish and construct a new caretakers building and the facility will be receiving solid waste materials for proper disposal. The Program will continue to seek and assist chapters to develop and implement their own proper solid waste disposal and recycling activities.

**IV. OUTSTANDING PROGRAM ISSUES**

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**A. ADMINISTRATION**

1. New networking equipment (network switches, UPS, wireless access point, etc) is badly needed at chapters.
2. Training is needed for Google apps, videoconferencing, and e-government apps

**B. COMMUNITY HOUSING & INFRASTRUCTURE DEPARTMENT**

1. For FY'2007 CDBG/NAHASDA Bathroom Additions projects, the delay in starting the construction is NHA-GMD requesting for 100 year Flood Plain Assessment under the environmental review. Once resolved, the construction can begin in the next quarter. Still no response to our request for time extension from NHA.
2. Conduct home assessments and re-survey certain home assessments for the NAHASDA/NHA and ICDBG projects
3. All NM Projects were placed on Freeze Status. Personnel were laid off as of October 30, 2009.
4. Processing payment on NM State funded projects without deliverables is an issue that needs to be address. This is contrary to payments based on progress.
5. Need to develop a policy to address the subject of Successorship for houses that are constructed, renovated, weatherized, repairs, etc. to be used when the original homeowner ceases to be the principal homeowner. A revised policy is needed that is relevant to the Housing Program. A meeting needs to take place to address this.
6. Close out reports for NAHASDA FY'98 is pending; FY'99 is in draft form; and FY'00 is also pending. NHA will request to the Auditor's to conduct an audit on the FY'01/02/03 NAHASDA projects for close out. A meeting took place to accept the NN A-133 as the official audit for NHA.
7. HIP does not have the planning funds to do NEPA requirements for the regular FY'2009 and ARRA applicants.

8. NWAP is challenged with very slow client application intakes not only for APS but for ARRA and DOE as well. For the ARRA client application intake, only (3) were submitted with APS utility statements out of (312). For the Annual DOE, nothing has been submitted.
9. It is taking a lot of time for Senior Carpenters to conduct assessments on homes. They will be attending the Energy Conservation Boot Camp on January 11-15, 2010 in Phoenix, AZ.
10. NWAP daily activity logs are incomplete and staff needs to conduct follow-ups on program activities.

**C. LOCAL GOVERNANCE SUPPORT CENTER CHINLE AGENCY**

1. One Chinle Agency Chapters awaiting CLUP Certification. Tsale/Wheatfields Chapter has reactivated it's CLUP Committee. Chinle Agency LGSC Office has scheduled an orientation for the new CLUP Committee members.
2. Sixteen (16) Chinle Agency Chapter remain non-certified Chapters: Low Mountain Chapter's FMS Manual was submitted to the Office of the Auditor General. Tselani/Cottonwood, and Blue Gap Chapters have completed final review and are in the Public Hearing Phase.

**D. SOLID WASTE MANAGEMENT PROGRAM**

- A. The Program received three referrals from DPM for its vacant Environmental Specialist position. The three applicants were interviewed on December 2<sup>nd</sup>, 2009. Base on the interviews conducted and contacts with previous supervisors, the Program recommended to DPM to have Mr. Wilson Laughter fill this position. Mr. Laughter first date of employment will be on Monday, December 21, 2009. The Program will advertise its vacant Principle Engineering Technician's position through DPM this or next month and have the position filled by end of January or early February 2010.

**V. PROBLEMS/RECOMMENDATIONS**

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**A. CAPITAL IMPROVEMENT OFFICE**

1. ARCHAEOLOGY:
  - a. Need additional information for the NNCIO web site for project information.
  - b. Need one digital projector
2. CHINLE AGENCY:
  - a. Need tribal vehicle for travel to work site.
3. EASTERN NAVAJO AGENCY:
  - a. Need full time office assistant to implement all projects into the WIND system.
  - b. Office has been closed due to no heat in the building.
  - c. Project Authorization and Lead Agency needs to carry out the full responsibilities of starting and closing out of the projects.
  - d. Need to take training courses for project management.
  - e. Need better equipments such as copier, fax and scanner.
  - f. Office has been requesting for internet service for the last couple years.
4. FORT DEFIANCE AGENCY:
  - a. Relocation to new office space.
5. NORTHERN NAVAJO AGENCY:
  - a. Need better equipments and vehicle
  - b. Need internet service
6. WESTERN NAVAJO AGENCY:
  - a. Reassignment to CIO central which puts an impact on field work, e.g., monitoring and local project updating with the ongoing projects, with that barrier there is not much reporting on the quarterly, monthly reporting.

**B. COMMUNITY HOUSING AND INFRASTRUCTURE DEPARTMENT**

1. Navajo Office of the Controller (Contract Accounting) not responding to federal requirements on financial reporting, close outs, audits and other requests for U.S. Department of Housing and Urban Development. The Financial Status Report (Form 272) is due 15 days after quarter ending, but is always late.  
*Recommendation:*  
*Develop a Quarterly meeting with Office of Controller to remind them of due dates and what needs to be addressed.*  
**(Completed)**

2. Programs with obtaining consent for Rights of Ways on Indian Allotment. There are five projects within the Eastern Navajo Agency pending ROW. BIA Realty is mandating that appraisals be conducted and disclose the market value to the landowner for consideration.

*Recommendation:*

*Continue to meet with BLA Realty in addressing this manner. If this is not resolved by January 31, 2008, we will have no choice but to recapture the funds and use for other eligible activity. (Not Resolved)*

*The CDBG Staff attended the BLA Realty Conference to get a better understanding of the process for Lease and Right-of-Way on Indian Allotments on March 06-07, 2006.*

*Met with Larry Rogers to get an update on the issue. He will assist in expediting the ROW process for Torreon and Counselor Powerline Extension projects.*

*CDBG met with Jemez Electric to get an update on the issue. They will assist in expediting the ROW process for Torreon and Counselor Powerline Extension projects.*

*Met with Torreon Chapter, Counselor Chapter, CIO, BLA and Eastern Navajo Land Commission and developed an Action Schedule Plan to follow. Follow-up meetings will be scheduled on a monthly basis to monitor the progress. The two communities have completed the housewiring and currently conducting archeological survey. The next scheduled meeting is set for March 31, 2008.*

*A meeting was conducted with Torreon Chapter, Counselor Chapter, CIO, BLA and Eastern Navajo Land Commission on May 21, 2008 to review the project's progress. Recommendation is to have one more meeting and if progress is not resolved regarding the right-of-way, funds will be reprogrammed for other eligible activities.*

*The Counselor project was deleted and CDBG will only proceed with the Torreon project. The Subgrant Agreement was developed for approval but delayed due to New Mexico funds.*

*The Counselor Powerline Extension project was recommended to be funded under the ICDBG ARRA funds but was denied. Alternative funds are being considered by the CDBG staff.*

3. Need to have the Eligibility Technicians do more of conducting field outreach to increase the number of applicants for FY'2011.
4. Recommendations: CHID is working on the Internal Housing Policy & Procedure and the updates.
5. Request for funding from the NN General Funds to be utilized for matching and leveraging of funds and just to have it readily available when other funding sources inquire about it on our part for future projects.
6. There is lack of communication and coordination within the Navajo Weatherization Assistance Program.

#### **C. LOCAL GOVERNANCE SUPPORT CENTER – EASTERN NAVAJO AGENCY**

1. LGSC program lacking office space and causing some disruption to LGSC providing technical services to chapters.
2. Mass of building projects held up at NNDES for so called AIA procurement process. Which is understandable but had delayed many projects and currently at risk of losing some funds.
3. The ENA Council created an ENA Agency Task Force primarily to seek positive outcome on the frozen NM Capital outlay funds. Instead, I come to realize they were together to critique the LGSC in particular; as it was reported by Mr. Ervin Chavez, President, Nageezi Chapter at the ENAC Meeting on 12/5/09. I feel they are rehashing the positive negotiations set forth by the DCD/CIO. The problem encountered is they are getting stipends regardless they lack plan of operations, authority, and direction.
4. The Torreon Chapter suffered some serious internal damages to their Chapter House. It was set on fire on morning of December 19<sup>th</sup>. The structure fire caused the Administration to be relocated. The investigation is continuing.
5. According to sources from NM, of the \$11,839,546.00 appropriation project sponsors expended only \$2,555,169.40 and had \$3,299,101.16 on a 3<sup>rd</sup> party contract or expended. Only \$244,051.40 through the exception – those exception forms were submitted by the Chapters. And \$8,113,598.76 of Capital Outlay money is on the voidable list. The periodic meetings between the I.A.D., Navajo Nation and the recently established ENA Task Force have not been very positive. However, it is clear that the bureaucracy in Window Rock is a major problem.

#### **D. RURAL ADDRESSING**

1. Since the transition we have encountered some problems, however with the assistance and support from the DCD, DOJ and Dept of Personnel our staffs are finally making an effort on team work.

#### **E. SOLID WASTE MANAGEMENT PROGRAM**

1. The Program purchased its GPS unit and its accompanying software and a license for its GIS ArcView software a number of years ago to import collected data from its GPS unit to produce individual and collective landfills and/or illegal dump sites for a given locality. The purchased and older versions of the GPS's Pathfinder Office and GIS's ArcView software are not compatible with Windows' XP or Vista operating systems and can not be updated like other applications, and therefore the software needs to be replaced with

software compatible with the Windows' Vista operating system to enable the Program to download and produce maps depicting un-permitted landfills and illegal dump sites.

The Program recommends it purchases a new GPS unit and accompanying software. The Program recently had its application for an ArcEditor with four licenses approved. These licenses will be issued to the Sr. Environmental Specialist (1), Environmental Specialist (1), and the Principal Engineering Technician (2) as these individuals will be required to edit or approve the collected data and maps.

2. The Program's assigned 4x4 1/2-ton extended cab pickup truck was vandalized the evening or night of November 23, 2009. The Program has only one operable vehicle to utilize for its public education program and field assessments and investigations. The vehicle has yet to be completely repaired. The Program recommends to have this vehicle replaced with a newer 4x4 model.

3. The Program's fiscal obligations to cover the operations and maintenance cost for the Joint Powers Agreement with Coconino County, AZ, and San Juan County, NM, continues to significantly impact the Program's ability to plan, design, and close landfills and illegal dump sites Navajo Nation wide.

The Navajo Nation's Solid Waste Regulations, Part IV – Standards for Solid Waste Landfill Facilities, Section 401 - Scope and Effective Date, Paragraph A. Scope and Effective Date mandates that landfills that received solid waste materials on or after October 9, 1993, must comply with these regulations, however, the regulations do not apply to landfills that have stopped receiving solid waste materials before October 9, 1991. The regulations also stipulates that landfills that received solid waste materials after October 9, 1991, but stopped receiving solid waste materials before October 9, 1993, are exempt from all the requirements of these regulations except the final cover requirements as specified in Section 406. The final cover requirements must have been installed within six months of the last receipt of solid waste materials and the cover must be maintained pursuant to the criteria existing at the time of closure. Otherwise, failure to complete cover installation within the six month period are subjective to all the requirements of these regulations, including closure, ground water monitoring, financial assurances and post closure care. Paragraph B. Delay of the Effective Date and Exemption for Small Solid Waste Existing Landfills also stipulates that the effective date of the regulations for small existing landfills and permit requirements have been extended until October 9, 2005.

Inasmuch, the Program has been successfully addressing landfills and illegal dump site closure projects with external funding, however, these funding sources are no longer viable to address these projects. Additionally, the Division's given fiscal yearly baseline budget amounts are insufficient to adequately address the combine amounts of the JPA and landfill and illegal dump site closure projects the Program is tasked to perform within the same fiscal year(s). With the effective date in FY05's 1<sup>st</sup> Quarter, and the Program's continued inadequate yearly fiscal funding and scarce external funds, the Program will continue to be unable to meet the regulations' compliance or mandated effective date.

To effectively address and comply with the Navajo Nation's SW Regulations, the Program needs to have its funding increased for its landfills and clean closure projects and create a no year budget account for the Program's 6500 Contractual Services sub-account as landfills and clean closure projects requires 1½ to 2 years to complete. To facilitate the increase funding for its landfills and clean closure projects, the Division and Program need to explore a different funding mechanism to fund the JPAs with Coconino County, AZ, and San Juan County, NM.

**VI. BUDGET INFORMATION**

<b>Account</b>	<b>Program Name</b>	<b>Original Budget</b>	<b>Revised</b>	<b>Actual</b>	<b>Encumbrances</b>	<b>Available</b>	<b>% Expend</b>
108001	DCD Administration	1,175,584.00	1,226,214.63	222,979.45	66,061.00	937,174.18	23.57%
108002	Design & Engineering Svcs	1,241,578.00	1,326,207.34	205,750.35	98,343.76	1,022,113.23	22.93%
108003	Solid Waste Mgmt Prog	1,215,562.00	1,215,562.00	904,895.08	0.00	310,666.92	74.44%
108004	Com Hsg & Infrastructure Dept	567,857.00	568,043.00	76,187.13	10,695.76	481,160.11	15.30%
108006	Capital Improvement	780,822.00	790,710.50	150,497.76	832.43	639,380.31	19.14%
108009	LGSC Eastern	356,691.00	356,691.00	75,661.74	0.00	281,029.26	21.21%
108010	LGSC Fort Defiance	329,170.00	329,170.00	72,974.87	0.00	256,195.13	22.17%
108011	LGSC Shiprock	293,780.00	293,780.00	55,324.47	363.85	238,091.68	18.96%
108012	LGSC Western	337,294.00	337,294.00	61,521.59	0.00	275,772.41	18.24%
108013	LGSC Chinle	287,828.00	287,828.00	44,848.35	0.00	242,979.65	15.58%
<b>Grand Total:</b>		<b>\$6,586,166.00</b>	<b>\$6,731,500.47</b>	<b>\$1,870,640.79</b>	<b>\$176,296.80</b>	<b>\$4,684,562.88</b>	<b>30.41%</b>

DIVISION OF  
ECONOMIC DEVELOPMENT



ALLAN BEGAY  
EXECUTIVE DIRECTOR

FY 2010 - 1ST QUARTERLY REPORT

The Navajo Nation  
**DIVISION OF ECONOMIC DEVELOPMENT**  
 First Quarterly Report – FY 2010  
 (October, November, December, 2009)

**PROGRAM INFORMATION**

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 Telephone No.: 928-871-6547  
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Departments:

Support Services	Raymond Nopah, Chief Financial Officer
Business Regulatory	Frank D. Nez, Department Director
Project Development	Anthony Perry, Department Manager
Real Estate Department	Henry Saltclah, Department Director
Tourism Department	Thomas Boyd, Department Manager
Small Business Development	Wilson Gilmore, Department Manage
Aneth RBDO	Margaret Dee, Program Manager I
Chinle RBDO	Arthur Hubbard, Program Manager II
Eastern RBDO	Albert Lee, Program Manager
Ft. Defiance RBDO	Libby Valteau, Program Manager II
Shiprock RBDO	Randolph L. Sells, Program Manage II
Western RBDO	Tincer R. Nez, Sr., Program Manager II
Whippoorwill RBDO	Anthony Little, Program Manager I

**II. BUDGET/PERFORMANCE INFORMATION**

Office	Funding Source	# of Personnel	# of Vehicle(s)	FY2009 Personnel	% Used	FY2009	%
						Operating	Used
Administration	General	4	1	250,485	17%	81,245	36%
Business Regulatory	General	8	1	494,129	17%	59,284	74%
Project Development	General	7	1	539,982	17%	225,573	38%
RBDO-Chinle	General	4	1	229,068	17%	77,340	12%
RBDO-Eastern	General	4	1	241,608	17%	24,895	23%
RBDO-Aneth	General	4	1	202,621	18%	99,386	12%
RBDO-Whippoorwill	General	4	1	213,451	18%	81,863	34%
RBDO-Shiprock	General	5	1	309,375	17%	129,980	21%
RBDO-Tuba City	General	3	1	361,812	18%	70,428	68%
RBDO-Ft. Defiance	General	4	1	297,235	15%	155,053	27%
Support Services	General	6	1	468,166	17%	128,106	33%
Small Business	General	2	1	126,219	17%	136,970	38%

Development							
Navajo Real Estate	General	9	2	461,614	17%	134,295	46%
Tourism Development	Fiduciary	4	1	476,949	17%	701,051	13%
	Total	68	15	4,672,714	17%	2,105,469	34%

A. Program Performance Results (Budget Form 2) – *SEE ATTACHMENT “A”*

### III. ACCOMPLISHMENTS

#### ADMINISTRATION DEPARTMENT:

The administrative oversight of the Division indicates that no substantive changes have taken place relative to major budget and program activities. Because the Department budgets are inadequate in terms of technical services to develop projects, project development is very slow. The Division is beginning to generate external financing for projects, which proposes to use the funding for both technical services, other planning such as architect and engineering, and construction for those projects that the Division serves as developer. Heretofore, Division staff relied substantially on the Business and Industrial Development Fund (BIDF) for project development. As the BIDF is audited, greater reliance on external funding is beginning. To this end, a five year capital plan is being developed, that basically follows the A B C listing that has been used to track projects within the Division. To this end, a sole source contract is being processed to engage a consultant with expertise and allocated new market tax credits in hand, to develop projects that have been reported in the past, but which have not been developed because of lack of financing.

The external financing sources are bonds, new market tax credits, and grants either through ARRA or with Federal and Navajo Nation programs besides the ARRA. ARRA offers predominantly loans, loan guarantees, bond financing. ARRA de-emphasizes grants.

Proposals have been submitted to the ARRA for project funding. No response has been received yet on any of the proposals.

Given the budgetary constraints that the Navajo Nation is experiencing, the Division’s budget crunches continue relatively unabated.

The BIDF audit is finalized. This audit derives basically from the BCDS audit. The BIDF audit does not include the use of the BIDF since 1987, when the program was created. Instead, the audit entails project development from 2003 onward. The Division feels that this audit should include all BIDF activities since 1987. The Division, primarily through the CFO office, developed new policies and procedures for microloans, business loans, and investments. These policies are being proposed for oversight committee approval within the next quarter.

The BCDS Corrective Action Plan (CAP) is difficult to follow, because Dine’ Development Corporation (DDC) has not made an effort to be responsible and accountable for BCDS, a subsidiary.

Additionally, because the Navajo DOJ does not have definitive expertise in corporate law, the issues with BCDS have not been addressed, including the disposition of the former BCDS CEO, debts and an IRS tax lien. An attempt to engage a corporate attorney is still on hold, pending the identification of funds to hire this non-Navajo Nation attorney.

Specific information on each Division Department follows. There are several initiatives that deserve mention herein. These include Chuska Development proposed ALCO stores in at least three primary and secondary growth centers on the Navajo Nation. The first three communities are Tuba City, Chinle, and Kayenta. Chuska Development lists four other sites, which are Pinon, Fort Defiance, Crownpoint and Pinon. These are proposed sites. The first of the three primary sites is scheduled for full development in June, 2010. ALCO stores are smaller versions of big box discount stores.

Detailed reports follow this summary with each Division’s department.

## **SUPPORT SERVICES DEPARTMENT**

- A. Investments: Direct investment approved for the Sawmill Commercial Center in the amount of \$200,000.
- B. Loan: No Commercial, Industrial and Tourism Development (CID), Small Business loans disbursed this Quarter. Disbursed two (2) Micro-Enterprise loans.
- C. Escrow: \$950,000 in escrow deposits for 04 projects.
- D. Reports: Five-Year Capital Development Plan, Presented to the Economic Development Committee, November 23-24, 2009.
- E. Training: Loan Packaging Training, JJ Clacs Consultants. October 13, 2009.
- F. Loan Review and Analysis:
1. To'Hajilee International Milk Enterprise (CITD Loan)
  2. Navajo Safety Products (CITD Investment)
  3. Dine Towing, Inc. (MELP)
  4. Southwest Runners, LLC (MELP)
- G. Information Technology: Technical assistance to 14 DED offices. Continue to research and develop a draft Division Private Network Plan. Working with other network technicians to complete a draft proposal to purchase equipment for network upgrade and improvement.
- H. Quarterly Preventative Maintenance:
1. Inspection: Replacement of air filters, water filters, V-belts, adjustments, alignment, leveling with the pulleys, soap test all gas component and connections, adding Anti-bacteria solutions, cleaning heating chambers and general check for proper operation of each units –electrical, drainage, canisters, reprogram settings of all surveillance cameras, check exterior main unit for Freon leaks, direct drive motor and check the proper operation of unit and room thermostat.  
  
There are other components and fixtures that are monitor and inspected daily, such as: Water heater, circulating pump, faucets, drainages, valves, thermostat, and electrical components/connections and making sure they are operative condition.
  2. General Maintenance: Cleaning the grounds of over growth weeds, cut, trim and prune the grass, trees and scrubs, and minor maintenance & repairs. Work performed were; Replace washers on some leaking faucets, install jumbo roll toilet tissue dispensers, replace bulbs on streetlights, exterior and interior light fixtures, perform supplies and equipment inventories on janitorial, electrical, grounds maintenance and office supplies, restock Xerox papers, clean and shovel snow off sidewalks, walkways and parking lots. Generally assist DED staffs with whatever works they need assistance with and to make available for any other work that may arise. There are several works that are pending, which will be address as soon as the needed parts and supplies come in.
  3. Other Maintenance: Damper motors, Fire Alarm, Smoke Detectors and Fire Sprinkler Systems: Due to insufficient funds we have not replaced the 44 damper motors for the HVACs. However, we had SimplexGrinnell from Albuquerque came out to reset, inspect and rewire some smoke detectors that were in troubled mode, especially the one in the HVAC ducts. They came out to troubleshoot some smoke detectors that were continually going off and staying in trouble mode and not resetting accordingly. They had to rerun new wires from the HVAC units to the inline smoke detectors inside the HVAC ducts. They reset and reprogrammed the Fire Alarm.  
  
Fire Sprinkler Systems is also inspected in conjunction with the Fire Extinguishers. It is tested by activating the fire alarm and flushing the systems out and retagged afterward. For FY2010, funding needs to be allocated into the budget to purchase all or half of the damper controls components. Damper motors are very sensitive and can malfunction due to power surges (power outages), wear and tear.

## **PROJECT DEVELOPMENT DEPARTMENT**

- A. The Department met with Thompson's Store, Inc., on the 'to do' list for their business site lease package for approval by the Navajo Nation for a lot within the **Church Rock Industrial Park**.
- The Department responded to EDA on their comments and review on the plans and specifications of the bid documents for the construction of the manufacturing and incubator facility. Awaiting EDA's approval to advertise for bid in mid January.
- The Driveway Permit was approved for the manufacturing and incubator facilities by NM DOT District Office.
- The Department prepared and submitted a quarterly report to the New Mexico Indian Affairs Capital Outlay Section on the Capital Outlay Grant. Copies of this report were sent to the Capital Improvement (CIP) Office and the CIP office in Crownpoint, NM.
- The Tribal Infrastructure Fund grant application submitted to the New Mexico Indian Affairs was not supported by the Vice President of the Navajo Nation, thus not considered by the State of New Mexico. The application was for \$2.0 million to construct the manufacture and incubator facilities.
- Staff provided assistance to Continental Divide Electric Cooperative and to the Division Community Development's Community Housing and Infrastructure Development.
- The Funding Applications proposal was made to Investment Committee for \$7 million for **Rubber Gloves manufacturing** working capital, equipment and construction of facility along with construction of the Business Incubator and Training Center.
- B. The Design Data Solutions received support from a major supplier and will begin renovations to the **Fort Defiance Industrial Park** building in January 2010. The Department prepared a Business Site Lease for lease negotiations with Design Data Solutions.
- Lease negotiations with the Navajo Arts and Crafts (NACE) are completed. However, NACE has not received all five (5) procurement clearances needed for the SAS package as indicated in the most recent amendments of the Business Site Leasing regulations. The Department continues to work with NACE staff correcting NACE's payments to obtain the necessary procurement clearances.
- Staff participated in conference calls with Navajo Transit and their funding agencies for the development of their offices within the Fort Defiance Industrial Park.
- C. The Department assisted the Dennehotso Development Group in their November work session on infrastructure, community and economic development projects. A site visit and walk thru was made at the **Dennehotso Yazzie Acres Industrial Park** in November.
- Met with NAPI Staff with NOVA Corporation on Site Selection for a Lot within the NAPI Industrial Park. This prospect was not received in high regard by the CEO but eventually NAPI was supportive of the project by NOVA Corporation. NAPI follow-up with a letter stating their support by the Department needed to obtain their Board of Director's approval.
- The Department ordered Archaeological Survey and Report from Navajo Archaeology Department for NOVA Business Site Lease within the NAPI Industrial Park.
- The Department also ordered Survey Plat and Legal Description from Red Valley Survey for NOVA Business Site Lease within the NAPI Industrial Park.
- The Department will order Environmental Review Report and Summary from JR Analla EA Services for NOVA Business Site Lease within the NAPI Industrial Park.
- D. No response was made from the Navajo Nation's President's Office or the Pueblo of Zuni on the negotiations of the land division of the former **Fort Wingate Land Transfer Project (Army Depot)**.

Assisted the Navajo Nation MOU Team in the participation of the November BCT meeting with Army Corps of Engineers.

The Department provided three (3) work plan reports for the Fort Wingate MOU Team staff for the comments for clean-up at the former Fort Wingate Army Depot.

- E. The Department continues to provide **technical assistance** to inquiries by phone, email and personal visits regarding marketing and public relations. Four (4) inquiries were made and assisted with information and answered questions and site visits. The companies were: Indian Health Service, Fort Defiance Service Unit, (New Lands Building, Sanders, AZ); George Murphy, Solar Manufacturing, (New Lands Building, Sanders, AZ); Timer Creek Homes, Investment Opportunity referred to Investment Committee; SciBlue, Investment Opportunity referred to Investment Committee.

A Business Site Lease was prepared for lease negotiations with Navajo Nation Gaming Enterprise for Class II Gaming facility in the Tse Daa K'aa Chapter.

The Department assisted the following entities in this quarter: Attend Cabinets Southwest, Inc., Board of Directors meetings representing the Navajo Nation; Assisted Raytheon on a TV news story celebrating their 20 year anniversary and success as a tenant in the NAPI Industrial Park; assisted the Navajo Nation MOU Team in the participation of the November BCT meeting with Army Corps of Engineers; Provided three (3) work plan report for Fort Wingate MOU Team staff for the comments for the clean-up at the former Fort Wingate Army Depot; Assistance to Continental Divide Cooperative and provide assistance to the Division Department; Assisted the Dennehotso Development Group in their November work session on infrastructure, community and economic development projects; serve as the NM Rural Alliance Board of Directors as Secretary; and Participated in Conference Calls with Navajo Transit and their funding agencies for the development of their efforts in the Fort Defiance Industrial Park.

- F. The Department prepared and submitted a quarterly report to the **Economic Development Administration** on the **Public Work Grants** on July 15, 2009.

- G. This quarter focused on addressing the critical issues to finalize a housing development agreement with Navajo Partnership for Housing to implement Phase III development of **Karigan Estates**. Legal issues concerning the agreement still are unresolved, the Department has contributed many hours, meetings, etc., and a final agreement is still pending. Navajo Housing Authority is also initial stages to completely review the development agreement for townhouse development at Karigan Estates. The Department continues to work with both Navajo Partnership for Housing and Navajo Housing Authority to develop the needed housing for Navajo families.

Karigan Property Owners Association's contract with Homeward Bound Management, Inc. terminated on October 30, 2009. The company, however, will perform final audit reports and file taxes accordingly next year. All records of the Association will be returned to the Department after taxes are filed. The plan to have the Karigan Homeowners develop their own association is still pending. There is lack of participation from the homeowners, however, with only one participant taking the lead to organize, it is difficult to address all areas to structure and implement a new organization. It is anticipated that in the upcoming new year more definite plans and progress will be implemented for development.

- H. The Department is assisting Navajo Area Indian Health Services in providing the technical assistance to possibly complete a full scale land withdrawal of 64 acres of trust land at **Kayenta, Arizona** for the upcoming **new hospital**. With the completion and approval of the land, either a business site lease or other type of agreement will be finalized between the Navajo Nation and Navajo Area Indian Health Services. All agreements are pending consultation with Indian Health Services legal counsel.

- I. Staff has participated to develop amendments to the **Navajo Nation Procurement Code**. Meetings and recommendations were provided to Navajo Nation Department of Justice and the working group to address areas of the Code that relate to procurement and especially construction. The Department is involved in many areas of construction for our commercial and industrial projects. Amending this important code and a subsequent legislation for Navajo Nation Council approval is ongoing.

- J. The planning process for the ***Ganado Shopping Center*** is complete: land withdrawal process, and infrastructure site assessment. The Department completed a grant application to the Department of Commerce, Economic Development Administration for the amount of \$5.3 million. The grant includes funding for architectural and engineering services and for construction of a 30,000 square foot building.
- K. The Department retained EHS, Ltd., of Flagstaff, Arizona to provide an ***Infrastructure Site Assessment on 6 Navajo communities***. The 6 sites are business sites that require an assessment on infrastructure capacity for the development of a convenience store, laundromat and other businesses.
- L. The Department coordinated and prepared a “Development Agreement” with ***Navajo Partnership for Housing (NPH)*** to design, construct and market an additional 25 housing units within the ***Karigan Estates*** subdivision.
- M. The Department coordinated and prepared a “Development Agreement” with ***Navajo Housing Authority (NHA)*** to design, construct and market 23 townhouse units within the ***Karigan Estates*** subdivision.
- N. Continued to coordinate the sale of the defunct Particle Board Plant at the former ***NFPI***.
- O. The Department is continuing to prepare application for potential ***ARRA*** funding from different federal agencies and services.
- P. Modified the ***NahataDziil Shopping Center Phase I*** Infrastructure construction contract to accommodate the redesign of the wastewater treatment plan. The new location avoided a parcel of land previously identified as privately owned. The Bureau of Land Management determined that the parcel is Navajo owned and they are correcting the error in the legal description and survey. Modifications to the construction contract and the agreement with the Engineer extending the completion date to March 31, 2010 are pending. The manufacturing plant is fabricating the equipment for the wastewater treatment plant.
- Q. The AXIA Real Estate Appraisers completed the Appraisal Report for the Shopping Center and final payment was issued.
- R. The Department met with prospects as potential anchor tenants for the Shopping Center. Both parties request leasing information, rental rate, demographics, sales projections, etc., which area being provided. The Navajo Nation would have the facility constructed and the tenant would provide the equipment, fixtures and inventory. The NahataDziil Commission Governance met with one of the prospects.
- S. The Department staff participated in the October 22 meeting concerning business site leasing. The Division staff was to provide written comments to be compiled by the Department; however, only one written comment was received.
- T. The Division Review Team for Business Site Leasing met with the NahataDziil Commission Governance concerning their BSL Plan. Comments and recommendations were provided to the NCG and the next meeting is scheduled for January 14, 2010.
- U. The Department was presented in meeting with the BIA Southwest Region regarding ARRA funding requirements.

#### **BUSINESS REGULATORY DEPARTMENT**

- A. Business Regulatory Department will finalize and submit the Navajo Business Opportunity Act Rules & Regulations to the Economic Development Committee for approval. The Navajo Business Opportunity Act is going through the SAS process and will be presented to the Economic Development Committee during their regular meetings.
- B. A New Version of the Professional Services Contract was distributed to various departments from the Department of Justice. The new version may be generally used for all contracts, But Not for the following: Construction Contracts, Architectural or Engineering Services, Land Surveyors, and Public Works Projects.

- C. Business Regulatory Dept. with the Navajo Nation Department of Justice will continue to amend the Navajo Corporation Code to reflect present day conditions and practices relative to the legalities and filing apparatus of the Navajo Nation. The Legislation included Limited Liabilities Companies, Limited Uniform Partnership Act and Limited Partnership Act.
- D. Business Regulatory Dept. is in the process of completing the forms for the LLC, LUPA and UPA Legislation. The Forms for the LLC are complete and a fee schedule will be drafted. Forms for the LUPA and UPA are still being developed. Dept. Of Justice review will be obtained upon completion. The Economic Development Committee has authority to approve this legislation.
- E. NN Weights & Measures conducted scale certifications for: Naschitti Livestock Association; Ramah Navajo Chapter Livestock Scale Certification; APS Four Corners SES Certification of Ramsey Weights Bin Reference Scale, coal belt pay scale; Navajo Generating Station large scales, coal belt conveyor scales certification; Kayenta Mines.
- F. Statistical Information; October, November, December - 2009
  - 1. No. of Bid Openings, Pre Bids, RFP, etc.: 91
  - 2. No. of Public Education Sessions on NBOA, etc.: 56
  - 3. No. of Certification/Re-certification: 46
  - 4. No. of SAS packets Reviewed/Cleared: 127/125
  - 5. Dollar Amt. of SAS Reviewed for 1st Quarter Fy'10: \$22,974,406.70
  - 6. No. of UCC Recorded: 09
  - 7. No. of UCC Terminations: 03
  - 8. No. of UCC Assignments: 0
  - 9. No. of UCC Continuations: 08
  - 10. No. of UCC Amendments: 0
  - 11. No. of UCC Search Request: 0
  - 12. No. of NCC Annual Report Filed: 50
  - 13. No. of New Corporations: 18
  - 14. No. of NCC Searches: 03
  - 15. No. of Certificate of G.S.: 05
  - 16. No. of Amendments to Articles: 04
  - 17. No. of Change of R.A.: 02
  - 18. No. of Voluntary to Dissolve: 0
  - 19. No. of Technical Assistance: 167
  - 20. No. of Meetings/Presentation/Workshop: 0
  - 21. No. of Measuring Devices Inspected/Certified: 96
    - Small/Large Scales: 68                      Conveyor Belt: 08
    - Livestock Scales: 03                      Weigh Bin Scales: 03
    - Fuel Dispensers: 28                      Platform Scales: 0
    - Out of Orders: 0                      Truck Scales: 0
    - Rejected: 12                      Follow up/Invest.: 0
    - Public Sessions/Presentations: 0
  - 22. BRD deposited \$1,859.00 into the General Fund during this period.

**NAVAJO TOURISM**

- A. Antelope Point Resort and Marina Project – during the fourth quarter there were 256 employees, of which 131 Navajo employees occupying construction jobs, marina operation activities, and management positions. The Antelope Point Holdings, LLC (developer/operator) has invested over \$40 million for construction and marina operations.
- B. There is a proposed 13,200 sq. ft. (10 each 24 ft. x 55 ft. units) steel dry boat storage facility in design and engineering stage at a cost of \$248,523.00.
- C. Estimated Fiscal Year 2010 first quarterly payments due to the Navajo Nation:

• Business Site Lease Rental Payment	\$75,000.00
• Navajo Nation Sales Tax	8,000.00
• Possessory Interest Tax	<u>2,321.00</u>
	\$85,321.00

- D. There were only 1,218 visitors/boaters visited the marina for boating this quarter. Entrance Fee Booth for the season closed for the season on October 19, 2009 and will reopen in April 2010.
- E. The construction of Sheep Springs Welcome Center project the building portion is 85% complete. Bureaucratic process stalled the arrangements for funding/budgets stalled the completion of the contract to implement the earthwork, paving of access road and parking areas, concrete curb and gutter, sidewalk, connection of water and sewer lines to existing system including bids to complete the remaining finish work.
- F. The transfer of 20 acre Utah state land to the Navajo Nation still pending at BIA Realty Office. The NN Land Department waiting to package an SAS Document to accept the land and withdraw the 20 acres parcel on behalf of the Navajo Nation for economic purposes. Upon the final completion of the land transfer the 20 acre tract will be advertised to procure an operation and maintenance as soon as possible.
- G. Indian Country, Region 1, New Mexico Tourism- The board has updated the design of the Indian Country brochure and an opportunity was provided on more information about the Navajo Nation. The new Navajo Scenic Road website is included amongst other updates and corrections.
- H. AOT Media Market Place- Attended trade show event in October targeted at travel Writers participating in a conference held in Scottsdale, AZ. We had a table with media kits (I created a media kit specifically for this event) and promotional materials that were given to writers encouraging them to visit the Navajo Nation.
- I. AZ Rocks Fall FAM Tour: Participated with Arizona Rocks Fall FAM tour with six travel writers. The Navajo Nation portion of the tour was October 21, 22 & 23. The tour operates on a co-op basis with Williams, Hopi & Page and is partially funded through an AOT grant.
- J. Navajo Tourism You Tube Videos: A series of short (2-3 min.) videos to present to prospective visitors is complete. The objective is present a closer experience and sense of enrichment to the viewer. In order to bridge the gap, to dismiss the stereotypes, and to shed some of the mystery, we will bring the Navajo people to the viewer. The first introductory video has been loaded onto the home page of the Discover Navajo website. We are utilizing You Tube since it does not require the user to download any software in order to view the video.
- K. Discover Navajo E-Newsletter: Worked with AZ Communications to publish Navajo Tourism's first Administrative E-Newsletter on December 1. It was sent to almost 4,000 email addresses, targeted to employees of the Navajo Nation, informing them of Navajo Tourism activities.
- L. A new Discover Navajo poster for promoting and marketing was unveiled on December 2, 2009. There was a Photo Contest. The contest officially went "live" on our website Wednesday, June 17, with rules, regulations, downloadable model release form. Over 450 contest entries were received from the Navajo Nation, the United States and nine foreign countries. A Discover Navajo Awards Ceremony and poster unveiling was held at the Quality Inn on Dec. 2, 2009. The winning image, taken by Lorena Bia of Shiprock, NM, is featured on 5,000 posters that are being given away to promote and market the Navajo Nation. Contest successfully brought many unique visitors to the Discover Navajo website. Over \$4,500 in prizes were collected to attract amateurs and professional photographers and media attention with press releases.
- M. Discover Navajo Web Site Analytics: The following chart demonstrates the unique (first time) visitors to the Navajo Tourism website.

	<u>Jan</u>	<u>Fe</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>
2006	5391	5559	6637	6387	5858	5163	4967	5272	6004	6704	6284	4393
2007	5842	5976	6928	7393	7858	7566	6968	7566	8778	8975	9092	5675

2008 8100 7330 5388 7333 7289 7339 7765 7030 7931 7036 6618 5171  
 2009 6399 680 7833 7648 9484 9909 9427 9315 11,377 15,920 12,670 6038(partial)

Efforts demonstrate a clear increase in website traffic this summer compared to past summers since 2006. The increase can be attributed to the e-newsletters and the photo contest. Sept. through November numbers represent an even larger percentage increase: Sept.-43%, Oct.-126%, Nov.-91%, which I believe are almost totally attributable to the photo contest.

N. New Event: Working with Lindsay Mapes of Gallup, NM, an experienced bicyclist and event planner, to develop a Navajo Bicycle Tour. This will involve various departments and communities to develop a successful tour that will grow into an annual event to benefit the Navajo Nation.

O. Scenic Byway Projects: Priority One:

Project Title	Amount		Status	Completion Date
1. Dinetah Corridor Management Plan (CMP)	\$123,500	CMP Document printed	100% Completed	March 23, 2009
2.Dinetah Resource Protection	\$80,000	Document printed	100% Completed	June. 2009
3.Dinetah Interpretive Plan	\$130,000	Document printed	100% Completed	June. 2009
4.NN Scenic Byway Program	\$110,000	All documents in draft and waiting for approval	80%	Dec. 2009
5.NN Website	\$110,000	Website on line at Navajo nationscenicbyway.com	100% Completed	Dec. 2009
6.Dinetah (Lupton) Gateway Center	\$50,00	JPG pending (Jack Anderson) I	25%	TBA
7.Explore Naat'tsis'aaan Interpretive Program	\$247,1000	JPA pending (Shonto Eco. Dev. Corp) Progress have been with the IGA	50%	TBA
8.Antelope Canyon Naat'tsisann Interpretive Program	\$80,000.	After the issues regarding right-a-way and installation issues are completed we can close the project.	95%	Dec. 2009
9.Naatitsisaan CMP	\$80,000.	Conducting research and data collection. Two public hearings completed	80%	TBA
10.Tse'nikani CMP	\$80,000.	Conducting research and data collection. Two public hearings completed	80%	TBA
11.Dinetah Marketing Plan	\$86,000	Project completed. Navajo will need to address the installations of the kiosks	100% Completed	June 2009
12.Kayenta/MV Marketing Plan	\$193,900.	Travel planner & media kit in print.	95%	Dec, 2009
13.Kayenta/MV Interpretive Plan	\$236,200	The last phase which the installation of the signs and kiosks is needed. IGA is about ready for signature between ADOT and MEDA	90%	Jan 2010
14. Dinetah 2008 Facility Development grant award	\$526,250	This project needs to begin the JPI process and identify and secure the matching funds. NDOT would need to work on this projects	5%	Dec. 2010

P. Priority Two: Community Base Tourism Development Western Region Tourism Development Project Partners.  
 1. The Western Region Tourism Planning Team had four meetings to implement the Community Based Tourism Development Workshop recommendations and projects. The group has submitted a grant to AOT

to funds an Itinerary for a Tour of attractions and special events in the western region, including Hopi. We are still waiting for the result.

2. The Planning Team has several new partners, who will be helping with marketing and developing the tour itinerary.
3. The Group has a new name North Arizona Cultural Tourism Collaboration. Our partner Institute of Culture Tourism is hosting the NACTC Strategic Plan in Sedona on June 23 and 24, 2008

Q. Priority Three: Accomplishments:

- a. Submitted 2009 FHWA Application for National Designation for Dine'tah Scenic Road and Kayenta/Monument Valley Scenic Road as part of the Four Corners Trail of the Ancients Archeological Road. The New Mexico, Arizona and Navajo application for National Archeological Road designation was not approved.
- b. Submitted two 2009 FHWA Project Grant for:
- c. Navajo Nation-Wide Interpretive Plan for \$265,200.
- d. Navajo Nation-Wide Resource Protection Plan for \$350,000
- e. Assist Department of Fish & Wildlife with Access to Recreation for \$171,520.

R. 2009 Navajo Nation Visitation Statistics: (SEE ATTACHMENT "B")

**REAL ESTATE DEPARTMENT (RED)**

A. Business Site Lease Transaction

	Aneth	Chinle	Eastern	FD	SR	Western	Whippoorwill
New BSL				1-Native Brdcast #24	1-CJR Propert #32 2-Lit Water Exp#26		
Lease Modification							Rocky Ridge Store 1-CH-93-93 2-TC-93-132
Revocable Use Permit							
Emergency Operating Agreement				1-NAC-Whse 2-M Haskan Dilcon			
Termination							
Other: EA, Land w/Drawal, BIA					1-Tse'Daz 'Kann (Hogback) 2-NN G&Oil, NM		
	0	0	0	3	4	0	2

B. Accounting Section

1. Collected fee

	Aneth	Chinle	Eastern	FD	SR	Western	Whippoorwill
New Lease Application Fee	-	-	-	-	300.00	-	-
Lease Modification	-	-	-	-	-	100.00	-
Revocable Use Permits	-	-	-	-	-	-	-

Emergency Operating Permit	-	-	-	75.00	75.00	-	-
Rental/Lease Payments	-	-	-	100.00	392.08	-	-
Insurance/Cash Bond	-	-	-	-	-	-	-
Sub Total	-	-	-	175.00	392.08	100.00	-
<b>Grand Total:</b>							<b>1,042.08</b>

2. Collected from CJR Shiprock Laundry, Samuel Woods, Junction Enterprises, NAC, Red Mesa TP, Irvin Tyler, Samuel Woods, Shan diin Inc. & Little Water Express.

**C. Archaeologist/Environmental Section**

1. Reviewed business leases for archaeological compliance, will always be ON-GOING.
2. Collaborating with Ms. LaTonia Becenti, Attorney, NN-DOJ, to initiate and finalize an “Inter-governmental Agreement” with the Historic Preservation Dept. outlining RED Archaeologist duties and responsibilities and Mr. Maldondo’s duties and responsibilities regarding proper archaeological clearance process.
3. Collaborating with Ms. LaTonia Becenti, Attorney, NN-DOJ, to establish a check off list to determine if a purposed business site leasing process has any federal involvement.
4. Developing a check off listing for items needed by the RED Archaeologist to prepare an accurate clearance inventory and/or report which meets the Historic Preservation Department’s standards.
5. Proposed convenient store located near Jeddito, Arizona.
6. Proposed Class II Casino (Bingo Hall) located in Tse’ Daa’ Kaan Chapter (Hogback), New Mexico
7. Proposed Strip Mall located in Shiprock, New Mexico.

**D. Appraisal**

1. Four appraisal reports were evaluated this quarter. Five MDR/market rent analysis were completed for record.
2. Assisted the TC RBDO with Market Data Research/market rent analysis for Western Indian Ministries (WIM), Barney Enterprise & Cavesa Enterprise
3. Assisted the Chinle RBDO with Market Data Research/market rent analysis for Rock Point Trading Post & Proposed Edison Property, Tsaile, AZ
4. A cost-benefit analysis for using a prior appraisal was done for the Project Development Department; Use prior appraisal for the Navajo Arts & Crafts Enterprise Warehouse.

**E. Compliance**

1. Compliance visits by agency

	Aneth	Chinle	Eastern	FD	SR	Western	Whippoorwill
New leases						1	
Modifications							
R. U. Permits							
E. O. A.						2	
Terminations							
Other –W/D							
Totals						3	

2. On-site compliance visits performed
  - a. Speedy’s at Cameron, AZ
  - b. Black Mesa Trading Post at Black Mesa, AZ

- c. Shonto Trading Post at Shonto, AZ
  - d. Pic-N-Run at Leupp, AZ
  - e. Dine Bii Association of Disabled Citizens at Pinon, AZ
  - f. Rainbow Bridge Center at Lechee, AZ
  - g. Historic Bitahochee Trading Post, Inc. at Bitahochee, AZ
  - h. Counselor Trading Post at Counselor, NM
  - i. David Morris complaint at Crownpoint, NM
  - j. Former Art Arviso business site review
  - k. Nizhoni Treatment Center at Lechee, AZ
  - l. Robert Yellowhair at Indian Wells, AZ
  - m. Native Lands Solar & Wind Energy Power, Inc.
  - n. Maverick Tours, Inc. at Cameron, AZ
  - o. Native Broadcast Enterprise, Inc. at Window Rock, AZ
  - p. Thoreau Health Facility at Thoreau, NM
  - q. Navajoland Nursing Home, Inc. at Chinle, AZ
  - r. Victor Beck Postal at Pinon, AZ
  - s. George Begay at Cottonwood, AZ
  - t. Pete Bob Hay Sales at Ganado, AZ
  - u. Home for Women & Children at Shiprock, NM
  - 3. Lease Documents reviewed for compliance & requirements
    - a. ABC Inc. at Fire Rock, NM
    - b. XYZ Inc. at Twin Arrows, AZ
  - 4. Other activities
    - a. Sponsored lease compliance forum at Tuba City, AZ
- F. GIS Section
- 1. TC RBDO to verify information on a survey plat for a business site lease.
  - 2. RED Website is completed and working with NN-DIT to have them put on the NN server.
  - 3. Review BSL for NN Arts and Crafts Enterprise Warehouse.
  - 4. Working on a business site leases database for RED.

**SMALL BUSINESS DEVELOPMENT DEPARTMENT:**

- A. Meetings Attended:
- 1. Economic Development Committee Meeting: Two (2)
  - 2. Agency Council Meetings: One (1)
    - a. Chinle Agency Council Meeting.
  - 3. Chapter Meetings: Five (5)
    - a. Tselani/Cottonwood Chapter CLUPC Meeting
    - b. Black Mesa Chapter Meeting
    - c. Lechee Chapter Meeting
    - d. Kayenta CLUPC Public Hearing on Local Governance
    - e. Chinle CLUPC Meeting
  - 4. Division of Economic Development Approving Committee: One (1)
  - 5. Department Managers Meeting: Four (4)
  - 6. Program Managers Meeting with Regional Business Development Offices: Two (2)
  - 7. Department Meetings with other offices: (5)
    - a. Renewable Energy Dedication Ceremony at Dry Lake, Arizona
    - b. Attended Work Session with JJ Clacs
    - c. Northern Arizona Center for American Indian Economic Development;
    - d. Loan Process & Procedures meeting at RED

e. RBDO and SBDD 5-year management plan meeting at Real Estate Department

A. Reviewed and Surnamed Legislative Documents for the Regional Business Development Offices.

1. BUSINESS SITE LEASES:
  - a. SAS No. 3783 (Western RBDO); Approving a Lease for Western Indian Ministries, Inc.
2. LEASE MODIFICATIONS:
  - a. SAS No. 3781 (Western RBDO); Approving a Lease Modification for Giant Four Corners, Inc. TC-88-117.
3. SUBLEASE MODIFICATIONS:
  - a. None
4. LEASE TERMINATIONS:
  - a. None
5. LAND WITHDRAWALS:
  - a. None
6. MEMORANDUM OF AGREEMENT:
  - a. None
7. PROFESSIONAL SERVICE CONTRACTS:
  - a. SAS No. 3785 (Eastern RBDO); Modification No. 1 – Professional Services Contract Agreement between the Navajo Nation and Bighorse Engineers to complete Additional Architectural Design and Engineering Services for the Crownpoint Administrative Office Complex at Crownpoint, New Mexico.
  - b. SAS No. 3801 (Whippoorwill RBDO); Approving a Professional Services Contract between the Navajo Nation and Ironhorse Environmental Services, Inc. The Contract is for Demolition and Clean-up Services of the former Low Mountain Trading Post, located in Low Mountain, Navajo Nation, Arizona. The Contract amount is \$14,560.00; utilizing Account Number 110013.6910.
8. CONTRACT MODIFICATIONS:
  - a. SAS No. 3781 (Eastern RBDO); Modification No. Once (01) to Professional Services Contract Agreement between the Navajo Nation and Diamond Cleaning Services.
  - b. SAS No. 3789 (Whippoorwill RBDO); Modification One to Contract No. C07773 (7773-OC); new Contract ending date of January 29, 2010 from September 30, 2009.
  - c. SAS No. 3790 (Whippoorwill RBDO); Modification One to Contract No. CO7718 (7718-OC); new Contract ending date has changed to January 21, 2010 from July 31, 2009.
  - d. SAS No. 3786 (Eastern RBDO); Modification No. 1 – Professional Services Contract Agreement between the Navajo Nation and JEL & Associates, LLC to complete additional Civil Engineering & Design for the Alamo Wastewater Treatment System at Alamo, New Mexico.

**CHINLE REGIONAL BUSINESS DEVELOPMENT OFFICE:**

A.

Number of Loans reviewed and renegotiated payment agreement:	Number of SAS (BSLs and Permits) submitted for approval:	Number of SAS Small Professional Service Contracts submitted for approval:	Number of SAS Small Business Loans submitted for approval:	Number of Micro-Loans approved:	Number of Jobs created:
Total: 2	Total: 3	Total: 0	Total: 0	Total: 0	Total: 9

B. Workshop/Training attended:

1. Small Business Loan Program given by Bertha Aguirre.
2. Northland Pioneer College – Jessica Stago on business planning
4. San Juan College Small Business Development in Farmington, NM – Cameren Martinez tour of their incubator facility designed to help small businesses startups.
5. JJ Clacs workshop regarding business lending.

6. Northern Arizona Forum held in Flagstaff, Arizona - how some of the Arizona Communities that are geographically and economically isolated can receive federal grants to bring renewable energy to their communities
- C Chapter meeting(s) attended.
1. Tselani/Cottonwood Chapter CLUP meeting.
- D. BSL/Permit/Certification Transactions:
1. Assisting Sean Yazzie with business certification with the Business Regulatory Department
  2. Assisting Jeff Terrell dba: Speedy Septic Service in Chinle, Arizona with his application for a business certification renewal.
  3. Assisting Jones A. Lee of Rock Point, Arizona with Navajo Preference Certification for his new business he is forming.
  4. Assisting Everett Karl Tsosie of Chinle, Arizona with Navajo Preference Certification for his new business consultant business for Mechanical Engineering
  5. Assisting Danny Yazzie with Navajo Preference to start a home care operation in the Chinle Agency.
  6. Assisting Paton Tso with Business Regulatory Department to certify his stucco business.
  7. Assisting Robert Ben and Jamison Ben with certifying a general construction business. .
  8. Julian Parrish will be certified in his graphic designing business with the Business Regulatory after he completes his business plan.
- E. Business Proposals/Plans/Application for Compliance:
1. Jeff Tyrell –Business Plan for a loan proposal to purchase electronic billboard (lighted sign) in Chinle, Arizona.
  2. Michael Garrity –Business Plan to obtain approval for a business site lease for the former Kennedy Store business site. His plans are to operate the sale of Gasoline, Propane, Coal, and Hay/Feed Store in Lukachukai, Arizona.
  3. Judy Toadlena –Business Plan to get approval of a business site lease in Cottonwood, Arizona. Her plans are to operate a business similar to Family Dollar Store.
  4. Irene Bahe – needs to complete the Pre-leasing requirements for her proposed business site. Needs to complete an environmental review and conclude negotiations of a proposed Lease for Tax Services in Chinle, Arizona.
  5. Paton Tso –Business Plan for a loan for a stucco business in Chinle, Arizona.
  6. Julian Parrish –Business Plan for a Graphic Designing business in Tsaile, Arizona.
  7. Juanita Contreras – Business Plan for food vending business in Many Farm, Arizona.
  8. Jones Lee – Business Plan for a loan for startup roofing construction business in Rock Point, Arizona.
  9. Spanky Cooke –Business Plan to purchase equipment for his embroidery business in Chinle, Arizona. He is interested in a Micro loan and will compile paperwork for the loan package.
  10. Robert Ben and Jamison Ben –Business plan for General Contracting business in Whippoorwill, Arizona.
  11. Arlena Benally – Business plan for a Hay and Feed Store in Chinle, Arizona.
- E. SBL & MELP loan Packages and Others:
1. Victoria Begay’s loan application with the Bik’eh Hozho Community Development Corporation was finally approved by the Rural Development Office after the Bik’eh Hozho C.D.C. and our office worked to provide the necessary supporting data the Rural Development Office requested.
- F. Temporary/Permanent Jobs:
1. Speedy Construction Services was hired to relocate and replace the business sign from the Former Injury Law Center Business Site to the Chinle RBDO business site. The Chinle RBDO is satisfied with the work and five (5) temporary jobs were created.
  2. Leo R. Begay and his temporary three (3) workers moved office equipment and furniture on two separate days. Four (4) temporary jobs were created.
- G. Other Responsibilities:
1. Western Refining – Proposed Business Site Lease in Rock Point, Arizona. Our office is trying to finalize the proposed Lease to be submitted for the SAS and approval from the DED Approving Committee. The proposed Lease was presented to Western Refining and they returned it with their amendments. However, we are continuing to negotiate the rental provision. We hope to have a mutual agreement on that provision by the end of the first quarter.

2. Alice Woody's proposed RV Park: Our office contacted the Navajo Environmental Protection Agency Office requesting a copy of the NO FURTHER ACTION on the former Chinle Valley Store Trading Post relative to the removal of the UST. We were informed that the US EPA needs to concur the letter before it is released and we need this letter in order to process an environmental assessment for the Alice Woody proposal. A meeting was held with the Tourism Department to determine if any technical and/or financial assistance can be provided to Ms. Woody. Technical assistance can be provided and will continue. As to financial assistance that depends on the business plan when it is finalized.
3. Western Refining: Our office is working with Western Refining on novating three of their subleases which will include the Lessees of the three (3) Leases. The three (3) Leases are located in the Chinle and Many Farms areas.
4. The Program Manager is a Member of the Division of Economic Development Approving Committee and he has attended six (6) meetings which have been held at St. Michaels DED Conference Room. They have approved four (4) leasing transactions and tabled two (2) actions.
5. The Program Manager attended three (3) meetings with the Navajo Nation Parks and Recreation Department and the Canyon De Chelly National Park Service. The topic of discussion was the National Park Service responsibilities relative to Canyon De Chelly. The Navajo Parks and Recreation Department was seeking information that would help them in their presentation to the Navajo Nation Council on taking over the responsibilities of the Nation Park Service. We recommended to the Navajo Parks and Recreation Department and National Park Service that the Thunderbird Lodge and RV Park be returned to the Navajo Nation and assigned to the Division of Economic Development for seeking potential Lessee(s) to operation the two (2) businesses. It seems that the Navajo Parks and Recreation Department wanted to handle the Lease for the Thunderbird Lodge and the National Park Service still wanted to handle the operation of the RV Park. Further meetings will be planned for the second quarter.
6. Attend the Nazlini Chapter (Chapter) meeting on Wednesday, December 16, 2009, with the Department Manager of the Small Business Development Department which one of the Chapter's topics was the Post Office. The Chapter has a Post Office Committee (Committee) that is exploring how to improve their postal service by seeking a larger building and provide additional postal services. We explained that the present facility within the Chapter House is under contract with the U.S. Postal Service for consideration. We will be meeting with the Committee on Tuesday, December 22<sup>nd</sup> at 2:00 pm to develop their recommendations.

**EASTERN REGIONAL BUSINESS DEVELOPMENT OFFICE:**

A.

Number of Loans reviewed and renegotiated Payment Agreement	Number of SAS (BSL's Permits) submitted for Approval:	Number of SAS Professional Service Contracts submitted for Approval:	Number of SAS Small Business Loans submitted for Approval:	Number of Micro-Loans Approved:	Number of Jobs Created:
Total: 1	Total: 0	Total: 2	Total: 1	Total: 0	Total: 18

- B. Completed a contract modification with engineering firm, JEL & Associates, to complete the design & engineering of the Alamo Waste Water Lagoon System. The new lagoon is needed so the laundromat at the Alamo Mini-Mart may open for business.
- C. Completed the withdrawal, through EDC resolution, of 11.24 acres of Navajo Nation Fee Land within the Counselor Chapter, New Mexico for economic development purposes in the Counselor community.
- D. Secured an agreement with Dyron Murphy Architects to provide engineering & planning services for the Churchrock economic development project in the Eastern Navajo Agency. Funds were secured from the New Mexico State Legislature for this project.
- E. Secured an agreement with Jim Analla – EA Services to provide environmental assessments, archaeological clearances and land surveys for three project/business sites in the Eastern Navajo Agency.

**FT. DEFIANCE REGIONAL BUSINESS DEVELOPMENT OFFICE:**

A.

Number of Loans reviewed and Renegotiated Payment Agreement:	Number of SAS (BSL's and Permits) Submitted for Approval	Number of SAS Professional Service Contracts Submitted for Approval	Number of SAS Small Business Loans Submitted for Approval:	Number of Micro-Loans Approved:	Number of Jobs Created
Total: 1	Total: 2	Total: 1	Total: 0	Total: 1	Total: 8

B. Loans Reviewed & Renegotiated Payment Agreement:

1. Reviewed loan package from Warren and Verna Lyons, Yanabah Tea Company, for operating capital to develop the product of Navajo Tea distribution throughout the country and possibly worldwide. The department requested more documents to complete the package.

C. Business Site Leases & Permits:

1. Yanabah Tea Company: Reviewed Business Site Lease packet and the department requested more information before the BLS can be processed.
2. TY's Automotive Repair/Shop: Reviewed Business Site Lease modification to sell agricultural products such as livestock feed. The Lease modification was put on hold due to compliance issue. The department will request for assistance from Real Estate Department/RED
3. Gurley Motor Company: Provided documents for renewing their Revocable Use Permit for demonstrating new automobiles and accepting applications at the Chihootso Indian Marketplace in Window Rock, Arizona.
4. Western Refining: Reviewed three Business Site Leases for modification from three locations Giant Industries, Inc. from Ft. Defiance, Mustang Store from Tohatchi, NM and Mustang Store from Burnside (Ganado). Further review is needed by the Department.

D. Professional Service Contracts:

1. Request for Proposal for a legal land description for Naschitti business site were sent to three (3) companies with bid closing date of October 28, 2009. Received only one (1) bid, but the amount was too high and the company was not listed on the Navajo Business Opportunity Act Source List. Our office contacted and requested Red Valley Survey of Shiprock, New Mexico to submit a quote since this Naschitti business site is being considered for the 2009 American Recovery & Reinvestment Act funding proposal. The amount was minimum for a Professional Services Contract, therefore, we processed a Request for Direct Payment. The survey was completed on December 11, 2009.

E. Number of Micro-Loans Approved:

1. A Micro-Loan was approved in the amount of \$10,000 for Promise Land Quarry, Inc. of Ft. Defiance, Arizona

F. Number of Jobs Created:

1. Blacksheep Originals: Beverly Blacksheep held a grand opening on November 19-20, 2009. Blacksheep Originals business is located in the Navajo Nation Shopping Center plaza. The FDRBDO provided financial assisted with advertisement in the Navajo Times. The company produces artwork for office stationery, coffee mugs, handbags, and other specialties.
2. Promise Land Quarry, Inc.: The company has hired seven employees to assist with their new business.

G. Business Preference Certifications:

1. Staff assisted Lincoln Electric, Inc. of Ganado, Arizona with certification as Navajo owned contractor for electrical services.
2. Staff assisted Yanabah Tea Company LLC with certification as Navajo owned for professional services.

H. Other Projects/Activities:

1. On October 8, 2009, Gurley Motor Company received documents for renewing their Revocable Use Permit at the Chihootso Indian Marketplace. The company was informed of the new fee schedule.
2. Department staff attended a Loan Strategy work session provided by JJ Clacs & Company in Farmington, New Mexico on October 14, 2009.
3. On October 15, 2009, staff met with Bryan Spann of SKIA Pharmaceuticals regarding an office space in Tse Bonito and St. Michaels area.

4. On October 15, 2009, staff assisted Robert Day with printing of his financial information and business plan. Northland Pioneer College Small Business Development Department is assisting him in packaging his documents to request for a loan through the BIDE funds.
5. On October 22, 2009, Stewart Calniptewa inquired about a license for his security services. Mr. Calniptewa will be providing security for Administration Building #2.
6. A small business training entitled "How to Start a Business and Requirements of the Navajo Nation Business Site Lease" was conducted on November 4, 2009 at Red Rock Chapter in conjunction with WESST Corp.
7. On November 22 – 24, 2009, staff attended a work session at Cliff Castle in Camp Verde, Arizona regarding the Division's supplemental funding request. A finalized version of the Program's Five Year Plan was requested and submitted to the Small Business Development Department.

I. Chapter Outreach:

- Ganado Chapter: The Department met with Lowes Management, Chapter Officials and Project Development staff on October 21, 2009 regarding a shopping center in Ganado, Arizona.
- Nahatadziil Chapter: Staff met with Chapter Officials on October 23 – 24, 2009, in Phoenix, Arizona to discuss possible collaboration between three parties. A follow-up meeting took place on November 3, 2009 at the Chapter. Nine (9) people were in attendance. Topics of discussion were land availability for business development, feasibility study, cooperative agreement for contract opportunities, and accessing ARRA funds for development of a shopping center.
- Naschitti Chapter: The Department provided an update to Chapter President regarding Navajo Nation Oil & Gas Company's proposed development for a convenience store.
- Klagetoh Chapter: Staff attended a meeting with Chapter Officials and the Community Land Use Planning Committee on December 5, 2009. The chapter has land available for economic development south of the chapter area. The CLUP is proposing development of an office complex and small restaurant. The CLUP requested for small business workshops to be conducted for the community members. Eight (8) people were in attendance for the meeting. Topics discussed were land withdrawal, accessing funds for development, infrastructure development, feasibility study, and small business workshops.
- Crystal Chapter: Staff provided a presentation regarding business site leasing procedures on November 3, 2009. Also staff discussed the situation with the Old Crystal Trading Post site which is causing the community members to be concerned for their health and safety because the building has been sitting there for the last few years. Some of the community members want the building demolished and other community members want to turn it into a museum and a library for the rug weavers from the area. If the community decides to demolish the building then our department will contact Historic Preservation Department.
- Lupton Chapter: Department attended a meeting with Project Development in reference to the withdrawn business site for Navajo Nation Oil and Gas. Navajo Nation Oil and Gas is requesting funds through the American Recovery and Reinvestment Act to develop a convenience store and gas stations in various communities.

**NORTHERN REGIONAL BUSINESS DEVELOPMENT OFFICE:**

- A. Chapter Meetings Attended: Six (6)
  1. Dennehotso CLUP Work Session
  2. Dennehotso Chapter Meeting with CLUP
  3. Dennehotso Chapter Planning Meeting
  4. Red Mesa Chapter Planning Meeting
  5. Dennehotso Chapter Project Development Coordination Meeting, Land Use meeting with Teec Nos Pos Grazing & PEZ officials, FCWR&HC, and Cattleman/Shorthair family
  6. **Aneth Chapter Planning Meeting**
- C. Business Site Lease (BSL) Applications
  1. 1<sup>st</sup> Quarter: 5 issued, 2 returned and reviewed
    - a. Four Corners Resort & Cultural Center
    - b. Navajo Transit System
    - c. Delion Jones
    - d. Aneth Extended Care
    - e. Surveying Services

Business Site Letter of Intent received
- D. Business Preference Certification Applications;

1. 1<sup>st</sup> Quarter: Issued & Assisted with 6 Certification applications; 2 reviewed
  - a. Dee Jones - Small Business Startup
  - b. Corey Johnson - Interlinx,-Reviewed
  - c. Amelia Denetchely - Hair Salon
  - d. Nelson Nakai Sewage Disposal/Lagoon Facility
  - e. Wilson Gray - Septic Tank Service - Reviewed
  - f. SGary Lightridum - Surveying Services
- E. Technical Assistance with Business Proposals/Plans/Loans
  1. 1<sup>st</sup> Quarter: 6 Assisted with Business Plans
    - a. 4 Corners Water Resort, contact: Wesley Bileen
    - b. Small Business Startup, contact: Dee Jones
    - c. Marks Auto Shop, contact: Norman Marks
    - d. Navajo Transit System , contact: Lee Bigwater & Mark Maryboy
    - e. TNP Visitor Center, contact: Dewayne Johnson
    - f. Surveying Services, contact: Delion Jones
    - g. Hair Salon, contact: Amelia Denetchely
    - h. Sewage Disposal/Lagoon Facility, contact: Nelson Nakai
    - i. Septic Tank Service, contact: Wilson Gray
    - j. Surveying Services, contact: Gary Lightridum
    - k. Ratherford Recreation, contact: Herman Farley
- E. Business Loans and Financial Plans
  1. Micro Enterprise Loan Program (MELP) Applications
    - a. 1<sup>st</sup> Quarter: Issued 7 MELP Applications; 0 returned/reviewed.
  2. Business Industrial Development Fund (BIDF) Applications
    7. 1<sup>st</sup> Quarter: 1 requested/issued, 0 returned/reviewed
- F. Signature Authorization Sheet (SAS) Process / Work Created;
  1. SAS No. 3758; Baby Rocks Trading Post Demolition and Cleanup Professional Service Contract not approved by DED Executive Director, for NHC Construction due to unforeseen costs deriving from project delay associated with project shutdown by Council Delegate. Modification #1 to the original NHC Construction contract to pay for “extra” services resulting from the local community request to salvage some materials off the structure that was being demolished. The project had to be shut down for 3 days and the cost associated with this delay was for equipment on site and labor. This was a specific request made by the Dennehotso Council Member. Completed 11/25/2009.
  2. SAS No. 3759; Baby Rocks Trading Post Demolition and Cleanup Professional Service Contract not approved by DED Executive Director, for NHC Construction due to unforeseen costs regarding buried concrete removal. Modification #2 to the original NHC Construction contract for cost differential for the 1) truck and disposal yardage during the economic crises when prices rose substantially, 2) an extra 580 cubic yards of concrete was unearthed during the project, which was not anticipated, and 3) the price increase was justifiable due to the long delay with the budget availability for use by the DED signature authorization for the expenditure as the contract was ready to process on 10/01/2008. Completed 12/4/2009.
  3. Former Baby Rocks Trading Post business site Environmental Review request submitted to Real Estate Department (RED) on 4/14/2009; still pending after five (5) months.
  4. Dennehotso Commercial Development Site B (55 acres) Environmental Review request submitted to Real Estate Department (RED) on 5/04/09; closed. Submitted to Project Development.

**SHIPROCK REGIONAL BUSINESS DEVELOPMENT OFFICE:**

A.

Number of Loans Reviewed and Renegotiated Payment Agreements:	Number of SAS (BSL's and Permits) Submitted for Approval:	Number of SAS (Professional Service Contracts) Submitted for Approval	Number of SAS (Small Business Loans) Submitted for Approval:	Number of Micro-Loans Approved:	Number of Jobs Created:
Total: 0	Total: 2	Total: 0	Total: 0	Total: 1	Total: 2

- B. Processed one Revocable Use Permit Renewal-Irvin Tyler.
- C. Self-employment-Kenneth Tache, Tache Construction, LLC.
- D. Collateral Lease Assignment for CJR Shiprock Properties, LLC, DBA: Shiprock Laundromat, Shiprock, NM, SAS #3800.
- E. New Microloan to Jussica and Eugene Hogue, DBA: Southwest Runners, to finance new retail sport shoe outlet.
- F. Create employment for Jussica Hogue and a small staff.

**WESTERN REGIONAL BUSINESS DEVELOPMENT OFFICE:**

A.

No. of Loans reviewed & renegotiated Payment Agreement	No. of SAS BSL's, and Permits submitted for Approval	No. of SAS Professional Service Contracts submitted for Approval or Completed	No. of SAS Small Business Loans submitted for Approval	No. of Micro-Loans Approved	No. of Jobs Created
Total: 0	total: 11	total: 3	total: 0	total: 0	total: 0

- B.. No. of Loans reviewed & renegotiated Payment Agreement
  - 1. None
- C. No. of SAS Small Business Loans submitted for Approval
  - 1. None
- D. No. of Micro-Loans Approved
  - 1. None
- E. No. of Jobs Created
  - 1. None
- F. No. of SAS BSL's and Permits submitted for Approval
  - 1. SAS 3731, approving a Lease Modification for Robert & Mary Simpson dba Junction Enterprise, Cameron, Arizona. Resolution no. DED-0003-2009 approved by DED Approving Committee on October 5, 2009. Completed.
  - 2. SAS 3732, approving a BSL for Barney Enterprise, LLC for an automotive maintenance & repair shop in Tuba City, Arizona. Resolution no. DED-0004-2009 was presented before DED Approving Committee but was tabled twice.
  - 3. SAS 3739, approving a BSL for Cavesa's Enterprise for an automotive parts & service, & restaurant on 1.0 acre, Tuba City, Arizona. Additional information will be required before presenting to DED Approving Committee.
  - 4. SAS 3748, approving a Mutual Termination of Lease on BSL No. TC-04-218 for Shawn Redd dba Redd/LiChee Corporation, Shiprock, New Mexico (1.29 acres). EDC Committee approved on October 21, 2009. Completed.
  - 5. SAS 3769, approving ARRA funding for \$2 Million for construction project on Tuba City RBDO proposed building. SAS completed. NN Vice-President Ben Shelly signed.
  - 6. SAS 3770, approving ARRA funding for Coalmine Canyon Commercial and Light Industrial for ARRA EDA proposal package for \$1,445,000.00. SAS completed. NN Vice President signed December 3, 2009.
  - 7. SAS 3771, approving ARRA funding for Kerley Valley Commercial & light industrial site, the ARRA EDA proposal package for \$5,220,000.00. Surnamed by DOJ.
  - 8. SAS 3772, approving ARRA funding for infrastructure & building development for Bittersprings, Arizona, the ARRA EDA proposal package for \$900,000.00. SAS completed. NN Vice President signed December 3, 2009.
  - 9. SAS 3773, approving ARRA funding for infrastructure in Chilchinbeto, Arizona, the ARRA EDA proposal package for \$1,800,000.00 at DOJ for review.

10. Resolution no. 0006-2009 for Western Indian Ministries, Inc. approved by DED Approving Committee approved on December 7, 2009.
  11. SAS 3782 completed. DED Approving Committee approved resolution no. DED-004-2009 for Lease Modification (Amendment) to decrease acreage for Giant Industries, Tuba City, Arizona, BSL no. TC-88-117 approved on November 16, 2009.
  12. No. of SAS Professional Service Contracts submitted for Approval or Completed.
  13. SAS 3768 completed. NN Vice President approved the Contract on September 18, 2009. Contract no. 07969 (7969-OC) for Axia Real Estate Appraisers to do an appraisal for Alvin C. Tso Mobile Trailer Park, LeChee, Arizona in the amount of \$2,900.00 was issued on September 23, 2009 from Contract Administration. Issued a Notice to Proceed to Axia Real Estate Appraisers. Work commenced September 21, 2009 & ending October 20, 2009. Appraisal completed. Submitted invoice for \$2,900.00 as final payment. Forward final check to Axia Real Estate for payment. Submitted Release of Claims. Completed Contract.
  14. SAS 3754 completed. Contract no. C07731 (7731-OC) Modification One for LSA, LLC to increase the contract by \$5,000 with a new total to read \$97,100.00 & extend term of contract from Sept. 9, 2009 to October 21, 2009 was issued to LSA, LLC on September 22, 2009. Issued a Notice to Proceed to LSA, LLC. LSA submitted final construction documents but has not submitted additional 19 originals. All invoices have been received and all payments have been issued & submitted to LSA.
  15. SAS 3756 completed. NN Vice President approved the Contract on September 10, 2009. Contract no. CO7942 (7942-OC) approved in the amount of \$3,900.00 for land survey & topography survey on .93 acres of the proposed property & the proposed access road with turn out from Peshlakai Drive was issued to GPS, Inc on September 14, 2009 from Contract Administration. September 23, 2009, issued a Notice to Proceed to GPS, Inc. Work to begin September 2, 2009 to October 2, 2009. GPS, Inc. was paid & completed the work. Submitted Release of Claims. Completed Contract.
- G. Bittersprings commercial site is 4.0 acres in Bittersprings, Arizona west side on US Highway 89. The ARRA funding package is for \$900,000.00 & 100% completed. The funding will be for construction of a 3,500 sf of a commercial building with infrastructure water & waste waterline connection into existing lines, extension of an electrical power line with length of approximately ¼ mile, pavement for parking area. Estimated number of construction jobs is 30. RBDO was informed the ARRA funding would have to go through the SAS process. SAS 3772, approving ARRA funding ARRA EDA proposal package for \$900,000.00. SAS completed. NN Vice President signed December 3, 2009.
- H. Chilchinbeto commercial and industrial (13.0 ac.+) site for infrastructure in Chilchinbeto, Arizona. The ARRA funding package is for \$1,800,000.00. The funding will be for shovel ready on 13.0+ acres installation of basic infrastructure of water, sewer, electrical line, roadway, curbs, sidewalks, street lights, pavement for parking & business pads for businesses/light industrial operation. The site is located on 13.2 acres within the Chilchinbeto commercial & light industrial site located 15 miles south of junction East Highway 160 & along Highway 91. AML Funds for \$300,000.00 is being used for paving of the roadway. The roadway is pending the asphalt & widening of the road & line stripe the asphalt; but as soon as re-advertisement is complete a new contract will be in effect between NHA & Contractor. RBDO was informed the ARRA funding would have to go through the SAS process & currently at DOJ for final review. SAS 3773, approving ARRA funding of ARRA EDA proposal package for \$1,800.00.00.
- J. Coalmine Mesa commercial & light industrial site is 14.52+ acres & 18.93+ acres, Coalmine, Arizona. The funding will be for a 3,500 sf building that will accommodate a convenient store with a full service operation on the west side of US Highway 264 in Coalmine Canyon, Arizona. The project will also consist of a driveway & parking lot, construction of waterline extension, waste water line extension & electrical power line extension & construction of access road & frontage road. RBDO was informed the ARRA funding would have to go through the SAS process. SAS 3770, approving ARRA funding for ARRA EDA proposal package for \$1,445,000.00. SAS completed. NN Vice President Ben Shelly approved on December 3, 2009.
- K. Kaibeto Commercial & Tourism Land withdrawal, 8 ac./Site C & 10 ac./Site D, 80 acres & 120 acres, Kaibeto, Arizona. Our office needs to receive updated information from Kaibeto Chapter on agreement between Kaibeto Chapter & NAU Master Plans.
- L. Kerley Valley commercial & light industrial site (22 acres), Tuba City, Arizona. The funding will be for project ready for economic development commercial/light industrial business development project for infrastructure (water, sewer, pavement, road, power, two buildings of 3,500 sf & 5,000 sf, and utilities development). The commercial & light industrial site is in a valley along East U.S. Highway 160, from milepost 120 and just two miles southwest of Tuba City, Arizona. RBDO was informed the ARRA funding would have to go through the SAS process. SAS 3771, approving ARRA funding for ARRA EDA proposal package for \$5,220,000.00. SAS surnamed by DOJ on December 12, 2009.

- M. Shonto Junction Commercial/Industrial site, 10 acres @ Junction 98 & 160, Shonto, Arizona. NN Oil & Gas wants to establish a gas & convenience stores on Shonto commercial site. Shonto Community Governance is working with Navajo Oil & Gas on the ARRA funding package.
- N. TCRBDO Office Building Project, 8,000 sf, .93 acres, Parcel A, Block 4, Tuba City, Arizona. Contract no. C07731 (7731-OC) for LSA, LLC to increase the contract by \$5,000 for architectural service with a new total of \$97,100.00 & extend term of contract from Sept. 9, 2009 to October 21, 2009. Issued Notice to Proceed. LSA, LLC submitted the final construction documents but has not submitted additional 19 originals. All invoices received, payments issued & submitted to LSA, LLC. In addition, NN Vice President approved the Contract on September 10, 2009 for Contract no. C07942 (7942-OC) in the amount of \$3,900.00 was issued to GPS, Inc. Issued Notice to Proceed to GPS, Inc. Work began September 2, 2009 to October 2, 2009, the land survey was completed. GPS, Inc. was paid & submitted Release of Claims to Contract Accounting. Completed contract. ARRA funding (\$2 Million) for infrastructure on 8,000 sq. feet building, water, power, sewer, road, pavement, & utilities development. SAS 3769, approving ARRA funding for \$2 Million for construction project on Tuba City RBDO proposed building completed the SAS process. EDA ARRA package was signed by NN Vice-President Ben Shelly & is pending for the rest of the other EDA/ARRA proposals to complete the SAS process before submittal to EDA. Another Contract between Navajo Nation & Arizona Department of Commerce expired on November 9, 2009, all invoice for reimbursement have been submitted by the NN to Arizona Department of Commerce for payment.
- O. Pic-N-Run, Inc. informed TCRBDO they received the approval to remove old fuel installation as well as the approval to reinstall a new installation from NNEPA & USEPA. The old underground storage tanks will be moved beginning October 6, 2009 & NN EPA and/or US EPA will be on site. The process to remove the old tanks, fuel lines, dispenser and canopy will take approximately two days. The installation for the new tanks, lines, fuel dispensers, canopy and concrete will take approximately 60 days.
- P. Our office is working closely with Blue Sage Ventures, LLC; the company intends to construct a 30,000+ square foot facility for use as an Alco Store in Tuba City, Arizona and across several other locations throughout Navajoland. Blue Sage will build & own the facilities, and lease them back to Alco so they may provide the citizens of Tuba City with a convenient place to purchase household necessities within the Navajo Nation. Alco expressed interest in hiring mostly all Navajos to operate the store. The Navajo Nation will be part owner of Blue Sage Ventures, LLC. Tuba City will benefit by providing jobs to the community, increase sales tax revenue & increasing revenue for the Navajo Nation through their ownership.
- Q. Kai/be toh Creek Land withdrawal – Kaibeto Chapter & Tuba City Regional Health Care Corporation requested for technical assistance for land withdrawal on 20 acres in Kaibeto for Independent Living Facility. TCRBDO will assist with the land withdrawal.
- R. Settlement Agreement for Alvin C. Tso dba Al's Mobile Trailer Park, LeChee, Arizona. DED Director approved the Settlement Agreement on September 28, 2009. Completed.
- S. Our office served six (6) Chapters which Coppermine, Chilchinbeto, Kaibeto, Kayenta, Shonto & Tuba City Chapter for meetings on land withdrawal procedures, comprehensive land use planning, economic development projects & illegal vending activities.
- T. Staff attended orientation on BSL process for Local Governance Support Center (39 people attended), attend Capacity Building Training at San Juan College, Farmington, New Mexico, American Recovery & Reinvestment Act Prime Recipient Training at BIA Southwest Region in Albuquerque, New Mexico, participated in Office of Environmental Health Injury Prevention Panel discussion &. BSL, BIDE & MELP loan at Free Financial Seminar hosted by Coconino County District 5 in Tuba City, Arizona. (21 people attended) & Kayenta Chapter Comprehensive Land Use Planning Public Hearing.

**WHIPPOORWILL REGIONAL BUSINESS DEVELOPMENT OFFICE:**

A.

Number of Loans reviewed and renegotiated Payment Agreement:	Number of SAS (BSL's and Permits) submitted for Approval:	Number of SAS (Professional Service Contracts Submitted for Approval):	Number of SAS Small Business Loans submitted for Approval:	Number of Micro-loans approved:	Number of jobs created:
Total: 1	Total: 1	Total: 3	Total: 0	Total: 1	Total: 52

Sam Honie Jr. - MELP	SAS 3753 – Lease Modification for Rocky Ridge General Store approved by VP on 11/13/09	SAS 3789 –PSC Modification for ABC, Inc. SAS 3790 – PSC Modification for Iina Ba, Inc. SAS#pending - PSC For Ironhorse Environmental Services, Inc.		Sam Honie, Jr. - \$10,000	See item “F” under Section IV.
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- B. SAS 3753—Lease modification for Rocky Ridge General Store. Lease modification approved by the Navajo Nation Vice President, Ben Shelly on November 13, 2009 to novate Business Site Lease CH-93-93. It has been forwarded to Real Estate Department for recording on November 24, 2009.
- C. Assisted fourteen (17) new clients.
 

1.	Paul Menduez	Dilkon, AZ	Hay & Livestock Feed
2.	Eddie White	Ute Pass Convenience	NTUA bill assistance
3.	Loretta Archie	Whippoorwill, AZ	NBP certification
4.	Lillie Ashley	Low Mountain, AZ	Info/Business Inquiry
5.	Robert Ben	Whippoorwill, AZ	Business Inquiry
6.	Johnny Kaye	Whippoorwill, AZ	Business Inquiry
7.	Lamor Chlarson	Whippoorwill, AZ	Technical Assistant
8.	Delbert Yazzie	Pinon, AZ	Technical Assistant
9.	Sam Honie, Jr.	Black Mesa, AZ	Micro Loan
10.	Ervin Jackson	Pinon, AZ	Micro Loan Interest
11.	Judy Moore	Pinon, AZ	Project Contract
12.	Ernest Joseph	Pinon, AZ	Business Development
13.	Kendra Willie	Whippoorwill, AZ	Technical Assistant
14.	Norman Chee	Window Rock, AZ	Business/Project Inquiry
15.	Davian Smiley	Pinon, AZ	Business Development
16.	Leroy Jimmy	Smoke Signal, AZ	Business Inquiry
17.	Norman Tully	Blue Gap, AZ	Technical Assistant
- D. EXISTING CLIENTS: 20 clients - Refer to A, B, C Listing

**IV. STATUS OF ON-GOING PROJECT, INITIATIVES AND COA's**

**SUPPORT SERVICES DEPARTMENT**

- A. Audit(s). Received Audit Report(s) from OAG, November 24, 2009.
- B. Audit(s). Reported to OAG of Division's Audit Response, December 29, 2009.
- C. Audit(s). Met with assigned division offices on developing a division BIDE corrective and department action plans, December 23, 2009.

**PROJECT DEVELOPMENT DEPARTMENT**

- A. The Department assisted the Administration with various projects and activities and representations.
- B. The Department provided on-going technical assistance with chapters, division and staff.
- D. The Department continues to coordinate with Navajo Housing Authority in addressing HUD concerns.
- E. Continue to coordinate the dismantling of the former NFPI particle board plant.
- F. Continue to provide technical assistance to the Division staff, Navajo Nation Chapters and private individuals.

**TOURISM DEPARTMENT**

- A. The goal is while transferring Scenic Byway to Division of Transportation to complete projects.

- B. Complete the construction, operation and management agreements or leases for Monument Valley and Sheep Springs Welcome Centers.

**REAL ESTATE DEPARTMENT (RED)**

- A. SAS #3793 is currently in process for review at DOJ for RED Office Space Rental Agreement for FY 2010.
- B. Appraisal section will continue to evaluate “Request for Purchase” for appraisals and available to review Statement/scope of Work on business site leases.
- C. Proposed convenience store located in Naschitti, New Mexico; Awaiting Land Plat Survey.
- D. Proposed ALCO General Store located in Tuba City, Arizona.
- E. Continue doing on-site visits and review lease documents for the compliance section
- F. Continue training chapters and other entities when requested.
- G. Continue with the Project Sponsor Meetings set thru-out Agencies.

**SMALL BUSINESS DEVELOPMENT**

- A. Micro-Enterprise Loan Program-Task Forces have been formed to revise the loan guidelines.
- B. Agency Council Meetings-For the new fiscal year, efforts will be made to attend all agency council meetings.
- C. Chapter Meetings-Efforts continue, along with the Regional Business Development Office, to attend all Chapter Meetings concerning economic development on the Navajo Nation.

**CHINLE REGIONAL BUSINESS DEVELOPMENT OFFICE:**

- A. Chapter Outreach
  - 1. CHINLE
    - a. We assisted Sean Yazzie, dba: to make application for of his business by the Navajo Business Regulatory Department.
    - b. Blue Sage Venutres L.L.C. – Our office assisted Larry Manuelito in locating a grazing permittee that he could negotiate for the relinquishment of a Grazing Use Permit. He was successful on the negotiation and we presented the proposal to the Chinle Chapter’s Community Land Use Planning Committee and the Planning Meeting for support resolutions. \_The site is a new site and requires support resolution from the Chinle Chapter and we will present the resolution to the Chapter Meeting on December 20, 2009. Mr. Manuelito is pursuing the approval of his application for a Business Site Lease by complying with the NN Business Site Lease Administrative Management Plan. Plans are to complete the process by the end of the second quarter.
    - c. Romero Brown – Mr. Brown is completing the application process for his proposed BSL for a Denny’s Restaurant in Chinle, Arizona. Negotiations are trying to be concluded on the proposed Lease so it could be put in the SAS.
    - d. Quincy Natay – Negotiations are trying to finalize a proposed business site lease for the BNT Lumber and Hardware business in Chinle, Arizona.
    - e. Colleen Yazzie – Mrs. Yazzie is trying to close her loan with her financier so she may start construction on her proposed business.
    - f. Valerie Allen – We have not heard from Ms Allen on the status of her proposed car wash business in Chinle, Arizona. We will maintain contact with Ms. Allen to make sure she pursues her plans on the car wash.
    - g. Ferrellgas – Our office is communicating with the company on trying to secure a Lease for its business in Chinle, Arizona. The company has been requested to submit a Letter of Intent and business plan for their application process. In the meantime we made the Chinle Chapter’s Community Land Use Planning Committee aware of our contact with the company. They request we meet with them after we receive the additional information.
    - h. Irene Bahe – The application for a Business Site Lease is pending requiring an environmental review and conclusion of negotiations of Lease. The proposed business site is behind the former Rosenfelt/Buffington business site.
    - i. Alice Woody’s proposed RV Park: Our office contacted the Navajo Environmental Protection Agency Office requesting a copy of the NO FURTHER ACTION on the former Chinle Valley Store Trading Post relative to the removal of the UST. We were informed that the US EPA needs to

concur the letter before it is released and we need this letter in order to process an environmental assessment \_ for the Alice Woody proposal. A meeting was held with the Tourism Department to determine if any technical and/or financial assistance can be provided to Ms. Woody. Technical assistance can be provided and will continue. As to financial assistance that depends on the business plan when it is finalized.

- j. Victoria Begay's loan application with the Bik'eh Hozho Community Development Corporation was finally approved by the Rural Development Office after the Bik'eh Hozho C.D.C. and our office worked to provide the necessary supporting data the Rural Development Office requested.
  - k. Jeff Tyrell – Business Plan for loan proposal to purchase electronic billboard (lighted sign) in Chinle, Arizona.
  - l. Speedy Construction Services was hired to relocate and replace the business sign from the Former Injury Law Center Business Site to the Chinle RBDO business site. The Chinle RBDO is satisfied with the work and five (5) temporary jobs were created.
  - m. Danny Yazzie came in on October 22, 2009 to get applications for Navajo Preference. He wishes to start a home care operation in the Chinle Agency. \_He was given orientation and all the necessary documents for application. He will submit paper work directly the Business Regulatory Department Office.
  - n. The Program Manager attended the Chinle Chapter CLUP meetings in October, November, and December. He made a presentation to the CLUP on Blue Sage Ventures L.L.C. which the CLUP adopted a support resolution. He provided updated reports on projects the Chinle RBDO is handling in the chapter's serving area.
2. COTTONWOOD
- a. Seeking funding for the renovation of the Former Gorman's Trading Post building and cleanup.
  - b. Judy Toadlena – She is working on her Business Plan to get approval of a business site lease in Cottonwood, Arizona. Her plans are to operate a business similar to Family Dollar Store.
  - c. The Program Manager and Mr. Etsitty attended the Tselani/Cottonwood Chapter CLUP meeting on October 8, 2009, with Wilson Gilmore, Department Manager of the Small Business Development Department. The CLUP's new president, Dennis Mitchell and his officers expressed their interest in economic development in their community. Mr. Gilmore told the CLUP to work together closely with the chapter and to start educating the community about the need for land withdrawal for commercial developments also to work with the Chinle RBDO.
3. LUKACHUKAI
- a. Assisting Michael Garrity in obtaining a business site lease for the Former Kennedy Store business site. He is working on his Business Plan to operate the sale of Gasoline, Propane, Coal, and Hay/Feed Store in Lukachukai, Arizona.
4. MANY FARMS
- a. Assisting Ms. Juanita Contreras to complete her business plan for a micro enterprise loan to operate a mobile food vending business in Many Farms, Arizona.
  - b. Attended the Many Farms Zoning and Planning Commission on November 19, 2009. We presented the proposal to the Commission the potential of any vacant land of two (2) acres that could be utilized by the Chinle Ferrellgas Company. The Commission members will revisit some other possible sites in Many Farms, Arizona and if any possible site is identified, the Commission will notify the Chinle RBDO.
  - c. Seeking funding for the cleanup cost for the Former Jack and Jill Café business site in Farms, Arizona.
  - d. Seeking funding for the cleanup cost for the Former Plateau Gas Station and the Ernest Claw's Hay and Feed Store business site in Many Farms, Arizona.
5. NAZLINI
- a. Seeking funding for the demolition and cleanup costs for the Former Nazlini Trading Post business site.
  - b. The Program Manager attended the Nazlini Chapter (Chapter) meeting on Wednesday, December 16, 2009, with the Department Manager of the Small Business Development Department which one of the Chapter's topics was the Post Office. The Chapter has a Post Office Committee (Committee) that is exploring how to improve their postal service by seeking a larger building and provide additional postal services. We explained that the present facility within the Chapter House is under contract with the U.S. Postal and the Committee needs to develop its recommendations of

improvement that would be forwarded to the Denver U.S. Postal Services for consideration. We will be meeting with the Committee on Tuesday, December 22<sup>nd</sup> at 2:00 pm to develop their recommendations.

6. ROCK POINT
  - a. Western Refining – Proposed Business Site Lease in Rock Point, Arizona. Our office is trying to finalize the proposed Lease to be submitted for the SAS and approval from the DED Approving Committee. The proposed Lease was presented to Western Refining and they returned it with their amendments. However, we are continuing to negotiate the rental provision. We hope to have a mutual agreement on that provision by the end of the first quarter.
  - b. Jones A. Lee of Rock Point, Arizona, came in to pick up application for Navajo Preference Certification for his new business he is forming. He received an orientation and was gave all the necessary documents for application. He will submit paper work directly to the Business Regulatory Department Office.
7. ROUGH ROCK
  - a. No activity at this time.
8. ROUND ROCK
  - a. Seeking funds to clean-up and demolition the former Leo R. Jim business site facility so the site could be utilized by another prospective Lessee who applies for the Lease for the site.
9. TSAILE/WHEATFIELDS
  - a. We are meeting with Joe and Dorothy Edison to recommend and negotiate a new business site lease in lieu of the Lease approved by the Economic Development Committee in 2005. The EDC Lease was never finalized by having the BIA Regional Director execute it. Other concern is the term was only for thirty (30) years, one (1) term for twenty-five (25) years with an option to renew for five (5) years. There is not enough time for the Lessees to recoup their investment plus the rental is on a percentage with a GMAR. We explained to the Edison's the newly adopted BSL Administrative Management Plan whereby the term could be for a total of seventy-five (75) years, one term of twenty-five (25) years with two renewal options of twenty-five (25) years. Also, the rental would be on a flat rate. The Edison's took the information and have not advised if the wish to have the EDC Lease approved by the BIA or submit for a new Lease under the present Plan.

#### **EASTERN REGIONAL BUSINESS DEVELOPMENT OFFICE:**

- A. T'is Tsoh Mini-Mart: Eastern RBDO continues to work with the Alamo Chapter, School Board and tenant, Sandia Oil Company, on securing a new wastewater system that will allow Sandia to open the Laundromat. A contract is currently in place with JEL & Associates to complete the design & engineering of the new sewer lagoon. Construction funds are in place once the design is complete and construction bidding may begin.
- B. Interstate 40 Corridor Feasibility Study: No funds available for ERBDO to complete the project. Considered as an uncompleted closed-out project due to fraud.
- C. Iyanbito Business Site: Negotiations are in process for the rental agreement. The lease will then begin the SAS Review process for approval.
- D. Eastern Navajo Office and Retail Complex: The Project is in the preliminary development phase with all the necessary land clearances being updated. The appraisal is in process by a consultant. Funds from the New Mexico State Legislature have been utilized to develop a Master Plan for this 14.12-acre project site. This Master Plan includes the planning & design of infrastructure, including utilities and roads for the site. Construction will follow when funds are secured. The Master Plan project is now complete. The project architect also provided design plans for the Wellness Center and is working on design plans for the Office Complex, which will be utilized to seek possible ARRA funding.
- E. Crownpoint Business Development Project I: The project site is a ten-acre tract, adjacent to the Crownpoint Shopping Center, a prime area for retail development. The initial land survey and archaeological clearance were recently completed by the contracted consultants, and the environmental consultant is awaiting final information from Navajo Fish & Wildlife to complete the environmental assessment. This information will then be utilized to complete the land withdrawal. The proposed development includes; a restaurant, storage space, car wash, lube & oil shop, and possibly a hotel. Various individuals are interested in developing these businesses. This 10-acre tract has been advertised as available for lease in media outlets starting in January 2009. However, no formal responses.
- F. Mariano Lake Business Site: This is one of the proposed (10) convenience store project sites. A local resident plans to develop a light manufacturing business and trading post at this site; she is in the process of developing her business

plan and will seek funding options for this project. An updated land survey is complete, but updated archaeological clearance and environmental assessment are needed. This project is part of the proposed C-store proposal project that will be submitted for potential ARRA funding.

- G. Churchrock Convenience Store: The project will be located on the Churchrock Industrial Site. The land survey, archaeological clearance and environmental assessment for this project are completed. The client submitted a final business/financial plan for the project. An A&E firm was recently selected to assist with planning, design & feasibility services. Construction funds are also being sought at this time. This project is also a part of the proposed C-store proposal that will be submitted for ARRA funding.
- H. Chichiltah Business Site: The project involves the development and construction of an electrical contractor shop on a one-acre site in the northwest corner of NM State Highway 602 and McKinley County Road 6. The land survey and archaeological clearances are completed. The environmental assessment and land appraisals are in progress. Once these tasks are completed, the business site lease agreement will be processed for approval.
- I. Counselor Business Site: ERBDO is working with Red Mesa Trading Company on completing a business site lease for the Counselor Trading Post and Rentals. The land survey, environmental assessment and archaeological clearance and appraisal have all been completed. A draft lease was submitted to Red Mesa for their review, and they have provided us comments on the GMAR. Soon after, we plan to begin the SAS review process on this lease. Currently, an Emergency Management Agreement (EMA) with Red Mesa Trading Company to manage the Counselor Trading Post and lease properties is still in effect. The property is located on Navajo Nation Fee Land recently purchased by the Navajo Nation for Counselor Chapter. ERBDO will initiate a master plan with the Chapter once the land purchase completion letter is received from Land Administration and when funds are secured.
- J. Crownpoint Checkerboard Refuse Disposal Business Site: The Project is assisting an existing business secure a 2-acre site for a formal business site lease. An attempt to use an existing driveway for the business was not given consent which has caused delays in the project. ERBDO and client are working with N.M.D.O.T. to develop another driveway. Once this is completed, ERBDO will begin the land assessments and clearances. Once the land clearances are completed, the lease agreement will be initiated and should be completed in the 2<sup>nd</sup> quarter of FY2010
- K. Crownpoint Auto Repair Business Site: ERBDO is working with client on a business site lease located on BIA Administrative Order Land. A land survey, archaeological clearance and appraisal have been completed for this site. The environmental assessment was completed and submitted to the BIA for a FONSI. Once land clearances are complete, the BIA will negotiate with the Navajo Nation on a Master Permit for the site. The Navajo Nation can then negotiate a Sub-Permit (BSL) with the lessee for the site.
- L. Crownpoint Business Development Project II: The project is within preliminary development phase of a 4.27 acres former business site. The site was divided up into 4-small parcels. The re-survey of the site is complete and it was advertised for development in January 2009 however, no response. ERBDO is in process of seeking funds to complete the archaeological clearance and environmental assessment.
- M. Highway 550 Corridor Project: This Project consists of seven (7) Chapters (Counselor, Whitehorse Lake, Torreon, Ojo Encino, Pueblo Pintado, Nageezi and Huerfano). A market and economic feasibility study has been completed for this region and the study has identified prime business sites for economic development. For Counselor Chapter, as stated under "I", the preliminary development phase is still in progress. The Nageezi and Huerfano Chapters have initiated their planning in developing a Poultry Production Plant, however this project is at a standstill and these two Chapters want to work with the Shiprock RBDO. The Torreon, Ojo Encino and Pueblo Pintado Chapters have been working directly with the Tourism Office on their tourism projects relating to the Chaco Canyon Historic National Park and periodically, technical assistance is provided to these three chapters. ERBDO has provided technical assistance to the Whitehorse Lake Chapter and the preliminary development phase for their project will be initiated when land is identified for business site development and some funds are identified and secured. The project cost for the preliminary and planning phases are approximately \$500,000.
- N. Joint Venture with Navajo Nation Oil & Gas: This project involves the design and development of ten (10) C-store/gas station sites throughout Navajoland, in conjunction with Navajo Nation Oil & Gas Company and Project Development Department. The potential sites are; Churchrock, Crownpoint, Mariano Lake, Ramah, Shonto, Leupp, Naschitti, Lupton, Dennehotso, and Ojo Amarillo. The Eastern RBDO is involved in gathering clearance and infrastructure documentation from the chapters and RBDOs in order to assess if each project is shovel ready. The first application for ARRA funding will be submitted on December 30, 2009.
- O. Other Projects: Other ERBDO projects that are being worked on, but don't have the same priority as Items A through O are listed as follows:
- Old Smithlake School Business Site Lease
  - Crownpoint Land Acquisition for Economic Development Purposes
  - Prewitt/Baca Economic Development Projects

- Thoreau Commercial Development Projects
  - Crownpoint Executive Order Land Business Leases
  - Crownpoint Infrastructure Development Project
  - Manuelito Economic Development Projects
- P. Small Business Development (Technical Assistance/Feasibility Study/Training): The ERBDO is continuously providing services to clients with technical assistance in business start-up, business retention, business plans, business site leasing, loan packaging and individual development accounts. These services are provided on an individual basis or during workshops. Numerous Chapters are assisted with identifying funds for economic feasibility studies and master planning in their local areas, and various organizations are partnering with ERBDO to implement entrepreneurial training. A workshop was recently completed and a new workshop series is being developed, which will begin in the spring of 2010. These workshops focuses on training and educating Navajo entrepreneurs by providing basic knowledge in operating and managing a business.

## **FT. DEFIANCE REGIONAL BUSINESS DEVELOPMENT OFFICE:**

### A. On-Going Projects:

1. Sandia Oil Company, Inc., Ganado, AZ – Business Site Lease for 7.71 acres to construct in phases: laundromat, car wash, upgrade the existing mobile home park, fast food outlet(s), self-storage units, and multi-purpose tenant subleasing was approved by the Economic Development Committee. The Business Site Lease package is put on hold by Sandia Oil Company, Inc., due to unresolved water and sewer issues at the proposed Ganado Plaza. Numerous meetings have been conducted with the Chapter Officials, Council Delegates, NTUA, and BIA Roads to resolve the water and sewer issues. Another meeting is scheduled for December 21, 2009 at Sandia Oil Company for all involved parties to resolve the water and sewer issues.
2. Joe R. Mora, Inc., Burnside, AZ – Coordination continues with Ganado Chapter for a prospective lessee.
3. Mustang Store #251, Western Refining, Tohatchi, NM – Western Refining requested a lease modification to exclude the gasoline percentage. Due to Sublessor's delinquent account, we are unable to process the lease modification. Coordination continues to have get account current.
4. Giant Industries, Inc. (Conoco), Ft. Defiance, AZ – Coordination continues with Giant on sublease modification. Meetings continue with Giant and Shirley McKinley.
5. Giant Industries, Inc. (former Thriftway, Inc.), Ft. Defiance, AZ – Navajo EPA is continuing overseeing cleanup. This site involves previous ground contamination.
6. Coyote Canyon Trading Post, Coyote Canyon, NM – Lease negotiations continue with Tohatchi Area of Opportunity Services, Inc. for a two (2) acre business site lease. A meeting was conducted with TAOS for an update on the site. Buildings on the site need to be demolished and cleaned up. TAOS, Inc. has the funds for this project, but the Chapter is moving very slow. TAOS requested for an environmental assessment to begin demolition of the buildings.
7. TY Automotive, Inc., Ganado, AZ – Lessee requested a modification to his Business Site Lease to add sell agricultural products such as livestock feed. Department submitted a letter to the Navajo Environmental Protection Agency to request a clearance to allow additional business operations. Due to the Lessee's delinquent account, we are unable to process a modification until it is current.
8. Naschitti 666 Mart, Naschitti, NM – Navajo Oil & Gas Company is proposing development at this site. The site is included in the American Recovery and Reinvestment Act application process. An updated legal land survey description has been received from Red Valley Surveyors. The department is awaiting an environmental summary approval from the Real Estate Office. Navajo Oil & Gas Company has not submitted a business plan or letter of intent for the business site.
9. Fort Defiance Indian Hospital Board, Inc. /Shandiin, Inc., Ft. Defiance, AZ – a business site lease was approved by the Economic Development Committee of the Navajo Nation Council on April 1, 2009, to operate a skilled and semi-skilled nursing care facility and dialysis center in the Ft. Defiance community. The Department is still awaiting a response from Goldtooth Solutions to make minor corrections on the legal survey.
10. Nizhoni Hair Salon, Ft. Defiance, AZ – Lavern Bennett is proposing development at the former Al Johnson Business Site in Ft. Defiance. The business site lease and site clearances were submitted to the Real Estate Office. An updated archeological clearance was requested from Historic Preservation.

## **NORTHERN REGIONAL BUSINESS DEVELOPMENT OFFICE:**

- A. Aneth Chapter
1. Navajo National Bank (NEW) proposed in Montezuma Creek, Utah on 24+ acres withdrawn for commercial development; still is pending incorporation filing by the sponsor and still no activity from sponsor as of 12/16/2009. Contact: Mark Maryboy
  2. DKM Car Wash (new BSL) proposed in Montezuma Creek, Utah with completed appraisal and business plan; pending selection of a new site west of Highway 262 due to gas right-of-way and drainage issues but NO interest displayed by sponsors. Contact: Andorra Holly or Parnell Thomas
  3. Todacheenie Mechanic Shop (new BSL) proposed in Montezuma Creek, Utah (within the Commercial Site tract) with completed legal survey; is STILL pending completion of business site lease application and business plan. Contact person: Howard Todacheenie
  4. Aneth Chapter Bingo Hall and Restaurant (new BSL) proposed in Montezuma Creek, Utah pending agreement between the State of Utah and the Navajo Nation and Aneth Chapter. Inactive file listing due to no activity by sponsor. Contact: Mark Maryboy
  5. Mussi Café (new BSL) pending land relinquishment by the State of Utah to the Navajo Nation and business plan submittal by Elaine Topahe. Division of Natural Resources is still proceeding with negotiations before finalization of the land relinquishment.
  6. Riverside Country Store and Gas Station (NEW) proposed in Montezuma Creek, Utah - pending return of the Business Site Lease application and Business Plan by the sponsor including selection of a suitable location; still no activity from sponsor as of 12/16/2009. Contact: Mark Maryboy
  7. Utah Diné Professional Plaza in Montezuma Creek, Utah on 5.32 acres business site. Contact: Aneth CDC, Victor Dee, Executive Director; is now close to completion of construction of Phase I
  8. US Postal Service tenant referred to lessee Aneth CDC.
- B. Dennehotso Chapter
1. Baby Rocks Convention Center (NEW) proposed in Dennehotso, Arizona is pending:
    - a. The demolition and cleanup is completed as of 12/4/2009.
    - b. PSC agreement for the Plan, Design and Engineering for the SAS is ON HOLD by the Council Delegate due to disagreement regarding project cost.
    - c. Pending Environmental Review by RED and HPD.
  2. Desert Meadows Development Site (NEW) proposed in Dennehotso community pending environmental assessment by Denali Environmental Services, coordinated with Dennehotso Chapter. Contact: Dennehotso Chapter, Contact: Katherine Benally, Asa Begay, CLUP President, Dennehotso Chapter
- C. Mexican Water Chapter
1. Teec Nez Iah Giant Store (current BSL) owner seeking business site lease termination pending completion of NNEPA UST cleanup by the owner. Contact: Ray Horton
- D. Oljato Chapter
1. Oljato Trading Post BSL in Oljato, Utah was verified by BIA as a legitimate BSL. Evelyn Y. Jensen, lessee, reports that the trading post business closed in 2004 due to negative earnings but operates a horse touring business from the site intermittently. This BSL is pending resolution with Ms. Jensen regarding change from a trading post business to a touring business, is pending a response from Lessee to modify or terminate lease due to noncompliance with GMAR payments. Certified letter sent to Lessee.
- E. Red Mesa Chapter
1. Red Mesa Recreation Center proposed initially in 1994 is reopened with a chapter resolution; pending business site lease application and business plan completion, and seeking capital funding. Contact: Herman Farley
- F. Teec Nos Pos Chapter
1. Former Teec Nos Pos Arts & Craft Store (terminated BSL) proposed now for the chapter to produce a resolution for a different business purpose at this location; pending remodeling to be coordinated with Teec Nos Pos Chapter. Contact: Roy Kady with Teec Nos Pos Chapter
  2. Frank's Grocery and Fina Station (NEW) proposed for sale awaiting the results of the ongoing appraisal to establish sale and annual rental values. Sponsor will set a sales negotiation meeting as soon as possible. Contact: Joseph Wilson
  3. Teec Nos Pos Travel Center-Restaurant and Hotel, and Truck Stop (NEW) new business site lease application and business plan pending with the prospective owner. Pending capital funding. Contact: Floyd Kurley.
  4. US Postal Service (Existing) tenant agreement is pending a response from USPS.

5. Four Corners Water Resort & Heritage Center (new BSLA) proposed by the Whitehorse Corporation to build a water park and resort (hotel, spa and etc) along with a cultural center on an estimated 60 acre site. Contact Wesley & Cedric Bileen

**SHIPROCK REGIONAL BUSINESS DEVELOPMENT OFFICE:**

- A. Montano Enterprises, New BSL-add additional land for wrecking and salvage yard. Clients working with Accounts Receivable to analyze their accounts in order to update delinquent account.
- B. Ayani Neez, Inc., New BSL-renegotiate rental rates should be completed by January 2010.
- C. Shiprock Trading Post, BSL cancellation-pending cancellation document from BIA Real Estate Office.
- D. Harry Franklin, Sr., Sublease Modification-Lessee waiting on sublease modifications to be signed-off by BIA; then negotiate with Giants Four Corners to obtain Lease Assignment.
- E. Sheepspings Express, New building construction-plans, designs, contingent upon highway 491 construction.
- F. Sanostee Trading Post, BSL termination -pending Sanostee Chapter support resolution requesting to return business site to chapter. Another letter written to chapter.
- G. Shiprock Office Partners LLC, Lease modification-waiting on Lessee and Surety to sign off on Lease Modification document to be process thru SAS.
- H. Red Rock Retailers, LLC, DBA: Shiprock Quick Stop; New BSL-collecting documents to obtain a new lease contingent upon BIA cancellation document.
- I. BIA BSL #SR-86-104 Jeffrey S. Manning That's A Burger; To novate upon procurement clearances.
- J. BIA BSL #SR-04-188 AMMJ, Inc. DBA:The Rock Storage: To novate upon procurement clearances.
- K. BIA BSL #SR-07-193 AMMJ, Inc. DBA: Car Wash: To novate upon procurement clearances.
- L. Proposed NN BSL Home for Women and Children: Survey requested.
- M. Proposed NN BSL Sadie Talk & Shirleen Roanhorse, Toohnii Fabrics: Processing Clearances.
- N. BIA BSL #SR-96-143 Newcomb Trading Post Robert & Linda Foutz: Cancelling Lease in process by BIA.
- O. BIA BSL #SR-96-144 Toadlena Trading Post Robert & Linda Foutz: Cancelling Lease in process by BIA.
- P. Proposed NN BSL Shiprock Navajo Fair, Inc.: Survey requested.
- Q. Proposed NN BSL Roy Badonie Mobile home Park: Upon BIA relinquishment of land, will proceed.
- R. BIA BSL Truck & Travel Center: Upon BIA's review, will determine next action.
- S. BIA BSL Jimmie Garnenez, Sr.: Upon GMAR delinquent account clearance, will re-survey and modify.
- T. Continuing to work with K&V Enterprises, LLC. Hotel development, need to novate business lease, waiting on Certification of Good Standing and working to help pay for feasibility study.
- U. Working on Emergency Operating Agreement with TAOS, Inc.; Sheepspings vending booths.
- V. Arnold's Conoco – Working with client to assemble lease package. Client requested assistance from NNEPA to remove USTs.
- W. CJR Shiprock Properties (Laundromat) – Executed business site lease on October 5, 2009. Submitted Collateral Lease Assignment to SAS review, December 9, 2009.
- X. CJR Shiprock Properties (Strip Mall) – Working with client to assemble lease package. Appraisal is needed.
- Y. Hosteen's Cabinets – Business Site Lease terminated.
- Z. Design Data Solutions – Working with client to assemble lease package.
- AA. Lester Wilson & Irma Henderson – Business Site Lease is at BIA pending a judgment of responsibility for UST clean-up at business site and water rights claim by applicant
- BB. Rena Martin – Working with client to assemble lease package. Client operating under Revocable Use Permit
- CC. White Mesa Materials – Submitted Business Site Lease to BIA for approval. BIA waiting for insurance documents. Requested letter to show cause from BIA.

**WESTERN REGIONAL BUSINESS DEVELOPMENT OFFICE:**

- |    |  |                         |
|----|--|-------------------------|
| A. | Business Site Lease (BSL) for clients @ RBDO |                         |
| 1. | Anderson, Michael                            | New Lease               |
| 2. | Barney, Danny                                | New Lease               |
| 3. | Bigthumb, Tracy                              | New Lease               |
| 4. | Black Mesa Shopping Center                   | Operating Expired Lease |
| 5. | Chuska Development Corporation               | New Lease               |
| 6. | Edward Cheatwood (Foundation)                | New Lease (pending)     |

- |      |                                   |                                |
|------|-----------------------------------|--------------------------------|
| 7.   | Giant Four Corners (Tuba City)    | Lease Amendment (Acreage)      |
| 8.   | IPP, Inc.                         | New Lease                      |
| 9.   | Keetso, Gerald & Leslie           | Lease Termination              |
| 10.  | Martinez, Deborah                 | Lease Modification             |
| 11.  | Martinez, Deborah                 | Collateral Assignment of Lease |
| 12.  | Martinez, Deborah                 | New Lease                      |
| 13.  | Maverick Helicopter Tours         | New Lease                      |
| 14.  | Mike, Richard (Cameron)           | BSL Assignment                 |
| 15.  | Nelson, Michael Enterprises, Inc. | New Lease                      |
| 16.. | Trad. Log Homes, Cameron          | New Lease                      |
| 17.  | Tallsalt, Daniel & Matilda        | Lease Amendment (Acreage)      |
| 18.  | Tuba City Express                 | BSL Renewal                    |
| 19.  | Ward, JoDonna                     | Lease (Pending)                |
| 20.  | Western Sunshine, Inc.            | Unilateral Lease Termination   |
| 21.  | Alvin Tso                         | Revocable Use Permit           |
| 22.  | Western Indian Ministries, Inc.   | Lease Agreement                |
| 23.  | Western Indian Ministries, Inc.   | Revocable Use Permit           |
- B. Land Withdrawal Transactions
1. Coalmine Canyon - commercial/light industrial - pending
  2. Gap – commercial, 100 acres
  3. Tuba City – commercial, 1 and ½ acres - pending
  4. Kaibeto Chapter – commercial/tourism, 180 acres & 200 acres
  5. Veteran’s Memorial Park – land withdrawal, 4.0 acres
  6. Ned Yazzie Community Development Project – land withdrawal at Black Mesa
  7. Kai’be toh Creek land withdrawal – 20 acres
- C. BSL pending at NN President’s Office
1. None
- D. BSL and Land Withdrawals approved by NN President’s Office
1. Lease Modification for Robert & Mary Simpson dba Junction Enterprises, Inc. approved on 10/21/09.
  2. Mutual Termination for Shawn Redd dba Redd/Lickee Corporation, Shiprock, New Mexico approved on 10/21/09.
  3. Lease Modification BSL no. TC-93-134 for Robert & Mary Simpson, dba Junctions Enterprises, Inc. approved on 11/16/09.
- E. NN Real Estate & BIA BSL Pending
1. Tauna Ashcroft, Crossroads T.P., Inscription House, Arizona, Lease Modification (recording at BIA)
  2. Tauna Ashcroft, Crossroads T.P., Inscription, Arizona, BSL Assignment (recording at BIA)
  3. Giant Industries, Inc., Gap T.P., Gap, Arizona, Lease Modification (recording at BIA).
  4. Giant Industries, Inc., Tuba City, Arizona, BSL Assignment (recording at BIA)
  5. Red Mesa Trading Co., Inc., Gap T.P., Lease Assignment (recording at BIA)
  6. Thriftway Marketing Corp., Tuba City, Arizona, BSL Modification (Novation), (recording at BIA).
  7. Thriftway Marketing Corp., Tuba City, Arizona, BSL Assignment (recording at BIA)
  8. Lorenzo Fowler, old Cowsprings T.P., Tonalea, Arizona, new Lease (& recording at BIA)
  9. Roy & Marlene Walters, Cameron, Arizona. Lease Modification (recording at BIA)
  10. Kew L. Bennett, Kaibeto, Arizona. New Lease. (recording at BIA)
  11. Western Sunshine, Inc., Cameron, Arizona. Unilateral Lease Termination (recording at BIA)
  12. Walter Tsingine dba Nativeland Solar & Wind Energy Power, Inc., LeChee, Arizona. New Lease (pending at NN RES; recording)
  13. Unilateral Termination of Lease no. TC-96-159 between the Navajo Nation & Royal Churchill, dba Chief Propane, Kayenta, Arizona (at BIA for signature of Secretary of Interior)
  14. Unilateral Termination of Lease no. TC-04-216 between the Navajo Nation & Dine Propane, Inc., located on Shonto Commercial & Light industrial site (at BIA for signature of Secretary of Interior)
  15. Lease Modification (Novation) of Lease no. TC-86-109 for Stan & Maxine Patterson, Kaibeto, Arizona (recording at BIA)
  16. Lease Assignment for Lisa & Tincer Harris, Kaibeto, Arizona (recording at BIA)
  17. Red Mesa Trading Company, Inc., Gap T.P., Gap, Arizona. (TC-99-190) (recording at BIA)
  18. Lease Modification for Robert & Mary Simpson dba Junction Enterprise, Inc., Cameron, Arizona.

- 19. Mutual Termination for Shawn Redd dba Redd/Lichee Corporation, Shiprock, New Mexico.
- F. BSL – Approved by BIA for recording - Completed
  - 1. None
- G. NBP Certification or Recertification Approved and Completed
  - 1. None

**WHIPPOORWILL REGIONAL BUSINESS DEVELOPMENT OFFICE:**

- A. Conducted six (6) workshops/training/Chapter presentations
- B. Attended 17 Meetings (Chapter, Planning, CLUP, Others)
- C. BSL/Permit Transactions Reviewed & Package:
  - 1. Dilkon Thriftway – Amendment pending Giant’s proposal. Procurement has cleared on Base Lessee.
  - 2. Ute Pass Convenience Store – BSL termination currently pending BIDEF loan write off. EDC has tabled proposal and has not revisited item yet.
  - 3. Sublease-Agreement between Victor Beck/United States Postal Service pursued again. DOJ reviewing lease regarding lease subject to termination under new BSL amendments.
  - 4. Dilkon Trading Post: client signed EOA application, submitted insurance and workman’s compensation documents which were pending payment. RED determined the survey plats were problematic and are currently being redone.
  - 5. Rocky Ridge General Store – Novation approved by VP Ben Shelly on 11/13/09.
  - 6. Rocky Ridge General Store – Submitted proposed resolution and mutual termination documents to the DED approving committee. Waiting for the next DED approving committee’s meeting. Seeking approval for the mutual termination.
- D. Business Proposals/Plans/Applications Completed for Compliance:
  - 1. Beck’s Traders – Base lease active; sublease pending USPS’ execution of its lease. Base lease under DOJ review regarding new BSL amendments.
  - 2. Dilkon Trading Post-Matilda Haskin is proposing to operate as a sole proprietor. Currently working on new business plan while Emergency Operating Agreement is pending.
  - 3. Jeddito Commercial Site Development-Environmental Assessment completed with reports provided to chapter. Resolution and land clearance for added acreage pending prior to land withdrawal.
  - 4. Former McGee’s Trading Post – Received letter from Navajo Nation EPA stating that UPEPA has approved the Brownsfield Grant for site assessment for the former trading post. Work will be performed between April 2010 to August 2010.
  - 5. Former Low Mountain Trading Post – RFP was send out and closing date on November 19, 2009 at 5:00 pm. A total of 4 companies submitted their bids. Selected bidder was Ironhorse Environmental Service, Inc. Professional Service Contract was formatted and forwarded to Small Business Development Department on December 2, 2009.
  - 6. Michael Nelson’s BSL in process of renewal. New terms and conditions in negotiation phase in accordance to new BSL management plan.
- E. Loan Package Completed:
  - 1. Sam Honie, Jr. – Micro Loan of \$10,000.00 approved. Check received by Mr. Honie on October 30, 2009. However, not cashed and countercheck issued until November 04, 2009.
- F. Number of Jobs Created:
  - 1. Navajo Nation Oil & Gas-Blue Gap 7
  - 2. U.S. Postal Service – Pinon 3
  - 3. Rocky Ridge General Store - Hardrock 2
  - 4. Hoosh Dooh Dii To Development, Inc. - Whippoorwill 2
  - 5. Giant Store – White Cone 12
  - 6. Mustang Store – Dilkon 7
  - 7. True Value – Dilkon 5
  - 8. Church’s Chicken – Dilkon 9
  - 9. Historic Bitahochee Trading Post, Inc. 1
  - 10. Barton’s Southwest Builders, Inc. - Dilkon 2 (Perm.)  
5 (temp)
  - 11. Survey (correct plats to provide details) 2 temp.

## **V. STATUS OF ACTION PLAN (A, B and C Lists)**

### **SUPPORT SERVICES DEPARTMENT**

1. Developing FY2010 First Quarter Work Plans by each individual staff. Documents are due no later than January 1, 2010 for functional areas in BIDE, Accounting/Finance, IT, and Maintenance.

### **PROJECT DEVELOPMENT DEPARTMENT**

1. Continue to administer the development of New Lands Shopping Center, Ganado Shopping Center and Rubber Gloves Manufacturing Facility and other projects.
2. Continue to provide technical assistance to the DED staff, Navajo Nation Chapters and private individuals.

### **TOURISM DEPARTMENT**

New projects for "A" list:

- A. FHWA Facility Development for N-12 and N64 waiting announcement by FHWA.
- B. Write new application for Organization Development for the communities along the roads and for the Task Force.
- C. Extend Dine'tah Scenic Road N-12 into Round Rock to meet with Tse'nikani Scenic Road (State Road 191).

### **SMALL BUSINESS DEVELOPMENT/REGIONAL BUSINESS DEVELOPMENT OFFICES**

- A. For A,B,C Priority list, refer to Attachment "C"

## **VI. OUTSTANDING PROGRAM ISSUES**

### **SUPPORT SERVICES DEPARTMENT**

- A. Misuse or overuse of Request for Direct Payment (RDP) requisition by management and staff when use of Purchase Requisition is more applicable.
- B. Fleet Management Vehicle Citations. The general public notifies Fleet Management of Navajo Nation vehicle alleged traffic infractions, which more or less has not deterred frequency of Fleet Management reports to the division. Most public reports are unsubstantiated and often result in additional work to justify or counter the public's claim of an alleged traffic infraction. Program is not certain as to whether Fleet management's Public Claim Program is effective to the Navajo Nation.

### **PROJECT DEVELOPMENT DEPARTMENT**

- A. Continue to plan and develop the economic development projects and activities although lack of adequate funds.
- B. Although the Department is one of the most efficient and productive Department within the Division of Economic Development, the Economic Development Committee was very negative and critical of the Department staff and accomplishments during the Fiscal Year 2009 Budget process. This has affected the morale and working relationship with the committee and Division Director. Several Conditions of Appropriations and Legislature concerns were placed upon the Department. The Committee and Division Director should be more supportive of the Department and Staff.
- C. The Department of Justice has involved Design and Engineer Service into the preparation of AIA documents and contracts for architects, contractors, engineers and it has delayed the start of various projects and designs and constructions.

### **NAVAJO TOURISM**

- A. Continue to work on transferring the Scenic Byway program to Navajo Division of Transportation.
- B. Need to re-educate EDC and DED on the focus and priority projects of the Tourism Department.
- C. Need to resolve communication issues within the Tourism Department.

**CHINLE REGIONAL BUSINESS DEVELOPMENT OFFICE:**

- A. The new policies and procedures for the BIDE loan programs need to be finalized as soon as possible, so the information can be conveyed to inquiring clients.

**EASTERN REGIONAL BUSINESS DEVELOPMENT OFFICE:**

- A. Because of insufficient FY2010 Budget for proposed projects, ERBDO is continuously seeking outside funding sources to supplement tribal budget.

**FT. DEFIANCE REGIONAL BUSINESS DEVELOPMENT OFFICE:**

- A. Department has identified four business leases that need to be cleanup for immediate new leases.

**NORTHERN REGIONAL BUSINESS DEVELOPMENT OFFICE:**

- A. ENVIRONMENTAL REVIEWS submitted to RED take a long time.
- B. Office Building
  - 1. Dilapidated restrooms need repairs
  - 2. Windows renovation completed 11/3/2009 by NN Facilities Maintenance; good job!

**WESTERN REGIONAL BUSINESS DEVELOPMENT OFFICE:**

- A. BSL Management Plan is still being addressed by Program Task Group.

**WHIPPOORWILL REGIONAL BUSINESS DEVELOPMENT OFFICE:**

- A. Sam Honie, Jr. Micro Loan approved, check cashed and counter check issued on 11/04/09.
- B. Dine Bi Association for Disabled Citizens, Inc. in Pinon, Arizona still awaiting Grand Opening. Hold up due to furniture purchasing and hiring of personnel.
- C. Professional Service Contract w/ABC, Inc.(Economic Feasibility Study) completed.
- D. Professional Service Contract w/iina ba, inc. (Environmental Study) completed and processing payout.

**VII. PLOBLEMS/RECOMMENDATIONS**

**PROJECT DEVELOPMENT**

- A.. Timely payments for services are required to implement the planning and development process. Delayed payments have detrimentally affected the business relationships with clients.
- B. A need for more funding for development projects continue to exist and possibly identifying a source of revenue stream of economic development projects and activities.
- C. The SAS process to approve and execute contracts and agreements is still time consuming that ultimately affects the planning and development process.

**TOURISM**

- A. The state of the national economy may result lesser number of visitations to the Navajo Nation this tourist season which may affect FY2010 projected HOT revenue
- B. Continue to work with the Scenic Byway and Enhancement projects. Begin dialogue with NM chapters and NM Scenic Byway Coordinator to bring those roads that are on the Nation on the Navajo Scenic Byway project list.
- C. Tourism staff to initiate a campaign to promote a positive image and productive department within DED, the Nation and domestic audiences.

**REAL ESTATE**

- A. We need to setup hands-on training, “How to request Market Data Research/market rent analysis.” However, we have the appraisal available to clarify any questions about when to use a market rent analysis.

**CHINLE REGIONAL BUSINESS DEVELOPMENT OFFICE:**

- A. Radio and Newspaper Advertisements need to be placed with KTNN and the Navajo Times (Newspaper) explaining the present Business Site Lease Management Plan procedures. The advertisements will inform the listeners and readers of the nearest RBDO they can visit for technical assistance.

**EASTERN REGIONAL BUSINESS DEVELOPMENT OFFICE:**

2009	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov.	Dec.
Mail-In	2	1		9	3	2	2	4		2	0	0
Telephone	22	9	5	35	19	7	4	22	4			0
Walk-In												0
Fax										1		
Download-Website												
E-Mail	133	113	46	428	635	77	2	153	35	45	33	17
<b>TOTAL MONTH</b>	<b>157</b>	<b>123</b>	<b>51</b>	<b>472</b>	<b>657</b>	<b>86</b>	<b>8</b>	<b>179</b>	<b>39</b>	<b>48</b>	<b>33</b>	<b>17</b>
<b>TOTAL QUARTER</b>			<b>331</b>			<b>1215</b>			<b>226</b>			<b>98</b>

Arizona	JAN	FEB	MAR	APR	MAY	JUN	JULY	AUG	SEP	OCT	NOV	DEC
Antelope Canyon	1,398	1,651	6,019	1,448	20,122	12,833	26,905	32,651	7,323			
Antelope Pt. Marina	Closed	Closed	Closed	1,743	7,625	13,869	21,018	17,487	10480	Closed	Closed	Closed
Canyon De Chelly	181,928	145,119	158,087	187,973	137,180	182,958	188,952	191,262	262,227			
Glen Canyon NP	34,678	31,645	79,909	137,818	226,217	338,359	345,359	547,171	329,700	157,048	56,524	
Grand Canyon NP	139,031	136,160	315,630	400,627	443,553	537,975	665,187	606,151	431,029	360,175		
Hubbell Trading Post	1,118	7,097	7,962	8,655	14,209	13,038	14,710	9,753	14,184	10,176		
Little Colorado River	2,395	2,249	3,145	8,090	8,329	6,460	12,000	10,158	8,021			
Navajo Nation Zoo	505	707	2,541	2,467	9,535	6,019	5,581	3,634	4,414			
Navajo Nat'l Mon.	2,770	3,015	5,774	7,818	11,031	10,633	12,652	12,435	10,840	8,242	5,289	
Painted Desert/Petr.Frst.	23,457	22,178	47,988	51,174	60,687	97,669	98,628	79,082	50,438	50,585	30,026	
Sunset Crater	7,996	7,810	15,700	18,096	22,161	25,301	1,402	19,779	19,434	20,581	10,254	
Walnut Nat'l Monument	3,352	3,434	9,706	13,303	13,713	17,800	16,191	14,124	13,004	13,408	7,285	
Wupatki Nat'l Monument	7,085	7,288	18,815	23,746	24,436	29,822	30,764	28,091	27,872	21,737	13,175	
<b>AZ Total by month</b>	<b>404,315</b>	<b>366,702</b>	<b>665,257</b>	<b>861,510</b>	<b>978,676</b>	<b>1,279,903</b>	<b>1,412,444</b>	<b>1,539,127</b>	<b>1,181,643</b>	<b>641,952</b>	<b>122,553</b>	-

New Mexico	JAN	FEB	MAR	APR	MAY	JUN	JULY	AUG	SEP	OCT	NOV	DEC
Aztec Ruins	951	1,094	2,528	3,733	5,030	5,089	6,103	4,559	4,394	3,733	1,472	
Chaco Culture NHP	1,620	2,072	3,884	4,545	6,062	4,909	5,080	4,240	5,198	5,783	2,885	
El Morro NM	2,456	2,562	4,134	5,040	6,555	22,141	6,879	6,549	6,046	5,512	3,365	
<b>NM Total by month</b>	<b>5,027</b>	<b>5,728</b>	<b>10,546</b>	<b>13,318</b>	<b>17,647</b>	<b>32,139</b>	<b>18,062</b>	<b>15,348</b>	<b>15,638</b>	<b>15,028</b>	<b>7,722</b>	-

Utah	JAN	FEB	MAR	APR	MAY	JUN	JULY	AUG	SEP	OCT	NOV	DEC
Monument Valley	3,345	3,461	2,047	30,631	45,404	38,394	13,175	67,515	28,996			
Four Corners	2,673	2,658	10,628	12,963	21,085	38,671	45,598	32,094	10,395			
<b>UT Total by month</b>	<b>6,018</b>	<b>6,119</b>	<b>12,675</b>	<b>43,594</b>	<b>66,489</b>	<b>77,065</b>	<b>58,773</b>	<b>1,669,432</b>	<b>1,252,310</b>			
<b>4,642,793</b>	<i>Shaded areas are numbers kept by Navajo Nation Parks/Navajo Fish and Wildlife/Navajo Tourism</i>											
<b>NN Total</b>												

Report created by Site Analytics for <http://www.discovernavajo.com> on 12-17-09

- A. The new protocol for AIA contracts by DOJ is an impediment on progress of projects.
- B. Match funds are needed for projects in the RBDO areas. ERBDO recommends EDC members be more aggressive in securing tribal funds for DED projects, as seed or leverage funds. This includes undesignated unreserved funds available during council sessions.

**NORTHERN REGIONAL BUSINESS DEVELOPMENT OFFICE:**

- A. ENVIRONMENTAL REVIEWS. No clarity as to why ERs are delayed, and an efficient communication protocol regarding ERs should be implemented.
- B. Office Building
  - 1. The Facilities Management lack funding to proceed with necessary restrooms repairs and to proceed with a grant application for restroom renovation, and/or to apply for capital improvement with the Navajo Nation Bathroom Additions Program

**SHIPROCK REGIONAL BUSINESS DEVELOPMENT OFFICE:**

- A. RED has not submitted original copy of BSL that were approved to our office for our records.

**WHIPPOORWILL REGIONAL BUSINESS DEVELOPMENT OFFICE:**

- A. Problem 1: Lack of funding to implement projects.  
Recommendation 1: None since prior recommendations were not addressed.

DIVISION OF  
GENERAL SERVICES



VIRGIL BROWN, JR.  
EXECUTIVE DIRECTOR

FY 2010 - 1ST QUARTERLY REPORT

The Navajo Nation  
**DIVISION OF GENERAL SERVICES**  
 First Quarterly Report – FY 2010  
 (October, November, December, 2009)

**I. Program Information**

Division Executive Director: Virgil Brown  
 Telephone No.: 928-871-6311  
 Fax No: 928-871-7620  
 Web Address: [www.dgs.navajo.org](http://www.dgs.navajo.org)

Departments:

Air Transportation	Adriel Heisey, Director
Department of Information Technology	Harold Skow, Director of Information Technology
Employee Housing Program	Kimberly J. Houston, Program Supervisor I
Facilities Maintenance Department	Marcus Tulley, Department Manager III
Fleet Management Department	Ben Manuelito, Department Manager III
Insurance Services	Jefferson Tsosie, Department Manager II
Navajo Nation Telecommunication & Utilities	Pearl A. Lee, Program Manager I
Navajo Transit System	Lee V. Bigwater, Department Manager III
Records Management	Darren Tungovia, Program Supervisor I

**II. Budget / Performance Information:**

A. Funding and Expenditure

1. Division of General Services B Administration:

Funding Source	# of Personnel	# of Vehicle(s)	FY= 2010 Personnel	% Used	FY= 2010 Operating	% Used
General/Total	4	1	259,044	24%	78,324	20%

2. Air Transportation Services Department:

Funding Source	# of Personnel	# of Vehicle(s)	FY= 2010 Personnel	% Used	FY= 2010 Operating	% Used
General	7	2	595,393	25%	151,112	16%
Proprietary	-0-	-0-	-0-	-0-	900,000	87%
Total	7	2	595,393	25%	1,051,111	52%

3. Department of Information Technology:

Funding Source	# of Personnel	# of Vehicle(s)	FY= 2010 Personnel	% Used	FY= 2010 Operating	% Used
General/Total	21	2	1,303,913	14%	346,275	13%

4. Employee Housing Program:

Funding Source	# of Personnel	# of Vehicle(s)	FY= 2010 Personnel	% Used	FY= 2010 Operating	% Used
Proprietary/Total	9	5	380,724	26%	219,276	40%

5. Facilities Maintenance Department:

Funding Source	# of Personnel	# of Vehicle(s)	FY= 2010 Personnel	% Used	FY= 2010 Operating	% Used
General/Total	58	23	2,052,468	14%	762,313	22%

**II. Budget / Performance Information:**

6. Fleet Management Department:

Funding Source	# of Personnel	# of Vehicle(s)	FY= 2010 Personnel	% Used	FY= 2010 Operating	% Used
Proprietary/Total	71	24	3,282,096	16%	13,317,904	36%

7. Insurance Services Department:

Funding Source	# of Personnel	# of Vehicle(s)	FY= 2010 Personnel	% Used	FY= 2010 Operating	% Used
General	4	1	251,811	14%	117,173	14%
Proprietary	16	2	739,151	35%	917,578	59%
Premiums	-0-	-0-	-0-	-0-	2,014,976	0%
Fiduciary	8	2	431,022	18%	917,578	24%
Total	28	8	1,421,984	22%	4,909,708	32%

8. Navajo Nation Telecommunications and Utilities Department:

Funding Source	# of Personnel	# of Vehicle(s)	FY= 2010 Personnel	% Used	FY= 2010 Operating	% Used
General	11	2	484,041	18%	65,448	20%
Fixed Costs	-0-	-0-	-0-	-0-	6,030,000	10%
Total	11	2	484,041	18%	6,095,448	10%

9. Navajo Transit System:

Funding Source	# of Personnel	# of Vehicle(s)	FY= 2010 Personnel	% Used	FY= 2010 Operating	% Used

General	5	-0-	208,879	25%	387,600	20%
External-State	25	1	1,116,620	16%	725,938	10%
External - ARRA	0	0	0	0%	4,625,080	0%
Total	30	1	1,325,499	21%	5,738,618	15%

10. Records Management Department:

Funding Source	# of Personnel	# of Vehicle(s)	FY= 2010 Personnel	% Used	FY= 2010 Operating	% Used
General	7	1	246,605	18%	77,343	19%
Proprietary	5	-0-	177,675	19%	627,456	26%
Total	12	1	417,706	19%	711,373	23%

B. Program Performance Results (*BUDGET FORM 2 ~ ATTACHMENTS*)

III. Accomplishments:

A. Division of General Services B Administration:

1. On the week of November 30 thru December 04, 2009, attended Navajo Transit System's 4 day conference and retreat at Fort McDowell, AZ. Attendees included state representatives, different tribal transits and federal representatives of the western region. Participated as a facilitator for 2 days for NTS.
2. On December 03 thru 04, 2009 attended Fleet Management's work session and retreat in Chandler, AZ. Work session for Fleet Management included staff participation on team building for planning and future endeavors as part of the Department's vision.
3. Insurance Services negotiated for the first time an agreement in writing. The participatory written agreement is comprised of 16 Enterprises and 103 Chapters for better quality services, collaboration and cooperation with all of the different parties. Overall, this approach will be more efficient and effective process for the team to address issues and problems for better results. We envision where we will be at in the future.
4. The Division Director attended many activities and meetings this quarter, on and off the Navajo Nation on behalf of the Division of General Services and was given special assignments from the Office of the President/Vice-President, including weekends and attending evening meetings.
5. The Division Director continues to work professionally with all of the offices and departments of the Division and also advises, directs and supports all of the programs and departments to meet expectations, goals and objectives for this quarter and throughout the coming Fiscal Year. Also, the Division Director continues to have a very good working relationship with other divisions, legislative offices and committees and other entities with the Navajo Nation.
6. The Division of General Services administration staff strive to maintain excellence on the following: daily operations, duties and responsibilities, completing simple to complex tasks and other important business.
7. The Division strives to be the best with all of different services we provide for the Navajo Nation and our people.

B. Air Transportation Services Department:

1. A set of Propellers were overhauled.
2. A set of engines received their Hot Section Inspections.
3. One Aircraft Phase Inspection was successfully completed.

- C. Department of Information Technology (DIT):
1. Independent Information Technology Auditors completed a performance audit on DIT, and DIT is now working on a Corrective Action Plan.
  2. Continuously working with the Judicial Branch in the implementation of selected software based Case Management System, New Dawn JustWare Software.
  3. Continuously working with NNTU on VoIP policy modifications and updates.
  4. Continuously providing support services for the NN desktop and network environment; services include hardware and software installation, upgrades, maintenance services, analysis and recommendations and system administration. Ensuring 99% uptime of the NN network, responded to 265 calls.
  5. To continue to provide services in Database development, Website development, Software production and administrative duties associated with software changes, responded to 198 calls.
  6. Continuously working with the American Registry for Internet Numbers (ARIN); which requires the NN to upgrade all network equipment.
  7. An upgrade was accomplished to existing Cisco core network switch to a Big Iron Brocade switch for 15 local Window Rock campus networks and implemented a 10Gbit network to the Law Enforcement building.
  8. Ongoing work on the NN DIT Travel Worksheet application. Our goal is to streamline the processing involving reporting and claiming expenditures associated with travel.
  9. Continuously working on a project with Judicial Branch and the NN as a whole in installing cabling in various buildings. Included two-day asbestos awareness training.
- D. Employee Housing Program (EHP):
1. Completed housing renovation at four (4) housing units.
  2. Completed pex water line upgrade at one (1) housing unit.
  3. EHP purchased safety work boots for the Maintenance Technicians.
  4. EHP purchased and changed out appliances at four (4) housing units.
  5. Installed double panel storm windows at two (2) housing units.
  6. On September 26, 2009, EHP met with Legislative and Judicial Branch and the NN Employee Housing Committee in Albuquerque, NM to update the NN Employee Housing Rules & Regulations.
- E. Facilities Maintenance Department:
1. Mandatory safety meetings will continue to ensure worksite safety practices and environment, on a bi-weekly basis.
  2. Winterization, routine and preventive maintenance schedule are on-going, on all tribal buildings that are maintained by the Facilities Maintenance Department.
  3. Chinle Probation & Parole building was reroofed. Roof pitch was reconfigured to improve drainage and eliminate roof leaks.
  4. Completed buildings for the Window Rock Gang Enforcement Unit. Two modular buildings were purchased from the Window Rock School District and completely rebuilt. New flooring, walls, ceiling and electrical system were installed. Facility will be used for training purposes.
  5. FMD purchased a new \$61,000 John Deere backhoe to replace the aging equipment.
  6. Two new steel buildings were constructed by the Facilities Maintenance Staff. The first 1800sf building was constructed for the electrical section, will mainly be used to store electrical supplies and provide office space for the electricians. Also, a second 1800sf building was constructed to be used as a warehouse to store lumber and other building supplies.
  7. Renovation to add six (6) additional office spaces were started for the central office staff. Offices will provide 100sf individual office spaces. The project is 60% completed.
  8. Completed flooring for the Dilcon Police District office trailer. New floor tiles were installed to replace the worn tiles for a 1300sf area.
  9. Completed installing five (5) new windows for the Aneth Utah Business Regulatory office. Materials were purchased by the department.
  10. Eleven (11) vandalisms and break-ins were reported and repaired. The Water Management office and EPA Air Quality office had two break-ins. Each time doors and windows were replaced and reported to the Risk Management office.
- F. Fleet Management Department:
1. MVRB issued twenty-eight (28) Notices to Appear for the October meeting, eighteen (18) for November and twelve (12) for December. Altogether (58) Notices to Appear were issued to

- supervisors and affected employees due to lack of responses on the NN Vehicle Abuse/Misuse Complaints previously filed.
2. A Recognized Safety Officer was selected by the Auto Body Shop to represent the Shop for the next six (6) months, to install new heaters in the offices and on both floors. Also, eleven (11) vehicles were vandalized in the WR area during the Thanksgiving holiday weekend.
  3. Chinle FSC completed fuel leakage test for October, November and December including the AGS at Kayenta.
  4. Crownpoint FSC completed fuel leakage test for October, November and passed. The FSC was inspected jointly by the Fleet Safety Committee Chairperson and Safety Loss Control Program and will begin to implement recommendations for the facility. Updated the RTA Fleet Management Software to 6.4P version.
  5. Shiprock FSC completed fuel leakage test for October, November and December and passed. The FSC was inspected jointly by the Fleet Safety Committee Chairperson and Safety Loss Control Program with minor discrepancies noted, and corrective action taken. Also, Water & Wastewater Treatment inspection conducted by NTUA and NN Environment Protection Administration found no faults in record keeping, wastewater disposal, including inspecting oil tank containment and water drainage system.
  6. Tuba City FSC, completed obsolete parts removal from inventory and returned to vendor for credit, with a total amount of \$9,770, being applied. Also, initiated removal of used oil, 900 gallons needs to be properly disposed of through vendor, including removal of used coolant. An inventory of accumulated Fleet records from 1985 to 2005 were completed, memorandum was submitted to Office of the Attorney General for approval on proper disposal.
  7. Window Rock FSC completed fuel leakage tests for October and November and passed. Coordinated with Dilcon Police District on a presentation to the Dilcon Community Chapter Planning Committee and regular Chapter meeting to secure support for a tank at the Police District, received supporting Chapter resolution. With coordinated efforts with NDOT and FMD, leveling off the ground at the Dilcon Police District for installation of concrete foundation. Assisted Property Management in transporting (8) of eighteen surplus vehicles to Manheim Auto Auction in Albuquerque, NM. Also, the Fuel Card Reader was repaired after the Fuel Hawk fuel system failed even after hardware was replaced, which cause the chain and padlock system to be deployed for three nights. Ten (10) vehicles were vandalized in the WR area during the Thanksgiving holiday weekend, with (3) vehicles sustaining slashed tires and (7) vehicles sustained glass and windshield damages.

G. Insurance Services Department (ISD):

1. On December 04, 2009, NN Insurance Services Commission passed Insurance Commission Resolution IC-DEC-02-09, approving the Insurance Participation.
2. Agreements between the NN Insurance Services Department and the NN Enterprises and Political Subdivisions (103 Chapters) to be effective October 01, 2009.
3. Seven (7) Chapters, have yet to respond to the Insurance Services Department's request for the return of a signed Insurance Participation Agreement. A final extension is set December 31, 2009 at 5:00PM for those Chapters to return a signed Agreement that will allow continued participation in the NN Insurance programs.
4. Employee Benefits Program (EBP):
  - a) Open Enrollment activities for these past 3 months have gone very well. EBP covered all agencies and the enterprises in providing benefit communications and conduction open enrollment. Additionally, assisted in presenting information on the Special Retirement Plan that encompasses the Pre-65 Retiree Health Plan.
  - b) At the request of HMA, a scheduled work session in Tempe that included the NN Insurance Commission, which ultimately ended up with a discussion on HMA's contract extension.
  - c) The program as served 3,001 clients during this quarter, 28 orientations/presentations were conducted.
  - d) Working with HAY Group, Inc., providing data and reports necessary to help with their analysis. Anticipated reports to be presented to the NNIC in January 2010.
  - e) The billing reconciliation s and collections is going very well, and in good standings with payments from the enterprises.
5. Employee Assistance Program (EAP)
  - a) Met Quota for 55 assessments and 3 EAP orientation sessions for this quarter.

- b) 3 employees/clients were admitted into Treatment Centers for alcohol addiction, 1 successfully completed and reform to full duty status. 2 at Keystone and 1 was referred to Alliance of Gallup, NM.
6. Safety Loss Control (SLCP):
- a) Safety conducted 22 of 24 planned safety awareness presentations.
  - b) Safety conducted 40 of 60 planned building inspections.
  - c) Safety conducted 49 of 120 planned loss assessments.
  - d) Safety conducted 22 safety training to programs & an overall total of 122 employees.
  - e) SLCP also conducted 3 recording for 5 radio stations at 15 minutes each. And 2 presentations at the Fleet Safety Conference on HAZCOM.
7. Risk Management (RMP):
- a) RMP has successfully billed and collected premiums from all enterprises by mid-November Chapters and departments have billed their premiums, still in the process of collecting. Have received numerous questions about the premiums and explaining why premiums were billed and calculated.
  - b) NNC has officially approved the participation agreement for the enterprises and the Chapters. For those Chapters that have failed to sign the agreement, notice were issued regarding coverage and all premiums for coverage have not been billed.
  - c) Broker recommendations were made to the NNIC by RMP. NNIC chose to continue with AJ Gallagher. Contract has been modified to include performance guarantees and is at Office of the Attorney General for final review and discussion with AJG.
  - d) Have determine the final figure OAG uses to compare the Renaissance payouts to. That figure is not truly payouts only, includes other figures such as liabilities, reserve amounts, deposits and more. Met with KPMG to address how that can be addressed in the annual audit. By the next annual audit, this will work out and reported correctly.
8. Workers= Compensation (WCP)
- a) WCP is continuing its work on revising the Worker's Compensation Act with the assistance of Bob Aurbach, Attorney General's Consultant. The provisions that were reviewed are Sections from 1001 to 1045, with the exception of 1005 and 1006 as these Sections would include the recommendations from the Controller's Office. Section 1010, Administration Conference/Hearing Process and 1011, Final Appeal were placed on hold due to the length of the Sections. The revision of the Act was the primary focus of the program for 1<sup>st</sup> Quarter.
  - b) WCP will continue to develop new sections of the Worker's Compensation Act which are Return to Work Policy and Traditional Healing Policy.
  - c) All participants were issued written notices informing them of their new premium rates for FY'2010, in the 4<sup>th</sup> Quarter of FY'2009, these are the rates that the Program is now billing the participants.

H. Navajo Nation Telecommunication & Utilities (NNTU):

- 1. Utilities Section successfully submitted contracts to Checkerboard Refuse and Navajo Sanitation for garbage/refuse collection services. Elevator service with ThyssenKrupp Elector and Landscape Services with Warner's Landscapes Services.
- 2. Successfully completed request for electrical service and security light for the Navajo Veterinary & Livestock; installation of security light for Tuba City Youth Development and relocation of gas line for Employee Housing Program.
- 3. In process of request for Chinle Judicial Peacemaking Program who requested assistance with water/sewer line installation; Department of Dine Education for street light repair and HVAC system replacement for building.
- 4. Radio Section installed radios, lights, siren removals and programmed and optimized radios for NDPS and Fish & Wildlife; Installed 2 Base Stations and 1 repeater for NN Shiprock Fair and Tuba City Fair; and Receipt of 1 FCC license assigned to Mt. Elden near Flagstaff for Dilcon and Tuba City NPD, to improve radio coverage to Leupp, Grand Falls, Tolani Lake and Winslow area.
- 5. NNTU provided Energy & Water Conservation awareness activities during the month of October 2009 designated as "Energy & Water Conservation Month".
- 6. Issuance of NNTU Strategic Planning Goals and Objectives to Division, NNTU staff completed various steps in reaching goals encompassing the goals and objectives.

- I. Navajo Transit Systems (NTS):
  - 1. NTS purchased a Mid Size 30 – 37 passenger bus, currently awaiting delivery.
  - 2. NTS purchased a 12 passenger shuttle van, currently awaiting delivery.
  - 3. Completed Charter ride for various entities, that included, Ride the Rez, Bicycle Tour, throughout the reservation; Navajo Code Talkers ride to Albq., NM to Washington, DC; Coyote Canyon Rehab. Center to Las Cruces, NM; and Personnel Management to Albq., NM.
  - 4. Prepared and submitted 2009 3<sup>rd</sup> Quarterly Tax Return.
  - 5. Worked with vendors in advertising in newspaper, magazines, billboards and sports posters.
  - 6. NTS successfully coordinated the 1<sup>st</sup> Annual Tribal Transit Conference.
  
- J. Records Management Department (RMD):
  - 1. Staff have been commencing in job shadowing and cross training initiative implemented, to allow staff to become fully aware of each other's duties and responsibilities. Due to lack of man power, staff can be detailed to another section to provide assistance and support.
  - 2. Established maintenance agreement, which is in place to the on-going services that Xerox Corporation provides to Records Management in the maintenance and upkeep of the copier equipment that is in the care of the NN.
  - 3. On November 18, 2009, provided records training to the Many Farms Chapter, at the request of the Chapter who do not have a certifiable records management system in place. Fundamentals on how to develop and implement an effective and efficient system based on a system that has been adopted by the NN government in accordance with State and Federal requirements.
  - 4. The RMD was awarded \$5,049.98, from the NM Historical Records Advisory Board, to microfilm Advisory Committee resolutions from 1950 to 1992, and B&F Committee resolutions from 1960 to 1992 by the NM State Records Center in Santa Fe, NM. Second transaction of 20 boxes will be completed on November 2009; and the third transaction of 20 boxes December 16, 2009.
  - 5. A decision by Office of the Attorney General at the request of the RMD was rendered on October 13, 2009, regarding the litigation (*NN v. El Paso Natural Gas*), request for information and disclosure of said records and files pertaining to those listed will have to be cleared by the Attorney General's office, and a 90-day waiting period has been established to ensure that all ramifications of the litigation are within the legal parameters of litigation referenced.
  - 6. Warehouse weatherization completed for the staff at the Warehouse in Fort Defiance, AZ, to ensure that all contents are protected and the safety of the staff are without hindrances.
  - 7. On-going services provided with the transportation of financial records from the Office of the Controller's office sections. Also, due to water damage General Accounting records were transported to the records warehouse on an emergency basis requested by the supervisor.
  - 8. Scanner and equipment have been upgraded with the new installation of equipment to meet the demands in scanning and storage of vital records for the NN.
  - 9. Duplicating Services has increased in the areas of specialized services such as, business cards, invitations, posters and electronic design formats. This has begun to increase the revenue for the Duplicating Services Program.
  - 10. Installed new desktop PC's for all full status employees, to include new software applications and computer applications, to allow the department to become more effective and efficient in meeting demands and enhanced services.

#### **IV. Status of On-Going Projects, Initiatives and COA=s:**

- A. Division of General Services (DGS) B Administration:
  - 1. The Division of General Services and its departments and programs has no Conditions of Appropriations for FY'2010.
  
- B. Air Transportation Services Department:
  - 1. A recent interest on Phase II of Airport reconstruction by NDOT.
  - 2. Re-paving of the airport parking lot is stalled; this project is directly tied to the Phase II airport reconstruction project.

3. Replacement of the Window Rock Airport Lighting systems seems imminent.
- C. Department of Information Technology (DIT):
1. NNDIT and NNTU have submitted an application to convert existing network services from the Federal Governments FTS 2000 program to the Federal Governments new NETWORK contract network services for the NN. Currently working on different IT departments to solicit their ideas on the type of network services that is needed. DIT's goal is to convert on the new program beginning of 2010.
  2. Convert all Head Start sites and agencies to the NN Network or to DSL services from Frontier Communications, Inc.
  3. Continue to send DIT employees to training on the latest technology through the use of SKILLSETS on-line training.
  4. Perform planned backup and recovery process and procedures for WSSP 2003 and servers.
  5. Develop MOSS 2007 websites and migration of SharePoint portal, websites and servers (ie, Navajo, NNITS, DIT, DGS, Judicial & NEMS).
- D. Employee Housing Program (EHP):
1. Installed an alarm system at one (1) housing unit.
- E. Facilities Maintenance Department (FMD):
1. FMD will continue to provide routine maintenance to tribally owned buildings, to ensure the safety of employees and a healthy work environment for daily, uninterrupted operation of the Navajo Nation Government; throughout the NN to the greatest extent feasible and within the available resources and funding.
  2. FMD will continue to implement and install energy efficient lighting systems for all tribal buildings. The department will also be doing building assessment to determine energy efficiency and provide recommendations on improvements.
  3. FMD safety program will continue to be enforced and provide safety trainings. Also, implement safety measure to ensure a safe work environment and employee safety. Employees will be certified in First-Aide, CPR, OSHA Safety Standards, Fire Extinguisher use.
  4. FMD will conduct a building assessment for all tribal buildings to assess their building needs and determine occupancy rate and safe working conditions. Report will be delivered to the oversight committee for more funding to improve conditions.
  5. Provide technical support towards the planning and implementation of the following projects as needed:
    - a) Comply with the Navajo Nation Consent Decree to provide repairs and Maintenance to all Navajo Nation correctional facilities 24 hours a day, 7 days a week.
    - b) Local Empowerment Programs.
    - c) Implementation of preventive maintenance program for all tribally owned buildings and facilities to prolong the life and use of the buildings.
    - d) Development of building standards and designs and building codes Standardization of all building material and equipments.
- F. Fleet Management Department:
1. Wright Express Fuel Card usage is being monitored for unauthorized transactions.
  2. Regular Motor Vehicle Review Board meetings scheduled each month.
  3. Regular Fleet Management Safety Committee meetings scheduled each month.
  4. Regular daily and monthly Underground Storage Tank record-keeping and tank tightness testing for U.S. and NN EPA requirements.
  5. Continue vehicle service maintenance agreements with third parties.
  6. Coordinating disposal of vehicles deemed total losses and seeking salvage bids.
  7. Fleet Service Centers continue to be updated on the RTA fleet management software for work orders and other fleet data uses.
- G. Insurance Services Department (ISD):
- 1) Risk Management's CAP is being implemented regarding the Audit conducted on the Program/Department. Although, the department was sanctioned, the Program is continuing

- to proceed with completing the CAP. All items of the CAP have been partially/fully implemented.
- 2) Safety Loss Control Program updated corrective action plan and awaiting response from Attorney General's Office.
  - 3) Employee Benefits is continuing with our daily activities, and on-going projects and initiatives includes:
    - a) Interactions with HMA has been slow, most of their activities are with the Division, the Commission and the President's Office. EBP is not having our weekly conference call to address some issues that needs immediate attention.
    - b) Premium payment from some enterprises continue to pay late, however, all are very understanding and are working with us by establishing a payment plan. Some numbers were brought down to 2 enterprises that are working to clear their records.
    - c) EBP is continuing with orientations, setting up information booths to promote the program services to help communicate efforts to the agencies and local offices, departments/programs and other benefit activities.
    - d) The Benefits' staff will continue to look at certification programs to improve their knowledge of Insurance programs.
  - 6) WCP, 2 of the 6 Audit Findings remain outstanding corrective issues with the Auditor General.
    - a) Conduct a cost-benefit analysis on obtaining excess WC insurance versus maintains a surplus fund balance for catastrophic quotes.
    - b) Identify the best funding method for the self-insured worker's compensation fund. This will be reviewed in the 2<sup>nd</sup> Quarter and is contingent on the Cost-Benefit Analysis Report.

H. Navajo Nation Telecommunication & Utilities (NNTU):

1. The NNTU Program Manager and Proposal Writer designated as members of the NN Broadband Workgroup charged with coordination of the development of a unified NN Broadband Funding Request for grants available under the American Recovery & Reinvestment Act of 2009. Application requested \$40 million of predominately middle mile build out on the Navajo Nation and was submitted by NTUA (lead applicant) on August 20, 2009.
2. The U.S. Congress appropriated \$3.2 billion for EECBG (Energy Efficiency Committee Block Grant) as part of American Recovery & Reinvestment Act 2009. The NN received \$6,079,400.
3. NNTU proposal for \$1,321,285 for energy auditing assessment and retrofits for selected NN buildings and \$100,000 for Energy Conservation Awareness education activities still in final review state by funding source.
4. Will be meeting with Terry Batista, NTUA lead coordinator and discuss the status of \$6 million grant.
5. Meeting with Historic Preservation and NTUA to discuss retrofits to historic buildings, and what type improvements can and cannot be made. Provided tribal building list to HP to identify what building are classified as historical.
6. Continue to implement an energy management program for the NN Government. Also, continue to complete energy audits on NN commercial buildings along with written reports on recommendations.
7. NNTU, NNDIT, and Frontier Communication met with Shiprock Behavioral Health staff to discuss their NN VoIP implementation for the newly built Shiprock Treatment Center. Still awaiting draft VoIP Governmental Service Contract from Frontier Communication.
8. Workgroup members conducted a number of meetings and discussed LEED checklist, building floor plan, construction materials, land site and potential funding source. Decision to focus on funding for A/E and land withdrawal process. Need approximately \$50K.
9. Transition of General Service Administration (GSA) FTS-2001 Telecommunication Services contract to GSA Network contract. Worked with GSA representatives to determine "maximum feasible pricing" for existing telecommunication services under the Network contract. Will develop and issue RDP for telecommunication services and NN long distance, toll free and DIT Wide Area Network transport lines. RFP issued November 16, 2009 with proposal deadline of December 11, 2009.

10. Proposal submitted for NNTU Parking Lot Paving project on October 15, 2008 to NDOT requesting grant funding in the amount of \$624,000 made the first round in March 2009. NDOT staff now communicated that all pending proposal has been frozen by TCDC Committee due to audit in progress for all project funding.

I. Navajo Transit System (NTS):

1. Continue marketing/advertising for future Charter Services
2. Contact previous organization and offer discount rate for charter trips.
3. Update Marketing and Operations Plan.
4. Seek additional funding for replacement of 6 Bluebird Charter buses.
5. AZ Capital Purchases: G27 vehicles specification approval is pending at ADOT
6. NN Sales Tax Return: Working on compiling revenue data from 2003 to 2007.
7. ARRA Capital Items: Bidding and Procurement.

J. Records Management Department (RMD):

1. The NN Supreme Court office will be vacating the premises in our building, submitted a request to the NN Property Management department to secure additional office space - Action Pending.
2. A RFP Bid will be published to allow an awarded contractor to remove the asbestos in the building, walls, ceiling and tiles. This will include a renovation clause to modify the layout of the department offices and presentation as a professional business centre.
3. A core team of department section leaders has been established to begin the researching and development of a draft policies and procedures manual for the RMD. Research will include the requirements of the federal agencies that provide the NN grants and funding, state, county as applicable. This will be a universal standard for the NN government with supporting legislation.
4. In an agreed cost sharing effort the NN Transit System and RMD will identify a vendor that we can solicit to provide our departments with pavement or graveling services for the Warehouse Parking lot and the vicinity of NTS.
5. Site Visit with Arizona State Government, Records Management Division in Phoenix, AZ.
6. 2<sup>nd</sup> Quarter Semi-Annual Review in Phoenix, AZ.

V. **Status of Action Plan (A, B, and C lists):**

A. Division of General Services (DGS) - Administration:

1. DGS departments/programs continue to address outstanding A, B, C Lists.

B. Air Transportation Services Department:

AA@ List #6: Develop a business plan for aircraft usage for the purpose of generating additional revenues. Status: Plans and scheduled activities over the next 100 days are:

1. The department will continue its in-house Aircraft Maintenance Program and comply with all Airworthiness Directives, Service Bulletins and Calendar Items that apply to the Nation's aircraft. This has allowed all three aircraft to be easily returned to service after completion of their Phase Inspections.
2. The department has attempted to work with and provide the Navajo Department of Transportation all assistance necessary during the reconstruction of the Window Rock Airport. NDOT has not communicated with Air Transportation in our request for assistance and project is stalled.
3. Emergency repair of Airport Runway Lighting was completed with Air Transportation Funds. New runway light system was cancelled by NDOT.
4. The Navajo Air Transportation Department has all three aircraft in service and is 100% fully staffed and operational.

C. Department of Information Technology (DIT):

AA@ List #1: DIT is continuously working on the foundation of a Navajo Nation information technology plan that will cover all aspects of the Navajo Nation government.

Status: Strategic actions include:

1. Revision of Resolution CJY-34-92.

2. Preparing for a Navajo Nation IT Summit 2010.
3. Pursuing external funding for IT purposes.

AB@ List #4: Formulation of Navajo Nation Information Technology policies and standards.

D. Employee Housing Program:

Explore the possibility of designating NAHASDA funds for employee housing as a source of funding.– Land Survey Completed.

Status: NAVAJO HILL DRIVE DEVELOPMENT: Completed Land Survey with Navajo Land Administration. Pending – Request for Technical assistance for environmental and archeological survey with Historic Preservation/Division of Natural Resources. As soon as the site clearance and survey are completed, EHP will proceed with a budget package for HUD, Section 184 Loan Guarantee Program.

E. Facilities Maintenance Department: Not affected by A, B, C List

1. Status Report on funding appropriations is provided in prior Quarterly Reports. No additional funding was received by our department.

F. Fleet Management Department:

1. Chinle FSC continues preventive maintenance service agreement with Kayenta Fina, Kayenta, AZ for A Service (oil changes) and limited minor maintenance. Pricing guidelines and input into the RTA system will occur.
2. Consideration of the Paperless Shop software is pending awaiting installation of terminals.

G. Insurance Services Department(s):

1. Risk Management, as stated previously, the Action Plan completed by the Program and is being implemented and followed.
2. Safety Loss Control Program “B” List #3 and #4 completed. The proposed newsletter interrupted by lack of safety personnel, but still in the plan. The “C” List, seeking for adequate office space for Window Rock Safety Office is complete.

H. Navajo Nation Telecommunication & Utilities (NNTU): Not affected by A, B, C List

I. Navajo Transit System (NTS):

AB@ List #3: Establish a marketing strategy for the Navajo Transit System. (Note: Look into partnerships with various businesses to place advertisements on NTS vehicles.)

Status: *The Navajo Transit System Advertisement Marketing Strategy: by Planning Objectives, Description of the Market, Ridership Data, Social-economic Impact, Market Strategy\_or Plan, Implementation of the Marketing Strategy and Rationale for the Strategy.*

J. Records Management Department: Not affected by A, B, C List

## VI. Outstanding Program Issues:

A. Division of General Services (DGS) - Administration:

1. As reported in previous quarterly reports, the issue of inadequate office space continues to be a problem with the Division of General Services.

B. Air Transportation Services Department:

1. The department has a critical need to open an Aircraft Maintenance Technician position and significantly increase the starting pay grade in order to attract qualified applicants.
2. There is a dire necessity to replace our old and dilapidated runway’s lighting system.

C. Department of Information Technology (DIT):

1. No instructions for a Disaster and Recovery Plan in place for People Soft System; this is the main application that the NN uses for its financial system. Should a catastrophic event were to occur, there would be no valid backup to recover data.

2. Issues remain with utilizing remote desktop connectivity from outside the Navajo.org domain to local drives and then connecting to the SQL server.
  3. DIT needs to perform planned backup of servers.
  4. DIT network needs to ensure network availability and optimal functionality for mission critical applications. Organizations are becoming more dependent on their data network support new platforms and technologies. It is critical to have a stable and robust network backbone to support these technologies. DIT currently has a network device at least 5 to 10 years old, that the equipment and support for this system will no longer be supported by the vendor. DIT needs to invest in upgrading all the core network equipment to continue the fast past network traffic and support for the NN government network. This is critical and needed in the next 2 years to continue to be the NN government and network.
- D. Employee Housing Program:
1. Continue to upgrade water system with pex water system.
  2. Continue to upgrade housing units with double pane window replacement, roof renovation, driveways and patios.
- E. Facilities Maintenance Department:
1. With our department's aging equipment, three (3) heavy equipments over twenty (20) years old and in dire need of replacement. The equipments are now experiencing multiple mechanical problems and have been placed on inactive status. As a result, this has limited our services to the NN.
  2. NN Building Status – There are a number of tribal buildings in deplorable and unsafe condition. Mostly, modular or trailers converted into office spaces; the NN needs to establish a building standard to monitor the unsafe conditions.
  3. NN divisions and departments should be required to purchase their own building material for services outside the FMD's Plan of Operation to limit the strain on FMD's budget.
  4. The FMD needs to be provided copies of the construction and shop drawings and documents for newly acquired or constructed buildings. This would also apply to modifications.
  5. Our department repaired several building break-ins and vandalism this quarter. A letter was issued to Mr. Sampson Cowboy, Division Director of Public Safety, requesting to increase Police Patrol in the high volatile areas.
- F. Fleet Management Department:
1. Generator for all FSC contemplated but remains incomplete.
  2. Chile FSC will be correcting most of the building repairs needed and identified in the recent safety inspection using Facility Maintenance or contract with external sources.
- G. Insurance Services Department (ISD):
1. To prevent "Breach of Confidentiality" – regarding claims and health issues, the Program needs to relocate to an area where confidentiality is maintained. Because of the Navajo Nation Privacy Act, we are bound to provide confidential areas to discuss claims with claimants adjudicate claims and house the claim folders themselves.
  2. Issues are the same as the other programs on CONFIDENTIALITY, OFFICE SPACE AND MOST IMPORTANT IS GAIN SUPPORT FROM OUR OVERSIGHT.
  3. Enterprises and the Nation are slow on reporting building renovation or new facilities to Risk Management, in order for Safety Loss Control to inspect and conduct property valuations to determine appropriate coverage.
  4. Employee Benefits needs a computer to replace for Senior Counselor, system is slow and recommends a laptop for travel.
  5. WCP – Audit Report #05-01 – Previously approved of the B&F Committee by a Resolution recommended of the Office of Auditor General approved the sanctions of 10% of Operating Budget for the Insurance Services Department/Worker's Compensation Program. The sanction continues to this day. Finding II is unresolved at this point in time, this concerns the workers' compensation funds also known as Surplus Fund or Reserves.
    - a) Findings I: Items 1 & 2 are completed and implemented as reported to the B&F Committee on 09/25/08.

- b) Finding II: (1) & (2) Incomplete – On going issue with \$10,000,000.00 surplus fund is still unresolved. The Program is working on plans to continue the surplus fund as a Catastrophic Fund. The NN has no financial strategy despite the statement made by the Auditor General in recommending to the program to adhere to the financial strategy. Previously, an Actuary Study stated the catastrophic is adequate. Studies and research continues on this item.
  - c) Finding III: Items 1 & 2 are completed and implemented as reported to B&F on 9/25/08.
- H. Navajo Nation Telecommunication & Utilities (NNTU):
- 1. NNTU needs a separate radio shop for installation and maintenance of equipment.
- I. Navajo Transit System (NTS):
- 1. Travel request are declining, programs are not traveling long distance for trips, due to economy.
  - 2. Replacement of 6 Bluebird buses needed, including additional drivers and a new facility.
  - 3. NN Sales Tax needed as a source for funds, to back-pay taxes, penalties and interest.
  - 4. Dealing with vacant positions and shortage of qualified drivers.
  - 5. Shortage of vehicles, switching of vehicles and warranty issues with buses.
- J. Records Management Department:
- 1. Not Applicable

## VII. Problems/Recommendations:

- A. Division of General Services (DGS) - Administration:
- 1. Additional funding is a yearly recurring issue. DGS Administration is in need of additional office space, as are several other departments.
  - 2. All departments are in need of additional funding and office space, some more critical than others, nonetheless, all are in need. As in the case of Navajo Transit System, they are in need of a new Building to become more efficient in all aspects of NTS; Insurance Services Department requires offices that can accommodate clients when educating benefits, handling worker's compensation claims, assistance consultation for rehabilitation services, though, most importantly confidentiality.
- B. Air Transportation Services Department:
- 1. Long Term Funding for (3) new airplanes on a short term basis, other parts, engine overhauls/Fixed Assets commitment each year for \$150,000.
  - 2.. Navajo Air Transportation would like NNDOT to be encouraged by the Executive and Legislative Branch's to pursue Improvement Projects for all six NN Airports. Support from all three (3) Branch Chiefs should be a priority, otherwise, like all other facilities, they will become beyond repair and inoperable.
- C. Department of Information Technology (DIT):
- 1. Problem – The NN needs to have all 3 Branches, the divisions, departments and programs contribute to the cost of providing the INTERNET pipe currently in place.  
Recommendation – Come up with plan to contribute with the cost of the INTERNET.
- D. Employee Housing Program (EHP):
- 1. Problem – Find a new land site for future employee Housing and funding for such a project.  
Recommendation – Continue to work with NN Land Department on land availability.
  - 2. Problem – The potholes on the street within the vicinity of Navajo Nation housing units are in need of re-patching and re-filling.  
Recommendation – Contact NDOT for the street repair and/or purchase equipment and supplies to repair the streets.

3. Problem – Pave the back and sides within the Shop Yard, one acre in total. To allow for parking and the proper storage of excess materials, supplies & property.  
Recommendation – Additional funds to accommodate pavement/gravel request is needed.
  4. Problem – Excessive amount of organic debris.  
Recommendation – Additional funds to purchase wood chipper to alleviate problem of debris.
- E. Facilities Maintenance Department (FMD):
1. Problem – Safety Violations: Navajo OSHA has repeated cited our department for various safety violations.  
Recommendation - Have NOSHA provide safety trainings and provide technical assistance to remain in compliance. NOSHA is a government agency within the Navajo Nation. Therefore, should be required to work with all programs within the Navajo Nation in correcting their deficiencies rather than citing them for violations. NOSHA cannot enforce safety violations without an existing and approved building code.
  2. Problem - The lack of building standards and codes has caused our department to be in violation of the Safety and Buildings codes.  
Recommendation - The Navajo Nation adopt a Safety and Building Codes for enforcement.
  3. Problem - Technical capabilities: Our department is not certified in all aspect of the building codes and trades.  
Recommendation - provide more technical trainings for the staff to obtain certifications.
  4. Problem - Lack of Funding: Several tribal buildings and offices lack the proper working environment.  
Recommendation - Seek more funding from the Navajo Nation to improve these deplorable conditions. Also, restrict used building purchases or occupation thereof.
  5. Problem - Increase in Vandalisms and Break-ins.  
Recommendation - Require all department and offices to take own initiatives in making their buildings more secure, i.e. security cameras, alarms, key control, etc.
- F. Fleet Management Department:
1. The Auto Body Shop's roof is leaking and Facilities Maintenance was contacted for repairs, no response initiated yet.
  2. Chinle FSC's expressed concern with vehicle lockouts during the winter months when vehicles are warming up and at the close of business or after hours. Will be part of a discussion when the Fleet Service Manager meets with Agency Managers, Directors and Supervisors.
  3. Crownpoint FSC's fuel station pump #3 has been out of service since June 2009 following a thunderstorm activity in the community.
  4. Shiprock FSC's 3<sup>rd</sup> service bay hoist is losing hydraulic fluid around lift post, personnel have to re-fill hydraulic oil each month, and the lift now is a safety concern and warrants replacement.
  5. Tuba City FSC continues to seek the needed extension of secured parking to avoid congestion of departments parking vehicles and blocking other vehicles. Bulk fuel sump is in need of repairs due to a crack noted when recent inspections were completed, estimated cost is \$22,694.
  6. Window Rock FSC continues to be concerned about the vacant building on the north side (formerly Land Administration) that it should be considered for demolition and converted into a parking lot. Water leaks in certain areas were noted during summer rains and Facilities Maintenance notified on locations of repairs.
- G. Insurance Services Department (ISD):
1. Safety Loss Control Program  
Problem – No NN vehicles for the program to fairly meet program objectives, i.e. becoming very difficult in responding to local emergencies or conducting building inspections. Even to conduct local administrative details.  
Recommendation – Currently none, except to wait on Fleet Management for assignment of NN vehicles as promised and continue for staff to use own POV.
  2. Problem – NN departments/programs do not budget or plan a preventive maintenance program in their own buildings.

Recommendation – Clean surroundings around work stations daily and monthly and around buildings.

3. Problem – Safety culture cannot exist without support from the organization's senior management.

Recommendation – Continue to educate Management, Legislators and employees. Safety Personnel needs to be trained and educated.

H. Navajo Nation Telecommunication & Utilities (NNTU):

1. No new problems that were already reported previously.

I. Navajo Transit System (NTS):

1. Researching for additional funds for a new modern fleet, facility and additional staff.
2. More intense training on FTA Grants management specific to Tribal Transportation Program and TEAM Web.
3. Training in Construction funding processes and Procedures.
4. FTA Grant Funding after October 01, 2009.

J. Records Management Department (RMD):

1. Non applicable at the current quarter reporting.

DIVISION OF  
HEALTH



ANSLEM ROANHORSE, JR.  
EXECUTIVE DIRECTOR

FY 2010 - 1ST QUARTERLY REPORT

The Navajo Nation  
**DIVISION OF HEALTH**  
First Quarterly Report – FY 2010  
(October, November, December, 2009)

**DIVISION INFORMATION:**

Division Executive Director:	Anslem Roanhorse, Jr.
Division Deputy Director:	Dr. Madan Poudel
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**Departments:**

Epidemiology Center	Dr. Deborah Klaus, Director
Bio-Terrorism Program	David Nez, Department Manager
Management Information Systems	Brian Tagaban, MIS Director
Financial Management	Charlotte Francis, Senior Management Analyst
Office of Planning, Research, & Evaluation	Roselyn Begay, Program Evaluation Manager
Navajo Area Agency on Aging	Laverne Wyaco, Department Manager
CHR /Outreach Program	Mae-Gilene Begay, Department Manager
Health Education Program	Philene Herrera, Program Manager
Breast & Cervical Cancer Project	Sally Ann Joe, Program Supervisor I
Special Diabetes Project	Robert Nakai, Program Supervisor
Behavioral Health Services	Theresa Galvan, Acting Department Manager
Food Distribution Program	Thomas Yellowhair, Acting Program Manager
Women, Infants, & Children	Adele R. King, Program Manager
Environmental Health	Herman Shortey, Program Supervisor
New Dawn Program	Harry Tom, Program Supervisor
Office of Uranium Workers	Larry Martinez, Program Manager

**SIGNIFICANT ACCOMPLISHMENTS**

Executive Administration

- A groundbreaking ceremony for the construction of a Senior Citizen Center was celebrated in Alamo, NM on October 14<sup>th</sup>. NDOH Executive Director attended and spoke at that event.
- In October, NDOH planning staff reviewed two proposed legislations and prepared two separate comments regarding: 1) a proposed Navajo Nation Commercial Tobacco Free Act of 2009 which was on the Navajo Nation Council Fall 2009 session agenda; 2) a request to add three chapters, namely the Nahata’Dzill Chapter, Houck Chapter and Lupton Chapter to the Fort Defiance IHS Service Unit boundary and its P.L. 93-638 contracting initiative was on the Health and Social Services Committee meeting agenda. Subsequent to receipt of the written comments, HSSC chairperson Thomas Walker, Jr. who was sponsoring the proposed Tobacco Free legislation withdrew the proposed legislation, and the HSSC tabled the proposed legislation that would have increased the Fort Defiance IHS Service Unit.
- NDOH Executive Director provided a report at the Chinle Agency Council Meeting on October 24<sup>th</sup> that was held at Chinle Chapter House.
- On November 3 to 5, NDOH Executive Director provided technical assistance with preparation for and accompanied Vice President Shelly to three separate meetings in Washington, DC, including a Tribal Leaders Roundtable with DHHS Secretary Sebelius, NCAI Tribal Leader Pre-Meeting event, and a Tribal Nations Conference with President Obama. Additionally, the Executive Director attended the U.S. Senate Veterans’ Affairs Committee Hearing on Veteran Affairs and IHS Cooperation.

- New Mexico Indian Affairs Department Secretary Alvin Warren invited NDOH Executive Director to a strategy meeting on November 7<sup>th</sup> in Truth or Consequences, NM.
- On November 11<sup>th</sup>, NDOH Executive Director attended the National Association of State Medicaid Directors 2009 Fall Conference in Arlington, VA and presented on “Tribal Best Practices Consultation Policy”. Over 200 participants attended.
- On November 16<sup>th</sup>, NDOH and HSSC held a meeting through which each program director provided a report on FY 2009 3<sup>rd</sup> Quarter Report, specifically on program achievements, challenges and recommendations. It was a productive meeting.
- The Navajo Area IHS budget formulation meeting for FY 2012 was held in Flagstaff, AZ on November 18 and 19. Majority of NDOH program directors and planners have actively participated to identify the health budget priorities.
- NDOH Executive Director participated in the NAIHS Strategic Planning Meeting on December 3<sup>rd</sup> in Santa Ana, NM.
- NDOH staff provided technical assistance to HSSC member Evelyn Acothley at the Tribal Leaders Diabetes Committee meeting, on December 3 and 4, in Albuquerque, NM.
- OPRE staff attended the Public Health Accreditation Board “Tribal Think Tank” meeting on December 16<sup>th</sup> in Tucson, AZ. The purpose of the meeting was to identify and discuss strategies to ensure ongoing tribal input into the accreditation process; how to engage the IHS in tribal public health accreditation; and discuss the beta-test evaluation of Tribal sites. The meeting was hosted by the National Indian Health Board.
- The NDOH’s FY 2010 P.L. 93-638 Annual Funding Agreement with IHS for approximately \$25 million was negotiated and finalized for approval on December 22<sup>nd</sup>.
- On December 28<sup>th</sup>, NDOH Executive Director participated in a Tribal Consultation meeting sponsored by the Arizona Health Care Cost Containment Services in Phoenix, AZ.
- The Dilkon Steering Committee Health Planner continues to work on the Leupp-Dilkon water transmission project through:
  - Meeting with NAIHS Area Director regarding the \$500,000 allocation by the IHS Headquarters to conduct an impact study for the Leupp-Dilkon water transmission project; and
  - Meetings with the Navajo Department of Water Resources on options for the Leupp-Dilkon Water Project, as a solo or a regional water supply project for the proposed Dilkon Health Center.
- The Kayenta Health Center Project Leadership Team (PLT) continued meeting this quarter; updates were provided by the Project Manager: 1) NTUA is pursuing a right-of-way for the electric, water and gas lines; 2) the Navajo County business site lease amendment awaits signature of the Navajo Nation President; 3) NAIHS and Kayenta Township will execute a lease agreement for IHS property that is needed for the construction; and 4) the right-of-way issue holding up the construction contract should be resolved by the end of the month. Funding of \$40 million is anticipated in FY 2011 for the construction.
- The Bodaway/Gap Steering Committee and the planner participated in: 1) American Indian Health Policy Conference on October 22-23 in Albuquerque; 2) FY 2012 NAIHS Budget Formulation sessions on November 18-19 in Flagstaff; and 3) Tribal Self-Determination Title I & V meeting in Flagstaff.
- The NAIHS Facility Management finally undertook a housing survey required for the Pueblo Pintado Health Center project; the survey is needed to complete the Phase I Site Selection & Evaluation Report (SSER). The completed SSER will be forwarded to the Dallas OES and other IHS offices for approval.
- The Gallup Indian Medical Center Steering Committee had several meetings, some with the Gallup Diné Health Advisory Board, to move the facility replacement project forward. On November 24<sup>th</sup>, New Mexico Senator Jeff Bingaman visited the GIMC and met with the Committee on funding for the project.
- The Navajo Nation Human Research Review Board approved 9 new proposals, 72 returning presentations and 8 manuscripts during the quarter. The research office entered a total of 1,274 studies including research proposals and manuscripts into its database; of which 1,027 were closed studies and 247 were open studies.

#### Bio Terrorism Program

- The Navajo Nation and NAIHS coordinated the 2009 Mass Flu Vaccinations on October 7<sup>th</sup> at twenty (20) locations through the Navajo Nation. Over 18,000 individuals were vaccinated.
- The Bio Terrorism Program initiated several budgets, including:

- The 2009-2010 Arizona Public Health Emergency Preparedness (PHEP) budget in the amount of \$391,000.
- The 2009-2010 Arizona Public Health Emergency Response (PHER) - Phases I & II budgets totaling \$406,573; and Phase III budget in the amount of \$150,000.
- The 2009-2010 Arizona Public Health Emergency Response (PHER) - Phase III budget in the amount of \$150,000.
- The 2009-2010 New Mexico Public Health Emergency Response (PHER)-Phases I & II budget in the amount of \$30,000; and Phase III budget in the amount of \$48,112, which are currently in the Tribal administrative review.
- The Program Manager attended the Tribal Collaborative Team meetings to help develop a strategic Emergency Preparedness plan, which was approved by the 22 Arizona tribes and will be presented at the annual Tribal Consultation meeting held in Atlanta, GA.
- The Bio Terrorism Program coordinated with the Navajo Head Start Program and the IHS Service Units in New Mexico to administer H1N1 shots to Head Start children and staff in early December 2009.
- The Bio Terrorism Program has been actively involved with a public awareness campaign regarding the Seasonal flu and H1N1 Influenza through a range of media venue.

#### Breast & Cervical Cancer Prevention (BCCP) Program

- In October, BCCP Central office and Fort Defiance staff participated in two webinars regarding a Colorectal Cancer Screening project that Ft. Defiance Hospital will pilot from January to December 2010. The BCCP Program received \$140,000 from the State for screening services at Ft. Defiance Hospital.
- The Program Director attended four meetings with the Dine College Cancer Research Project to assist with the development of questionnaires, related glossary, and preparation for the IRB review of the Research Project proposal.
- In November, the Program Director and the Data Manager attended the annual National Program Directors & Data Managers meeting in Atlanta, Georgia where more information on the Colorectal Cancer screening was received.

#### Community Health Representative (CHR)Program:

- Thirty (30) CHR staff completed two classes (Introduction to Public Health and Community Health Assessment) at Dine College this semester, which moves them closer to Public Health Certificates.
- The CHR Program assisted the Office of the President distribute turkeys to Navajo communities. Each CHR distributed thirteen (13) turkeys and educated families on proper cooking and nutrition practices.
- The CHR Program held its Annual Meeting on December 15-17, 2009 at the Isleta Casino & Resort. Staff received valuable health and program information. Staff has the option to earn CEUs.
- Paperwork was completed for the ARRA funds needed for Maintenance & Improvement projects at the Gallup, Fort Defiance and Shiprock CHR offices; proposal was submitted to NAIHS.

#### Department of Behavioral Health Services

- The Shiprock DBHS staff planned an Open House/Blessing Celebration for the new Navajo Regional Behavioral Health Center's (NRBHC) on December 22, 2009.
- Shiprock DBHS has completed the following:
  - Hired a Facility Management Consultant to work with all vendors regarding the NRBHC;
  - Completed the third 90-day Adolescent Treatment cycle on December 4, 2009 involving Adolescent Male clients: Enrolled: 9 and Graduation: 5
- The Kaibeto Outpatient Treatment Center reported the following:
  - Four Kaibeto Outpatient Treatment Center (KOTC)staff attended training on Third Party Billing in Shiprock on October 12, 2009;
  - Client Sobriety Dinner on December 10, 2009;
  - The "Positive Action Parent Classes" attracted many parents; this program is coordinated in partnership with Page Unified School District.
- DBHS staff completed a "Certified Chemical Dependency Counselor" Training Course through the Faith Based Counselor Training Institute. This was an advanced Certification Course accredited by the American Accrediting Association of Theological Institution. Staff also completed the "Basic Restorative Therapy" Training. The two trainings have been infused into daily counseling and will be helpful in setting up Christian Counseling Program on the Navajo Nation.

- The Faith Based Initiative conducted training for Pastors/Ministers of fifteen area churches on the Christian counseling services available through the Faith Based Initiative. In addition, presentations were made on: “How to provide prevention in the Church”; “Violence in the family”; “Tobacco Prevention”; “Positive Action Family Classes”; “Teen Survival Strategies”; and “Strategies to help youth”.
- The Scope of Work for the CNL, Inc. has been completed. The Chinle Center Modular building’s fireguards and the heater units were installed mid-December 2009. Final inspection will be done by NN Design and Engineering Services to close out the contract.
- The Powerline Technologies, Inc., Gallup, NM completed the fire alarm installation in the two modular buildings. Final inspection will be done by NN Design and Engineering Services to close out the contract. Once electricity is back on in the building, fire panel computer programming will be done.
- The Frontier Communication Company completed telephone lines to the switch boxes of the buildings. Frontier Communications will install specific telephone lines, computer lines and internet services upon DBHS’s request and NTUA’s specific connectivity installation.
- The Ron Molina Gas Company of Gallup, NM completed the Natural Gas line hook-up, which has been closed out upon NTUA inspection. The occupancy permits and Fire Marshall inspection are pending.

#### Navajo Epidemiology Center (NEC)

- During the first quarter, the NEC focused its efforts on the pandemic influenza outbreak; NEC provided regular updates regarding the influenza surveillance and efforts to minimize the effects of the H1N1 virus. In addition the NEC has continued the following activities:
  - Assisted the Navajo Pan Flu Core Team & the Navajo Incident Management Team with surveillance of ILI (influenza-like illness) and NAIHS in securing sufficient H1N1 vaccines for the Navajo Nation;
  - Participation in the NAIHS/NDOH mass vaccination for seasonal flu on October 7, 2009 and the plans to vaccinate the priority groups against the H1N1 influenza;
  - Worked with the Johns Hopkins’ Center for American Indian Health (CAIH) to develop a plan (and budget) to enable CAIH staff to assist NDOH with vaccination planning, interpretation of clinical recommendations regarding H1N1, use of anti-virals, and H1N1 vaccinations;
  - Support the NDOH Incident Management Team with public education about H1N1 & vaccination and collaboration with the schools (e.g., Head Start) to ensure that all 5 H1N1 vaccination priority groups have access to the H1N1 vaccine.
- NEC staff continued to assist the HIV/AIDS Program in revising the HIV/AIDS policy and the development of a Navajo HIV/AIDS surveillance system for the Navajo Nation
- NEC staff met with the new epidemiologist from the NM Department of Health regarding partnership to undertake several projects.
- NEC staff participated in the following staff development and training:
  - New Mexico Data Users Conference: One day conference on the US Census Bureau, the upcoming 2010 US Census, and how to obtain US Census data on the Census Bureau website.
  - Data Analysis Training: One day training on use of SAS and Stata (statistical analysis programs) to analyze health data.
- NEC staff participated in the following Job-Related Conferences/Meetings:
  - New Mexico Pandemic Influenza Symposium: 1-day meeting on relevant flu topics.
  - Tribal Epidemiology Center Directors meeting in Albuquerque October 27 – 29, 2009.
  - Navajo Nation GIS Users monthly meetings.
  - NN Human Research Review Board Conference held at the NN Museum December 1 and 2, 2009.

#### Food Distribution Program (FDP)

- FDP assisted 28,685 eligible participants, completed 194 tailgate food deliveries to chapters, and provided information on low sugar/low salt diets to 9,148 clients of commodity food program.
- In December 2009, Mr. David Bowman, Director of Navajo FDP, retired after 28 years of service.

#### Health Education (HE) Program

- The HE Program focused many of its activities on educating the public on seasonal Influenza and H1N1 Flu through a variety of public medium, such as radio/TV announcements, radio forums, posters, and presentations. High risk groups as pregnant women, children, adults, teens and those with chronic conditions were targeted with the messages. Schools were provided assistance with school closure plans.

- A training module, “Risk Communication”, was used to augment the public awareness effort; both HE and IHS staff received training on the module and in turn, trained others on: Shelter in Place, School Closure, Isolation & Quarantine, and Caring for the Sick.
- The Tohatchi HE office coordinated a Coat Drive for the elders residing in District 14.
- Ft. Defiance HE partnered with the Office of Youth Development to clean-up graffiti in Navajo, Ft. Defiance and Window Rock communities.
- Staff of the Crownpoint & Fort Defiance HE offices observed the Breast Cancer Awareness Month with Walks/ Runs and Health Fairs. In all over 150 individuals participated.
- HE Program reported: 139,037 people received health education, specifically, school health recorded 5,888 students/parents/school administrators; community health had 110,461; worksite reported 1,881 employees at employee health fairs & presentations; and patient education served 20,807 people.

#### Kayenta Public Health Nursing (KPHN) Program

- KPHN and CHR staff members who assisted with a special quality of water investigation on the Navajo Nation made a presentation at the American Public Health Association Conference in Philadelphia.
- The KPHN staff reported or participated in the following:
  - Initial vision and hearing screening completed in all KSU schools;
  - Women’s empowerment health fair attracted 214 participants;
  - Assisted with the mass Flu vaccination exercise;
  - Delivery of food boxes and/or turkeys to elders and needy families; and
  - 40-50 bags of trash collected within a 4 mile range.

#### Navajo Area Agency on Aging

- The NAAA Department Manager announced her retirement at the end of December; other NAAA personnel also retired from work as well.
- The Contract Compliance Officer spearheaded a successful campaign for the continuation of NMSLTSD Capital Outlay projects affecting Senior citizen centers in NM; this was in response to NM Governor’s budget cut actions to rectify State’s multi-million fiscal deficit.
- Global Alternative Healthcare Project provided a free outreach clinic to Tribal elders at the Tuba City Senior Center on November 07, 2009. The clinic offered acupuncture and herbal treatment, and medical massage from licensed professional.
- NAAA Program reported the following:
  1. Alamo Community plans a “grand opening” of a new senior center.
  2. Several senior centers have begun serving breakfasts for elders using ARRA funding.
  3. Rock Point Senior Center received a ‘new’ van; their ‘used’ van was reassigned to Low Mountain Senior Center.
  4. BHP Billiton donated \$15,000 to Upper Fruitland Senior Center for renovation of its center.
  5. Beclabito Chapter held a groundbreaking for a new senior center.

#### Navajo Special Diabetes Project

- The Navajo Special Diabetes Project (NSDP) staff completed and submitted the Special Diabetes Project grant application for FY 2010/2011 to Indian Health Service, Rockville, Maryland.
- The annual conference for the NSDP staff addressed: 1) team work and staff morale, motivation, etiquette, 2) tribal vehicle and equipment policy, 3) program budgets, personnel, resources, 4) strategic planning on FY 2010 scope-of-work, and 5) Service Areas program reports and other topics.
- The NSDP provided diabetes prevention to the Navajo people: (a) 21,376 health screening; (b) 24,147 nutrition education; and (c) 20,790 physical activities (run/walk). A total of 52,809 people benefitted.
- The NSDP staff have regularly participated in local, state, and federal/national diabetes meetings:
  - At the local level with HIS to provide input on area-wide sharing, collaboration of resources and recommendations to increase benefits to the Navajo people.
  - NM and AZ State Diabetes Coalition Council meetings on state-wide programs and services.
  - National Tribal Leaders Diabetes Committee on funding, diabetes prevention and treatment.

#### New Dawn Program

- NDP has compiled prices on fruit trees, vegetable seeds, and vegetable/flower seedlings. Large quantities of operating supplies have been orders.

- The Tuba City Agency NDP office distributed fruit trees, vegetable seeds/seedlings and shade trees to 18 people; these recipients were educated on how to plant and care for the fruits, vegetables and shade trees.
- NDP served a total of 212 clients during the first quarter.

#### Office of Environmental Health:

- OEH has monitored health and safety activities at Navajo fairs: Northern Navajo Fair in Shiprock,; Alamo Indian Days at Alamo, and Western Navajo Fair, Tuba City, Arizona
- OEH was involved in the EPA Unregulated Water Source Study Initiative Result Presentation; the CHR Health Education staff was instrumental in the study which was very labor intensive.
- The Office of Environmental Health participated in the following activities:
  - The NN Pan Flu Core and H1N1 Core Response Planning meetings;
  - Tribal Bio-Terrorism Collaborative Core Team meetings in Arizona;
  - Contaminated water issue at Box Canyon area, Tolani Lake Chapter;
  - Tobacco Legislation Development meetings; and
  - Final Inspection of the new DBHS residential building renovations.
- OEH actions on received complaints and referrals (but not limited to):
  - Compliance and Corrective Actions regarding the Indian Wells Senior Citizens' Center; – Closed – Due to unsafe and/or unsatisfactory conditions.
  - Window Rock Adult Detention: – Order of Closure & Authorization to Resume Operation issued. Reason: reported AC/HV failure and corrections.
  - Crownpoint Adult Detention: – Order of Closure & Authorization to Resume Operation issued. Reason: reported AC/HV failure and corrections.
  - Window Rock Adult Detention: – Order of Closure & Authorization to Resume Operation issued. Reason: reported sewage back-up and corrections.
  - Sweetwater Head Start: – Question of Authorization to Resume Operation. The center was closed for non-compliance with environmental health & safety issues by the Federal Agency

#### Office of Navajo Uranium Workers (ONUW) Program

- The Northern Navajo Medical Center collaborated with the Office of Navajo Uranium Workers in the Radiation Exposure Screening for former Uranium mine workers. About 60 miners were screened.
- On October 30, 2009, the ONUW Project teamed up with the Cold War Patriots in celebrating the National Day of Remembrance in Cove, Arizona for all former Uranium workers (On May 28, 2009, the U.S. Senate passed a resolution to recognize uranium/nuclear weapons workers who served their country during the Cold War Era) Over 200 people showed up for the Celebration.
- ONUW caseworkers have provided outreach services bi-weekly at Kayenta Chapter House and the Churchrock Chapter House doing client case updates, new client intakes for RECA claims and/or Energy Employment Illness Occupational Compensation Program Act claims.

#### Women, Infants & Children Program

- The Navajo WIC Program held its Annual "All WIC Staff" Conference at Flagstaff, AZ to discuss 2010 goals/objectives and the Arizona in Motion (AIM) computer system.
- Five WIC staff participated in the AIM Partner's meeting in Phoenix, AZ to discuss future implementation of .NET computer system; USDA 798 Report and Financial Reporting; Redundancy Plan for 2011; and Emergency Preparedness plans.
- The MIS Manager and Regional Nutritionist participated in the National WIC Association Technology Conference in San Diego, CA, which focused on new WIC technology including the Electronic Benefit Transfer (EBT) that Navajo WIC Program is researching for future USDA- mandate.
- The MIS Manager conducted training on Optional Discoverer – Oracle Business Intelligence Discoverer Desktop for four nutritionists who did not attend training conducted by Arizona Health Services WIC in October.
- The WIC Program Manager participated in the Navajo Area FY 2012 Budget Formulation Work Session held November 18 – 19, 2009 in Flagstaff, AZ.

### **STATUS OF ON-GOING PROJECTS, INITIATIVES AND COA'S**

#### Dilkon Steering Committee Planning Office

- The Bureau of Reclamation and other federal agencies are expected to become more involved in the Leupp Dilkon Water Supply project based on the approval of legislation by oversight committees of the Navajo Nation Council.

- Navajo Department of Water Resources continues to provide technical assistance to the DHSCS.

#### Kayenta Steering Committee (KSC) Planning Office

- The KSC staff continues to work with NAIHS, Kayenta Township, KSU-OEHE and NTUA to address utility installation for the project. This quarter, NAIHS, NTUA, Kayenta Township and the KSC met to resolve outstanding issues: NTUA will provide ROW cost estimate for the electrical upgrade and natural gas line extension from junction Hwy 160 & 163 to the construction site. NAIHS and Kayenta Township will develop a lease agreement for the utilities corridors. And a request was made to have utilities meetings conducted locally so that the community can attend the meetings.
- Staff continues to provide administrative and technical support to the Kayenta and Bodaway Gap steering committees. Planner coordinates with local chapters in these two areas and also provides updates at scheduled Chapter planning and regular meetings. Planner composes resolutions for Kayenta and BGSA chapters to request support for both projects. A congressional appropriation request of \$40 million for the Kayenta Health Center in FY2010 was submitted for the second phase construction.

#### Pueblo Pintado Steering Committee (PPSC) Planning Office

- The PPSC Planning Office has no Condition of Appropriations from the Navajo Nation Council for FY2010.
- Staff attended two PPSC meetings: October 21, 2009 at Ojo Encino Chapter and December 17, 2009 at Torreon Chapter House; and provided technical assistance to the committee to develop and finalize the By-Laws, updated the committee membership through chapter designations and invited NAIHS to the meeting to provide a report on the project. Planner also maintains communication with the project managers for the Pueblo Pintado project from NAIHS and Dallas Office of Engineering Service.
- Staff attended several meetings on October 27, November 9, and November 24 with New Mexico Senator Jeff Bingaman. The October meeting was held to regroup the committee and Planner and OPRE/NDOH, provided information on the role and responsibilities of Navajo Nation steering committees. The November 9, 2009 meeting was held to address the Ft. Defiance Hospital Board's proposed inclusion of three (3) Gallup Service Unit Chapters in its PL 93-638 application. The GIMC Steering Committee and Health Board oppose the proposed inclusion of these chapters and there is concern on how this will impact the plans for the GIMC replacement project. The three chapters, Houck, Lupton and Nahata Dzil, populations and workload are included in the justification for the replacement facility and to get New Mexico state designation as a Level III Trauma Center. NDOH provided technical assistance regarding this matter. Finally, Senator Jeff Bingaman attended a meeting with GIMC and toured the hospital on November 24<sup>th</sup>.
- Planner also assisted the Four Corners Regional Health Center (FCRHC) Arts Committee to get name labels for six pieces of sculpture. The committee met October 2, 2009, to name the sculptures (all in the Navajo language) and address other issues related to the arts program.
- Other activities include the Planner attending the NAIHS FY2012 Budget Formulation meeting in Flagstaff, AZ, November 18 & 19, 2009; the Northern Navajo Medical Center Health Board meeting on December 2, 2009 to hear NTUA's report on the potable water at FCRHC. This issue is ongoing and deadline to decrease the arsenic in the water is January 2013.

#### Bio Terrorism Program

- Aside from the Navajo Nation Pandemic Influenza Plan, the Navajo Division of Health is working on the H1N1 response plan.
- Program is preparing to hire two temporary employees to assist in the areas of graphic designing and field liaison.
- The program initiated H1N1 prevention electronic messages for display on the marquee owned by the Navajo Nation Shopping Centers, Inc. Promotional messages are also displayed on buses leased by the Navajo Nation Transit Systems.
- Planning for the SNS/RSS/PODS to provide medical countermeasure coverage for the Navajo Nation continues with team assignments for key components of the Plan.
- The program continues to meet with Emergency Response Coalition as a support resource for the SNS/RSS/PODS.

- The program continues to pursue a departmental Plan of Operation and changing the program name to Public Health Emergency Preparedness Program.

#### Community Health Representative Program

- American Recovery and Reinvestment Act (ARRA) packet for the Repair by Replacement for Chinle, Crownpoint, Dilkon, Dennehotso and Tuba City CHR offices are waiting for clearance for the NEPA document from Historic Preservation. Once this information is received the program can commence to finalize the packet.
- The program continues to work with the Boston PACT project on developing a Memorandum of Agreement. Once finalized, the MOA will go through the Navajo Nation approval process.
- The program will provide CHR PCC Refresher trainings for staff in 2010. A total of two training sessions will be held for personnel. This will aid in staff's comprehension of proper coding and ensuring the importance of completing CHR PCC daily.
- Program will start holding staff accountable and responsible in meeting their SOW by requiring submittal of all reports, entering PCCs, and reporting vehicle usage.

#### Department of Behavioral Health Services

- Shiprock Treatment Center has initiated and completed its Mock Survey in pursuing CARF Accreditation for its facility and expects to meet this goal by December, 2009. The survey has shown that the facility is ready to apply for the Letter of Intent and to begin working on the six month time frame using the CARF Program Standards.
- Ft. Defiance OTC held its Native H.O.P.E. suicide prevention training in November 2009; with approximately 160 participants.
- Other prevention activities this quarter include Red Ribbon; Halloween and a Turkey Shoot.
- Kaibeto OTC Modular Building Project is pending; funds are being solicited to complete the environmental study. The land withdrawal process will follow.
- The Faith Based Initiative Project (FBI) is working on Memorandum of Agreements with area churches. The MOA's will be help in collaboration efforts and utilizing the services and expertise of Pastors.
- The FBI Project is working on at Christian Based Treatment Guide for Christian counseling and teaching that counselors can use in counseling.
- FBI Project is working with Prayer for Prisoners International Organization out of Canon City, Colorado. Within the National Faith Based Program there is a Prisoner Re-entry Program and the Navajo Nation needs such a program. This includes conducting Prison Ministry activities and some of this already being done.

#### Navajo Epidemiology Program

- The Navajo Epidemiology Center (NEC) is the point-organization that is leading the Navajo Cancer Workgroup in writing the first Navajo Cancer Report. The report is 80% complete. The NEC is working with a contractor to develop the report format and print the report. The first Navajo Cancer Report is expected to be finalized in early 2010; it will then be presented to the Navajo Nation Human Research Review Board for approval.
- Over the past 2 years the NEC has been leading the Navajo PRAMS Workgroup in its collaboration with the New Mexico Department of Health PRAMS program to write and release a Navajo-specific report that contains health information about Navajo mothers in New Mexico and their babies, from 1997–2004. The report is 95% complete and is expected to be printed and distributed during the next quarter.
- The NEC has been leading the Navajo BRFSS Steering Committee in developing a health survey that will be conducted across the Navajo Nation. The BRFSS is a CDC national program that implements an annual household health survey to track health conditions and health risk behaviors across the U.S. The Navajo BRFSS steering committee has already formed 3 important workgroups that have been working on a number of critical aspects of the survey project, including the survey itself, how the survey will be conducted (the methods), a project budget, and strategies to engage Navajo communities in the survey. This survey will be translated in the Navajo language and is expected to be conducted in 2011.
- The NEC forged working relationships with surrounding state departments of health, including those in Arizona, New Mexico and Utah. All three states agreed to share their Navajo vital records data (i.e., birth and death records) with the NEC. Such data will provide essential health data that the NEC can analyze and include in Navajo-specific health reports that can be used to: determine the impact that specific

health issues have on the health of the Navajo people; set health priorities for Navajo Nation/NDOH; and determine how to most effectively and efficiently allocate NDOH program resources to serve the Navajo people.

- Injuries constitute the leading cause of death among Navajos in Navajo Area. The last Navajo Area Indian Health Service (NAIHS) injury report is now out-of-date. An update of the analysis of the NAIHS Injury Data Surveillance System (IDSS) will determine the current impact that this public health issue has upon the health (morbidity and mortality) of the Navajo people. The NAIHS has been working on this report for the past 2 years and it is nearing completion. When it becomes available NEC staff will review the report and provide feedback to NAIHS regarding the data, the analysis results and the implications of the report.
- The NEC continues to pursue access to Navajo Area RPMS data (Resource and Patient Management System), which contains the clinical data collected by NAIHS. During this quarter, NEC staff was unsuccessful in making progress on this goal, as NAIHS IT staff continued to be non-responsive regarding the NEC application documents to obtain access to NAIHS RPMS (clinical) data.

#### Health Education Program

- Recruitment of qualified health educators is a challenge for field offices with vacancies. Staff has met with the Northern Arizona University College of Health and Human Services to forward job vacancy announcements and to participate in the University's job fair. Other colleges and universities will be contacted to market the Program.
- The Tobacco legislation will be a new initiative the Division of Health will introduce to the Navajo Nation Council in 2010.
- The Fort Defiance Community Health building is closed indefinitely since November 24, 2009 notice from Navajo Occupational and Safety Administration Program for the second time in recent weeks; the water boiler and the chemicals to treat the boiler are the prevailing issue. November 10, 2009 was the initial notice of closure. The Program needs assistance in locating a building to re-establish the work station and direct services. The matter had seriously impacted staff morale and direct services, including preparing reports and addressing assignments, and public and provider contacts.

#### Kayenta Public Health Nursing Program

- KPHN provides supervision of Kayenta CHR program by agreement through NDOH: 7 additional staff members, also clinical liaison to NFHRN, BCCP, STD, TB and ALTC.
- Regular participation in chest clinic Monthly participation with TB program as needed.
- Ongoing health fairs throughout KSU.
- School vision and hearing screening repeated as necessary.
- Child protection team, domestic violence, high risk pediatric committees; Committee membership and regular attendance by KPHN and KCHR staff.
- Program continues to work on the Navajo Language Cancer Glossary.

#### Navajo Area Agency on Aging

- CAP documents submitted to Office of Auditor General in further attempt to lift sanctions and place closure to NAAA audit findings.
- OEH continuing to inspect NAAA facilities to prevent injuries, outbreak of food borne infections and appraise compliance to tribal, state and federal standards
- Senior Centers located on the Arizona-side of the Navajo Nation are continuing to engage in SNAPS activities for two reasons: 1) generation of man-hours to augment pro-rated salary and 2) provide nutritional education and physical exercise at senior centers.
- As part of Region VII Area Plan, NAAA is continuing to engage in implementing and monitoring five Evidence-based Health Promotion projects and the creation of Aging and Disability Resource Centers as part of the Long-Term Care service delivery system.
- NMALTS Capital Outlay projects are continuing as follow:
  - Ninety eight (98) NM JPA contracts/projects worth \$8.1 million dollars
  - Twenty six (26) contracts totaling \$2.2 million dollars unaffected by NM Governor freeze
  - Forty three (43) contracts totaling \$3 million dollars frozen by NM Governor
  - Eleven (11) contracts under review by NM
  - Thirty four (34) new Capital Outlay contracts secured by NAAA in July 09

- NAAA will continue to monitor New Mexico State legislative sessions to work with Tribal and NM State legislators to sustain each project without reductions in original allocations.
- FY 2008 – 2010 Region VII Area Plan is set to expire in June 2010 and NAAA is undertaking work on FY 2011 – 2013 Area Plan to upholding OAA Title III and Title VI service delivery system.
- Creation of a “Division of Dine’ Elders” is still ongoing with planning under the administration of NDOH. This initiative is part of NAAA Area Plan.

#### Navajo Special Diabetes Project

- NSDP program reporting system and format is being updated. The updates require the existing forms to be refined to assist the field staff to capture and document data specific to the various activities including: clientele workload on screening; nutrition education and related activities; physical activities; location of services, age and genders.
- The acceptance and implementation of a Memoranda of Agreement (MOU) is being processed with the Navajo Area IHS. The purpose for the MOU/MOA is to establish an effective understanding of the roles and responsibility regarding the services to the Navajo people.
- NSDP continues to promote partnership and collaboration with tribal and non-tribal organizations across the Navajo to reduce diabetes which covers planning and implementation of events and projects that promotes physical activities, awareness of the effects of diabetes, and sharing of educational materials and resources.

#### New Dawn Program

- Program continues to disseminate program information at each agency by participating in health and science fairs, and health events. Information is given to clients to increase their understanding on the benefits of gardening and exercising. Part of our direct services will be diabetes prevention.
- Vegetable seeds, fruit trees, and seedlings shade trees are continued to be distributed.
- Continue to conduct horticulture workshops at each agency and hands-on demonstration on food preservation workshops at each agency.
- Staff development; field staff attend trainings, workshops, & conferences related to horticulture & health related issues/activities.

#### Office of Uranium Workers

- Continue registering and filing claims on behalf of miners, millers, down winders, ore-transporters and where applicable, to their survivors.
- Assisting clients with Energy Employee Occupational Illness Compensation established through the Department of Labor for medical benefits and an additional Federal Workman’s compensation through Department of Labor.
- Compiling statistical data on Navajo Uranium Workers registered with the Office of Navajo Uranium Workers. Surveys and statistics are essential to support any changes to the RECA program in the future.

#### Women, Infants & Children Program

- The implementation of these two Initiatives was mandated by USDA, the sole funding source of the Navajo Nation WIC Program.
- The migration and implementation of the Arizona in Motion (AIM) Initiative is nearly 100% complete and has generated defined reports for monitoring the WIC Program.
- The implementation of the new WIC Food Package is 100% completed and the food coupons has increased the purchase of fruits and vegetables

### **STATUS OF ACTION PLAN (A, B, and C LISTS)**

#### Dilkon Steering Committee Planning Office

- The Phase II SSER is pending completion and acceptance of a water utility plan. The DHCSC, NNDWR and NAIHS have recommended focusing on water transmission for the Dilkon Health Center rather than a southwest regional water development.
- The POR is being reviewed by IHS Headquarters as indicated by the NAIHS.

#### Pueblo Pintado Steering Committee Planning Office

- Planner will continue to assist the Pueblo Pintado Steering Committee with the health center project. Planner plans to attend the Crownpoint Service Unit Health Board meeting January 5, 2010, to provide an update on the project.

- Planner will continue to assist the GIMC Steering Committee and Health Board in acquiring supporting resolutions from local chapters for committee membership, steering committee's request for the Navajo Nation to establish a Planning Office for the project, and other project related issues.
- Planner will continue to assist the FCRHC Arts Steering Committee to complete its arts program. Upon the completion of the arts program, the arts committee will be dissolved under the Navajo Business Regulatory Department policy.

#### Bio-Terrorism Program

- H1N1 Response Plan near completion for presentation to the Navajo Nation President.
- SNS Planning Team identified to participate in State SNS planning.
- H1N1 funding awaiting approval by the Arizona Department of Health Services.

#### Department of Behavioral Health Services

- Shiprock Treatment Center is pursuing its CARF accreditation and implementing changes into its treatment and administrative services. The clinical team leads are working collaboratively on getting the Letter of Intent to the CARF organization to begin the Program Standards and implement the standards for a period of six months beginning from January to June 2010. An actual survey will be completed by December 2010.
- Current Policies and Procedures Manual(s) are being revised and updated to comply with the CARF standards.
- The Adolescent Unit has begun taking its Measurable Outcomes and Data by implementing two performance measuring tools.
- The Prevention program received funds from New Mexico to develop and implement a Drop-In Center in Shiprock. They will look for a building and start working on the logistics.
- Kaibeto is seeking ways to bring about adequate clinical supervision for its direct service staff.
- An assessment of the Rainbow Bridge Residential Treatment Center is being completed to determine if it is feasible to continue residential treatment services in Page, Arizona.
- Faith Based Initiative Project will be providing in-service trainings to Tribal/State/National programs on the faith based program and what types of counseling services are being offered. The procedural manual guidebook should be in place soon.
- We are working on getting one more training "How to set up Christian Counseling Centers" for our FBIP counselors and this particular training will be useful in setting Christian Counseling programs within area churches on the Navajo Nation.

#### Kayenta Public Health Nursing

- One remaining vacancy in KPHN staff. Program is re-organized to function in teams. Shared Governance model being explored as an option to improve efficiency of program

#### Navajo Area Agency on Aging

- Action Plans as stipulated in the FY 2008 – 2010 Area plan are implemented to: deliver OAA Title III and Title VI services; maintain contractual obligations and achieve goals and objectives.
- Appropriate documents defining NAAA Corrective Action Plan to correct outstanding audit findings continue to be forwarded to Office of Auditor General. It is anticipated that OMB office will lift the sanction subsequent to final review (December 2009).
- SNAPS Program has encountered challenges due to staff's pro-rated man hours. Lack of matching fund is the problem and it requires prompt resolution as morale of staff is affected.

#### Navajo Special Diabetes Project

- NSDP will continue to focus on the completion of the projects identified as current projects. Projects include: Updates of program activities reporting forms; the realization of the MOA/MOU, and the establishment of partnership and collaboration with other health providers on the Navajo.

#### New Dawn Program

- Program has been searching for a permanent office space for the last 2½ years with no success. Program currently occupies a small space in the CHR building in Ft. Defiance.
- The Arizona in Motion (AIM) Initiative was 100% completed; however, the computer system required Air Cards from Cellular One, because Frontier did not have Internet access; the Air Cards are still utilized to establish internet connection.

- The new WIC Food Package was implemented by WIC staff and Authorized WIC Vendors; however, changes continue to be made.

## **OUTSTANDING PROGRAM ISSUES**

### Dilkon Steering Committee Planning Office

- The Scope of Work has not been approved by IHS Headquarters for the expenditure of the \$500,000; therefore, the funds have not yet been made available.
- The IHS have been recommending a cost share approach to the \$10.9 million project to bring C-Aquifer water from Leupp and as a result the DHCS has held its first meeting with local and tribal prospective partners.

### Bio-Terrorism Program

- The program lacks the funds necessary to complete the lease agreement payment from April 01, 2009 through August 31, 2009. A supplemental request has been submitted to the Arizona Department of Health Services, but there has been no response.

### Community Health Representative Program

- All CHR PCC data should be entered daily but due to certain service units not being fully connected to the RPMS, this remains a problem; especially with Kayenta, Shiprock and Tuba City. Due to distance and equipment needed the Kayenta Service Unit remains unconnected. Shiprock Service Unit is ready for connection however; the NDOH-MIS or NNMC-RIM has yet to address the issue. Tuba City Regional Health Care has been delaying to connect the Tuba City CHR to the RPMS however dialogue and efforts are continuous to obtain connection.
- The program currently has a total of four (4) supervisor positions vacant. There are potential and interested individuals who apply but during the assessment process, many applicants are unqualified. This creates barriers since these offices are currently being held by field personnel in acting status.

### Department of Behavioral Health Services

- To complete the staffing pattern of the NRBHC facility by completing all the outstanding PCQs for key administrative positions.
- Shiprock Treatment Center Outpatient Unit building is settling and it will need to be addressed along with the Adolescent Unit and administration building renovation.
- Ft. Defiance OTC needs a Case Manager for DBHS Arizona and New Mexico to insure proper protocol and procedures are followed for its third party billing and reimbursement process.
- Special Projects staff located within the Community Health Building have been displaced since November causing setbacks and delays for quarterly reports and other correspondence.
- Kaibeto OTC and Rainbow Bridge Adult Residential Treatment Center needs to hire a Clinical Specialist; get new computers; renew MOU with Kaibeto Boarding School regarding the use of their dormitory and address lack of office space; get their Professional Services contracts approved soon; and address the increase of Licensure Application and Fee with ADHS.
- There is also a dire need to have FBIP Counselors be assigned vehicles because they have to carry out their job, duties and responsibilities in the remote areas of the reservation.
- Need for support of Administration to allow FBIP Counselors to conduct project activities. Some DBHS Program Supervisors/Clinical Directors are limiting FBIP Counselors from carrying out activities.
- Some staff members have been on temporary employment status for nearly three and half years and haven't received consideration for a permanent positions. Therefore they are not entitled to benefits such as annual/sick leaves, paid holidays, and medical/dental insurances.

### Health Education Program

- Responsible agencies must address facility issues for field staff under the Health Education Program. Facilities are needed in certain areas of the service delivery area while others are in need of expansion and/or renovation. It is important for safety of clients and staff to have adequate and function facilities from which to provide services.
- Certain staff members from the Health Education, HIV, and Teen Pregnancy Prevention have not received their H1N1 vaccination as assured by the Bio-Terrorism Program and the NAIHS. The local I.H.S. is reserving the vaccine for their clinical personnel, as reported by the field health education staff.

### Kayenta Public Health Nursing Program

- Salaries are not structured appropriately for staff members that are required to carry a professional license to practice. The present salary levels are not competitive with salaries within the industry. That, combined with the remoteness of Kayenta makes filling professional positions very difficult. These professional issues must be addressed in order to successfully expand the 638 program.
- The NDOH needs a Medical Director that will offer supportive guidance to the health programs

#### Navajo Special Diabetes Project

- The lack of Office facilities for three NSDP Service Areas personnel.
- The pending approval of NSDP's carry-forward funds by the Federal funding sources. This delays the progress and completion of two wellness centers, two office complexes, and other resource requirements.
- Various NSDP procurement and contract documents requiring the tribal SAS approvals are held up in the approval process and therefore negatively affects the NSDP program/project time schedule.

#### New Dawn Program

- NDP is excited to receive ARRA grant as we will deplete all of our funding at the end of the Fiscal year. We will be hiring a large number of temporaries, ordering large bulk of operating supplies and office supplies to accommodate all our staff.

#### Office of Environmental Health

- Continue to provide monitoring, surveillance, and enforcement at a few winter activities.
- Continue to conduct routine food handler's training sessions and accommodate special food handler's training session requests for special groups/interests.
- Monitors, surveillance, & enforcement of environmental health & safety of complaints or referrals received of environmental health and safety issue and concerns.

#### Office of Uranium Workers

- A problem for ONUW Caseworkers are proving "Proof of Presence" for Downwinder claims and deceased former uranium workers' in identifying their beneficiary survivors to support their monetary claims with U.S. Department of Justice–Radiation Exposure Compensation Program.
- Another challenge is with the U.S. Department of Labor (Part "E" whole Body impairment claims) is "A link between the covered employment exposure and medical condition established": moreover, the Act requires a finding that it is "At least as likely as not" asking for significant factors in aggravating, contributing to cause the employees' illnesses (proving causation relating to uranium illnesses for all former uranium workers).

#### Women, Infants & Children Program

- The Navajo Nation WIC Clinics at Gallup and Farmington are still encountering telecommunication problems with QWEST; therefore, another carrier has been identified Edge Network, Inc. to restore clinic services.
- The Order of Closure of the Fort Defiance Community Health Building based on recurring reports that NOSHA was receiving of an order within the building which affected 35 NDOH employees. The WIC Program had to vacate the building and is currently serving WIC clients at the Presbyterian Church after an agreement was made to rent the parish. The building does not have internet; therefore, the WIC staff have to utilize Cellular One air cards which is not as rapid as internet services; therefore, the program is seeking another facility with internet services.

### **PROBLEMS/RECOMMENDATIONS**

#### Dilkon Steering Committee Planning Office

- Some uncertainty is created when NAIHS reports to the DHCSC that there is some possibility that the IHS funding schedule to the DHC in FY 2012 for design and planning monies may be pushed back due to minimal appropriations for national health facility projects.
- It is recommended that the Navajo Nation lobby the U.S. Congress and President's Office to ensure the funding schedule for the DHC is maintained.

#### Navajo Research Program

- The request for additional help has been fulfilled. A person is coming on board with the Research Program which was direly needed to assist with research activities which includes clerical support.
- The ProIRB Maintenance Agreement will expire on February 14, 2010. Have received an invoice which will be generated for approval of funds.

### Bio Terrorism Program

- Office space is limited within the Window Rock and adjoining communities, but the program absorbs about 16% of its' annual funding towards office space leasing. The program continues to seek alternative solutions to help decrease this cost.

### Community Health Representative Program

- Cost to maintain tribal vehicles by the program is costly. In addition to monthly rental fees the program is paying of mileage cost. Both costs consume at least 15 – 20 % of the program's budget. The program will continue to research the need for all vehicles currently being used by the program. It may be essential to have some CHR's who are neighboring communities to utilize one vehicle; recommendations and suggestions from supervisors will be reviewed and further action will be taken on reducing the size of the program's fleet.
- The Historic Preservation Department has yet to submit clearance information to our office to complete our request for funding from ARRA funding. The memorandum was submitted to their office in July 2009. Assistance is needed from NDOH to execute the process in obtaining the document our program needs to complete our packet.

### Department of Behavioral Health Services

- Shiprock Treatment Center will need updated computer hardware/software to achieve accreditation and to address its ability to interface with outside organizations.
- Collaborative working efforts between the agency and DBHS finance department to be able to get renovation completed, consultants hired, and third party budget completed.
- NDBHS needs to hire a Senior System Analyst to maintain computer at the Fort Defiance, Gallup, Newlands, and Tohatchi offices.
- Standardize and upgrade all software and hardware for all of the NDBHS sites.
- The Fort Defiance Community Health Building we were using for our worksite has been closed for the past month and has caused setback in daily work flow. A place is needed for workers. DBHS Fort Defiance Agency Staff who were housed there are temporarily situated at the central office but we do have a dire need for a permanent location. (Need to expedite the initiative to obtain and set up the Modular Agency Building.)

### Navajo Epidemiology Program

- Hiring process is very long and has often failed. NEC staff has found that many of the qualified candidates who have applied for positions in the program (including summer internships) have been assessed as "unqualified" by the Department of Personnel Management (DPM). Recommendations: The NEC recommends that NDOH be allowed to directly hire staff for NDOH technical positions. Otherwise, vacancies for many NDOH positions will continue to remain unfilled, resulting in "vacancy savings" (which translate into substantial carryover funds) and affecting the ability of programs to build capacity, meet program objectives and spend program funds responsibly.
- For the past 3 years, the Navajo Epidemiology Center (NEC) has had difficulty obtaining its carryover funds to spend appropriately. Recommendations: The NEC recommends that Navajo Nation put in place mechanisms that will expedite the processing of funds from external sources.
- NEC staff does not have sufficient space to operate. Currently, staff are scattered throughout the NDOH facility. Recommendations: The NEC recommends that NDOH develop a plan to find or create additional space so that NEC staff can work in a contiguous area that allows for greater efficiency, access and staff camaraderie.
- NEC is solely funded by the IHS, which has cut back its funding for the last 2 years. As a result of insufficient funding, the NEC has been unable to hire new staff, which is essential to continue providing public health expertise to NDOH and Navajo Nation. Recommendations: Pass a tribal resolution making the NEC an official NDOH program and begin providing additional funding to allow the NEC to hire additional epidemiologists to serve Navajo Nation.

### Kayenta Public Health Nursing Program

- Salary levels for Registered Nurses and other licensed medical professionals MUST be increased to be commensurate with what the industry demands. With salaries lower than most other facilities and programs, we cannot expect to hire and retain qualified Registered Nurses. The tribal program is well known as having salaries that are too low to attract Registered Nurses except in unusual situations. The

constant turnover is expensive to the Division of Health and causes fragmented care to the people of the Kayenta Service unit.

- We need additional nursing staff. The present staff is exhausted, all available positions are filled but we need to establish a minimum of 3 additional RN positions.
- Develop and plan a nursing education program specific for Tribal employees. Initiate with LPN, Associate RN, and then on to Bachelor's RN.

#### Navajo Area Agency on Aging

- Contract between NAAA and Nobel Sysco needs to be re-examined. Recommendation: NAAA, along with attorneys and fiscal agent(s) need to review contract 'Scope of Work' and study its delivery system to determine if it is still feasible to continue the contract.
- Arizona SNAPS Contract is not generating enough revenue to balance the salary disparity because NAAA only gets back .32 on the dollar while New Mexico receives dollar for dollar reimbursement. Recommendation: NAAA subcontracts directly with U.S. Department of Agriculture for SNAPS fund to eliminate disparity and replenish Tribal coffers.
- NAAA is inadequately receiving funds from NMALTSO for provision of service on the New Mexico-side of the Navajo Nation. Recommendation: Propose amendments for current contracts for additional appropriation. If not possible in FY 2010, then NAAA must prepare to submit a realistic spending plan for FY 2011.
- Increasing food cost requires modification of OAA Title III and Title VI nutritional services to avert an abrupt cessation of service delivery. Recommendation: Analyze current service delivery patterns, number of elderly clients receiving C-1 and C-2 service, and miles traveled to deliver meals and implement necessary adjustments.
- OAA Title III, Part E and Title VI Part C program are underdeveloped because of inadequate funding. Recommendation: NAAA analyze current logistics to determine appropriate method(s) to expand services and enhance planning to develop a comprehensive Caregiver program.
- The SAS system poses impediments. Recommendation: Revise the system or abolish it.
- Performance measures from FY 2008 and 2009 Area Plan have not been analyzed to assess performance of NAAA service delivery system. Recommendation: Solicit Epi's assistance to statistically analyze data.

#### Navajo Special Diabetes Project

- On the Navajo, there are several federal, tribal, state and private organizations and all these organizations are providing health and health related services to the people. This availability of resources is great, but to eliminate duplication of services, unmet needs, and resources disparity, there is a need to establish a Navajo area-wide comprehensive health system which promotes accountability.

#### Office of Uranium Workers

- Lack of funds to properly serve the Navajo cliental. Seek funding other than general funds through proposals to state and federal agencies. The program request assignment of proposal writer or planner to assist in this goal

#### Women, Infant & Children Program

- Recommend that Financial Services pay outstanding bills in a timely manner to eliminate disruption of health services.
- The Navajo Nation Division of Health needs to seek an alternative office building for thirty-five (35) displaced NDOH employees.

DIVISION OF  
HUMAN RESOURCES



ANDRE CORDERO  
EXECUTIVE DIRECTOR

FY 2010 - 1ST QUARTERLY REPORT

The Navajo Nation  
**DIVISION OF HUMAN RESOURCES**  
 First Quarterly Report – FY 2010  
 (October, November, December, 2009)

**I. Division Information:**

Division Executive Director: Andre Cordero  
 Telephone No.: 928-871-6375  
 Fax No: 928-871-6377

Departments:

Department of Personnel Management	Bernadette Bernally, Human Resources Director
Staff Development & Training	Fred Silverfox, Training Manager
Department of Workforce Development	Roselyn Shirley, Department Manager III
Department of Navajo Veterans Affairs	Richard K. Begay, Acting Department Manager II
Department of Retirement Services	Rodger Martinez, Retirement Plan Administrator
Office of Navajo Labor Relations	Reynold R. Lee, Program Manager II
Office of Broadcast Services	Kee Long, Program Manager
Navajo Office of Vital Records	Leonard Benally, Vital Statistics Manager
Navajo Occupational Safety & Health Administration	Timothy Bitsie, Programs & Projects Specialist
Office of Navajo Women & Families	Marie E. Begay, Program Supervisor I
Department of Child Support Services	Pierette Baldwin-Gumbrecht, Program Supervisor I
Navajo Nation Band	Lance Todakonzie, Band Director

**II. Budget Performance Information:**

A. Funding and Expenditures:

Department	Funding Source	Number of Personnel	Number of Vehicles	FY 2010 Personnel	% Used	FY 2010 Operating	% Used
Staff Dev	General	5	0	283,836	25%	291,836	25%
Workforce	General	1	0	89,142	21%	0	0
	Adult						
	PY07	102	8	1,334,023	97%	6,321,158	91%
	PY08			1,134,611	38%	6,623,450	41%
	PY09	14		1,390,651	0%	4,493,424	0%
	ARRA						
	PY09			231,019	21%	1,092,193	10%
	Ext WIA						
	Youth						
	PY07			1,092,303	110%	13,118,391	97%
PY08			1,370,196	71%	3,272,500	94%	
PY09			842,611	0%	2,234,818	0%	
ARRA							
PY09	45		1,086,219	40%	4,597,704	36%	
NEW							
PY08		12	572,718	101%	1,179,948	83%	
PY09			602,159	0%	1,150,507	17%	
Veterans	General			217,223	9.19%	359,223	18.23%
	Trust	0	0	57,273	15.65%	334,021	84.35%
Retirement	Fiduciary	0	0	0	0	13,087,957	17%
		9	0	402,591	19%	3,682,343	41%

		0	0	0	0	48,408	4%
Labor Relations	General	14	6	95,586	16.10%	16,856	15.99%
Broadcast	General	6	2	39,964	18%	19,251	18%
Vital Records							
NOSHA	General	4	1	195,879	18%	79,156	15%
Navajo Women	General	2	0	98,083	25%	14,058	18%
Child Support	General					295,897	12%
	External	63	6	2,261,714	15%	3,300,131	14%
DHR-Admin	General	4	1	284,818	15.40%	166,446	17.82%
NN Band	General	0	0	0	0	40,464	48.12%

B. Program Performance Assessment Reports (OMB Form 2 Program Performance Criteria)

**III. Accomplishments:**

Staff Development and Training Department (SDTD):

- A total of 89 NN employees attended training; 6 training sessions took place; 289 Training Request Forms were processed; 4 departments requested to utilize classrooms at SDTD; 3 New Employee Orientations were held; Otherwise, Monthly/Quarterly computer & Soft Skills training were provided. SDTP Training Instructors and presenters scheduled and conducted training sessions Community Health Representative/Out Reach Program – “Sexual Harassment” – Isleta Casino Resort, Albuquerque, NM A total of 101 people attended and Microcomputer Training – Fleet Management & DPS.
- Conducted and completed the Employee Recognition on Thursday, December 17, 2009. Approximately 650 NN employees received an award at San Juan County Fair Ground and Casino, Farmington, NM.

Navajo Department of Workforce Development (NDWD):

- ARRA funds are approximately 44% expended with a total of 443 participants employed. NDWD received ARRA funds enrollment became effective September 14, 2009.
- 39 Office of Youth Development employees who were laid off from employment on September 30, 2009 were employed under the NDWD Dislocated Worker Program for 90 days with approximately the same hourly wage they were employed at under OYD. These employees found other jobs or were re-employed with OYD or the Navajo Nation under different funding sources. OYD was thankful for NDWD’s program assistance for laid-off workers. It is a good program that provides short-term employment for laid-off workers so they can become gainfully employed once again.
- The NDWD Dislocated Worker Program assisted 22 individuals who are soon to be laid off from Pittsburgh and Midway Coal Mining Company (P&M). There are a total of 80 employees scheduled to be laid off, but only 22 individuals showed up for assistance.
- The NDWD Senior Management Analyst conducted quarterly collaboration meetings with the Arizona, New Mexico and Utah training providers to improve communication and logistical issues regarding the memorandum of agreements.
- NDWD sent 23 administrative and agency staff to the Mid-Western WIA Regional Conference in Louisville, KY the first week of November, 2009.
- The Native American Pipefitters Union Regional Training Center in Chicago, IL graduated 6 Navajo students from the Pipefitter Apprenticeship Training Program. NDWD provided air fare and one-month’s living expenses for these students to find employment.
- NDWD management conducted a total of 19 management and accounting meetings in this quarter to provide guidance and support for WIA operations.
- NDWD met with Romero Brown, owner/operator of Navajoland Denny’s Restaurants to finalize a training budget to train 100 employees for its new restaurant scheduled to open in Chinle, AZ. WIA training funds will be used to pay for participant’s wages and support costs associated with the training program.

Department of Navajo Veterans Affairs (DNVA):

- DNVA hired a temporary person for the Program/Projects Specialists position under the Strengthening Alliance of Veterans and Families (SAVF) - AmeriCorps Program. This program is funded by the Corporation for National and Community Services (CNCS) out of Washington, D.C. The grant amount of \$ 252,000.00 funds a Program/Projects Specialists, twenty (20) AmeriCorp members and other operating costs. This funding is matched by the Navajo Nation in amount of \$ 77,930.00. In addition, DNVA is also providing an In-Kind match of \$ 83,242.00. Each

Agency Veterans Office will be assign four AmeriCorps members. The selected members will be enrolling into the program the latter part of January 2010. In the meantime, the Program/Projects Specialists position is being advertised.

- On October 5&6, 2009; DNVA, Mr. Lawrence T. Oliver, Division Director of Division of Human Resources and members of the Navajo Veterans Task Force on Health Care, chaired by Mr. Anslem Roanhorse met with several VA officials that included Ms. Emily Smith, Deputy Assistant Secretary for Intergovernmental Affairs with U.S. Department of Veterans Affairs of Washington, D.C., Ms. Susan Bowers, VISN 18 Director of Mesa, Arizona, Mr. George Marnell, Director of New Mexico VA Health Care System, Dr. Susan Angell, Director of Northern Arizona VA Health Care System ( NAVAHCS) and her staff. Ms. Patricia Olsen represented Mr. John Hubbard of Navajo Area Indian Health Service. Concerns and veterans health care needs were made known to the VA officials. Navajo Nation Vice-President Ben Shelly addressed the meeting participants. Human Services Committee Chairperson, Honorable Council Delegate Larry Noble also participated in the meeting. The discussions included the two initiatives that were funded under the Rural Health Initiatives, the Telemedicine Expansion and the Homeless Outreach for Rural Veterans which will be undertaken by Northern Arizona VA Health Care System, New Mexico VA Health Care System and East Texas VA Health Care System. The Navajo Nation agreed to actively participate in both initiatives. One of the issues brought up to VA was the boundaries and jurisdictions of the three VA Medical Centers: Albuquerque, Prescott, and Phoenix and that the services by the 3 regions are better coordinated and collaborated. The visiting VA officials agree with eventually having a Community Based Outpatient Clinic (CBOC) on the Navajo Nation, but it must be a long range goal.
- The DNVA Department Manager, Senior Planner and Fort Defiance Agency staff participated in the Veterans Stand Down held in Albuquerque, New Mexico. Informational booth was set up and pamphlets were handed out. Other service providers and participants included VA Regional Office, NMVA Health Care, Vet Center, NM Department of Veterans Services, VA Readjustment Counseling, and others. Food, clothing, haircuts, showers and VA benefits claims were filed for Homeless Veterans. More than 300 showed up for the event. This event was sponsored by the State of New Mexico Department of Veterans Services. Cabinet Secretary John Garcia has expressed his willingness to assist the Navajo Nation Veterans Office to set up a similar event on the Navajo Nation next year.
- Eastern Navajo Agency Veterans Office met with Ms. Marie Begay of Capital Improvement Program, Ms. Tammie Two, and Ms. Hattie West, Office of Controllers. They both informed that all Capital Outlay Funds are on hold until after the Legislative Session in January 2010. Ms. Begay also mentioned that we were supposed to submit documents to NM Office of Indian Affairs by November 12, 2009. We were not aware of this notice. Hopefully, we will not be penalized for not submitting our documents. We will continue to accept request for Arch. And Survey Clearance requested by veterans.
- Eastern Navajo Veterans Agency Office has 90 veterans on housing waiting list with all required documents. Additional applications are being reviewed at this time. This listing is only for Self Help Housing. Once NAHASDA Housing Staff is hired we will begin a waiting for that program.
- Four Proposals were submitted by Eastern Navajo Veterans Agency were submitted for the following: (1) Purchase Office Equipment - \$50,000. (2) Construction of Parking Lot - \$85,000. (3) Home Down Payment - \$32,400. (4) Housing Construction - \$3,404,866. Total of all (4) request is \$3,572,266. We have met with Mr. Casey Begay, Department Manager II of Capital Improvement Program. He did mention that our proposal for Parking lot is under Navajo Nation Fuel Excise Tax. Assessments are being made at the present time. We will continue to follow up on these proposals. We need feedback on the most important proposal the (36) Housing requested. Recommendation is to have an update on all proposals submitted.
- Eastern Navajo Agency Veterans Office attended a Public Hearing in Santa Fe, New Mexico on October 22, 2009. Hearing was held on the proposed rules for the Native American Veterans' Income Tax Settlement Fund. No response was made to the proposed rule changes. Mr. Raymond Jim of Shiprock Agency read his position statement. Staff from the Indian Affairs Department, Tax Revenue Department and Veterans Department was at this hearing. A total of (10) Native Americans attended this hearing. Majority were from the Navajo Tribe. Mr. Raymond Jim was not satisfied with the outcome. No one from the President/Vice-Presidents office was at the hearing.
- (2) Code Talkers from the Eastern Navajo Agency were selected to attend the Veterans Day Parade in New York City. Thanks to HBO and Fire Rock Casino in making this trips a reality. The Code Talkers selected were: Mr. Frank Chee Willeto and Mr. Joe Vandevere. Mr. Vandevere was very thankful in making this trip.
- During this quarter the Ft. Defiance Agency Veterans Office provided services to 779 Veterans; October 256, November 245, and December 278, totaling 779.
- Foremost accomplishment for the Western Navajo Agency Veterans Office was the submission of \$7.2 million proposed Stimulus Projects for final review. On May 4, 2009, the Interior Announced \$500 million in Indian Country Economic Recovery Projects. The Secretary of the Interior Ken Salazar announced that the Department will fund \$500 million in new school and housing construction, roads and bridge improvements, and workforce development

projects for federally recognized tribes across the nation. Indian Affairs program funded through Interior's ARRA investments include: School Improvement and Repairs, Road Maintenance, Housing Improvement Program, Workforce Training and Indian Guaranteed Loan Program.

- As of December 2008, WNA office has 1090 registered veterans, this include deceased veterans. The Vietnam Era Veterans still make up the largest count. We have 629 veterans deceased. Under others: we have 170 veterans listed as non-Navajo.
- October 07, 2009 Attended, the ARIZONA STATE Veterans' Service Advisory Commission meeting to attain a supporting resolution for an upgrade of Silver Star to posthumously awarding Congressional Medal of Honor to E4/Specialist Huskie Yazzie Begay Ten who was killed in the Republic of Vietnam in 1968. Honorable Council Delegate Elbert R. Wheeler was present, and he helped, Mr. Tom Gorman, and Mr. Don Sage, a representative for the H.Y.B.Ten's Family. During the meeting, ASVS, Advisor Commissioners whole heartedly approved, and passed two (2) official resolutions: 1) To encourage, and advise the Arizona State Governor Jan Brewer to unconditional support, and advocate, and advise the Arizona State Legislative Senate, and House of Representative to approve the passage of an upgrade of CMOH for H.Y.B.Ten in the coming FY2010 Session; 2) In addition to Arizona State Legislative Bill the ASVS Advisory Commissioners shall insist, and to encourage all Governors of the United States of America at the next USA-wide Governors' Meeting.
- November 10, 2009 Attended, the Memorandum of Agreement (MOA) meeting between Navajo Housing Authority and Department of Navajo Veterans' Affairs & Roles and Responsibilities. The following areas of negotiations, agreements and consensus were covered: The MOA itself; the Resolutions approving Amendments to Mutual Help Occupancy Agreement (MHOA) including all Native American Housing, And Self Determination (Act 1998) Housings across the Navajo Nation. As an advocate, Mr. Tom Gorman, VSO, vigorously debated, and presented constructive arguments to secure support by NHA Administrators; namely Mr. Scott and Mr. Earl Tulley. I believe we have achieved the best housing program through Federal H.U.D. for DNVA Veterans-Homebuyers.
- Chinle Agency Veterans Office facilitated the delivery of two (2) electric wheelchairs to L. Notah, WWII Woman Veteran of Chinle Chapter, and J. Upshaw, Peacetime Veteran of St. Michaels Chapter of Fort Defiance Agency. The 'Military Order of Purple Heart' Foundation of Prescott, Arizona came to Chinle Agency DNVA Office, and they presented the equipments, the Warriors' Medals and a booklet as gifts to the elderly veterans. \$130.00 was given to the MOPH which defrayed the gasoline cost, and meals for Dennis and Nick.
- On December 11, 2009, DNVA-Northern Agency staff attended and participated 1<sup>st</sup> Quarterly Northern Agency Veterans Benefits Conference at Beclabito Chapter. More than 75 veterans and their families attended the conference. Navajo Nation President, Dr. Joe Shirley, Jr. was the Special Guest Speaker. Beclabito Chapter Veterans Organization provided the lunch.

#### Department of Retirement Services (DRS):

- Presented and provided the voluntary Special Retirement Program "SRP" Orientations to all participants who were eligible to participate in the program: October 12-16, 2009: the SRP was given to Department/Program Managers and supervisors, November 2-20, 2009 presentations at the Navajo Nation Museum and five (5) agencies.
- October 6, 2009 meeting with Budget & Finance Committee regarding the Special Retirement Program, Legislation 0579-09 and Suzanne Wyatt, Actuarial from Towers Perrin. Staff meeting on October 7, 2009 regarding the "TRAIN THE TRAINER" presented from Suzanne Wyatt, Actuarial and Mathieu Tessier, Actuarial from Towers Perrin at the Navajo Nation Retirement Services Conference Room in Window Rock, Arizona. This was preparation to the Special Retirement Program "SRP".
- On October 28, 2009 meeting with Employee Benefits regarding the incentive on Health Insurance coverage for the eligible SRP participants.
- "Purchase Card" Conference 2009 held on October 16, 2009 to all Navajo Nation WellsOne Commercial Cardholder at the Navajo Nation Museum in Window Rock, Arizona. Staff participated and one staff was a presenter at the P-Card Conference.
- During the month of November 2-20, 2009 staff presented and conducted the Special Retirement Program Orientation each week to eligible participants who were interested in the SRP. Staff traveled to the five agencies and held sessions at the Navajo Nation Museum in Window Rock, Arizona throughout the each week.
- December 9 -12, 2009 Retirement Committee Annual Financial Investment meeting/work session with B& F Committee, RPAC and Retirement Services staff to be held in Las Vegas, Nevada for the annual financial reports and status for the Navajo Nation.

- Continue coordination with Employee Benefits/Insurance Services Department on the listing of all Terminated employees who are on the different plans and other issues concerning benefits. This allows us to update term dates for all participants on the 401(k) Sponsorweb along with People Soft.
- Continue to enforce and orientate to the different committees members, Navajo Nation Council Delegates and Political Appointees regarding the Deferred Compensation and Deferred Retirement on new legislation regarding eligibility and payments of Deferred Compensation with the American Jobs Creation Act.

Office of Navajo Labor Relations (ONLR):

- October 7, 2009 – Director met with Shiprock Chapter Officials, Donald Benally, Vice-President, Lula Jackson, Secretary and Loretta John, CSC, regarding ONLR's request to utilize an office trailer. The Chapter Officials were receptive to the request. ONLR will provide a draft office use agreement for their review and approval.
- October 20, 2009 – Director met with employees of Child Care Development Fund, Division of Social Services from five agencies regarding complaints of demotion without cause. The procedures for filing and time limitations were explained. The employees were given Charge Forms to complete and return to ONLR.
- November 23, 2009 – Director conducted a workshop with Labor Compliance Officer's and Construction Employment Analyst on the proposed revisions of the NPEA. This is in preparation for the workshop with the Human Services Committee in Laughlin, NV December 15-19, 2009 on the proposed revisions.
- December 14, 2009 – Director conducted Exit Performance Appraisal for Harrison Bia, Chinle and John Wilson, Shiprock. The two Labor Compliance Officers accepted the early retirement and their last day of work will be December 31, 2009. To assure coverage, Gililand Damon, LCO, will cover Shiprock ONLR two days a week, Delight Butler, LCO Kayenta, will cover Chinle ONLR twice a week and Eugene Kirk, LCO, Ft. Defiance will cover Tuba City ONLR twice a week beginning January 2010 until the vacancies are filled.
- December 16-18, 2009 – Director, Labor Compliance Officer's and Construction Employment Analyst conducted a workshop for the Human Service Committee in Laughlin, NV regarding the proposed revisions of the Navajo Preference in Employment Act. There are numerous proposed revisions based on current laws, new laws and Navajo Nation Supreme Court decisions. The proposed revisions were discussed in depth and additional recommendations made. The recommendations will be included and legislation drafted to initiate the SAS process on the proposed revisions.
- October 22, 2009 – CEA along with Mr. Damon conducted a job site inspection at the Crownpoint Community School construction project. Commercial Enterprises, Inc. Foreman was reported to creating a hostile work environment at the site. Investigation revealed there was no such violation by the Foreman. A total of eighteen (18) workers were interviewed on site. At job site there were seven (7) contractors working on site.
- December 2, 2009 – CEA at the request of Mr. Barry Klopler, Attorney with Department of Justice to attend a meeting with Economic Development Committee. Meeting was regarding United Mine Workers of America certification of Blue Collar and White Collar Bargaining Units. Presentation was provided on process of UMWA being certified to represent the two (2) bargaining units through Office of Navajo Labor Relations.
- September 28, 2009 – LCO informally settled a Charge filed against Navajo Times regarding non-payment of wages. Navajo Times issued a check in the amount of \$1,287.21 to the complainant.
- October 1, 2009 – LCO attended a meeting with the Bureau of Reclamation (BOR) in Farmington, NM regarding construction of pumping plants on NAPI. Archer Western was awarded the contract and LCO provided a NPEA orientation for the contractor. The work will begin in November 2009 with duration of one year.
- October 26, 2009 – LCO conducted a job site inspection on the Navajo Nation Pipeline Project after receiving complaints that NECA was paying low wages. Federal Davis Bacon wages were issued for the project. NECA, however, was paying higher wages than the Davis Bacon. NECA was directed to post the wages at the job site.
- October 21, 2009 – LCO attended a pre-construction meeting at Gallup BIA offices regarding renovation of the Teec Nos Pos Boarding School facilities. Twenty government and company officials were in attendance. The contractor expressed concern of the use of Navajo Preference. The contractor was told Navajo Preference would be enforced.
- October 29, 2009 – LCO attended a pre-construction meeting at Gallup BIA offices regarding the project, "Captain Tom Dam Modification". Weeminuche Construction was awarded the contract. An orientation on NPEA requirements was provided by LCO.
- December 11, 2009 – LCO issued a Notice of Right to Sue to a complainant who had filed against Department of Behavioral Health Services claiming written warning and non-payment of wages without cause. Upon completion of investigation, it was determined DBS violated NPEA and a Probable Cause Determination was issued. However, DBS refused to conciliate or initiate remedial actions.
- **Kayenta Community School Project:** October FCI Construction, Inc Mr. Bob Chapel, Superintendent, Mr. Rick Lewis Assistant Superintendent, Mr. Kevin Walker, Site Quality Control Management, Mr. Eugene Glasses, Safety

Supervisor, There are presently two (2) Non-Navajo Supervisors and three (3) Navajo Supervisors. Working on the final punch list, some parts are on order and may take some time to come in, until then they are doing minor clean up. November 3, 2009, FCI will walk BIA through the building for inspection, etc.

#### Office of Broadcast Services (OBS):

- OBS has been working with KTNN and one of its board member survey the access road leading up to the Dezza Bluff communications site. The board member works with the Apache County road maintenance department and its possible that they will help us grade the road so that it would be easy to transport heavy equipment up there if need be.
- Working with Navajo Technical College on using their expertise to obtain needed technical specification on towers. Their IT Department has been really helpful in getting the Dezza Bluff tower submitted to the vendor.
- During the whole month, Kee Long has been to submit and do follow-ups on the U.S. Department of Commerce, NTIA/PTFP Award letter and getting the Financial Services Department to accept the grant and work with us to get the budget in place and also identify the matching requirement while working with OMB and Contract Accounting. At the end, amongst all of the controversy going on, we were able to get our oversight committee to hold a special session to formally accept the award letter. Mr. Larry Noble, Council Delegate went out of his way to get the Inter-governmental Relations Committee to hold a special session to recommend the President to sign. At the last minute, on October 27, 2009, at 5:15 p.m., Mr. Ben Shelly signed the award letter.
- Another item that OBS scrambled to get through the SAS Process was the Sole-Source Contract with Advance Communications from Albuquerque, NM. It went through the cycle like the other mentioned above. Vice President Ben Shelly sign the contract at 5:30 p.m. on October 22, 2009, so that the funds can be reverted back to New Mexico coffers to address the \$650,000,000.00 deficit. OBS was gratified that our Vice-President came through.
- After the Vice-President of the Navajo Nation signed the Award Letter the packet was FedEx out overnight from Gallup Airport and it was received in the National Institute of Standards and Technology in Gaithersburg, Maryland on October 28, 2009, two days before the deadline. Also on the same date it was electronically submitted the construction schedule to the agency to complete all requirements in getting the award in place. Required quarterly reports will need be set up, our first one will be due on December 31, 2009. The quarterly reports will be sent electronically to the appropriate agency to keep the PTFP office informed of all of our activities.
- An interview with Navajo Times newspaper on the award of \$748,000 to upgrade the Navajo Nation Translator System. OBS is really excited about this project; they have worked on it since 1996.
- Another OBS project that is just as important is the \$100,000 finding from the New Mexico, Three meetings have been held so far, two here in Window Rock, and one in Santa Fe, NM in all of the meetings we kept after the New Mexico Indian Affairs Department and the Navajo Nation Capital Improvement Office, and Navajo Contract Office that our Sole-Source Contract with Advance Communications should be saved from reversion, because it had gone through the whole process in time to meet the deadlines from New Mexico and the Navajo Nation. On November 10, 2009, a "Contract Number" was issued. We will begin working with our contractor on the construction of the 190' tower at Dezza Bluff.
- OBS is working with the Crownpoint BIA Realty Office to see if we can get a modular building from the Federal Government to house our new studio equipment.
- Preparing documents and justification leading up to meetings set with Office of Management & Budget. On December 7, 2009, we had a work session at the Office of Broadcast Services conference room, with Purchasing, OMB, Capital Improvement Office, Contract Administration officials. Our technical advisor Mr. Jim Gale, Chief of Engineer with KNME-TV, Albuquerque, NM also traveled from Albuquerque to participate in this meeting. We discussed the key elements of the Federal Award that was given to us from the US Department of Commerce, National Telecommunication Information Administration (NTIA) in the amount of \$748,000, with \$187,000 as matching dollars. We have been given approval to match \$126,000, and the rest to match amounts to \$61,000. We have justified "in-kind" services that will complete the match amount. We will be submitting a revised budget to the Office of Management & Budget. We also discussed the procurement process, and Contract Administration and Purchasing gave us guidance on this key element. We also discussed the \$100,000 Contract with Advance Towers from Albuquerque, and Capital Improvement Office is overseeing the parameters of the contract. This was a very fruitful meeting and once we have the grant award in the tribal financial system we will be able to start the acquisition of the digital microwave, transmitters, and hardware.
- As a requirement on the NTIA Grant, we have been able to set up the use of electronic reporting, and my first quarterly report is due the end of January, 2010. Once the report is submitted and accepted by the federal government. Copies will be forwarded to the tribe's financial services and other offices on a "need to know" basis.
- The Advance Towers contract took an extra effort to get in place. The total amount of \$100,000 which had been appropriated to us from the State of New Mexico for the construction of the tower at Dezza Bluff, was part of the list Governor Richardson wanted reverted back to NM, to address the millions of dollars they are facing in deficits. We

were able to get the “sole source” approved and to scramble to get it through the 164-Review. We were able to get the contact sign before the October 23, 2009 deadline to make sure that financial services has the total amount encumbered, which they did, and we were able to get the contract started with the contractor.

- We made two trips to Dezza Bluff this month to get the proposed construction underway for the 190' tower. Advance Tower Services from Albuquerque conducted a geotech at the site and determined that we will be hitting bedrock. The company is now putting together and site plan.
- The Program Manager had several meetings with Native Broadcast Enterprise (KTNN) as partners on the Dezza Bluff site. KTNN paid for a resurvey of the site, the original size of the land is 47'X27', too small for all the facilities to fit. The resurvey increased the size to make it 50'X50', and we will now work with the land administration for notification and filing. The land has already been withdrawn.
- Once we have established the site plan we will set a definitive date for construction of the foundation. Because there is know up there on the mountain (8067' elevation) now and we won't begin anything until possibly late May or June, 2010. The NM grant end date is June 30, 2010, only giving us a month to finish. We will be ordering the 190' tower in January, 2010 and the invoices submitted on the site plan to start drawing down the monies.
- The Program Manager has been in pursuit of an additional building to house the TV station. We are receiving assistance from the Navajo Property Management, and Bureau of Indian Affairs property management to locate a modular building for this purpose. Several leads panned out this month, and we are now talking to a B.I.A. school to see if a modular building is available. The school is in New Mexico.
- 10/05/09 There aren't any FCC License microwave frequency carrier in NNTV Phase 1 plan, from Window Rock, Piney Hill, Dezza and Shiprock. Email Greg Best for assistance acquiring FCC Licenses for Phase 1 loop. Mr. Greg L. Best will charge \$1,000.00 for his services to license the Dezza to S/R microwave path and make P/H to Dezza duplex frequencies system. Henceforth, decided to obtain this FCC License myself.
- 10/06/09 solo trip to Dine' College Tsaile, AZ to remove demodulator, power amplifier, arm support and feed horn from microwave antenna. On 10/13/09 Jonas and Richard departed for Tsaile, AZ., Dine College to dismantle 20 ft tower, the tower is dismantle ready for pick up with flatbed. Mark Richard haul back dismantle tower, microwave dish antenna, equipment rack, old Analog KU receiver 19" communication rack, demodulator and decoder equipment back to W/R.
- 10/12/09, per Kee Long pick-up Linda Ross at KTNN and escort Iina Na professional surveyors' crew, Jon Pedergraft and Ted Charles to extend OBS land tract from 20x20 sq. ft to 45x55 sq. ft at Dezza. Observed Surveyors mark stakes to new extended Broadcast Service land tract and show Linda Ross alternate route to Dezza from Narbarno Pass.
- 10/15/09 Met with Clark Rhodes from Harris Radio Corporation on microwave radios equipment listings for Phase 1. Informed him OBS is seeking FCC frequency license from W/R to P/H, P/H to Dezza, Dezza simplex to S/R radio links. According to Clark Rhode, the microwave radio frequencies are programmable.
- 10/22/09 Developed FCC License template for FCC frequency assignments, for W/R to P/H link, P/H to Dezza, Dezza to S/R new path. All microwave links are now simplex, the links are necessary to be established in duplex transmission. According to Dan Zillich, KNME RF Engineer, he request I start with FCC Form 601 and Form 159 to forfeit fee due special cases. He can travel to Dezza to use his spectrum for any intermodulation and interference study of frequency selection with his analyzer, a listing of all existing frequency can be obtained from FCC BSDB database.
- 10/27/09, OBS attend Tandberg Technology Seminar at NDOE Complex, introduction by Brent Nelson, DOE IT Tech., and Mr. Andrew Tah, Navajo Nation Education Superintendent. Presentation by Cheryl Henshaw, Tandberg Grant Writer on today agenda and demonstration video session link by satellite to Howe High School, Howe, Oklahoma with Lance Ford on distance learning capability using Tandberg video streaming. This seminar exhibits the itinerary Navajo Broadcast Services desire to purse to implement Tandberg technology.
- 11/04/09 OBS continued researching [www.fcc.gov](http://www.fcc.gov) CDBS Database for listing of all FCC License owned by Navajo Nation Office of Broadcast Services, a bewildering and demanding tasks. Make summary of all FCC listing, what frequency is available that can be used for our Translator Relay microwave communication. For the Record, unless I missed some documents, there is no are FCC License for duplex transmissions between Piney Hill and W/R microwave sites.
- Continued with FCC license, Determined Broadcast Services will require 5 duplex FCC license for NNTV5 phase. Discuss with Mr. Kee Long our application for duplex microwave frequencies paths to Crownpoint and Mt. Powell is included in phase 1.
- Completed NNTV drawing Phase 1 towers and duplex frequencies in MSN paint applications. Deliver copy to Navajo Design and Engineering for 2x3 print.

- Finally learn to navigate www.fcc.gov website menu to search for microwave frequency license listing of all LPTV microwave frequency in N.M. and AZ. Download all FCC license frequency within 125 miles of Dezza, establishing Microwave frequency carrier that will not create interference with any television stations in N.M.

#### Navajo Office of Vital Records (NOVR):

- The Office has been busy with conducting the employee performance evaluations; working and meeting with the Navajo Region Bureau of Indian Affairs on negotiating the P.L. 93-638 contract renewal for another three years; working with Mr. Paul Spruhan, Assistant Attorney General, Navajo Department of Justice on refining procedures for applicants seeking enrollment going before the Enrollment Screening Committee; in addition to carrying out the scope of work. The month of December is usually the busiest when the Office is closing its fiscal year.

#### Navajo Occupational Safety & Health Administration (NOSHA):

- On September 29<sup>th</sup>, Programs and Projects Specialist and Ms. Onesalt conducted a building inspection pursuant to request from Ms. Kristine Begay, Property Clerk; Navajo Department of Workforce Development (NDWD). The building is located in Ft. Defiance, Arizona, (Building #2303) and the inspection was conducted and wherein, an “*Order of Closure*” was issued to NDWD office based upon the findings that were rendered unsafe due to non compliance with occupational safety and health regulations. Ms. Begay was present during the walk through and a detailed inspection report was provided to all the appropriate personnel referencing the findings and other pertinent violations of the general industry standards (29CFR1910).
  - On October 1<sup>st</sup>, the NOSHA program received a written request from Ms. Clara Chicharello, Program Supervisor; Ft. Defiance NDWD requesting the NOSHA program to approve a request to allow NDWD personnel to retrieve files and other office materials from the building which was issued an “*Order of Closure*” on September 29<sup>th</sup>.
  - On October 1<sup>st</sup>, Ms. Onesalt provided a written correspondence to Ms. Chicharello granting temporary access to remove office files, equipment and other materials from the building. However, Ms. Onesalt will be onsite and present during this period to ensure that designated employees are wearing appropriate personal protective equipment (PPE). The purpose of PPE’s is to ensure that employees are not exposed to any unsafe situation (rodent droppings, etc). The scheduled NOSHA onsite visit is scheduled on October 8 & 9, 2009.
  - On October 8<sup>th</sup>, Ms. Onesalt and Mr. Owens conducted onsite monitoring while Ft. Defiance NDWD personnel were retrieving office files and equipment from (Building #2303) which was used as the training facility by Northland Pioneer College basic education. The two (2) employees from the College were wearing the appropriate PPE’s and the equipment/file removal was successfully completed in a timely manner.
  - On October 9<sup>th</sup>, the NOSHA program received another request from Ms. Clara Chicharello, Program Supervisor; Ft. Defiance NDWD requesting the NOSHA program to allow Mr. Leander Lantana, Statistical Technician to enter (Building #2303) to conduct an inventory of the Ft. Defiance agency’s participants files.
  - On October 9<sup>th</sup>, Ms. Onesalt provided a written correspondence to Ms. Chicharello granting temporary access to remove NDWD participant’s files from the building and the onsite visit was scheduled for Tuesday, October 13<sup>th</sup>, at approximately 9:00 a.m.
  - On October 13<sup>th</sup>, Programs and Projects Specialist conducted onsite monitoring while Mr. Lantana conducted inventory of documents and files inside (Building #2302), and he also provided and utilized appropriate PPE’s and the assignment was properly completed.
- On October 14<sup>th</sup>, Programs and Projects Specialist and Mr. Owens traveled to Route 66 Casino Hotel, Albuquerque, New Mexico. The purpose of the travel was to attend and conduct a presentation during the Navajo Nation Shopping Centers, Inc., Building Maintenance workshop for the Maintenance Technicians.
  - On October 15<sup>th</sup>, Mr. Owens provided a presentation on NOSHA services; summary and overview of the Navajo OSH Act of 2000 and review of applicable occupational safety and health standards in the workplace for (29CFR1926 and 29CFR1910, Construction and General Industries). Approximately twenty (20) maintenance personnel from various Navajo Nation Shopping Centers were in attendance. The NOSHA program provided and disseminated copies of the Navajo OSH Act of 2000 for all the attendees.
- On October 23<sup>rd</sup>, Mr. Owens conducted a site assessment of a complaint from the Division of Human Resources/Administration. Upon findings, an “*Order of Closure*” was issued to the occupants of building #2636. The Closure affected the DHR/Administration, Office of the President/Vice President and the Division of Natural Resources. The Closure was based upon findings of excessive steam/heat from a DNR office. Apparently, a heater, powered by steam, was removed by the office occupants this past summer, that eventually ruptured, due to rusted piping. The office contents were heavily damaged. Power was cut-off for preventative measures.

- Risk Management Department, Bureau of Indian Affairs, and Navajo Nation's Facilities Maintenance Department were notified and requested by NOSHA for additional assessment to determine if the damaged area may contain asbestos containing building material (ACBM).
- Facilities Maintenance's conclusion, after assessment, determined that the OP/VP (east/west wing) electrical service line was not damaged. On Friday, October 23<sup>rd</sup>, at approximately 4PM, an "Authorization to Resume Operations" (ARO) was issued to the OP/VP to resume daily operations. However, employees were prohibited from accessing the south wing of the building.
- On Tuesday, October 27<sup>th</sup>, an ARO was issued to DHR/Administration and Navajo Land Department to resume the Homesite Section. The remaining south wing remains closed.
- The Division of Natural Resources (DNR) and NOSHA coordinated further technical assistance from tribal departments. DNR programs were relocated to temporary locations.
- On October 28<sup>th</sup>, Mr. Wilfred Keeto, Safety/Loss Control asbestos building inspector, obtained samples of the damaged homogeneous area to determine if the roofing tar contained asbestos.
- On October 27<sup>th</sup>, Programs and Project Specialist and Ms. Onesalt conducted site assessment of the Aspen Road Loop (Hunters Point/Oak Springs). The site assessment was based upon concerns, relating to dust control, no personal protective equipment by construction employees. The three sub-contractors (Bill Powers Trucking, WX, and Jeff Harvey) are subcontracted by Navajo Department of Transportation. Mr. Shawn Wilson, Supervisor, was informed of the safety issues and recommendations for corrective action. NOSHA will conduct an unannounced site visit to the project site.
- On November 2<sup>nd</sup>, Ms. Onesalt conducted follow-up of the Navajo Department of Transportation's (NDOT) road project of Aspen Road Loop (Hunters Point/Oak Springs, AZ). NDOT Director, Mr. Tommy Platero, was informed of the lack of use of PPE, dust control and inadequate road signage by the Contractors. This follow-up came as a result from an October 23<sup>rd</sup> site assessment of the road project. NDOT provided NOSHA with assurances that corrective actions will be taken by the Owner (NDOT) and the contractors.
- On December 11<sup>th</sup>, Mr. Owens received complaint from an employee of the Division of Social Services/Program for Self Reliance, in Kayenta, Arizona. The alleged complaint was there is no heating within the office complex. The Program Supervisor was contacted, wherein information was disclosed that the building has been without heat for the past two years. Nine staff conduct field work, to alleviate any discomfort; yet the Office Specialist is there during normal business hours. Contacts were made with Mr. Norman Tsosie, Navajo Nation Facilities Maintenance. He informed Mr. Owens that the Safety/Loss Control recommended to the Program for Self-Reliance to have a contractor repair the heating system. The heating system has yet to be repaired.

#### Office of Navajo Women & Families (ONWF):

- October 2, 2009 a representative called from the National Women's Hall of Fame, Seneca Falls, New York regarding the late Clauden Bates Author, nominee to be considered for induction into the National Women's Hall of Fame in the coming year. Nomination will be reviewed for accuracy and compliance by the Hall's Research Committee. Nominations are judged by independent panels of judges, newly recruited every year. The judge panels are composed of distinguished citizens with expertise in one or more of the areas of achievement outlined in the Hall's mission and of representative from respected, relevant national organizations.
- October 13, 2009 Program Supervisor attended the Government Services Committee to accompany Ms. Charlotte Begay, a nominee for the Navajo Women's Commissioner for the Central Navajo Agency. Apparently Ms. Begay did not show up. Program Supervisor received a telephone call from Ms. Begay that she was busy preparing an agenda for her Many Farms Chapter meeting at 1:00 p.m. Ms. Begay did call Mr. Michael Martinez of her absence and was advised to call Mr. Andre' Cordero.
- October 15 & 16, 2009, Program Supervisor traveled to To'Nanees'Dizi's 41<sup>st</sup> Annual Fair in To'Nanees'Dizi, Arizona. Visited the folks at the fairground and Ye' Be' Chai' and provided some bottled water. Attended the Senior Citizens at the Elderly Day's event and provided some bottled water to them. There were visitors from local Chapters and from the surrounding states. Having to observe the folks rekindling their reunion and hugging with joy was wonderful.
- November 23, 2009 Program Supervisor attended the Government Services Committee meeting. Ms. Charlotte Jane Begay was confirmed for the Navajo Women Commissioner and she will represent the Central Navajo Agency for four years. Ms. Begay has a background of experiences in working with families with the schools and Navajo Nation Social Services. Also she has the leadership background in serving four years with Chinle Unified School District and she is now serving her second term as Many Farms Chapter Vice-President.
- November 23, 2009, Program Supervisor and Ms. Irene Tully, Commissioner from the Eastern Navajo Agency gave radio presentation with the Navajo Nation Radio Network. Topic included wishing a very "Happy Thanksgiving" to all Dine' families across the Navajo land. A joyful family get together on this special Thanksgiving Day will re-ignite

your KE', love, and respect. Sharing your day with your children, grandchildren, mothers, folks and relatives. Continue to enjoy the holidays and get into partying, drinking, etc. is not good; please take care of yourselves and stay away from alcohol and drug. Driving under the influence of alcohol is very danger; it invites unforeseen accidents, loss of lives, etc. So keep in mine to be safe throughout the holidays. The traditional values and teaching should rekindle our Navajo Way of Life, love one another, help one another, teach one another and pray and sing together so we can continue to journey together with the blessing from all four cardinal directions and with the guidance of the Holy People.

- December 11, 2009 Ms. Linda Dickerson, Grant Coordinator with AZ DPS-VOCA emailed regarding the DPS-VOCA Grant Applications/Agreements. A competitive VOCA applications process will not be held in FY 2010. Those agencies currently receiving funding will be renewed for the period July 1, 2010 to June 30, 2011. It is anticipated that the next competitive VOCA application process will be held beginning January or February 2011.
- December 23, 2009 Program Supervisor did a radio presentation with Navajo Nation Radio Network. Topic covered on Christmas Message to the Dine' people that they enjoy the Christmas festivities across the Navajo Nation. Wishing the people to enjoy the Christmas activities with their love ones. A reminder to keep safe and stay away from alcohol and drug, and be sure to use their seatbelts.

#### Department of Child Support Enforcement (DCSE):

- October 7 – Received Award Letter for First Quarter of FY 2010 in the amount of \$1,154,442 from Joseph M. Lonergan, Director, Office of Mandatory Grants, Washington, D. C. November 16 - Legislation No. 0600-09: Accepting NNDCSE Grant Award for FY 2010 was passed by Intergovernmental Relations Committee. Sponsored by: Woody Lee. Motion: Larry Noble and Second: Thomas Walker Vote: 8-0-0.
- October 12 – Administration staff meeting to provide updates, plan, and schedule meetings, assignments, etc.
- October 27 – Program Supervisor, Contract Compliance Officer, and Senior Office Specialist attended Human Services Committee meeting to provide report regarding DCSE employee payrolls, PAF, submission of timesheets, etc. The report by Kathy Holtsoi and DCSE was re-scheduled to next HSC meeting. Legislation No. 0600-09: Accepting NNDCSE Grant Award for FY 2010 was passed by HSC. Legislation Sponsor: Woody Lee.
- November 2-4, 2009 Program Supervisor and Gallup Case Management Specialist attended the 19<sup>th</sup> National Child Support enforcement Training Conference in Washington D.C.
- December 14 – The FY 2010 Annual Budget was finalized and input into the FMIS System in the amount of \$4,810,175.00; the Federal amount of \$3,848,140.00 and Tribal Match of \$962,035.00.
- October 26 - NN Contract Accounting submitted SF-269 Report for FY 2008 (K080520) for Quarter Ending 09-30-09 to OCSE, ACF, DHHS, Washington, D. C. And on October 29 - NN Contract Accounting submitted SF-269A Report for FY 2009 (K090525) for Quarter Ending 09-30-09 to OCSE, ACF, DHHS, Washington, D.C. Then on October 30 - OCSE 34A Report for Quarter Ending 09-30-09 was submitted to Federal OCSE meeting the federal reporting requirement. The report reflects a total of **\$1,505,223** was collected by NNDCSE during Fourth Quarter of FY 2009.
- NNDCSE initiated 164 Review of SAS #23424 Governmental Services Agreement between New Mexico Human Services Department and the Navajo Nation in the Amount of \$40,000 for Child Support Fees and Program Expenses Involving Clients on the Navajo Nation, Effective July 1, 2009 or Upon Signature of Both Parties, and Shall Terminate June 30, 2010, Unless Amended, Extended or Terminate Pursuant to Terms of the GAS, Which Includes Termination for Lack of Budget Availability.
- October 27 – Program Supervisor, Contract Compliance Officer, and Senior Office Specialist attended Human Services Committee meeting with three items on the agenda: two reports and one new business. Committee accepted report on payroll issue; the report on a case was re-scheduled to next regular HSC meeting; Legislation No. 0600-09, Sponsor W. Lee: Accepting NNDCSE Grant Award for FY 2010 was passed by HSC and will be forwarded to Intergovernmental Committee for action.
- NNDCSE continue to collaborate with NNDOJ and OHA for hearings, and obtain signature of Hearing Officer for pleadings. Pleadings for a total of **207** cases received legal review and were forwarded to Office of Hearings and Appeals for signature on pleadings. 149 were signed and returned. **74** Administrative hearings were scheduled for 1st Quarter FY 2010, at all 8 NNDCSE offices.
- October 22 - Chinle NNDCSE staff members were scheduled through out the day to man the booth at Wildcats Den to provide the Child Support Enforcement information to students showed for Four Corners National College Day.
- October 15, 2009 Administrative Hearings were conducted on five (5) cases at Chinle NNDCSE conference room.
- November 6 - Seraphina Nez, Chinle CSEO assigned to Coordinate Training for Arizona Navajo Nation DCSE Offices staff for Notary Training and Arizona State ATLAS CBT (Computer Base Training) Modules.

- October 13 – Crownpoint DCSE staff reviewed the Disclosure Awareness Training for Child Support Agencies provided by the New Mexico Child Support Enforcement Division. Each staff read and signed the Statement of Acknowledgment for FY 2010; this is an annual requirement for individuals working with child support programs for compliance with IRS 1075 requirement.
- Crownpoint DCSE refunded a total of \$8,074.99 in child support monies to non-custodial parents or disbursed to custodial parent or request for adjustments made to correct cases. The caseworkers are alerted each day in the child support systems of cases which require financial actions to either release or disburse funds or request adjustments to correct cases. To ensure the monies are applied to the correct cases we request for four (4) copies of checks submitted to NMCSED prior to entering adjustments of receipts.
- December 1 - Crownpoint CMS picked up sixty-three (63) unsigned legal pleadings from central office. These pleadings were submitted to central office since February 2009 but were not reviewed by the Tribal Advocate for signature by the Hearing Officer. Our office was informed the Hearing Officer would not sign the legal pleadings since the pleadings were not in compliance with the recent issuance of “Order of Instructions.” The CMS and CSEO’s discussed the instruction and compliance. The pleadings are being revised in accordance to the “Order of Instructions” and will be returned to central office for review by the Tribal Court Advocate and signature by the Hearing Officer. Upon reviewing these pleadings returned to our office we found some of the dependents in these cases have emancipated. The NNDCSE lost jurisdiction to establish paternity and child support in these cases.
- December 7 - CMS was on a teleconference call with the New Mexico Child Support Enforcement Division (NMCSED), Gallup NNDCSE and Shiprock NNDCSE discussing the creation of the Gallup office as a separate office from Crownpoint. In the afternoon the CMS traveled to Gallup to discuss the assignment of child support cases to the three (3) NNDCSE offices in New Mexico. We reviewed the listing of communities with zip codes and agreed to assignment to the different offices.
- To be in further compliance with the IRS 1075 Publication, there were new posters posted in each work station and filing room in conspicuous locations. The staff are also affixing the Disclosure Label on each case file that contains Federal Tax Information (FTI) for security purposes.
- November 10 - The Fort Defiance Agency Office had 10 administrative hearings with the Office of Hearings and Appeals in Window Rock, Arizona.
- The Gallup DCSE staff are required to work on case closures to eliminate cases from their active listing so they can concentrate on cases that are workable. This process of elimination will hopefully ensure that cases are not neglected (cases not worked for years) as the active cases are reduced to a manageable number.
- October 1 - Dorothea Denetsosie, Kayenta CMS met with Dolores Clark, Supervisor for Program for Self Reliance regarding the building and referral process. The main issue address was to allow us to remain in the Old Building pending the connection of the telephone lines to the New Building. Ms. Clark reported she signed a lease contract with Township for the Old Post Office Building effective October 1, 2009. I requested if she could allow us to remain in the building until October 16, 2009 since we need to have access to Arizona Atlas system.
- October 2 - Dorothea R. Denetsosie, Kayenta CMS contacted Mr. Ed Whitewater of Township for possible extension of stay at the Old Post Office Building. He advised the contract has been extended and NNDCSE was supposed to have moved in March 2009. Upon further consideration with the staff, it was decided we move out all the furniture from the Old Building to the New Building. There were also people willing to help us move on a very windy day. The whole day on Friday was dedicated to moving.
- October 12-16, 2009, the Kayenta DCSE staff had an on-going discussion about in office protocols. There was some issues regarding the filing system, whose responsibilities it is to maintain the system. Apparently this has been an on-going issue that was never adequately addressed. Kayenta CMS decided to have a strategic planning set aside for a day to address some of the issues.
- October 16 – Kayenta staff briefing was held and some concerns were brought out by staff members especially regarding the filing system and time keeping. Apparently, there was no key person identified to be responsible for the file room. Kayenta CMS suggested everyone is responsible for the file room especially if you take out a case to work; it needs to be put back. The idea of cross training was suggested by the Kayenta CMS and it was not a popular idea. We all need to learn each others responsibilities.
- October 22 - Mary Belone and Matilda Austin set up an informational booth at the Recreation Center Health Fair. They disseminated information about Kayenta Child Support Enforcement Office and services offered. A lot of people had questions about the program. Promotional items with the program telephone number and address was given to the people.
- October 26 - Linda Sheppard, Child Support Enforcement Officer (CSEO) traveled to Chinle, Arizona to get on Arizona ATLAS system. She entered four (4) Administrative Orders and set up debts for case numbers 0007716898-

00, 00001374980-02, 0002317245-00. She also reviewed some cases that were on the suspense listing. This trip was necessary for her since she need to log on to the Atlas system, otherwise she would've loss her access.

- October 27 - Linda Sheppard, Mary Belone and Dorothea R. Denetsosie traveled to Tuba City, Arizona to get on Arizona ATLAS system. CSEO was able to set up debts and enter locates. Annabelle Begay gave the CMS an update on reports.
- November 4 - Nona Etsitty, Legal Court Advocate, Department of Justice came and provided update on the legal pleadings. The important emphasis of the training was anytime a "non custodial parent" calls or writes about the case it is considered a response to the complaint. Furthermore, all the MNO cannot be six (6) months of older.
- November 9 - Staff briefing was held and the staff expresses concerns about when the ATLAS system will be September 24, 2009. It is becoming difficult to do daily work without the system especially when customers are inquiring about the status of their cases.
- November 10 - Dorothea R. Denetsosie, CMS met with Donna Poisson and Jason Hartley of Business Environment regarding the delivery and set of furniture on December 7, 2009. They answered our questions and they recommended all the furniture need to be out of the building. They also suggested the electrical wiring needs to be complete before they set up.
- November 16-19 - Staff worked on locates, address, employment verification and assisted customers. Tuba City Staff has assisted our office in entering data in the ATLAS system.
- November 20 - Kayenta NNDSCS staff held a small Thanksgiving dinner. We encourage each other to be positive and continue to do our daily task.
- November 23 - Staff held a staff briefing and talked about the events for the week. Staff requested to have the Case Management Specialist (CMS) inquire about some cases that was forward to central office especially on voluntary agreements. The Child Support Enforcement Officer (CSEO) is waiting on some orders from central. The staff was also instructed to start packing up their belongings and cases in preparation for furniture delivery on December 7, 2009.
- November 24 - Mary Belone, CSEO and Dorothea R. Denetsosie, CMS travel to Window Rock, Arizona for manager's meeting. Mary Belone entered some of her cases in the Arizona ATLAS system at the Fort Defiance Office. The Manager's Meeting was very lengthy as we had items of important information to cover. The CMS was promise to get a copy of the Budget at the meeting, but Pierette Baldwin Gumbrecht didn't get the budget prepared for our review. The CMS has not received a copy of the budget and expenditures since then.
- November 4-December 4 - The staff prepared for the furniture delivery. They boxed all the office supplies, office equipments and files. On December 3, 4, 2009 several staff transported office equipments to Tuba City Property Office. They also enter some cases into the Arizona Atlas system at Tuba City DSCS office.
- December 7 - At 8:00 a.m., the Kayenta Office of Child Support received furniture from Business Environment. The staff was unable to do any work except assist customers by the door. The office supplies filled up the whole space in the building and it was hard to maneuver around.
- Our office ran into a dilemma as we need to get the three fire king file cabinet out of the file room. Delores Clark, Program Supervisor for Program for Self Reliance (PSR) agreed to take the heavy file cabinets out of the building. They took the file cabinets out of our building and will be renting it for one (1) year. A contract has been signed. presided on the cases. Leonard Watchman was also present.
- Shiprock DCSE personnel- the agency office is fully staffed with eight employees for the first quarter of the Fiscal year-2010 estimated that \$46,106.16 has been expended from the budget.
- For the Shiprock DCSE Agency Office, there are six major assignments for case management improvement and to better serve the public. 1) Closures for 260 cases that need to be closed, this quarter the number of closures have increased to 52 now at 20%. 2) Born Out of Wedlock Indicator - this office has 358 children need to be research for paternity establishment. 3) Financial is addressing information as to why morning mail are populating for each worker. 4) DTHS- Distribution Hold, there are 77 receipts that require researching and access for release, readjustment, or refund. Most of the receipts are through involuntary interceptions; this assignment at 61% with 47 receipts addressed and 30 receipts remains. Most of these receipts are pending due to 6 months grace period. 5) DBHS is Disbursement hold- there are 82 receipts that have returned due to insufficient addresses, warrants were never cashed or custodial parent might have deceased. Currently, the progress is 51% with 42 resolved. Periodically the CMS has to assist the CSEOs with the assistance of Office Assistant by doing locate. 6) Morning Mail is an automated case management tool that the Agency staffs have started with 1127 activities. The morning mail activities are at 50% by completing 566 open activities. Monthly Genetic Test scheduled for 20 individuals, 6 did not show while 14 individuals were tested no exclusion. Monthly License Reinstatement request were submitted for 1 certificate of compliance to License Suspense Unit.

- Monthly Federal Institution Data Match for 2 cases that requires assets to be frozen; Legal Activities for the quarter, 18 orders were signed, 16 dismissals, one modification, and 1 VCSA was signed. Two hundred sixty seven pieces of legal pleadings were return to the agency office. Most of these pleadings were submitted from February, April, May, June, July, October, and November of 2009. Of these pleadings, the agency office may be able to continue with the ones within reason timeframe without severely violating the NCP's due process according to Navajo Nation Civil Proceedings; and 2) The Agency office would have to go back and serve the NCP at a cost of \$10.04 per certified restricted mail.
- October 01 - Reviewed 6 pleadings which were sent to Administration for final review and final signature from OHA. October 22, 2009, OHA Hearings were conducted on a total of 8 cases, two cases were continued, two cases were Vacated, one case dismissed, and three cases were granted Child Support.
- December 8 – Four (4) OHA hearings were scheduled at the NNDCSE Tuba City Agency Office. All four hearings were continued due to road/weather conditions.

#### **IV. Status of On-Going Projects, Initiatives, COAs:**

##### Staff Development and Training Department (SDTD):

- Progressive objectives are to plan, develop, & continue to conduct training function at the Training Center and schedule on-site training services. SDTD continues to schedule routine utilization of classroom usage. SDTD continue to generate funds through Fund Management Plan. SDTD continues to modify or amend teaching modules.

##### Navajo Department of Workforce Development (NDWD):

- The training contract with Denny's Restaurant is making its way through the SAS signature review process. It should be signed by the President during the last week of January 2010.
- ARRA funds and enrollments will continue to keep functioning in order to maintain a 90% expenditure level by the end of June 30, 2010. The ARRA funds do not expire until June 30, 2011.
- NDWD finally received its Notice of Obligation of Program Year 09 funds and issued budgets and instructions to the workforce centers in December 2009. The agencies are enrolling and expending funds from this funding source.
- The NDWD Office of the Auditor General Corrective Action Plan is implemented and all corrective actions that were due have been implemented, with the exception of 2 corrective actions that do not have a definitive timeline for completion or implementation.

##### Department of Navajo Veterans Affairs (DNVA):

- Proposed Native American Veterans Cemetery: Currently, the selection of the proposed site is still an issue. There are 3 possible sites adjacent to or near Chinle, Arizona. Initially, a 20 acre site was selected, but later it was determined that additional 5 acres were needed to be added to make this 25 acres. In the process, the Chinle Chapter decided on pursuing a 60 acre site donated by a land user, but then they withdrew. Now there is 100 acres being pursued of which portion can be used for Veterans Cemetery. This is still pending final decision by Chinle Chapter. Mr. Tom Gorman, VSO from Chinle Agency was assigned to coordinate with the Chinle Chapter.
- ENA will continue to construct Veteran Housing under New Mexico Capital Outlay and Navajo Nation General Fund. During the next quarter they will be completing two projects. They will also continue to update the data compilation and collect veterans housing applications.
- Continue to finalize the proposed "Veterans Act" legislation and resubmit legislation for Division of DINE' Veterans Services.
- Chinle Agency DNVA to submit a proposal to replace the DNVA Van in FY 2011; To submit a proposal to MVRB, and purchase the 'Military Blue Lights' for CNVO Color / Honor Guard Details; To submit a proposal to construct a 'One-Stop Shop' VA Building through ARRA Funding Sources; To attain 60-acres for the development of VA Cemetery in Round Rock, Arizona; To attain 3-acres for the establishment of CBOC in Chinle, Arizona and To attain 100-acres for the Arizona State U.S. Army Reserve / National Guard Units in Tselani / Cottonwood, Arizona.

##### Department of Retirement Services (DRS):

- Department of Retirement Services – Administration: Plan strategic planning to refocus and identify the programs goals and objectives which will ultimately lead to additional staff and review their job duties and responsibilities. Status Report: Scheduling to the strategic planning session in the spring of 2010 and possibly have a report completed by June of 2010.

- FMIS/HRIS Project: Continue to remedy the problems associated with the reconciliation of the Payroll files and the employee and employer 401 (k) and the Roth 401 (k) plan, contribution that are submitted information in place for compliance with the federal law. Status Report: The FMIS/HRIS software is currently in upgrade status. The upgrade is for FMIS Tools to be implemented. Testing in the Development Environment has shown no difference in operation for the 401k reporting or reconciliation with payroll. The reporting and data entry will continue to use the same process.
- Implement the Special Retirement Program as approved by the Retirement Plan Administration Committee and the Budget and Finance Committee Legislation Tracking No. 0579-09 on October 6, 2009. Status Report: Implementation of the Special Retirement Program (SRP) took effect after final approval by the Budget and Finance Committee with legislation Tracking No. 0579-09. The DRS staff has provided numerous presentations and work sessions on the special retirement in the five agencies and in the Window Rock specifically at the Navajo Nation Museum. Based on the current employees, individual SRP packets were sent out to 875 plus eligible participates. The SRP (Early retirement) window period started on November 1, and ended on December 15, 2009. The DRS staff is currently finishing up the incomplete Election Form for the SRP. The final number of employees taking the SRP will not be known until sometime after January 4, 2010.
- Restatement of the Plan Document for the 401(k) Saving Plan. Due to several changes in the Federal Law, the IRC and the Department of Treasury ruling have made it necessary to amend and restate the Navajo Nation 401(k) Savings Plan, Plan Document a customize policy and provision to administering the 401(k) Plan in compliance with all federal laws. Status Report: A first draft of the restated plan document and related material are ready for presentation to the Retirement Plan Administration Committee for review and approval. And, final approval will be by the Budget and Finance Committee at a later scheduled date.
- Restatement of the Plan Document: DRS and the Retirement Plan Administration Committee will revisit the rules and regulations to administering the Deferred Compensation/Retirement plan as a non qualified retirement plan in accordance with the Internal Revenue Code. Status Report: During the 3<sup>rd</sup> quarter, DRS and the committee would have to review the plan provision of the Deferred Compensation/Retirement plan.

Office of Navajo Labor Relations (ONLR):

- NPEA revision. Sections 601-610 have been completed by ONLR and NDOJ. Section 611 is still pending with legislative counsel.

Office of Broadcast Services (OBS):

- Preparation plans for road improvement, tower site and shelter building to Dezza be establish for Spring 2010. Contact personnel include Linda Ross from KTNN, NTUA Linemen crew foreman and Alexious Becenti at Tribal Forestry to cut down additional trees on OBS land tract. Stanley Robbins, 674-8398, Chinle Apache County for ideas to improve roads.
- An OBS priority is to get approved FCC license for microwave frequency for Phase 1 all duplex, and continue with Broadcast Services FCC License research, the Translator License had been renewed, henceforth, all FCC License must be updated.
- The W/R Larcen Translator requires are (Transcoder) Digital Modulator cost at \$3,500.00, MPEG2 Encoder at \$6,750.00 and Multiplexer with 4 ASI Stream output at \$12, 500.00. **Total \$22,750.00.** Some capital funds must be appropriated to purchase this equipment to start local television program.
- W/R Translator antenna require additional hardware for installation, Dan Zillich has extra Channel 44 antenna at Penasqo Pass and he is willing to donate to Navajo Nation Broadcast Services. Dan Zillich informed Broadcast Services the dual antenna will require a power divider to radiate RF into peanut shape pattern and to match the FR impedance. The price of two-way RF power splitter is \$255.00 from Scalia Antenna.

Navajo Office of Vital Records (NOVR):

- **Automation/Data Conversion Project:** *Enrollment Database:* 309,853 overall records in the database, an increase of 3,922 from the last quarter. The total membership count is at 279,259. The difference is the adoptive parents and/or non-members married to an enrolled member. Each member is responsible for updating their family record changes with our office which our agency and satellite offices enter into the database on a ongoing daily basis.
- **Education and Awareness:** The following statistics illustrates the number of people who come to our offices from each chapter and compiled by agency:
 

Crownpoint	1,666
Chinle	1,461
Fort Defiance	954

Tuba City	192
Shiprock	1,948

- This quarter's activities were on providing direct services to clients at the offices as illustrated in Section III. (a) And in working constantly to convert as much information into digital so field offices can continue to work towards a quicker turnaround of service requests for clients. The Office attempted to procure security upgrades for the network infrastructure and was not successful due to the contract expiring at the end of the December 2009. The database is at 96% full on capacity and in need of an upgrade and replacement to Windows 2008 R2 operating system and faster server.

#### Navajo Occupational Safety & Health Administration (NOSHA):

- Provide consultation and technical assistance to employers in regards to compliance with occupational safety and health regulations.
- Continue working relationship with the Safety/Loss Control Program (Division of General Services). Facilities Maintenance to assure tribal buildings meets applicable occupational safety and health standards.
- Complete inspections reports, employee injury reports and fatality investigations.
- Receive and respond to reports of alleged unsafe conditions from employees.

#### Office of Navajo Women & Families (ONWF)

- Navajo Women's Commission Meeting with the DPM HR Director is scheduled for January 2010 in Window Rock, Arizona.

#### Department of Child Support Enforcement (DCSE):

- All NNDCSE offices have begun implementing the nine (9) Goals and Objectives for Calendar Year 2009 as outlined in the Department Profile. All goals are intended to result in meaningful changes toward more effective and efficient operations.
- December 7, conference call and meeting in Gallup NNDCSE offices, with NMCSED (Gallup, Crownpoint, and Shiprock CMS and Program Supervisor) for final steps toward creating a separate identifying information in state-wide CSES for Gallup Office. The change may improved customer services and reporting.
- NNDCSE continues quarterly collaboration with NN Self Reliance Program (formerly TANF).
- All financial entries are reviewed by the Crownpoint CSEO's periodically. The CSEO's are to review and research these financial entries to determine if any monies being held are either distributed or refunded which ever is appropriate. This quarter we refunded and distributed \$8,074.99. These financial holds are monitored and resolved as appropriate. Until the manual case transfers to the newly created Gallup office will each CSEO have an accurate listing of cases that require financial resolution. At the present time some Gallup case are still assigned in the system to Crownpoint so it appears that the CSEO's have numerous outstanding financial inquiries that need to be resolved.
- Kayenta office is finally fully staff and the newly hired personnel will assumed their duties. The CMS is in the process of review policy and procedures to get familiarized with the program operation.
- The on-going project of Kayenta NNDCSE office is to obtain accurate count of TANF and non TANF cases. It appears there is no designed person to maintain count. Appropriate action will be taken to ensure accurate data is maintained.
- Kayenta NNDCSE is also making efforts in correct case coding. Different codes are being used to register child support application. A uniform coding should be established.
- Staff are taking initiative on a weekly basis to work to resolve any outstanding Suspense release. We also have set one day aside every Thursday to work on any Suspense release. Staff are aware of this weekly process to reduce the number of Outstanding money in suspense.
- Ms. Charletta Begody is assisting the Case Assistant to bring up to date the backlog on a weekly basis and the closure case project and daily activities in the system. Ms. Lasheena Endishee, is assigned to the front office assisting Ms. J. Johnson with daily operations in the front office area, such as window service, customer service, accepting applications, updating in the ATLAS system, and daily administrative matters for the CMS.

#### **V. Recommendations and Concerns:**

##### Staff Development and Training Department (SDTD):

- SDTD plans to add more Course Description on Progressive & Computer Training and plans to conduct a survey to see if SDTD could provide trainings in the evenings after second quarter.

##### Navajo Department of Workforce Development (NDWD):

- USDOL continues to issue grant award notices of obligation very late in the program year. This causes unnecessary delays for program implementation, delays causes for budget adjustments, program implementation and carryover of previous year's funding to continue operations.

#### Department of Navajo Veterans Affairs (DNVA)

- Certain chapter veteran's organization and chapter official(s) are still having problems in the expenditure of Veterans Trust Fund and Supplemental Funds. Meetings have been hosted at various locations to hear concerns and making recommendations to resolve issues.
- MOA between DNVA and NHA for the eleven (11) units needs to be expedited. We need to hire the staff budgeted under the MOA. It has been a year since the MOA was approved. Contract Accounting is taken time to issue recommendation.
- The DNVA needs to begin working with the Veterans Department in the State of New Mexico. Thus far, we have been meeting with the Veterans Department from the State of Arizona. The same Veterans Benefits are provided by the State of New Mexico.
- DNVA will continue working on the establishment of a Division of Veterans Services and Veterans Act within this fiscal year.

#### Department of Retirement Services (DRS):

- Automated Pension Calculation System: To acquire a Pension Administration System hardware that will provide data bank for the Navajo Nation retirement plan participate data for prompt and accurate calculation and tracking of individual pension information. Status Report: Due to the budget constraint the program will hold off on accruing a new soft ware that will provide the much needed data bank within the Navajo Nation retirement system.
- Internet Services: Previously, the Internet was unavailable at certain times of the month. Due to technical issues with DIT, the Internet would be slow or not available. Status Report: DRS has implemented the DSL Internet as a backup and the department is still using the T-1 line provided by DIT as primary service. The issue is still an on-going, because the T-1 line is connected to the NN Sports Center which then is forwarded to DRS to use DIT Internet lines. When the power is shut off or cut off the usage and services is effected and is not displayed.

#### Office of Broadcast Services (OBS):

- The matching dollar amount for the US Department of Commerce, NTIA grant is now being justified with the Office of Management & Budget had already been forwarded to them and reviewed during the process to accept the award. They had already accepted the amounts and now they are requesting clarification. The Program Manager, and the Media Production Specialist is working directly with the office, and we should have the financial questions clarified and the monies in place to start the draw down. In the next couple of months.
- The two projects, NTIA Grant, and the NM grant gave us stressful times to properly have the Navajo Nation accept the award letter and to save the monies from reversion. We are lucky to get assistance from the Financial Services Department, the Office of the Vice President, and the Human Services Committee to help us get his accomplished during the last tumultuous months we have been having here at the Capital of the Navajo Nation. We owe a dept of gratitude to key member of the Grant Administration office, Staff of the Vice President, Michelle Dotson, and Delegate Larry Noble.
- On 11/17/09, Video Editor Canopus CPU unable to boot from C:\ drive, monitor display BSOD (Blue Screen of Death), message reads "inaccessible to files and folders", tried "safe boot" but same message is display on monitor screen. Possible bad C:\ hard drive or corrupt registry. Flora, Jaye and I took Video Editor Canopus CPU to Navajo DIT for possible retrieve data from hard drive. Some video coverage was irretrievable. The video edit on HINI pandemic, NIMS meetings, DPA apprentices training, NN President and First Lady Vikki Shirley money awards Navajo HeadStart, were storage on C:\ hard drive. Broadcast Services video recording must have back-up Server video system to avoid the losing video coverage.

#### Navajo Office of Vital Records (NOVR):

- NOVR continues to have problems with accessing prior years unexpended balances.

#### Navajo Occupational Safety & Health Administration (NOSHA):

- **NOSHA Act of 2000** – The NOSH Act is currently at a "stand still" at the Department of Justice. NOSHA has yet to receive comment on the review. A follow-up will be conducted with DOJ.
- The Navajo OSHA program does not have sufficient personnel to provide prompt services to the Navajo Nation employees when the Program receives a complaint. Currently only three personnel provide the services (i.e., inspections, trainings, and technical assistance).
- The Navajo Nation Council approves fiscal year operating budgets that allows only for salaries for the four current positions, including operating costs (i.e., rentals of equipment and tribal vehicle rental, etc.). Currently, there are no

additional funding sources available (i.e., external funding sources). The federal grants are very competitive. NOSHA has submitted several grant proposals in the past, only to be turned down.

#### Office of Navajo Women & Families (ONWF):

- Many of clients are in need of a lawyer or advocate. Our case population are unemployed/receive little income, and usually have to represent themselves in the court room (Pro Se). The outcome of these cases is usually in favor of the batterer, or respondent; only because the batterer had hired a legal representative. The Navajo Nation needs more advocate to assist the low-income families with legal problems.

#### Department of Child Support Enforcement (DCSE):

- The staff payroll was process for only 24 hours which is for FY'09 for Pay Period Ending 10/09/09. The staff were not anticipating this partial payroll, therefore causing hardship on staff. The beginning of each new fiscal year our department seems to have difficulties in processing necessary documents for staff payroll. The staff did eventually receive the rest of their payroll after resorting to other resources. **RECOMMENDATION:** Staff payroll should be processed in accordance to applicable policy and set procedures.
- The sixty three (63) unsigned legal pleadings returned to our office have had some drastic effect on some of the cases. Specifically, the dependents turned 18 years of age while the pleading was at central office for review and obtaining the Hearing Officers signature. Our office was informed the Hearing Officer will not sign these pleadings when they were picked up since they are not in accordance to the recently issued "Order of Instruction." We expected the "Order of Instruction" would be effective upon issuance and thereafter, however the pleadings submitted January 2009 were returned unsigned too, since it does not comply with the "Order of Instruction" issued by OHA. Then on December 16, 2009 there were three (3) legal pleadings signed by the Hearing Officer on December 3, 2009 returned to our office. These pleading were not in compliance with the recently "Order of Instruction." This negatively impacts our cases and delays the establishment of paternity, child support and medical support and enforcement of child support. There are time frames established for legal pleadings to be submitted to the legal department from the agency offices. When the legal department receives the legal pleading they also need to comply with the established time frame for review and obtaining required signatures on the legal pleadings. **RECOMMENDATION:** Review pleadings and obtain signatures in accordance to the established time frame. Seriously take into consideration the "BEST INTEREST OF OUR NAVAJO CHILDREN." Develop an adequate system for tracking documents and time frames.
- There are still twenty three (23) cases where legal pleadings that were submitted to central that were not returned to our office when the unsigned pleadings were picked up. These are all pleadings issued from the child support hearings dating back to January 2008. I am in the process of working with the Legal Secretary to locate these pleadings. **RECOMMENDATION:** Our office initiated a new tracking system for each pleading being submitted to central office. Central office also needs to establish a system that will be more adequate in tracking documents.
- There was Notice of Public Assignments (NPA) sent to central administration for service by the Process Server since March 30, 2007. The NPA's that are not returned date back to March 30, 2007. We are informed some of the residential addresses or locate information provided by the staff are not current so the Process Server is unable to serve these documents. If the NPA's are kept for that length of time then the residential addresses may not be current any longer. We are attempting to serve the NPAs again through postal service and will eventually attempt personal service. **RECOMMENDATION:** Have the Private Process Server return the NPAs he is not able to serve back to our office. These documents have sensitive and confidential information. To ensure they are not disclosed illegally or negligently the NPAs should be returned to our office. The staff must comply with all applicable laws regarding safeguarding of confidential information. Since the Private Process Server is entrusted with delivery of the sensitive documents he should also be held up to the same standards.
- The creation of Office 19 which is Gallup NNDCSE is complete however the manual system transfer of cases is slowly progressing and has an impact on the Crownpoint child support cases. Eventually the project will be completed however in the process some child support cases are being erroneously transferred in the system. The Crownpoint staff are requesting for system transfer of these cases back to Crownpoint. We will continue to do so in collaboration with the Gallup NNDCSE staff until all the cases are assigned to the correct office. **RECOMMENDATION:** The manual transfer process needs to be expedited and completed. Thereafter we can continue the system transfers back to Crownpoint office as necessary.
- Ft. Defiance Agency staff need more training on the ATLAS system. Staff continue to work on the CBT training modules on a daily basis and are printing out their own test scores. These test scores will be provided to the state for their review to determine the areas that staff need training.
- No resolution with Qwest regarding problems with the phone line and phones: cannot transfer incoming calls from the main line to the workers, the phone is not activated in one workstation and we need an additional line for the

front reception area, the reception on the phone is very poor on certain extensions (50/50) when it will be good or bad), and the fax line list wrong number on the confirmation sheet. **RECOMMENDATION:** Have made contact with Qwest representative again to resolve matter. Qwest is still not making any effort to meet with me or the Program Supervisor as I had requested. The office is paying for services not rendered by Qwest.

- The Kayenta NNDCSE also expressing frustration as to the length of time it takes to get a case review and/ or orders by the Office of Hearings and Appeals (OHA). Sometimes it takes over six (6) months just to get a case feedback. The delay process causes customer anguish and cases falling through the crack.
- Kayenta CSEO also pointed out they are expected to have legal training and be familiar with the administrative proceeding. There is a need for legal training in presenting cases, evidence, chain of custody and legal writing. Kayenta CSEO would like a strong support from the Navajo Nation Department of Justice in providing technical assistance. The CMS can provide some legal assistant and training to the CSEO.
- Two hundred sixty seven pieces of legal pleadings were return to the agency office with a memorandum stating that legal pleadings need to be in compliance with Order of Instruction. That order of instruction from the Hearing Officer was issued on November 12, 2009. Most of these pleadings were submitted from February, April, May, June, July, October, and November of 2009. Of these pleadings, the agency office may be able to continue with the ones within reason timeframe without severely violating the NCP's due process. The Agency office would have to go back and serve the NCP at a cost of \$10.04 per certified restricted mail. There continues to be no FY 2010 budget made available to the Agency Offices. **Recommendation:** There needs to be additional postage for certified mail. If CMS are being held accountable for these legal pleadings, then the Agency office should work directly with the Office of Hearings and Appeals and Department of Justice. The reporting of these order are already being submitted by the CMS in the Quarterly reports. It is obvious that the current route is not working and the department is losing vital information for Federal reporting and legal pleadings are not reviewed by the DCSE Tribal Court Advocate.

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DIVISION OF  
NATURAL RESOURCES



ARVIN TRUJILLO  
EXECUTIVE DIRECTOR

FY 2010 - 1ST QUARTERLY REPORT

The Navajo Nation  
**DIVISION OF NATURAL RESOURCES**  
First Quarterly Report—Fiscal Year 2010  
(October, November, December, 2009)

*“Land, Water, Power, and Quality of Life”*

**I. PROGRAM INFORMATION**

Division Executive Director:	Arvin S. Trujillo
Division Deputy Director:	Frederick H. White
Telephone No.:	928-871-6592, -6593
Fax No:	928-871-7040
Web Address:	<a href="http://www.dnr.navajo.org">www.dnr.navajo.org</a>

Departments:

Abandoned Mine Lands/Uranium Mill Tailings	
Remedial Action (AML/UMTRA)	Madeline Roanhorse, Department Manager
Agriculture (NNDA)	Leo Watchman, Department Manager
Archaeology (NNAD)	Lynda Laughing, Acting Manager
Fish and Wildlife (F&WL)	Gloria M. Tom, Department Manager
Forestry (NFD)	Alexious C. Becenti, Department Manager
Historic Preservation (HPD)	Alan S. Downer, Department Manager
Navajo Land (NLD)	W. Mike Halona, Department Manager
Minerals (MIN)	Akhtar Zaman, Department Manager
Parks and Recreation (P&R)	Ray Russell, Department Manager
Resources Enforcement (DRE)	Leonard G. Butler, Department Manager
Water Resources (DWR)	Raymond A. Benally, Department Manager

**II. BUDGET/PERFORMANCE INFORMATION**

- a. Funding and Expenditures (see attached Budget Sheet)
- b. Program Performance Results (Budget Form 2 attached)

**III. ACCOMPLISHMENTS**

Division Administration

The Renewable Energy Team successfully negotiated a long term lease for NTUA to establish a 200 Megawatt Wind Energy Project at the Big Boquillas Ranch near Seligman, Arizona. NTUA will be majority owner in partnership with Foresight Wind Energy and Mission-Edison;

The division which consists of 23 programs in 11 departments successfully completed 81 percent of the 2009 Master Plan. This comprehensive plan was prepared through strategic planning by each department and monitored as a guide to insure services were delivered to the Navajo people and communities;

The division coordinated with DOJ and Contracts and Grants to insure 638 contracts were negotiated and implemented with the Bureau of Indian Affairs. All programs were reviewed, amended as needed and processed through the necessary program protocol with the Navajo Nation and BIA.

The division has conducting strategic planning efforts with the Department of Agriculture and Archaeology. Department staff had opportunity to evaluate current programs and amended master plans based on the implementation of the strategic planning tools.

### **AML/UMTRA**

Staff participated and assisted in the Shiprock UMTRA Community meeting at the Shiprock Chapter. This meeting was conducted in coordination with the U.S. Department of Energy, SM Stoller, and Navajo Environmental Protection Agency. It is communicated information and updates on the Shiprock UMTRA site to approximately 75 in attendance.

Staff attended the Annual Southwest AML Partnership which was held in conjunction with the Navajo Uranium Contamination Stakeholders meeting and site tour. This years meeting was opened up to the AUM Stakeholders group. New Mexico, Navajo, Colorado, Hopi and OSM all gave program updates as well as a recap of the Health Physics Partnership initiatives. In the afternoon, a site tour was conducted to a coal outcrop fire, Biava Mine, and a uranium maintenance project, Diamond #2 mine. There was very limited feed-back from the group, but the overall presentations of the SW AML Partnership was successful.

### **Agriculture**

Department conducted a strategic planning session with the Resources Committee and division administration. Staff was able to share their respective operational activities, accomplishments and goals. The session was facilitated by the NRCS from the Phoenix office;

The Navajo Nation Veterinary Program provided the following:

- Conducted 293 disease regulatory reviews; 28 investigations; provided 33 public extension education; 7 chapter/community visits where veterinary services were provided;

The program provided various services at the veterinary clinics as follows:

- Cared for 53 equine animals owned by 14 clients; 201 canine animals owned by 151 clientele; 23 feline animals owned by 20 clients; 11 bovine animals owned by 7 clients; dispensed 16 drug prescriptions.

Dr. Kelly Upshaw provided veterinary services to three round ups which included blood draws, Coggin's testing, health certification and micro-chipping of 122 wild horses. Dr. Upshaw is coordinating with Department of Agriculture and Resource Enforcement to fine-tune efforts and processes with local communities to insure horse round-ups are executed in a successful manner.

Dr. Scott Bender was recognized for an paper written entitled "No adverse affects of simultaneous vaccination within immunocontraceptive GonaCon and a commercial rabies vaccine on rabies virus neutralizing antibody production in dogs" that was published in renown journal "Vaccine". He received an honor in Quebec City, Canada.

### **Archaeology**

The Navajo Nation Controller, Mark Grant, revised base ceiling amount for Enterprise Account in the amount of \$85,839 for Fiscal Year 2010 (First Quarter); reallocation requires signatory approval process and oversight committee's approval. NNAD will seek Resources Committee's approval on November 12, 2009. The employees who were laid off were rehired.

For the month of October 2009, NNAD generated \$9,773 in revenue. NNAD is required to generate \$85,839 by the end of December 2009 before the Controller will consider another appropriation for the second quarter of FY2010. These funds must be generated by mid-December because new appropriation will once again require signatory approval and oversight committee's approval.

NNAD completed 41cultural resource inventory reports during the month of October 2009; cultural resource inventory reports were submitted to the Navajo Nation Historic Preservation Department-Compliance Section for review.

On October 9, 2009, NNAD met with Historic Preservation Department, Contracts and Grants, Division of Natural Resources, Department of Justice regarding the NNAD fee issue. NNAD is currently researching and compiling all the data and will compare information with Historic Preservation Department upon completion.

DNR Supervisor's Meeting (Fourth Quarter) held on October 14-15, 2009 at the Navajo Nation Museum was attended by Linda Laughing, Elaine Cleveland-Mason, Harriet Sandoval and Sarah Grey. NNAD conducted a PowerPoint presentation on FY'2009 Year End Results of our Master Plan and our accomplishments for the Fourth quarter. This meeting was very beneficial to our program; it was interesting to see that the Division of Natural Resources is involved in so many activities.

Navajo Tribal Utility Authority (NTUA) selected NNAD as the #2 prime contractors to conduct cultural resource services; agreement is being processed through the Navajo Nation's signatory approval process.

The White Sands 50,000 acres survey in Alamogordo NM is continuing through the end of December 2009; one archaeologist is working on this project. This survey project started August 20, 2009 for Christopher Goodwin and Associates, Inc.

The scope of work and budgets for the Navajo Nation Historic Preservation Department were prepared for the following road projects: Navajo Route 9652(1): White Rock Road, San Juan County NM; N164 (1) 2 & 4, Navajo Mountain Chapter, San Juan County UT; Navajo Route 6486(2): Lower Laguna Creek, Navajo County, Arizona; Navajo Route 6910(1)1 &2, San Francisco Wash, Leupp Chapter, Coconino County, Arizona and N19 Toadlena road project. These proposals are pending.

NNAD archaeologists Harriett Sandoval and Patricia Chee gave two presentations regarding the results of N9010 Pine Springs Road Project: September 27, 2009 at Oak Springs Chapter and October 9, 2009, at Pine Springs Community School.

NNAD program managers and DNR Administration conducted a two day strategic planning process to determine the future plans of the department.

### **Fish & Wildlife**

The Big Boquillas Ranch planning team from the Division of Natural Resources met with various entities from the state of Arizona to review and compile natural resource inventory data for the Ranch. Additional discussions focused on the outline for the Ranch Management Plan.

The Director met with the San Carlos Apache Tribe regarding their automated hunting and fishing permitting system. The system is currently in the planning stages and is due to be fully implemented later this year. A follow up meeting will be scheduled when the system is in operation.

The Director provided a tour of the Black Mesa, Kayenta areas for Arizona Game and Fish Director Larry Voyles. Natural resource projects visited included the bighorn sheep management area, Peabody Mine and Monument Valley Tribal Park.

In order to provide additional law enforcement assistance with the General Deer hunt, the Animal Control Program provided four Officers to the Wildlife Law Enforcement Program during the two weekends of the hunt. Animal Control personnel made field contacts with hunters and documented illegal wildlife activities and referred them to the WLE program. Additionally, the Department's Dispatcher was also assigned to provide full-time radio coverage for Department personnel assigned to the General Deer hunt patrol effort. The Resource Enforcement Department was asked to assist; however, they provided limited patrols during one Saturday of the hunt.

Department personnel participated in a Big Boquillas Ranch planning meeting with other DNR Departments and the Natural Resource Conservation Service facilitating. The meeting was convened to continue development of Navajo Nation management priorities for the Big Boquillas Ranch.

The Animal Control Program conducted a community enforcement project at Blue Gap Chapter. Patrols in this community focused on compliance and enforcement of Navajo Nation Animal Control laws, picking up stray and unwanted animals and public education.

The Animal Control Program, Fort Defiance Agency investigated three animal hoarding cases in Greasewood, AZ; Lupton, AZ; and Houck, AZ. Officers impounded numerous dogs and cats.

Big game hunt seasons continued through the month. The muzzleloader, general deer and elk hunts were completed during the month, with no major incidents. Law enforcement patrols were on-going and the majority of the citations centered on failure of properly tag harvested animals. Hunters were forgetting to sign/validate hunt permits and sign/validate carcass tags once game was harvested. Deer check stations were run during the general deer hunt at Red Valley and Fort Defiance.

Department personnel attended a Desert Rock Section 7 Consultation meeting with the U.S. Fish and Wildlife Service to discuss reasonable and prudent alternatives.

Personnel participated in annual negotiations with the BIA regarding Fish and Wildlife and Natural Heritage 638 Contracts. Additional funds are being requested for an exotic plant biologist. The BIA position was vacated when the incumbent transferred back to BIA Forestry.

Wildlife Law Enforcement personnel are investigating a case involving poaching of several elk on Balakai Mesa.

Operation Game Thief is a program designed to allow the general public to anonymously report wildlife crimes and received a cash reward for doing so. Several cases are being investigated that were reported through the OGT program. A poaching case was investigated in Oak Springs, AZ and 13 pieces of deer meat was recovered. Charges are pending in Window Rock District Court. Another case is being investigated where two deer heads were found near a residence in Ram Pasture but the carcasses were not found. A third case was being investigated where an individual poached three mule deer out of season.

Public awareness was raised with new highway signs that are used on holidays, Saturdays and during special events to advertise the Navajo Nation Zoo being open and FREE admission.

The Navajo Nation Zoo was awarded a \$10,000 grant from BHP-Billiton for a "Raptors on the Reservation" educational program. The program will feature new educational information at the Zoo, as well as an upgraded outreach component featuring a "program animal" that can be brought to schools to educate the public about the importance of raptors, both ecologically and culturally.

The Zoo continues to provide group tours of the facility; two groups toured the Zoo this month-Juan de Onate First Grade class and Third Grade class.

The Zoo hosted its first annual ZooBoo event on October 30<sup>th</sup> and 31<sup>st</sup>. The event received 2,400 visitors and raised several hundred dollars through vendor spots, merchandise sales and donations.

A scholarship application was submitted to the Association of Zoos and Aquariums to provide \$2,500 to fund travel and registration for the Zoo Curator to attend a "Conservation Education" course.

The Zoo Curator provided an informational presentation to the Gallup Lion's Club in October. The goal of the presentation was to provide awareness of sponsorships and animal adoptions.

### **Forestry**

Staff co-coordinated with the USFS and State of Arizona officials to identify, harvest and transport native Christmas trees from Arizona and the Navajo Nation to Washington, D.C. The program was very successful and presented the Navajo Nation Forestry program to leadership in Washington, D.C. The celebration on Navajo was conducted in Window Rock, Arizona on November 19, 2009. Mr. Alexious Becenti, Department Manager, did an excellent job on behalf of the Navajo Nation.

Performed 410 calls for services, ranging from investigation of fires and forest trespass activities, checking personal/resale forest product permits, security checks, issuing citations for failure to comply with regulations to providing general information to the public.

Assisting the BIA Forestry Engineering Technician with the surveying measurements of the road designs with Forest Compartment 48 of the Tohnitsa Timber Sale area.

Program personnel conducted a field tour of the Tohnitsa Timber Sale area with the new BIA Regional Forester and BIA Forest Development/Timber Sale Officer.

The Navajo Forestry Department issued 4,985 personal and commercial use forest product permits/tags to both enrolled Navajo Nation and Non-Navajo individuals. These forest product permits allow an individual to gather firewood for personal and resale purposes, harvest fence posts and transport wood that has been harvested to another location.

The Reforestation Program of the Department continues to perform general maintenance duties in and around the greenhouses and botanical garden. The following are accomplishments:

- Moved 66,300 ponderosa pine seedlings from Greenhouse 1 to the Lath House and now continuing to irrigate and fertilize these seedlings.
- Delivered 900 willow seedlings to the Shiprock CFRP area.
- Conducted seedling survival studies on 60 acres in the White Clay area.
- Thinned out two overstocked timber stands in the White Clay area, working with the Woodland Section.

### **Historic Preservation**

Not exactly an accomplishment but a major change for HPD: John Stein (Chaco Program Manager), June-el Piper (Chaco Program editor P/T), Judy Martin (TCP, Navajo Culture Specialist) and Judith Touchin (Roads Program, Senior Archaeologist) all took the SPR. December 31, 2009, is the last day of for all four.

ROADS-Cynthia Todachine, Senior Accountant, was recognized for 25 years service as a Nation Employee.

CHACO PROTECTION SITES PROGRAM (CHACO) Draft cultural affiliation statement and supporting documents complete and submitted for review to Alan Downer

TRADITIONAL CULTURE PROGRAM (TCP) Judy Martin made a presentation on TCP's, and NAGPRA at the Navajo Nation Museum Education Conference at the Museum. TCP sponsored a Naayee'e ji Hataal (Protection Way) in response to the Mt. Taylor nomination as a Traditional Cultural Property.

### **Minerals**

Staff continues to evaluate and negotiate rights-of-way (ROWs) and revocable use permits (RUPs). The following are accomplishments:

- Processed a ROW application for BHP Navajo Coal Company (BHP) which will be used for the extraction of 1.7 million tons of coal within their coal mining lease. It was approved by RC on October 8, 2009;
- Reviewed and processed two electrical distribution line ROW for Jamez Mountain Electric Cooperative (Jamez);
- Reviewed and processed a ROW and a temporary construction easement for San Juan County, Utah;
- Discussion was initiated with the New Mexico Gas Company (NMGC) for the renewal of nine expired natural gas pipeline ROWs;
- Reviewed and submitted comments on nine ROW applications for telecommunication sites for Frontier Communications (Frontier). Outstanding issues with Frontier were brought to the attention of RC;
- Reviewed and processed a co-location application by Smith Bagley to use Transwestern Pipeline Company's (TWPC) tower in Klagetoh, AZ.

Staff also continues to evaluate, recommend, negotiate mineral exploration and development of renewal energy proposals as follows:

- The Navajo Nation Council (NNC) approved a Coal Bed Methane (CBM) Operating Agreement with the Navajo Nation Oil & Gas Company (NNOGC) on October 21, 2009. This is a major project and has the potential of generating substantial revenues for the Nation. The Nation has received the \$4.0 million bonus payment. The Regional Director, Bureau of Indian Affairs (BIA), Navajo Region, needs to approve the agreement.
- We processed a sand and gravel (S&G) lease application submitted by Recon Oil Company (Recon). It took several months of periodic review to accept the mining and reclamation plan;
- An addendum to the Hydrocarbon Assessment Contract with NNOGC was approved by RC.
- A professional service agreement with NNOGC for hydrocarbon assessment was approved by RC on November 16, 2009.
- A Memorandum of Understanding (MOU) with the Museum of Northern Arizona (MNA) for the repository and geological and paleontological resources was approved by RC on August 31, 2009 and executed by the parties on October 7, 2009.

Staff continues to provide mine safety and health training to coal mine and S&G Workers as follows:

- Provided Annual Refresher Training (coal) to 24 workers and New Training (coal) to 45 workers.

(NOTE: The trainings were conducted on September 24 and 28-30, 2009, but were not included in the September 2009 report.)

## **Parks and Recreation**

### Monument Valley Tribal Park Facility Improvement Project (Phase I)

Visitor Center Renovation Project – The renovation project is essentially completed by White River Construction Company. The punch list identified minor works which are now completed. During a recent snow storm water leaks occurred which need to be corrected. The water leaks were not part of the punch list, but the Contractor repaired the roof leaks. The final punch list walk through is scheduled on January 5, 2010. The building furniture is ordered (some are still on backorder) and being assembled and installed as the orders are delivered. Meanwhile, the Contract Modification Number One (1) is still in the review process and it is pending Office of the President/Vice President review and surname. The Modification will increase in the contract amount by \$37,793.03 which will result in a new contract amount of \$4,558,649.03.

### Monument Valley Tribal Park Visitor Center Interpretive Exhibits & Dedication

The exhibits and displays were installed and dedication held on December 9. Approximately 1,000 people attended the newly renovated Visitor Center grand opening and dedication ceremony.

### KTVK-TV Channel 3 Marketing

Navajo Parks and Recreation Department met with KTVK personnel to review the 2009 recap and accomplishments of the 2009 marketing campaigns. The KTVK-TV and [azfamily.com](http://azfamily.com) submitted the 2009 recap report Television and Online Campaigns. The partnership was gratifying to watch the continued growth of the parks, attendance and website. The department shared the 2010 marketing plan with goal – “to be fully self-sufficient and provide for growth.” Based on the department’s strategic plan, KTVK-TV will be submitting a proposal for the 2010 marketing campaigns.

### Parks Enterprise Fund Corrective Action Plan

Pursuant to the Enterprise Fund Corrective Action Plan, Navajo Parks and Recreation Department established and implemented a finance manual. The Finance Manual was finalized and approved by the Department Manager. Department staff has reviewed the manual and submitting acknowledgements.

The department purchased new surveillance cameras for the newly renovated Visitor Center. Installed cameras and scheduled software installation and training for the Park operation/management of the surveillance system on January 6, 2010.

The department accounting section conducted an on-site training on KIS Machine (computerized ticketing system) at Little Colorado River Tribal Park. Two (2) KIS machines were assigned to the Park Office.

### Antelope Canyon RV Park Request For Proposals

In 2008, Navajo Parks and Recreation Department received a grant for architect and engineering services under USDA Rural Development for the Antelope Canyon Tribal Park Visitor Center Project. Prior to the award of the USDA grant, the department completed an architectural and engineering services on the Visitor Center project. Thus, the department requested to keep the grant and use it for other park improvement projects. Subsequently, USDA approved the department’s request to use the grant for a Marketing Feasibility Study for a RV Resort and Campground. The study consists of a marketing feasibility, an environmental assessment, a business plan and a legal land survey. This project is budgeted in the FY 2010 department budget.

Received only one offer who responded to a RFP recently advertised in the local newspapers in Gallup, NM, and Flagstaff and Page, AZ. The department evaluated the Proposal and a meeting is scheduled with the responder to obtain more information by end of December 2009.

### Backcountry Permits

Navajo Parks and Recreation Department met with NPS- Navajo National Monument in regards to backcountry permits being issued by the department for areas in the Monument that are restricted. The Monument has limits on how many people can enter archaeological sites in a day and it appears that permits issued by Navajo Nation exceed those numbers. The Monument also wanted information on backcountry uses in other tribal parks. The department staff attended a hike on the Keet Seel trail at Navajo National Monument and inspected where the trail required rehabilitation and improvement. The

department will provide a binder of all permits issued to NPS for their information and use; and in Spring 2010, the department will began rehabilitation work on the Keet Seel in coordination with NPS. The trail is on Navajo lands.

Little Colorado River 2<sup>nd</sup> View Point NEPA Compliance Work

Navajo Parks and Recreation Department, through its Consultant ETD, Inc. completed the archeological survey and report, and the biological and Threatened & Endangered Species surveys and reports. In November, the reports were submitted to Navajo Archaeology Department and Navajo Fish & Wildlife Department for review. Department is waiting on regulatory departments’ responses to complete the NEPA Compliance work.

Resources Committee Work Session

Navajo Parks and Recreation Department held a work session with the Resources Committee on Special Events Section operation and activities:

- Navajo Nation Fair Production Close Out Report – The department submitted the 63<sup>rd</sup> Annual Navajo Nation Fair Report and the Resources Committee accepted the report which highlighted production revenues and expenses, profit and loss, event coordinators reports, and recommendations for 2010 fair event. The same report was also submitted to DNR.
- Treaty Day Celebration – Based on suggestion by the event coordinators, the department recommended to change the Fourth of July Celebration to Treaty Day Celebration and to move the event date to the month of June. The department justified the changes with the recent audit of the
- Fourth of July production. The audit report recommended deletion of non cost efficient events which included PRCA ProRodeo and Championship Bull Riding (CBR). The Resources Committee accepted the Treaty Day Celebration with the event production in June, but disapproved the deletion of the PRCA ProRodeo and CBR events.
- Special Events Department – The department presented its plans to establish a Special Events Department under DNR and the Resources Committee recommended a feasibility study before it can consider the proposal for a new department.
- Event Activities and Contracts – The department reported on the status of the event coordinators, event planning/preparation, event themes and contracts. The Resources Committee requested for a periodic status reports on the event planning and preparation; and selected event theme for the Treaty Day Celebration.

PRCA Convention

Three (3) Navajo Parks and Recreation Department staff and five (5) members of the Resources Committee attended the PRCA Convention in Las Vegas, NV. The group met with potential rodeo stock contractors, rodeo production and entertainment services (rodeo score board, rodeo sound, barrel and comedy man, rodeo announcer and specialty act) and national sponsors (Dodge Rodeo, Wrangler, WPRA, US Smokeless Tobacco, LCD Services and Cinch). The key staff distributed sponsorship packages and announced the PRCA Pro Rodeo schedule and date change. Besides the past rodeo personnel for the pervious Fourth of July PRCA, the change of schedule was favorable to most rodeo producers and rodeo contestants.

IAFE Conference

Six (6) Navajo Parks and Recreation Department staff attended the International Association of Fairs and Exposition Conference in Las Vegas, NV. Each staff was required to submit accomplishments report for each day and required to share training tools with their fellow co-workers at home.

**Resource Enforcement**

Program Performance	FY 09 actual	FY 10 Projected	Year to date
Investigate violations, cite and apprehend violators	2,066	2,045	540
Check and issue regulatory permits	7,736	5,400	1,829
Patrol scenic and natural resource areas of Nation	5,111	3,700	863

Provide information and presentations relating to COPS program	595	465	132
Provide assistance to local organizations, chapters, other agencies (emergency ops)	916	130	60
TOTAL	16,424	11,705	3,424

At the request of the speaker of the tribal council chief of staff, rangers were assigned the task of providing security to the speaker and his key staff as the tribal council voted to place the president on administrative leave. Rangers were assigned to positions around and inside the council chambers. No incidents occurred.

A firearms training was conducted for recertification purpose as well as Swat training. The SWAT training took place on the coldest day of the month. Tactical officers went through carbine training for ten hours in the wind and later the snow.

Ranger Recruit Frederick Chee graduated from the Indian Police Academy. Ranger Darryl Billy and Sergeant Randall Jim attended the event.

The Ranger Recruit position for Bitter Springs has been filled with the hiring of Fredrick Davis who was selected on November 12, 2009 Mr. Davis will be on board November 23, 2009 and will be assigned to ride with Ranger Tamara Thinn until he starts the academy.

Ranger Tamara Thinn and I attended a meeting in Window Rock, Arizona on November 13, 2009 to discuss trespass issues with various agencies that have some oversight responsibilities on the Peabody Coal Companies reseeded areas that are soon to be turned over to the nation. Primary issue was horses and other trespass issues and more meetings will be schedule to produce a protocol to address these issues. Due to the Department of Agricultures lack of attendance the next meeting will be held at the Department of Agriculture to ensure participation by the grazing officials affected and program managers.

The total number of calls for service within the eastern agency/district is (284) according to the Cody Records System. The District Rangers issued 30 Livestock Inspection Certificates. The District Rangers conducted 20 brand verifications, 10 woodland patrols, 14 personal use permit checks, 08 resale forest permit checks, 2 horse roundups, and 21 hunter permit checks. The monthly report only highlights the significant activities within the district. All other matters that are considered "routine" are not reflected. The amount of requests for assistance and services are generally higher in the summer months in comparison to the winter months due to the back roads conditions.

The Naschitti Chapter held another roundup between the dates of November 06 through 08, 2009. A total of 57 horses were documented as officially seized. Eight horses were released on sight. A total of 49 horses were impounded to the DNR Complex in Black Hat, New Mexico. The Navajo Nation Dept. of Agriculture took control of the matter. It is about time that they are proactively involved with these matters. Ranger Sgt. Randall Jim did the official brand verifications and the release of horses.

### **Water Resources**

Secretary of the Interior Ken Salazar today joined New Mexico's congressional delegation to advance a vital water supply project that will provide clean, safe and reliable water to a quarter of a million people in the Navajo Nation, the City of Gallup and the Jicarilla Apache Nation. The action clears the way for resolving the Navajo Nation's long-standing water rights claims in the state. Joining U.S. Sens. Jeff Bingaman and Tom Udall and Rep. Ben Ray Luján, Salazar signed the Record of Decision for the Navajo-Gallup Water Supply Project Planning Report and Final Environmental Impact Statement. By providing certainty for future water supplies, the project is a key to the Navajo Nation-San Juan River Basin Water Rights Settlement;

NN MUNICIPAL WATER PIPELINE-THE BOR GENERAL CONTRACTOR, SOUTHWESTERN DAKOTAH INC., STARTED THE HORIZONTAL PILOT HOLE DRILLING UNDER THE SAN JUAN RIVER. THE \$4,628,500 PROJECT IS EXPECTED TO BE COMPLETED BY SPRING. THE NOTICE TO PROCEED FOR THE FRUITLAND REACH OF THE PROJECT WAS ISSUED ON DECEMBER 15, 2008 AND CURRENTLY 63% COMPLETE. NAVAJO ENGINEERING CONSTRUCTION AUTHORITY (NECA) HAS CONTINUED TO EXCAVATE AND INSTALL A 24 INCH PVC PIPELINE. CURRENTLY, 6000 LINEAR FEET HAS BEEN INSTALLED. THE COMPLETION DATE IS JUNE 18, 2010;

Secretary of the Interior Ken Salazar announced that the Bureau of Reclamation has awarded a contract totaling \$27.74 million to the Navajo Engineering and Construction Authority for the construction of Reaches 2 through 6 of the Navajo Nation Municipal Pipeline. NECA, a construction firm wholly-owned and operated by the Navajo Nation, will use the funds to construct the remaining 21-mile stretch (out of a total project of 29 miles) of the municipal pipeline. The construction reaches 2 through 6 of the pipeline and will entail the excavation and burial of 21 miles of PVC pipeline (24-inch diameter) and the construction of a 1-million gallon water storage tank near Nenahnezad Hill.

Funding was approved for the Safe Drinking Water Hauling and Pilot Project for \$2.6 million. The USEPA and NNDWR will had a meeting on this project on November 6, 2009 to discuss the implementation measures required to complete the grant scope of work.

Water Technical and Construction Branch completed several projects including the following: rehabilitation of waterline extension, 0.7 miles, near well# 10T-565 in Chinle. The project is at 75% completed;

- Drilling of a domestic well, development and testing, in Manuelito is underway; Inspected 5 dams in Blue Gap (Bitter Spring Canyon, Kee Tsosie Tom, Chapter House, Mitchells' and Coalmine Dams.) all are feasible for rehabilitation;
- Completed rehabilitation of the Denehotso dam Project. Rehabilitation of 2 wells, 1 well in Blue Gap, well# 4T-386 and 1 well, Rough Rock (Mission Well). New Shiprock building: Electrical wiring of the building is in progress at 90%;
- Rehabilitation of 7 earthen dams – Completed 1 dam Rock Point (T Jones) 5 dams in Coppermine (First Windmill, Tes-medes-bal, Peach Tree, Kai-kaid, and Hudson Tank Dam) a dam in Dennehotso (Dennehotso dam);
- Technical Review: Memorandum of Agreement (MOAs) Planning Agreement (PAs): Reviewed 6 MOAs, Projects for sanitation facilities construction by I.H.S. under Public Law (PL) 86-121 – EPA-CWA, FY2009 American Recovery and Reinvestment Act, Waste Disposal Facilities projects in various Chapters and Communities, on, over and across the Navajo Nation, Arizona, New Mexico and Utah;
- Equipment Repairs - Repaired and maintained 39 pieces of equipments used for drilling, construction, repair and maintenance purposes;
- Transportation –Crownpoint–transported pipes and trencher (2 runs) to field office yard. Fort Defiance–transported scrap metal to Thoreau and transported 22W drilling rig to Albuquerque, NM for repairs. Leupp–transported 4,000 gallon water storage tank. Many Farms – transported grader to Red Lake for Many Farms field office. Sawmill – Land leveling for erosion control at R Lee resident. Burial digging for a Begaye family. Steamboat – Land clearing for the Chapter. Tuba City – transported trailer to fair for the President's office. 2<sup>nd</sup>, transported 500 gallon of diesel fuel to the yard;
- Department of Agriculture, Tribal Ranches Program (Business Unit No. 115018) provided windmill repair projects information and offer on all windmill repair projects to the Technical Construction & Operations Branch of the Department of Water Resources (Business Unit No. 115013). As a result, 18 windmills/projects information has been finally furnished by the Department of Agriculture and 12 have been fixed. TCOB has furnished NNDA with additional parts and supplies list to NNDA to purchase materials and supplies to complete the other 6 projects;

Water Management Program staff provided the following accomplishments:

The San Juan River Settlement Legislation.

- The San Juan River Settlement was authorized by Congress in April 2009. The Settlement Implementation Team met and developed a draft of the DOI water supply contract and a draft of the conformed settlement agreement. Staff presented reports to (3) three oversight committees and NAPI on the new proposed settlement.

Navajo Gallup Water Supply Project Final EIS.

- Navajo Gallup Water Supply Project Final EIS and Record of Decision signed by Secretary Ken Salazar. The Project Construction Committee met to work on the Project Design Criteria and to develop a sequencing plan for

construction. The Navajo Nation was awarded a \$700,000 Tribal Infrastructure Fund grant from New Mexico. Staff are working on the connection plans with NTUA and Cutter Phase 2, 3 and 5 decision documents.

#### The Arizona Navajo Settlement Agreement.

- The State Parties and the Navajo Nation completed the Northeastern Arizona Indian Water Rights Settlement white paper which was presented to Senator Kyl in March. Staff met the State Parties and ADWR to develop a new groundwater management plan. Staff also met with the reclamation committee to discuss the PETFAR authority for the settlement water projects. Both the NN and STATE of Arizona have reached principles of agreement on the settlement of the C-Aquifer which must be presented to their respective leaderships.

#### The Utah Navajo Settlement Agreement.

- The Navajo Team has provided a draft settlement agreement to the Utah State team. NDWR and Brown and Caldwell prepared a draft Four Corners Regional Water Project and NDWR and Reclamation prepared a draft Mexican Hat to Kayenta Regional Water Project. Staff had a conference call with the State to update the draft agreement.

#### Cutter Lateral and Halchita Intake.

- Final design of Phase 2 and Phase 4 are complete and work is underway. Clearance for Phase 3 is complete. The State will provide \$12 million for this work. NMFA transferred \$5 million to NMED for this project. Ten \$1 million USDA grant agreements and three AML grant agreements (two for Cutter Lateral and one Halchita Intake) were executed.

#### LeChee Intake

- The National Park Service has completed the FONSI. The President signed the new Secretarial water contract for more than 900 acre-feet of water for the use in the LeChee area.

#### Navajo Nation Municipal Pipeline

- The first \$9 million reach is under construction, and the second \$7 million reach was funded by ARRA. The first crossing is completed, the second crossing is underway. Construction began on the Farmington Reach. The Bureau of Reclamation will receive 30 million dollars for the ALP in 2010.

#### Navajo Mountain Water Supply Project

- More than \$9 million have been secured for the Navajo Mountain Water Supply Project. The IHS has been the construction lead with funds from the BIA, CDBG, EPA, Reclamation, Navajo Nation and the Army Corps will adequately fund all phases of the Navajo Mountain project. Construction has begun on the first phases. Completion is expected in 2012.

#### Natural Resource Conservancy Service and DNR Agreements

- The NRCS & DNR MOU and the NRCS & NDWR Partnership Agreement was executed. The NRCS Moenkopi Weed Management Area MOU was put into the SAS process. NDWR is working on an EQIP contract for Cudie Phase 3.

#### Water Monitoring and Inventory Climate Network

- The WMB surface water section maintained the monitoring networks for the Navajo Nation. This consists of 11 Automated Weather Stations, 5 Stream Gages, 9 Snow Courses, 20 Recording Rain Gages, 135 Rain cans and monitoring wells. NRCS installed the SNOTEL site at the Beaver Spring Snow Course. The first SNOTEL site was installed in the Chuskas in the Whiskey Creek watershed in March and it is transmitting climate data.

#### Flood Plain Management

- The Army Corps completed the Section 520 flood plain delineation aerial photography for Fort Defiance, Kayenta, Tuab City, Chinlee, Tohatchi, Leuipp, Many Farms, Shiprock Crownpoint and Ganado. The four foot contour data will be provided for Window Rock.

- The WMB staff met with Navajo Housing Authority and developed a scope of work for continuing the Section 520 work and a letter was drafted for HUD and NHA to convey and process funds for Section 520.

#### Water Code Administration continued to provide services and accomplishments as follows:

- Staff continued to assist San Juan County (Utah) schools with their progressive plans for construction of the new Monument Valley elementary school. Right of Way verification, metering improvement, line inspection, and new water system tank needs identification are continuing, and we served as liaison for the Navajo Nation EPA's involvement progress. A field inspection and advisement meeting is now being arranged for January at the actual school site in Monument Valley.
- Staff again assisted NTUA in an ongoing special effort to identify well permit and annual fee deficiencies to help bring them up to date and respond to a relevant request from legislative counsel. Final NTUA permit updating status for 2009 is delayed by internal NTUA year-end reporting demands and will be reported in January.
- Staff continued to convert wells data base information and other Geographical information System (GIS) files from v3.2 to v9.2. to modernize data base and improve information retrieval.
- With the sign-off by the President's Office, the proposed Resources Committee resolution for construction and industrial water use fee revision, primarily per inflation, has now gone going through 80% the SAS process. Remaining are Legislative Counsel and the Resources Committee Chair.
- Staff assisted Keyah Construction in finding a water source for the 2,300 feet of Leupp water line that will serve the new housing area for the community school.
- Staff assisted Dean Douglas Contracting in obtaining construction water for a new group and elder home in Greasewood and Ganado.
- Staff assisted Navajo Division of Transportation in locating water sources for large N-95 re-gravel project in Tsebidalgai.
- Staff assisted BIA contractor, Weeminuche, in confirming water source 12T-618A for Captain Tom Dam rehabilitation project
- Staff continues to coordinate with Natural Resource Conservation Service (NRCS) Utah on five new water development projects for ranchers/farmers on Utah Navajo lands.
- Staff compiled additional information for the DWR effort to withdraw more land for the office compound. Staff assisted the Technical, Construction, and Operation's Branch (TCOB) Director with data compilation for the long-proposed land withdrawal. Similar effort will be expended after the new year.
- Staff assisted Clawson Construction in locating water sources for their AML project in Thoreau.
- Staff assisted IHS/Many Farms in obtaining access to NTUA water for a pipeline boring project underneath the wash in Rock point.
- Staff did a third inspection of the ongoing Burnside Junction re-construction project and the two water sources. There have been no issues or conflicts raised by the contractor, the County, or local residents.
- Staff continued to assist San Juan County (Utah) schools with their progressive plans for construction of the new Monument Valley elementary school. Right of Way verification, metering improvement, line inspection, and new water system tank needs identification are continuing, and we served as liaison for the Navajo Nation EPA's involvement progress
- WCA requested and participated in a Technical and Construction Branch (TCOB) well scanning for 12T-618A, in WCA's effort to prepare a water source for the pending Captain Tom Dam rehabilitation project.
- Staff clarified (on 10/30/09) with Navajo Nation Information Technology (IT) Office the
- Staff assisted TSR Corp. in locating construction water source for new group home in Bird Springs Chapter, Arizona.
- Staff organized and co-hosted a workshop for farmers interested in irrigation, related soil testing, seed preservation, and sustainable practices with limited water sources at Shiprock chapter.
- Staff continued to coordinate with Natural Resource Conservation Service (NRCS) Utah on five new water development projects for ranchers/farmers on Utah Navajo lands.
- Staff met with Navajo UMTRA staff member to confer on UMTRA contract review processes and subjects for bidders on groundwater studies at the Tuba City Rare Metals site, where the successful bidder will have to deal closely with the WCA on permitting for wells and sampling. Staff member then participated on cooperative bid review team that scored bidders.
- Staff assisted the Navajo Housing Authority (NHA) and one contractor in locating and permitting two water sources for construction of 7 scattered homes in Ft. Defiance Agency.

- WCA advanced to the next step with Navajo Tribal Utility Authority (NTUA) on the potential well transfer from NTUA to DWR (for livestock water and construction water use) 7T-522 (Dilkon). The agreement in principal is in place. The details will be discussed in semi-final form next week.
- Staff consulted with US Geological Survey on geohydrology in the Black Mesa/Kitsillie area for two project proposals in the area.
- Staff coordinated with AML/UMTRA as follows: located a water source in Burnham/Bisti area for an AML mine rehabilitation project; attended quarterly Abandoned Mine Lands (AML/UMTRA) and U.S. Department of Energy (DOE) meeting to address the Shiprock and Tuba City remedial sites, and seeps identified at the Mexican Hat site. The Monument Valley remediation site was also discussed. Staff attended a DOE public meeting on Oct 13 in Shiprock on the UMTRA site there. Most public attendees voiced opposition to retention of radioactive material on site and requested it be removed; Staff attended a follow up Shiprock UMTRA non-public meeting to discuss Institutional Controls for the site, public reactions, water usage, background sampling, weir installations at Many Devils Wash, geoprobe well use, and trench sampling techniques for the floodplain. Possible river sampling protocols were also discussed.
- Staff attended a field meeting with NRCS on McCracken Mesa planning issues with Aneth Chapter and BIA representatives. Water use issues and the 800-acre range rehabilitation pilot project were addressed.
- Routine Chapter visits and/or meetings and presentations to chapter officials on Water Code Administration functions. [N.N. Office of Management and Budget requires 3 per Quarter.] Water Code overviews were presented and questions taken and answered:
  - Ramah
  - Low Mountain
  - Coppermine
  - Houck
  - Two Grey Hills
  - Nenahnezad

Direct compliance activity including the following:

- NECA pre-paid the full amount for water use on the Farmington-to-Shiprock water pipeline construction project.
- Staff negotiated a compliance issue with FANN Contracting concerning a water usage overrun amounting to approximately an additional \$5,600 worth of water use on their Kayenta permit. FANN volunteered to pay, and an invoice will go out 10/30/09.
- U.S. Dept. of Energy has now agreed on the permit fee compliance question proposal of the flat rate of \$10,000 annually. Documents reportedly are to be completed this quarter as more consistent with the Federal fiscal year.
- Some 15 permit applications were in process and 15 more completed.
- Compliance investigation field trips made to Burrago Pass, Mariano Lake, Smith Lake, Crownpoint, Black Mesa, Pinon, Chinle, Tuba City, and Jones Ranch, in addition to the chapters named in 18. e. above.
- Dealt with NDOT on how they and we could adapt, the third week of October, on the Cease and Desist order (re: all NDOT road maintenance on BIA roads) issued to NDOT by BIA Region on 7 October. That order appears now to have been lifted.

Safety of Dams was also very busy and had the following accomplishments:

- Bureau of Indian Affairs/Navajo Nation Safety of Dams Quarterly Team Meeting, Gallup, NM, December 10 and December 22, 2009-Staff attended the first quarterly team meeting between the Bureau of Indian Affairs' Safety of Dams Program and the Navajo Nation Safety of Dams Program in Gallup, NM. Meeting including presentations by Bureau of Indian Affairs on its responsibilities and relationship with Navajo Nation Safety of Dams Program before commencing with the review and update of the Master List of Safety of Dams Recommendations generated from the Bureau of Reclamations Dam Examinations. One time items were identified, documentation was provided to close out old recommendations, repair recommendations were generated for those items considered routine operations and maintenance and targeted for completion in Fiscal Year 2010.
- Red Lake Comprehensive Dam Review Session, Gallup, NM, December 4, 2009-Staff attended review session with the Bureau of Indian Affairs, Bureau of Reclamations to discuss draft report of the Comprehensive Dam Review completed for Red Lake Dam. Various issues addressed included: dam overview, Comprehensive Dam Review Findings, site geology, seismic and hydrologic loading, design and construction review, instrumentation review, dam

safety issues, potential failure modes, consequences of dam failure modes, future monitoring needs, exam issues, and administrative issues.

- Tsaille/Wheatfields Farm Board Meeting, Wheatfields, AZ, December 14, 2009-Staff attended a farm board meeting and met with board members and several farmers to discuss questions related to water release protocols, facilitation and coordination of water releases and other queries related to Wheatfields/Canyon de Chelly water releases and their affects on the construction taking place downstream of the dam. Outreach was completed and contact information was distributed.
- Red Lake Onsite Visit with Bureau of Indian Affairs, December 14, 2009-Staff accompanied Bureau of Indian Affairs personnel to review and update the draft downstream inundation map generated by Navajo Nation. Additional homes in the inundation area were located and added to present map. This site visit was coordinated with both programs to reassess the Inflow Design Flow generated for Red Lake Dam.
- Joint Farm Board Meeting, Window Rock, AZ, December 18, 2009-Staff attended a joint farm board meeting that was comprised of 13 farm boards, six of which are affected by area dams. Safety of Dams personnel completed a presentation with regards to duties and responsibilities associated with water releases, protocols to be followed and justification for protocols. Outreach was completed and contact information was distributed

#### Operations and Maintenance Section

- Charlie Day Springs Dam Tree Removal and Vegetation Cut, 12/3-12/4/09-Vegetation removal downstream, top of crest, downstream. Trees were cut 6' above ground and removed from downstream side of dam. Debris cleared from tree cutting and vegetation removal.
- Tsaille Dam Ice Breaking, 12/16, 17, 18, 21, 23, 25, 27/2009-Due to the presence of ice build up, staff performed routine maintenance that included breaking ice around the pressure transducer for the Early Warning System located at this site
- Construction Site Review, Asaayi Dam, October 20, 2009  
An inspection team consisting of Navajo Nation Safety of Dams, Bureau of Indian Affairs Safety of Dams, Bureau of Reclamation staff, and Asaayi Dam Contractors performed a dam walk inspection of recently completed dam modifications centering on the following: Upstream and downstream faces of the dam, crest of the dam, crest road, bridge to the dam, inspection wells, gate house, outlet, early warning system, toe drains and spillway. Some minor recommendations for the contractors were made by Navajo Nation Safety of Dams staff and Bureau of Indian Affairs Safety of Dams staff.
- Bureau of Indian Affairs' Contract Negotiations, October 22, 2009  
Staff participated in a meeting regarding the 638 2010 funding budget of all dams in the Navajo Nation Safety of Dam's inventory. Further discussion will take place on 11/9/09 at the Bureau of Indian Affairs Safety of Dams Office in Gallup, NM.
- Pre-Construction Conference for Captain Tom Dam, Gallup, NM, October 29, 2009  
Staff attended meetings addressing affected entities regarding the Captain Tom Dam Rehabilitation Project. Topics included records review, site geology, review of design, construction, flood loading issues, dam safety issues, issues from past exams, outstanding dam safety recommendations, issues from performance monitoring, and issues from previous studies.
- Inundation Field Visit, Asaayi and Red Lake Dams, October 27, 2009  
Staff participated in a field visit with Bureau of Indian Affairs Safety of Dams staff and Bureau of Reclamation staff of to update inundation maps for Asaayi Dam, Red Lake Dam, and Black Creek. Inundation maps are to updated based on the completion of the Asaayi Dam modifications as of October, 2009 that resulted in increased storage capacity of the dam.
- Tsaille Dam-vegetation removal upstream dam face, downstream dam face, and along outlet channel. Silt removal at outlet channel from outlet pipe to gabions and around weir area. Reset 6" PVC to get flow measurement from outlet pipe.
- Wheatfields Dam-vegetation removal along dam crest and downstream dam face. Clean outlet channel and reset rip rap. Clean weir area of algae.
- Red Lake Dam-vegetation removal upstream and downstream face of dam. Clean rocks out of the outlet channel. Paint over graffiti on Early Warning System building and spillway.
- Todacheenie Dam-vegetation removal upstream and downstream face of dam. Backfill rodent holes.
- Window Rock Dam-remove silt from the outlet channel up to the 24" CMP.
- Ganado Dam-vegetation removal within 100' of the downstream toe of dam. Paint over graffiti. Repair/replace barbed or razor wire at the gate tower access and at the fenced outlet area. Clean rocks and debris out of the stilling

basin.

- Round Rock Dam-painted over graffiti on spillway and outlet area. Repair/replace barb wire to entrance of downstream outlet area.
- Many Farms Dam-replaced anemometer on Early Warning System building.

#### Monitoring and Visual Inspection Section

Staff conducted 65 dam monitoring and visual inspections. These inspections included collecting piezometer readings, gathering weather station data and visually assessing conditions at each of these dams and noting maintenance deficiencies.

#### Early Warning System Section

The Early Warning system is a radio communication network that collects data on weather, reservoir water surface elevation, and alarm status. The system is built on the Rugid software platform and a majority of the sensors have reached life expectancy. Overall pre-maintenance activities include cross-referencing Navajo Nation Safety of Dams data against that acquired by the National Safety of Dams Monitoring Center.

Currently the system is undergoing an overhaul in the following area.

1. Rewiring – the old wiring is either insufficient or incorrectly installed. Short circuits and poorly connected wiring may result in incorrect or no data transmittal. Wiring placement can also produce poor connections.
2. Replacement of sensors – The sensors for weather collection have reached their intended life span.
3. Replacement or recalibration is needed to ensure accurate data collection.

The following summary is a list of actions that have been taken or require future attention for specific EWS locations:

1. Asaayi Dam – Dam construction is complete.

- Field Assessment and Maintenance, 10/27/09: Conducted field assessment and maintenance of operating conditions concerning the battery storage voltage drop that determined the following: *Action taken:* Checked all wiring and connections. Checked system data, Checked radio, polyphaser and cable hookups. Installed a new 12 volt battery and successfully tested signal transmission to and from the Early Warning 101 Master system.
- Field Assessment and Maintenance, 11/12-13/09: Conducted field assessment and maintenance of operating conditions concerning the Outlet Gate Flow Meter Operations that determined the following: *Action taken:* Removed the electrical line from the EWS system that connects the new pressure transducer sensors not yet programmed into the system. The Early Warning System is operational with the exception of the pressure transducers.

2. Asaayi Creek – Early Warning System is operational.

- Field Maintenance: *Action taken:* 10/27/09: Checked system data, checked radio, polyphaser and cable hookups. The solar regulator was checked for charging and voltage. A test confirmed transmission to and from the Early Warning 101 Master system. On 12/16/09 staff repaired system to make it operational. The power source needed repair.

3. Ganado Dam – Early Warning System is operational.

Field Assessment and Maintenance, 10/05-07/09, 10/21/09: Conducted field assessment and maintenance of operating conditions concerning the Pressure Transducer Sensor that determined the following:

*Action taken:* 10/05-07/09: Checked Solar Regulator power unit concerning the battery, solar and load capacity. Checked and confirmed transmission to and from Early Warning 101 Master System.

*Action taken:* 10/21/09: The Pressure Transducer arrestor and electrical wiring was checked and indicated a short in the voltage, replaced the wiring and the Pressure Transducer in operational.

4. Fluted Rock Repeater - Early Warning System is non operational.

Field Assessment and Maintenance, 10/05/09: Conducted field assessment and maintenance of operating conditions concerning the Radio Transmitting system failing that determined the following:

*Action taken:* 10/05-6/09, 10/19/09: Checked all wiring and connections. Checked system data, checked radio, polyphaser and cable hookups. A new 12 volt battery is installed. Signal transmission was successfully tested to and from the Early Warning 101 Master system. Early Warning System is now operational. The rain gage funnel was replaced and tested for operations.

5. Red Lake Dam - Early Warning System is operational.

Field Assessment and Maintenance, 10/09/09: Conducted field assessment and maintenance of operating conditions concerning the Early Warning System that determined the following:

*Action taken:* 10/08/09: Checked all wiring and connections. Checked system data, checked radio, polyphaser and cable hookups. A test confirmed transmission to and from the Early Warning 101 Master system.

6. Round Rock Dam - Early Warning System is operational.

Field Assessment and Maintenance, 10/05/09: Conducted field assessment and maintenance of operating conditions concerning the Early Warning System that determined the following:

*Action taken:* 10/08/09: Checked all wiring and connections. Checked system data, checked radio, polyphaser and cable hookups. A test confirmed transmission to and from the Early Warning 101 Master system.

7. Tsaile Dam - Early Warning System is operational.

Field Assessment and Maintenance, 10/08/09: Conducted field assessment and maintenance of operating conditions concerning the Early Warning System that determined the following:

*Action taken:* 10/08/09: Checked all wiring and connections. Checked system data, checked radio, polyphaser and cable hookups. A test confirmed transmission to and from the Early Warning 101 Master system.

8. Tsaile Creek - Early Warning System is operational.

Field Maintenance:

*Action taken:* 08/06/09: Checked all wiring and connections. Checked system data, checked radio, polyphaser and cable hookups. A test confirmed transmission to and from the Early Warning 101 Master system.

9. Todacheene Dam - Early Warning System is operational.

Field Assessment and Maintenance, 10/09/09: Conducted field assessment and maintenance of operating conditions concerning the Early Warning System that determined the following:

*Action taken:* 10/09/09: Checked power system to test battery, solar and load capacity at the regulator. Checked and confirmed transmission to and from Early Warning Master System. A visual inspection concerning the Anemometer indicated vandalism. The replacement will be completed after Hunting Season is over.

10. Tohnitsa Repeater- Early Warning System is operational.

Field Assessment and Maintenance, 10/19/09: Conducted field assessment and maintenance of operating conditions concerning the Early Warning System that determined the following:

*Action taken:* 10/19/09: Checked all wiring, connections, system data, checked radio, polyphaser and cable hookups. A test confirmed transmission to and from the Early Warning 101 Master system.

11. Many Farms – Early Warning System is operational.

Field Assessment and Maintenance, 10/26/09: Conducted field assessment and maintenance of operating conditions concerning the Early Warning System that determined the following:

*Action taken:* 10/26/09: Checked all wiring and connections. Checked system data, checked radio, polyphaser and cable hookups. A test confirmed transmission to and from the Early Warning 101 Master system. The Anemometer was replaced with a new unit.

#### **IV. STATUS OF ON-GOING PROJECTS, INITIATIVES, AND COAS**

DNR Administration-Renewable Energy Team is coordinating the development of Grey Mountain Wind Project with the local community at Cameron Chapter. The Chapter has passed several resolution in support of wind power development and toward SEMPA Energy as the primary developer for the project. Discussions are continuing between the RET, SEMPRA and Cameron Chapter;

Another project is solar energy development at Big Boquillas Ranch. ECOFEATHER out of Park City, Utah is very interested in developing a solar power field in the Big Boquillas in partnership with the Navajo Nation through Diné Power Authority. Discussions will continue with DPA and ECOFEATHER;

Sawmill, Crystal and Red Lake Chapter are pursuing Bio Mass development within their communities. Navajo Nation Foresry is participating on the development team with Navajo Economic Development. The project is pending an agreement to commit toward the project through a supporting resolution of the Resources Committee. Navajo Economic Development is taking the project team role;

Another project under planning and development is the solar energy project in the eastern agency through the efforts of the Navajo Relocation Program. Mr. Roman Bitsuie, Director is coordinating the effort. DNR attorney is assisting the program with preparations of legal documents and negotiations;

AML/UMTRA-On-going Projects

- Diné AML Maintenance Project – The project involves four sites from Eastern Agency areas; two coal sites, one gravel mine and one uranium site. The November 6, mine site inspection to the active

project included the contractor working on NA-0063, which is the larger, northern coal sites. The northern pit is almost completely backfilled, minor contouring remains and some drainage berms to be constructed. The southern pit has the boulders stockpiled and the contractor is working on the coal gob pile contouring within the open pit. There has been very limited travel across the stream bed, per the U.S. Army Corp provisions. The contractor moved the week of November 16, to NA-0064 site and backfilled one pit with all the nearby gob and overburden piles. Three diversion berm/channels were installed on both sites. Work was completed on November 24, to the two sites and the contractor moved to the Thoreau gravel quarry site, NA-0554. Overall, the project appears to be as specified. Construction is scheduled for completion by the end of December 2009.

- Morrison II AML Maintenance Reclamation Project – Navajo AML personnel have been searching for AML sites in the Carrizo Mountains. Project may consist of 10-15 project areas located in the Northern Agency of the Navajo Nation. There are currently three new project areas associated with this project and approximately five maintenance project areas are under review by MSAT. Construction is anticipated for late summer 2010.
- Window Rock NAML Parking Lot – Currently the designs are complete for the parking lot project. The engineer consultant firm, Ellison and Grenier Engineering, is in the process of completing the construction and contract documents. The project was advertised in December 2009. Construction is anticipated to start early spring 2010.

#### On-going UMTRA Projects

- Administrative-Navajo UMTRA staff met with U.S. EPA and Navajo EPA to participate in the consultation efforts regarding the revision of 40 CFR Part 192 UMTRCA regulations and applicable radon exposure standards. Navajo EPA will be the overall lead and contact regarding this process.
- Navajo UMTRA staff met with Navajo EPA, Navajo DOJ, and U.S. DOE on the changes and updates in the Highway 160 Site and well drilling. The \$4.5M award is continuing thru the 164 SAS review process. Mr. Ray Plieness and Cassandra Bloedel (Navajo EPA) did commend Eveline Sandoval for her thorough administrative support she provided with the financial procurement process.
- Staff is coordinating with David Miller and Tracy Ribeiro of DOE plans for the geo probe drilling at MV and SR sites including the upcoming US ACE site visit to SR to view the remediation work in Many Devils Wash scheduled mid December 2009.
- Monument Valley UMTRA – Staff performed the fourth and final quarter service exchange for the radon and TLD gamma assessment. The final collection is scheduled for December 31, 2009. Tuba City UMTRA – Staff performed the fourth and final quarter service exchange for the radon and TLD gamma assessment. The final collection is scheduled for December 31, 2009. Tuba City Well Drilling – Staff attended a bid opening meeting with Navajo EPA and Navajo Business Regulatory that prompt the acceptance of three bids for further technical review and scoring. Staff requested
- Navajo EPA to include additional reviewers and solicit Water Code Administration for technical assistance. Staff also met with Terri Lameman, Water Code Administration, concerning the review of three proposals for this project. Navajo UMTRA is awaiting final results from Navajo EPA. Tuba City Highway 160 Site Environmental Remediation – Active coordination with Dave Taylor, Navajo DOJ and Henry Haven, Navajo EPA for Navajo UMTRA participation concerning a scheduled conference call with DOE on November 12, 2009. Shiprock UMTRA – The final radon collection is scheduled for December 31, 2009. Staff met with Rita Larsen, Navajo EPA, concerning NEPA impacts to surface and ground water remediation potential impacts to infrastructure development. Staff Health Physicist is continuing UMTRA site well inspections and water hauling to the phytoremediation test plots. Mexican Hat UMTRA – No activity this month.

#### On-going Public Facility Projects-FY 2008 PFPs

- Chilchinbeto Chapter Infrastructure Development – Commercial and Light Industrial Tract Project 13.23 acres. AML continues to contact William Johnson, assigned attorney from Navajo DOJ to review, comment on the final draft MOU between AML and I.H.S. Ms. Margaret Rosenfeld, I.H.S. attorney is awaiting Navajo DOJ. Our last meeting was with the President's Office, I.H.S., and Thoreau Chapter on September 30, 2009. AML has verbally requested to work with another attorney to finalize the MOU, however, there has been no response.
- Dennehotso Chapter Multi-Purpose Facility – The project consists of a new 8,000 sq. foot multi-purpose building/facilities. AML continues to conduct monitoring and oversight visits. The contract for \$1.7 million was awarded to Arviso

Construction, Crownpoint, NM. As of November 20, 2009 the project is 80% completed. Completion of the project is scheduled for Spring 2010.

- Hardrock Chapter Multi-Purpose Metal Building – The project consists of a new multi-purpose metal building. The two Administrative Agreements are still pending with NN Capital Improvement Project (CIP) and Navajo/Hopi Land Commission (NHLC). In addition, an A/E contract with Barclay & Smith Architect, LLC, Flagstaff, AZ has commenced with the SAS 164 review process. The design/plans will be completed by January 2010 and construction is scheduled to start in the Spring 2010.
- Sheepsprings Chapter Tourism Center Parking Lot & Street – No activity this month.
- Thoreau Chapter I.H.S. Dental Clinic – AML continues to contact attorney William Johnson, Navajo DOJ, to complete review and comment on the final draft MOU between AML and I.H.S. Ms. Margaret Rosenfeld, I.H.S. attorney is also awaiting Navajo DOJ. Our last meeting was with the President's Office, I.H.S., and Thoreau Chapter on September 30, 2009. AML has verbally requested to work with another attorney to finalize the MOU, however, there has been no response.
- Torreón-Starlake Chapter Senior Center – The Notice to Proceed was issued and RJN Construction is 80% complete on the drawings.
- Whitehorse Lake, Pueblo Pintado, and Ojo Encino Chapters 2008/2009 Cutter Lateral Phases 1, 2, 3, 4 – The project is ready to bid out pending bid of project and contractor selection.

#### FY2009 PFPs

- Coyote Canyon Chapter House Renovation – LAM Corporation has mobilized on site and continues to work with Coyote Canyon Chapter in setting up a temporary modular unit for them to conduct their chapter business. NTUA will be setting in a service pole, at the latest, January 2010, for electrical power. Asbestos Abatement is scheduled for November 30, all chapter furniture, equipment, records, etc, have been moved out and stored.
- Kayenta/Olajato Chapter Halchita: Water Treatment Plant Improvement (Water Pumping Station & Treatment Plant Project) – The project is to renovate an existing NUTA Intake and Water Treatment Plant Facility located in Halchita. An Administrative Agreement (AA) with AML and NN Water Management Branch (WMB) has been completed. In addition, a Professional Services Agreement between WMB and NTUA has been approved. The lead agency will be NN Water Management Branch; and NTUA will provide project and construction management. Navajo AML will assist with coordination and fiscal management. Construction is to commence in Spring 2010.
- Mariano Lake Chapter Water System Improvement (Phase 1) – No activity this month.
- Ojo Encino Chapter Cutter Lateral Phase II & III Water Line (Navajo Water Project) – No new development. See FY2008 PFP: Whitehorse Lake, Pueblo Pintado, and Ojo Encino Chapters 2008-2009 Cutter Lateral Phase 1, 2, 3, 4.
- Pueblo Pintado Chapter Cutter Lateral Phase II & VI Water Line (Eastern Navajo Water Project) – No new development. See FY2008 PFP: Whitehorse Lake, Pueblo Pintado, and Ojo Encino Chapters 2008-2009 Cutter Lateral Phase 1, 2, 3, 4.
- Steamboat Chapter Phase II Electrical Power Line – NTUA is currently mobilizing on site, storing material at local residence. Tree's in ROW are being cleared and trenching is scheduled later in mid-December. Powerline extension is expected to be completed in January 2010.
- Teec Nos Pos Chapter: Phase III Benally/Redhouse Power Line Extension – No activity this month. Teesto Chapter Senior Citizen Center – Awaiting governors' approval of funding. RJN Construction is 80% complete on the drawings. David Sloan Architectural firm is drafting schematic designs and will present options for the type of building design for the new senior center. The chapter will then select their plan. ABQ Engineering was onsite at Teesto verifying all points and elevations and is coordinating efforts with BIA and NTUA regarding existing cadastral points and utilities. Designs are expected to be completed in March/April 2010. Construction activities are anticipated in June/July 2010.
- Tsaile/Wheatfields Chapter Headstart Renovation – Arviso Construction has completed the interior work of the head start building. Exterior work is on-going. Design and Engineering Services has received the 1<sup>st</sup> payment request back on October 30, 2009. AML has continuously called DES to process this payment request, to date, we have not received any payment request for processing. A second payment request has also been submitted to DES, AML will continue to request the paperwork from Ed Preston.

#### FY2010 PFPs

- On September 2009 a total of twelve (12) PFP proposals will be recommended to the NN Resources Committee's for final approval and award. Notice of Intent to Award PFP funds were issued to 12 chapters and funds will be available January 2010. These proposals are dependant upon funding availability.

<b>COAL IMPACTS</b>		<b>PROPOSED PROJECT</b>
1. Church Rock Chapter		Power Line Extension
2. Forest Lake Chapter (BMRD)		Power Line Extension
3. Newcomb Chapter		Senior Center Expansion
4. Tselani/Cottonwood Chapter		Power Line Extension
5. Whiterock Chapter		Electric Power Line Extension Phase III
6. Two Grey Hills Chapter		Parking Lot and Van Shelter
7. Tse'Al Naoz T'Pl Chapter (Sansotee)		Existing Power Line Upgrade
<b>NON-COAL IMPACTS</b>		<b>PROPOSED PROJECT</b>
8. Red Valley Chapter		Power Line Upgrade to 3 Phase
9. Mexican Water Chapter		New Chapter House
10. Tolikan Chapter (Sweetwater)		Power Line Extension Upgrade
<b>INDIRECT IMPACT</b>		<b>PROPOSED PROJECT</b>
11. Gadii'ahi Chapter (Cudei)		Home for Women & Children
12. Nageezi Chapter		Multi-Use Administration Bldg.

- PFP Technical Assistance-none
- Technical Assistance (TA) / Project Development-TA on Tiis Tsoh Sikaad MPC contracts, Torreon SCC contracts, Nagezzi Renovations contracts, and Cudei (Womens Shelter) projects MOA prep.
- Possible New PFP's--Proposals received dependant on funding availability

	<b>CHAPTER</b>	<b>PROJECT DESCRIPTION</b>	<b>IMPACT</b>
1.	Black Mesa	Power Line Extension	Coal
2.	Cameron	Power Line Extension	Non-coal
3.	Coalmine Canyon	Power Line Extension & Housewiring	
4.	Kayenta	Power Line Extension	Coal
5.	Kayenta	Power Line & Water (Bathroom additions)	Coal
6.	Red Valley	Electric Power Upgrade	Non-coal
7.	Tolikan (Sweetwater)	Chapter Facility	Coal & Non-coal
8.	Tuba City	Medical Building	
9.	Tuba City	RBDO Office Building	

- PFP Partnering-No Activities this month

Historic Preservation-

*CHACO PROTECTION SITE PROGRAM*

**Project:** *USGS Corn project.*

**Status:** HPD Portion of this project is 100% complete. USGS analysis is ongoing.

**Project:** *Digital Archiving.*

**Status:** Progress reported in Part V below.

**Project:** *Cultural Affiliation Statement* (2010 HPD Priority Project)

**Status:** The working draft of the statement has been complete

#### CRCS

- Section 106 Reviews:** Maintain 30-day turn around on project reviews:  
**Status:** CRCS staff maintained less than 30-day turn around time in August. Alan Downer will continue to monitor this critical function.

**Project:** ARRA Funded Road Pavement Rehabilitation Projects  
**Status:** Continue to provide “clearance” documents for projects as we receive requests. (Nearly all projects have “clearances,” but BIA is systematically unable to find it’s copies.)

**Project:** *Navajo-Gallup Pipeline*  
**Status:** Consultation continues.

**Project:** *BHP Area V North*  
**Status:** Treatment plan has been received and is under review.

**Project:** *Desert Rock Cultural Resources Treatment*  
**Status:** No new report.

**Project:** *491 Corridor “Clearance”*  
**Status:** NNDOIT has issued an RFP for additional “clearance” work.

**Project:** *Grey Mountain Wind Farm*  
**Status:** Report reviewed, comments provided to NNAD.

**Project:** *Energy Corridors Draft EIS–Federal Lands.*  
**Status:** No new report.

**Project:** Southeast Utah ARPA Case(s)  
**Status:** Consultation with BLM and FBI continues.

**Project:** *Ft Wingate Land Transfer.*  
**Status:** No new report.

#### FACMAN

- Project:** *Determination of Building Eligibility for Thirty-Three (33) Buildings at old Fort Wingate School.*  
**Status:** HPD Facility Management has not yet scheduled a site visit to Ft. Wingate to record the nineteen (19) non-historic buildings.
- Project:** *Determination of Building Eligibility for Twenty-Two (22) Buildings at Thoreau Boarding School.*  
**Status:** Finalizing HCPI Forms for the twenty (20) non-historic buildings. As of this reporting period twelve (12) have been finalized.
- Project:** *Determination of Building Eligibility for Fourteen (14) Buildings at Baca Community School.*  
**Status:** Finalizing HCPI Forms for the nine (9) non-historic buildings.
- Project:** *Demolish building 251, Dormitory, at the Lukachukai Community School.*  
**Status:** A site visit is scheduled for December 21, 2009.
- Project:** *Request to Demolish building 4 within the Tuba City Boarding Schoolcampus.*  
**Status:** Continue to wait on a decision from BIA Office of Facilities Management and Construction or NRO FACMAN on next steps.
- Project:** *Proposed demolition of Building #1203 SASI.*  
**Status:** Still awaiting a response from SASI.
- Project:** *Proposed Coyote Canyon Trading Post Demolition*  
**Status:** Unchanged, awaiting resolution of land dispute.
- Project:** *Historic Preservation Plan.*  
**Status:** Project on hold.
- Project:** *Navajo Nation Council Chamber Rehabilitation.*  
**Status:** Waiting on funds reporting from the Council staff.
- Project:** *Proposed Coyote Canyon Trading Post Demolition*  
**Status:** Unchanged.

#### FORESTRY/NATURAL RESOURCES

**Project:** Toh nit tsa & Oak Ridge Timber Sales CRM

**Status:** Waiting for review and preparation of revised draft MOU by Robert Allen at DNR.

**Project:** Cattail Canyon Prescribed Burn Project

**Status:** Report complete. In review at CRCS.

**Project:** Washington Pass Prescribed Burn Project.

**Status:** Project is on hold due to insufficient funding, the project is at 70% completion

**Project:** *Sanmill Road Prescribed Burn Project*

**Status:** Inventory has been completed and final report has been submitted to HPD CRCS for “clearance” review.

**Project:** *Natural Resources Range Management Unit (RMU) Fenceline Survey.*

**Status:** Remains on hold, land user boundary disputes remain unresolved.

**Project:** *Mount Powell Wildland Urban Interface Project.*

**Status:** Unchanged.

**Project:** *Gibson Peak (WUI) project .*

**Status:** Status unchanged.

**Project:** *Ganado District 7/17 Boundary Fence*

**Status:** Draft report is under internal review.

## MUSEUM

### Exhibit Development

#### Status

*Generations Exhibit.* Toadlena collection of Two Grey Hills weavings. Opened,  
*History of the Navajo Nation Museum Exhibit.* Three large panels depicting the history of the Navajo Nation Museum are in production.

*Through the Lens.* Is open.

*Treaty Exhibit.* Planning and research for the “renewed” Treaty exhibit continues.

#### Essential M& R Projects:

*Landscaping.* No change.

*Interior Rehabilitation.* No change.

**KRA: Policy Management and Development:** Alan Downer, Steven Begay, and Manny Wheeler have identified the following areas where essential written policies must be established.

Project: Collection Management: Draft Reviewed by HPD and returned to Museum for revision.

Facility: Draft reviewed by HPD and returned to Museum for revision.

Gift Shop: Draft reviewed by HPD and returned to Museum for revision.

Café: Draft reviewed by HPD and returned to Museum for revision.

**KRA: Permanent Exhibit:** Manuelito Wheeler continues to work on developing a plan for phased implementation of the Permanent Exhibit.

**Collection Management:** Eunice Kahn continues to reorganize the archive collection.

#### TCP

**Project:** *Protection Ceremony for HPD and Staff.*

**Status:** The ceremony had to be rescheduled to accommodate the chanter. A new date has not yet been set but it will be this fall.

#### HPD

HPD and all Programs have completed reassessment of Annual Work Plans. Final Plans list is being compiled for submission to DNR.

**CHACO KRA (1):** Archiving Chaco map and digital files

**Objective:** To duplicate and archive all Chaco digital map files for future reference.

Estimated Percent Complete: 75

Navajo Parks and Recreation

Navajo Nation Fair Audit

Per request from the Office of the Audit General (OAG) by memorandum dated December 10, additional supporting documents were compiled and submitted to OAG: payouts for exempt certified employees for working during the production, production contract folders, NECA sponsorship package, giveaway of \$2,500, the returns on PRCA ProRodeo and Championship Bull Riding, Pow-Wow giveaways, and temporary staff performance measures. According to OAG, the audit report is in final draft and exist conference is scheduled for January 2010.

The initial audit of 2008 Navajo Nation Fair was completed August 2009 but on September 10, 2009 by memorandum the Acting Auditor General expanded the audit scope of the special review to include the 2009 Fair event. The Acting Auditor General stated that government auditing standards require that they verify significant changes in the audited program's internal control structure that would require adjustment to or modification of the report. The Acting Auditor General further stated that the department has strengthened the control procedures over sales of admission tickets by installing, among other things, computerized ticketing system and turnstiles; which must be verified. The primary concerns are the classification of expenses by accounts, control of accounting of revenues and funding of non-cost efficient events. However, the department began to initiate potential corrective measures/action prior to the schedule of exit conference. Pursuant to OAG, the special audit was requested by Navajo Nation Council Delegate Leonard Tsosie regarding the award of \$110,000 to the Navajo Nation Fair Powwow by the Intergovernmental Relations Committee.

Electrical Powerline Upgrade in Oljato/Monument Valley Community

In 2007, Navajo Parks and Recreation Department signed a Memorandum of Understanding (MOU) with NTUA and ARTSCO, Inc. to upgrade electric power source from a single phase to a three power line from Promise Rock to Monument Valley Junction. The electrical power upgrade supported design loads for capital improvements in the Monument Valley Junction area and the Monument Valley Tribal Park. The upgrade cost was determined per development and design loads. The department's portion of the cost was \$116,000 for both Phase I and Phase II development projects. The MOU is in the review process and it is pending Navajo Department of Justice review and surname. NTUA invoice will be submitted for payment when the President signs the MOU.

Monument Valley Tribal Park Improvement Project Phase II – RV and Campground

Navajo Parks and Recreation Department completed the Proposal Document for the Monument Valley Tribal Park RV and Campground Business Site Lease. The department held several meetings in the finalizing of the Proposal Document for advertisement of the RFP. The print ad was advertised once in the local newspapers and it will run again twice in January 2010.

Four Corners Monument

The Four Corners Monument Interpretive Center Project Planning Team (The Planning Team) authorized Four Corners Heritage Council to develop the Request For Proposals for the monument reconstruction. The RFP was reviewed by the Co-Chairs and submitted to area newspapers. Closing date for Proposals is January 8, 2010. The Planning Team will meet on January 12, 2010 to review the Proposals and award the project. Project could mobilize by February 2010.

Special Events Department

The Special Events of Navajo Parks and Recreation Department plans to establish a Special Events Department by First Quarter of FY 2010. The Special Events completed a Proposal Document and advertised a print ad for RFP to conduct a Feasibility Study for the proposed establishment of Special Events Department. Three (3) Offers responded to the RFP and key staff opened and evaluated the Proposals. The department scheduled a Proposal Negotiation with the one Offer in early

January 2010. The Special Events staff also met with Office of Management & Budget on the proposed Plan of Operation and received valuable advice on the funding of the department and production of the two annual events. The Special Events Section completed a draft Plan of Operation for the proposed Special Events Department and drafted provision and amendments for the Fund Management Plans for Fourth of July and Navajo Nation Fair Enterprise Funds pending the award and completion of the Department Feasibility Study.

#### Grand Canyon East Rim

East Rim Development – No activity this period. NPS Grand Canyon is completing Environmental Impact Statement for the Special Flight Rules in the Vicinity of Grand Canyon National Park and adjoining Navajo Nation land over LCR and Marble Canyon. The Navajo Nation delegation must meet to review and response to NPS's suggestion to the Navajo Nation July 2009 position. Historic Preservation Department (HPD) is the lead Navajo Nation representative on this initiative. Navajo Parks and Recreation Department is developing options on NPS latest preferred and modified alternative regarding over flight rules over Navajo lands.

#### Antelope Canyon Interpretive Project

The Intergovernmental Agreement (IGA) for the Interpretive Project is between Arizona Department of Transportation and Navajo Parks and Recreation Department. The Intergovernmental Relations Committee (IGR) passed the legislation and it is now pending President's signature so project can begin on the Kiosk structures. The project provides for a brochure, information kiosk and gateway signage. 50,000 copies of the interpretive brochures were produced and this phase of the project is 100% completed.

#### Canyon de Chelly

The legislation to rescind the 1931 Navajo Tribal Council resolution that consented to the establishment of Canyon de Chelly National Monument was tabled by the Navajo Nation Council. No activity this period. A work session will be held in the interim and the legislation will go back to the Council at the winter session. The department will work with Resources Committee to develop the work session for the Council.

#### Department Strategic Plan

Navajo Parks and Recreation Department Strategic Plan was last revised in 2008. As requested by DNR, the plan needs to be updated and submitted to DNR Executive Director for approval before the end of the year. A planning meeting is tentatively scheduled for the first week of January 2010. Meanwhile, the department's programs/sections are revising their respective plans for a comprehensive department strategic plan. For the five year strategic plan, the department will looking at two project types: (1) ROI (Return on Investment) Projects – projects that will provide economic benefit or return, i.e. generate new or enhanced revenues; (2) HOT (Hotel Occupancy Tax) Projects – these are park maintenance or improvement projects.

#### San Juan River permits

Navajo Parks and Recreation Department met with two staff from BLM – Monticello regarding camping permits from river runners that camp on Navajo Nation side of the river shore. The question was how one permit system could be established to fit both BLM and NN needs. BLM will research the federal regulations to determine and recommend a process/system to the department. A follow meeting with BLM is required before visitor season starts.

#### Window Rock Park Improvements

Navajo Parks and Recreation Department plans to cease the Park improvement project due to weather conditions.

#### Contractual Services for Special Events Section

Navajo Parks and Recreation Department completed all Proposal Documents for the Treaty Day Celebration and Navajo Nation Fair events. The Proposal Evaluations are scheduled in early January 2010 for the rodeo productions, entertainments and support services.

## **V. Outstanding Program Issues Problems and Recommendations**

For Fiscal Year 2010, the Department Director for NNAD is budgeted for only 214 hours. NNAD would like to seek sufficient funds for the Director's position and the entire administration staff.

NNAD needs to schedule a Strategic Planning meeting to discuss our department's Master Plan and redirection (efforts were placed on hold because NNAD has to stabilize our department). NNAD is quite concerned with the low score on DNR's report cards for NNAD (ending FY2009) which resulted in a negative impact on our general funds allocation for FY2010.

NNAD is currently working on budget negotiations with NNHPD and Bureau of Reclamation (BOR). NNAD needs to address contractual requirements (Hubzone certification) immediately with BOR and DNR's attention in assisting NNAD with securing these projects is requested.

Accounts Receivable has resolved their invoicing problem regarding non-capital projects. NNAD intends to work on these outstanding invoices immediately and resubmit invoices that by-passed Accounts Receivable so they can be entered into FMIS. Due to discrepancies with FMIS, NNAD would like to submit non-capital invoices using our ledgers to recover expenses from clients.

NNAD is researching bad debt provision which is posted against our Enterprise Account at the end of each fiscal year; it appears that these entries are posted yearly (using same delinquent invoices) which is creating an enormous deficit on our Enterprise Account year after year. NNAD will write a letter to Accounts Receivable and General Accounting to resolve this accounting issue.

FY 2010 Federal Proposed Budget - There are plans to eliminate all future funding to AML programs that are certified with completion of coal reclamation starting FY2010. Navajo AML Program has been certified with completion of coal reclamation since 1994. This proposal will have a dramatic negative effect for the Navajo Nation if funding is eliminated. On March 9<sup>th</sup>, President Shirley wrote a letter to Secretary of Interior Ken Salazar to express his concern for the elimination of funding to Navajo AML. This was supported by the Honorable Senator Jeff Bingaman, who sent letters to Secretary Salazar and OMB Director Peter Orszag on March 31<sup>st</sup> expressing the same concerns. Acting Assistant Secretary of Interior Ned Farquhar responded to President Shirley on April 30<sup>th</sup> stating that they receive many conflicting demands and that DOI would give the NN President's letter consideration as they develop the budget. Based on DOI Greenbook released in May, all funding for certified states and tribes are still targeted for elimination beginning in FY 2010. President Shirley responded to Acting Assistant Secretary Farquhar's letter, expressing disappointment that DOI continues to proceed with the elimination of certified state/tribal AML programs. President Shirley also thanked Senator Bingaman for his support letter and updated the Senator on DOI's efforts. A press release was done on this issue and sent to all local media. Navajo AML is seeking timely assistance from Simon Boyce or the NN Washington Office on our funding issue. Communication with NNWO, congressional staff, AML association, etc. will continue on this issue.

The positions of Petroleum Engineer and Environmental Engineer were advertised in the Denver Post one time and on-line for a month but no response was received. The Executive Director should take up the issues relating to the Department of Personnel Management "pay scale" for technical and professional positions with the President's office. Otherwise, the shortage of technical staff will deprive the Nation of maximizing its revenue from minerals and energy projects and its control over the minerals exploration, development and production. Currently, the Petroleum Engineer's position has been put on a hiring freeze, which further reduces the chance to fill the position.

As a result of DNR's strategic planning meeting to discuss collaborative projects, all departments under DNR agreed to collaborate on a centralized data management project under NLD. Hopefully, this will be seriously considered by DNR.

We are facing difficulties with DPM regarding the reclassification of certain existing budgeted positions.

We are very concerned that the Nation is not exercising any jurisdiction in the New Lands Area. Leases/permits are issued by the Navajo-Hopi Land Commission, Flagstaff, AZ, without adequate consideration and reclamation requirements.

The Nation needs to take a firm position without any ambiguity on coal mining on the Nation. Several national and local environmental protection organizations oppose coal mining and they have tied up permit approvals by filing lawsuits that have no merit.

The Navajo Nation Council tabled the proposed legislation and then fails to recall the legislation for amendments to Peabody's two coal mining leases. The Nation will not receive the stipulated bonus payments until the agreements are approved by the Navajo Nation Council and the Secretary of the Interior. Because the legislation was not recalled in a special meeting on December 22, 2009, the Navajo Nation may have to return \$3.5 million to Peabody.

The personnel classification "999" issue is yet to be resolved.

Water Resources is dire need of heavy equipment. The downtime and unavailability of equipment prohibits critical water development, maintenance and operations to be provided to the Navajo communities.

DIVISION OF  
PUBLIC SAFETY



SAMSON COWBOY  
EXECUTIVE DIRECTOR

FY 2010 - 1ST QUARTERLY REPORT

The Navajo Nation  
**DIVISION OF PUBLIC SAFETY**  
 First Quarterly Report – FY 2010  
 (October, November, December, 2009)

**I. Program Information**

Division Executive Director: Samson Cowboy, Division Director  
 Telephone No: 928-871-6581  
 Fax No: 928-871-7087

Departments:

Navajo Department of Criminal Investigations Robert Platero, Acting Chief of Criminal Investigation  
 Navajo Department of Corrections Delores Greyeyes, Department Manager III  
 Navajo Department of Emergency Management Johnny Johnson, Program & Projects Specialist  
 Navajo Department of Fire and Rescue Services Larry Chee, Fire Chief  
 Navajo Department of Emergency Medical Services Henry Wallace, Department Manager III  
 Navajo Department of Highway Safety Mabel Henderson, Program Manager I  
 Office of Internal Affairs Ron Singer, Acting

**II. Budget/Performance Information**

a. Funding and Expenditure

Funding Source <b>General Funds</b>	Number of Personnel	Number of Vehicles	FY 2010 Personnel	% Used	FY 2010 Operating	% Used
Public Safety Admin	2	1	\$208,680.00	10%	\$86,281.00	5%
Corrections	0	19	\$132,298.00	23%	\$653,428.00	16%
Law Enforcement	24	266	\$1,440,928.00	6%	\$3,886,408.00	17%
Fire and Rescue	12	17	\$565,995.00	12%	\$155,962.00	45%
Criminal Invest.	3	59	\$4,311.00	-325%	\$626,624.00	15%
Emergency Mgmt.	4	5	\$257,494.00	13%	\$50,774.00	8%
Highway Safety	5	2	\$196,523.00	12%	\$29,378.00	10%
Internal Affairs	0	6	\$3,593.00	0%	\$70,095.00	22%
Total	50	375	\$2,809,822.00	9%	\$5,558,950.00	17%

Funding Source <b>External Funds</b>	Number of Personnel	Number of Vehicles	FY 2010 Personnel	% Used	FY 2010 Operating	% Used
Corrections	85	0	\$2,313,683.71	45%	\$441,419.48	105%
Criminal Invest.	65	0	\$3,136,187.35	45%	\$0.00	0%
Law Enforcement	320	0	\$16,639,502.48	45%	\$0.00	0%
Chinle Youth Corr.	34	5	\$774,384	25%	\$126,535.62	27%
Tohatchi Juvenile	11	2	\$266,448	55%	\$58,658.57	42%

EMS	139	47	\$5,066,483.00	83%	\$768,157.08	90%
EMS Shares			\$0.00	0%	\$74920.00	70%
Total	654	54	\$28,196,688.54	43%	\$1,469,690.75	47%

b. Program Performance Results (Budget Form 2 attached)

### III. Accomplishments

#### Law Enforcement:

##### *Chinle District:*

- a. District personnel in coordination with Department of Emergency Management and Chinle I.H.S. attended meetings, table-top exercises and conducted a Mass Flu Vaccination Drill in October. The drill was a success in the education and vaccination of over 600 people.
- b. District G.R.E.A.T Instructor in conjunction with Rough Rock Elementary School has begun Gang Resistance Education and Training to students (forth thru sixth grade)
- c. Police Officer and Police Chaplain along with Blue Gap Chapter have begun working on renovating a one-bedroom house belonging to an elderly female. To assist them, the community and local clinic have collected over \$5,000 to go towards the new building. Completion is estimated to be in one year.
- d. Police Officer coordinated with General Manager of Holiday Inn to assist stranded motorists within the Chinle Community with hotel expenses during bad weather.
- e. Beginning the month of December, Police Officer and Police Chaplain have begun the assembly of food boxes for the elderly and the needy. To date, the food pantry has collected \$400.00 towards the food boxes. In addition, they have begun working with Ganado Chapter officials to establish a food pantry in Ganado-Sawmill area.
- f. On November 24, 2009, the district delivered twenty food boxes to the Pinon I.H.S. Food Bank.
- g. District Commander attended various chapter meetings with Chinle Agency to disseminate information regarding the acquisition of land for the new Chinle Police Department Facilities.

##### *Crownpoint District:*

- a. Police Captain attended meeting with Alamo School officials to discuss police officer to continue as School Resource Officer at least two days out of the week. The school would provide an office to be used by the officer. District requested school to provide Memorandum of Agreement and when received will be forwarded to Department of Justice for review and implementation.
- b. Police Captain attended meeting in Albuquerque regarding the Fort Wingate jurisdiction on October 29, 2009. The meeting was called by Bureau of Indian Affairs Law Enforcement Services and Education. The meeting was attended by representatives from McKinley County Sheriffs' Office, Wingate High Schools, Navajo Police Department, Criminal Investigations, and Public Safety Division Director.
- c. A Selective Enforcement Team was established with five (5) officers volunteering as members to conduct operations from October 30 to January 4, 2010. The team will be conducting operations to curb DWI offenses, speed, child restraint, and seat belt enforcement in rural communities of the Eastern Navajo Agency.

*Dilkon District:*

- a. District provided quality services to the communities within the southwest area of the Navajo Nation through the means of vigilant security checks and thorough investigations as well as actively participating in meeting department goals and objectives.
- b. District continues to provide guidance to personnel to improve performance on a professional level. The district works with personnel in achieving optimal professionalism as commissioned officers and communication specialist.
- c. District continues to hold periodic sobriety checkpoints. Public services provided such as checkpoints, attend staff and community chapter meetings and provided police assistance and/or shift coverage to other police districts and law enforcement agencies.

*Kayenta District:*

- a. On December 2, District Lieutenant and Sergeant met with Kayenta Township Staff regarding possible addition of the Police Department building addition into the Department of Correction facility with the federally funded ARRA. Both individuals provided input on how law enforcement personnel may temporarily occupy the Correction building if approved by the funding source.
- b. On December 7, District Lieutenant and Sergeant attended follow-up meeting with Kayenta Township staff, Architects, and Department of Correction personnel to discuss the Kayenta District Corrections facility and possible addition of law enforcement into the plans.
- c. During the month of December, the district was involved in the assessment of roads and residents' conditions in the Navajo Mountain, Inscription House, and Shonto Chapter areas after a heavy snowfall stranded numerous residents in remote areas. Police Sergeant and three officers assisted the chapters with home visits to families and informed the chapter officials on their conditions and needs, so that the chapter could help the families.
- d. On December 16, District Sergeant and two police officers attended a meeting with Department of Criminal Investigations, Navajo Nation Social Service, Federal Bureau of Investigation and Attorney with Phoenix Area United States Attorney's Office. The meeting was regarding the need to expedite submittal of report to the U.S. Attorney's Office so they can initiate speedy prosecution on felony offenders; requirements needed to form a good prosecution by the AUSA related to sex crimes particularly crime against children.

*Shiprock District:*

- a. District Captain attended an impromptu meeting the Aneth Chapter Officials regarding the reported crime in the Utah portion of the Navajo Nation. District Captain has agreed to increase law enforcement presence in the area. In addition, to fill the School Resource Officer position identified at Whitehorse High School, Montezuma Creek, UT.
- b. On November 20, District Captain attended a scheduled meeting between Department of Corrections, Prosecutors' Office, Criminal Investigations and the Courts regarding the available funds that were set aside by the Bureau of Indian Affairs. Two Million Dollars was earmarked for Shiprock, NM for planning and design of the proposed new Multi-purpose Building in the Shiprock, NM area. The site identified is the current Boy's and Girl's Club land just east of the Northern Navajo Regional I.H.S. Facility in Shiprock, NM.
- c. On December 8, District Captain attended meeting NDPS, Department of Design & Engineering, Council Delegates and ARCADIS concerning the Navajo Nation District Judicial/Public Safety Facilities. A variety of items were discussed and a decision was made to approve conceptual design and to incorporate Navajo concepts.
- d. District Captain attended scheduled Ground-Breaking of Huerfano Sheriff's Substation on NM Highway 550. Attendees included high ranking members of San Juan County Board of Supervisors, Sheriff's Office, and the Navajo Nation Executive and Legislative Officials. This was a monumental accomplishment as it related to the coordination, collaboration, and communication of police and public safety services.

- e. On November 20, Shiprock Public Safety and Judicial Building Steering Committee officially notified of the receipt of Two Million dollars for planning and design of the new multi-purpose building in Shiprock, NM. BIA also informed the Navajo Nation that for FY 2011 Shiprock is scheduled to receive Construction Funds to begin and complete the building.

*Tuba City District:*

- a. The district has received three (3) 4x4 pickup marked police vehicles. Navajo Nation Fleet Management informed district that two more vehicles are identified for Tuba City Police District.
- b. The district has obtained a three year Memorandum of Agreement (MOA) with the New Hopi Tuuvi Motel, for our future fair assignments. The MOA is to lodge the offices for fair assignments and to have district meetings held in the hotel.

*Training Academy:*

- a. The recruiting section is continuing to hold recruit drives at the districts although a hiring freeze is placed on the current positions. The TRGP grant position have been phased out with current officers moved to the 638 contract positions.
- b. The In-service training is continuing to coordinate AZPOST training scheduled with opportunity given to officers with less than forty hours of training. Final evaluation and review will be done for all districts.
- c. The In-service training session worked in collaboration with Fox Valley Technical College to bring the Comprehensive Approaches to Sex Offender Management (CASOM) Training to Window Rock during the month of December. Twenty (20) personnel attended the training from the Navajo Nation Police Department, Navajo Nation Judicial, San Juan County Sheriff's Office, Fort Mohave Nation, Ft. McDowell Police Department and the Hopi Nation.
- d. The Navajo Nation K-9 team has discontinued their in-service training at the training academy since their reassignment to their respective district. Navajo Nation Drug and Gang Enforcement Team are having their monthly meetings at the Training Academy.

*Information Management Section:*

- a. IMS continues to provide technical assistance as well as indirect involvement with police department CODY effort; to include addressing CODY issues from police districts. There are nine positions identified as vacant.
- b. Background Check (Toyei)-(Primary three issues) 1. Overtime for Toyei staff for two week period. 2. Corrected Individual CHR file resulting from Chinle District Court case. 3. Letters C, D, and E completed by Dine Digital.
- c. Police ID Technicians (Primary issues): 1. Fingerprinted seven employees of Greasewood Springs Community School. 2. Fingerprint cards from KY DOC update Index cards and Issued numbers. 3. Temporary employee from Office of Youth Development for Christmas Break employment. 4. Updated AZ/NM SO, total of 579. Violent Crime Offenders 91.
- d. IMS Actions (top 3 for the quarter): October- Meeting with NPFSR and NDWD; November- Conference call with BIA/OLEs and FBI; December- Meet and Greet with AZ US Attorney.

**Criminal Investigations:**

- a. NDCI participated in the FY-2010 Contractual Budget Negotiations with representatives from the Division of Public Safety and the Bureau of Indian Affairs. Only minor issues concerning language of the contract were adopted with the exception of the Special Commissioning Agreement which is involved in litigation. Funding Amount was presented and addressed.
- b. NDCI addressed eight medical examinations for all district programs which have consisted of full autopsies, toxicology's, pronouncements, transports and external examinations. The intent is to develop and establish program policy to effectively document all examinations.

- c. NDCI representatives participated in the ground breaking ceremony of the Dzilna'odilii Public Safety Sub office building on December 15, 2009. Building information was shared by San Juan County coordinators in that construction would begin in January 2010 with a possible completion date of Fall 2010. Various law enforcement officials attended included local community members.
- d. NDCI is continuing to cooperate with the OIG and BIA audits of equipment and administrative concerns. The BIA review report has been released and reviewed. All reviewed programs are preparing a response report to be submitted to NNDOJ and then to the BIA/OLES.
- e. NDCI participated in the development of the Division of Public Safety General Orders policies. To DCI's understanding the manual is currently under review pending the consolidated process of combining the proposed Fair Labor Law with the General Orders.
- f. NDCI Dilkon reports that the developments of the two modular buildings remain at a standstill pending funding for infrastructure connections. It is our understanding that the BIA is attempting to place these buildings on their property inventory listing for potential funding.
- g. NDCI Shiprock and Window Rock have participated in meetings with AUSA, FBI and Navajo Nation Prosecutors Office to discuss jurisdictional concerns regarding major crimes. This issue developed as a result of the Homicide Investigation in Navajo, NM. Several Division of Public Safety personnel were served with an Order to Show Cause subpoena which is still involved in litigation.
- h. NDCI Shiprock and Window Rock have participated in the "Project Safe Neighborhood" project. Several initiatives have been discussed. They are in the process of coordinating a warrant roundup in the early part of the new year with both state and federal law enforcement agencies.
- i. NDCI Tuba City and Crownpoint representatives have been actively involved in discussions of the proposed Public Safety/Judicial Buildings. A proposed floor plan and design of the building were submitted.

**Corrections:**

- a. During the month of October 2009, the replacement of the security camera system was advertised and currently pending contract development and review through the SAS process. The areas that will be having cameras replaced are in Window Rock, Crownpoint, and Shiprock. These are much needed addition to the district detention which will allow for the added support needed by Corrections Officers to ensure the safety and wellbeing of the inmate population.
- b. Dyron Murphy, Architect was finally able to sign the contract on December 5, 2009 after a lengthy tribal review and signature process. However, the team was able to continue with the planning process while waiting on the tribal process to run its course. This firm will be designing the forty-eight (48) jail bed three (3) court facilities to be constructed in Tuba City, AZ and Crownpoint, NM.
- c. On September 21, 2009, the Navajo Nation was informed of the receipt of two awards for the construction of the Tuba City and Kayenta Multi-Justice Centers. The total amount of this award was \$70,242,837 for the construction of two facilities. When construction is completed approximately twenty four months from now, the Navajo Nation will have eighty (80) additional jail beds to address the current. These awards were accepted by the Navajo Nation President on October 4. The budgets were completed and submitted through the SAS review. This packet completed the SAS reviews on December 7 and is currently pending to go before the Public Safety Committee and Intergovernmental Relations Committee. In the interim the required NEPA documents were sent to the United States Department of Justice (USDOJ) for review and approval. The budgets were redone to detail the 10% match requirement and submitted to USDOJ for approval. These are pending approval.
- d. The Judicial/Public Safety Task Force has continued to meet to develop the programming for the Tuba City Judicial and Public Safety facility. The programming was completed in November and in December the proposed schematic drawings were proposed and approved by the Executive Judicial/Public Safety committee members.

- e. November 2-4, meetings were held in Washington D.C. to discuss the construction awards that were received for the construction of two facilities on the Navajo Nation. One of the key concerns expressed by the Executive Judicial/ Public Safety Committees included construction of the Navajo Courts and the Law Enforcement portions of the Judicial/Public Safety Facilities. The USDOJ response was that the USDOJ funds cannot be used to build these components and funding would have to be sought under the Bureau of Indians or other funding sources.
- f. December 2-3, the USDOJ has a conference in Anchorage, AK with all the grantees for USDOJ funds to address requirement issues and reporting. The USDOJ has strict requirements which include: reporting each six months on all grant activities, financial reports of all expenses, any deviation from the grant requires an approval through the grants management system for changes. The USDOJ will be scheduling field visits to observe the project and monitoring activities. Any draw downs on funds have a limit of 25% of the entire award and require that the funds drawn down be spent within 10 days of the drawdown.
- g. In mid December, the Department completed its contract re-negotiations for the next three years. The contract will become effective on January 1, 2010 and end on December 31, 2012. There were no major changes to the two contracts of Juvenile and Adult Detention Services.
- h. During the month of December, eight new staff were hired to provide case management services within the two juvenile facilities on the Navajo Nation. A grant of \$1.3 million was received by the Judicial Branch to administer the case management services to ensure that juvenile who is detained in these facilities received services while detained.

#### **Emergency Management:**

- a. The program continues to collaborate with Bureau of Indian Affairs Branch of Roads, Navajo Department of Transportation, and County Road Maintenance on the Emergency Access Road plan for the winter season.
- b. The department continues to help Chapters and Programs on Hazard Mitigation projects at districts and Agencies.
- c. The departments' field staff continues to help chapters with response team building. Due to incomplete response team activities, the field staff are taking on emergency response plan development implementations with limited chapter leadership involvement.

#### **Fire and Rescue:**

- a. Operation/Training Section: NFIRS statistical information is produced from the NFIRS database which is a fire incident reporting system. This software and hardware platform are located at every fire station and all raw incidents are inputted from daily station activities to monthly training; also included are minor to major fire rescue incident activities and reproduce via NFIRS for collective availability.
- b. The department educated approximately 1,707 people in fire safety and CPR/First Aid. There were a total of 30 fire prevention classes conducted during this quarter. These classes included Fire Safety and Fire Extinguisher training. There were 8 CPR/First aid classes conducted during this quarter.
- c. The department supervised thirteen fire drills this quarter by individual fire stations. In addition, a total of six fire inspections were conducted by individual fire stations.
- d. Six Fire Officers took the last series of training for the Global Information System that was offered in Window Rock. Five of the trainings were conducted in Albuquerque, NM. In addition, fire personnel are taking college classes (e.g. EMS/Paramedic certification, Fire Science Programs) via online or community colleges. This is another initiative to continue the education of core fire personnel to improve their higher education background to enhance their ability to improve and be more efficient in areas of fire operation and administrative support.
- e. The department continues to conduct fire code inspections and work with OSHA, Risk Management Safety, and Design & Engineer offices due to the fact that requests are made on weekly/monthly basis to inspect facilities owned by the Nation. This effort is done to comply

with the Uniform Fire Codes standards as the Nation has and will continue to inspect all facilities to provide better and adequate working environments for all employees.

#### **Emergency Medical Services:**

- a. During the month of October, TP enterprise moved and set up new office buildings and six storages.
- b. A total of nine students graduated from the EMT Basic Class at the Navajo Police Training Academy. They are now waiting for their test sites.
- c. During the month of November, the department held a meeting with NTUA District Manager and several other NTUA staff members regarding the delay of utility/water/sewer hook ups for the two new office buildings.
- d. During the month of December, the administrative staff met with Sandoval County and Torreon Volunteer Fire Department Fire Chiefs to provide updates on the opening of the Torreon EMS Field Office.
- e. The department had two bid openings for an ambulance and an SUV purchase. One ambulance, type III will be purchased however, the SUV will be put back out to obtain new bids.

#### **Highway Safety:**

- a. The department is working closely with Navajo Department of Transportation (NDOIT) in office transition from NDPS to NDOT.
- b. The department completed the proposal for new building infrastructure and is currently seeking monies through outside grants.
- c. Expenditure of Generating Revenue Plan for the Department was approved by the legislative sections and is now being practiced.
- d. The department is meeting with I.H.S area offices in re-development of the Navajo Nation Safe Kids.
- e. Policies on Permit issuance for all Navajo Nation programs is at the final stage of approval with the Department of Justice.
- f. The department is starting up CAPP classes for ticket reduction for car seat citation, providing education and enforcement to utilize seat belts and car seats.
- g. The department is continuing with initiating SNAP (Safe Native American Passengers) and TOPS (Traffic Occupant Protection Strategic) training for the Navajo Nation Police Officers in all districts.
- h. The department is working closely with the Navajo Nation Fleet office in tribal vehicle misuse, damages, and permits concerns in regards to enforcement strategies.
- i. The department is working on having the old building demolished and landscape cleared for new building.

#### **IV. Status of on-going Projects, Initiatives and COA's**

##### **Law Enforcement:**

###### *Chinle District:*

- a. District will continue to increase mobile patrolling throughout the residential areas and all routes leading to the Chinle Community. Patrol personnel not only enforce traffic violations, but apprehend individuals for DUIs, Navajo Nation warrants, and Seatbelt enforcement.
- b. District personnel will continue to give presentations to the youth, general public, and business establishments on Gang Awareness, Youth Violence, Traffic Safety, and Crime Prevention.
- c. District Administration will continue to work with Chinle Agency Task Force to declare the old police department building "condemned" and have it demolished.
- d. Chinle Police Officer and Police Chaplain will continue to coordinate with Chinle Agency Chapters and Pinon Health Center to assist with food boxes and clothing for the elderly and the needy.
- e. Chinle Police Officer and Police Chaplain will continue to coordinate with Pinon Unified School District, Whippoorwill Housing Project, and Chinle Chapter Land Commission to obtain housing units for Chinle Police District personnel.

- f. Police Chaplain and district D.A.R.E officers will continue to coordinate with Chinle Agency Schools with presentations/classes in regard to behavior, school policies, Navajo Nation law, and G.R.E.A.T. program. Thus curbing student suspension and expulsion rates.
- g. To ensure district communication, Chinle District holds bi-weekly Supervisor's meetings. District supervisors were briefed on district budget, solutions to reduce pending reports, vandalism of Navajo Nation vehicles, morale improvement, and issues with DOC.

*Crownpoint District:*

- a. The establishment of an office for police officers use at the Alamo School is being negotiated with the School Board in exchange for services of one officer to serve as School Resource Officer for two days a week up to the end of the school year.
- b. The Socorro Cross Commissioning has been finalized and the district will provide cultural, traffic and Criminal Code training to Socorro County Deputies.
- c. The on-going projects for the Eastern Agency Justice Center, Dzilna'odilii Police Sub-office and development of the To'hajiilee Police Sub-office.

*Dilkon District:*

- a. District continues to recruit to hire additional police officers, public safety telecommunications operators, and recruits.
- b. District continues with traffic enforcement, goals and objectives to meet the public safety mission statement.

*Shiprock District:*

- a. The Shiprock Building Steering Committee developed letter to the Navajo Land Office to conduct and complete an updated A & E and Survey Site Study for the current Boy's and Girl's Club to transfer the land over to Public Safety and Judicial to complete the building of the new Multi-Purpose Building in Shiprock, NM.
- b. K-9 Team to be reassigned under the District Commander to conduct unlimited Interdiction operations within the Shiprock Police District.
- c. District Captain continues to assist the New Mexico Department of Emergency Management Conference Planning Committee. In addition, a budget will be submitted to obtain \$50,000 worth of equipment from the New Mexico Homeland Security Program.

*Tuba City District:*

- a. The district has continued to plan and organize the move from the current location to the projected site south of Department of Corrections. In addition, Tuba City Boarding School District has given consent for building spaces when the move is being initiated.
- b. The district's Police Recruitment is still on hold due to the department budget. However, there is a pool of applicants and AZPOST certified police officers who may take advantage of lateral transfers to the district.
- c. The Request for Proposal (RFP) is hindering our move on the office triple wide and moving our district south of Department of Investigation. The district continues to work towards resolving this issue.
- d. The district has implemented a 'Plan of Action' to reduce all pending reports since 2006 and based on the current information we are moving in the right direction. However, if supervisors fail to complete or make a major impact on the pending reports, they will have privileges taken away from them.

*Training Academy:*

- a. Navajo Police Training Academy (NPTA) will continue to provide recruitment and background investigation to assist the districts in filling all their vacant positions when the hiring freeze is lifted. All basic recruit cadets will be scheduled to attend one of the Training Academies in the State of Arizona in accordance with their scheduled basic recruit training and allotted slots.
- b. In Service training and Use of Force and Proficiency Section positions has been filled and the sergeant assigned will address concerns with firearms certification and maintain records on all re-qualifications for all commissioned officers; in addition the individual will continue to monitor training hours to meet required hours.
- c. Renovation to the academy is a top priority, funding and grants have to be identified and applied for before any project is initiated.
- d. Instructions were given to have the tenants on campus move out of their housing units by June 30, 2009. The housing units are deteriorating and becoming unsafe to live in and create a health hazard. About 95% of the tenants have moved and the remaining tenants received extension from the court to give additional time to move off campus.
- e. The tracking database on training hours for each commissioned officer has been formalized and the information is being shared with the training coordinators at each district. The training sergeant will make the final audit for this training cycle and provide the information to headquarters.

*Window Rock District:*

- a. District is still working closely with Rock Springs Chapter to establish a Police Sub-station on New Mexico State Highway 264. This sub-station will be used in conjunction with Navajo Nation Social Services, New Mexico State Police, Navajo Police Districts and McKinley County Sheriff department.
- b. Police District commissioned personnel continues working with chapters and school officials within Window Rock and surrounding areas.

*Information Management Services:*

- a. Development of NDPS/NDLE IT Plans: IMS will continue to pursue for a Strategic IT plan.
  - a. NDPS strategic plan is pending.
  - b. Proposed IMS program Plan of Operations is at OMB under the SAS process.
  - c. 2008 IMS strategic plan is complete however complementing parts "Information Technology Plan and IMS Manual" are pending.
- b. Law Enforcement Software / Hardware: Training continues to be an issue and the sharing of RMS information not properly disseminated.
  - a. Current issues with Cody technical maintenance funding. 2009 and 2010 bill is outstanding.
  - b. One IMS employee attended meeting with CODY Company on December 7, 2009.
- c. NHA MOA: Current MOA with NPD requires change. IMS is requesting for modifications to address issues with NDLE criminal background checks.
  - a. No update information.
- d. Integrated Criminal Justice System Project: The efforts of this project must involve the NN primary criminal justice programs, law enforcement, judicial, prosecutor, and NDIIT.
  - a. Proof of concept for Shiprock District on going.
- e. RMS Software Reporting Guide and Training (CODY): We will attempt to facilitate the concern for continued basic training applications, i.e., data entry, troubleshooting, supervisor approval process.
  - a. No update information.

- f. ARCHIVING: Current efforts entail micrographics, proposal of microfilming of law enforcement reports, documents which will serve as long term storage resource. However, digital conversion is optional due to low costs.
  - a. Digital conversion on-going with Dine' Digital Services on court dispositional data at IMS in Toyei, current contract a request submitted to extend for additional year. Maintenance for DDS is on-going issue as well. Other effort is to secure additional funding.
- g. AFIS: User Agreement, Navajo Nation and Arizona Department Public Safety. At this time AFIS is non-operational due to the lack of software/hardware upgrade. Efforts to secure funding for technical maintenance and upgrade to MetaMorpho on-going. No word on budget submitted to NN Controller's Office on September 14, 2009.
- h. AFIS T1 Data line: Ongoing effort to ensure active dateline, i.e., funding for basic TI and AFIS equipment maintenance.
  - a. IMS continues to pay for T1 line from fees collected from NPD reports and CHR's.
- i. RMS User Meeting: Plan to rejuvenate effort; primary emphasis on discussion of issues, troubleshooting, training concerns, etc.
  - a. No meeting planned as of this date.
- j. IMS Building issues: IMS continues to press NPDTA and NPD management to expand IMS presence at NPDTA by acquiring entire Wing #2.
  - a. Memorandum submitted to 'Acting' Chief's office for discussion on IMS request to obtain additional space at NPDTA.
- k. NCIC: Utah BCI is primary NCIC. WR District connection to AZDPS serves as backup for NCIC, NCIC is functioning.
- l. NDPS/NDLE Sexual Offender Registry: DCI is lead for NDPS, IMS assisting with general database setup and recommendations with technical applications.
  - a. NDOT is ready for NN data; IMS will provide partial information without SO names.
  - b. NNSOR scheduled meeting in January 2010.
- m. NN Background Investigation Task Force (BITF): NN lead is Background Investigation Office (BIO) under the Department of Personnel Management. BIO Plan of Operations has been approved.

### **Criminal Investigations:**

- a. NDCI participated in an introductory meeting with the Arizona United States Attorney. The individual was presented with information regarding issues and concerns of field personnel. In addition, the individual was informed of various initiatives that the Navajo Nation was participating in.
- b. NDCI is cooperating with NNDOJ to possibly update the Safe Trails Task Force agreement with the respected FBI programs (Arizona, New Mexico, and Utah). The agreement has been in existence for over a decade. Some issues and concerns governing resources have developed which should be reconsidered by all parties.
- c. NDCI continues to communicate with representatives of the BIA OLES office in discussing the possibility of assisting in installation and renovation of modular buildings that will be utilized by our personnel in Crownpoint and Dilkon. The BIA has been attempting to list the modular building on their property inventory for funding purposes.
- d. NDCI has been participating in discussions with various respected programs in development of a Sexual Assault Response Team (SART) that would be located at the various medical facilities on or near the Navajo Nation. In addition, DCI has been communicating with NNDSS discussing the possibility of developing and implementing a Navajo Nation Forensic Interviewing mechanism.
- e. NDCI has been involved in the design and development of the Navajo Nation Sex Offender Registration Program. The working group is concentrating on the implementation of the registration system. The pilot site (Crownpoint) is situated and preparing to begin registering convicted sex offenders. Training is also being coordinated through various organizations.

- f. NDCI is continuing to assist in coordinating the development of Navajo Nation AMBER Alert program with uniform patrol, Navajo Department of Transportation and the media industry. The national program is continuing to provide personnel training opportunities.
- g. NDCI possesses a working standard operating procedures document. It is our intent to implement these policies which would reinforce the Division's General Orders policies.
- h. NDCI is continuing to collaborate with various programs to enhance services from the various departments in combating aggravated crimes. The individual districts are urged to maintain communications with these departments to gain support for various initiatives. This contributes to the overall public opinion of public safety services capabilities.
- i. NDCI continues to strive for better working relationships with both government and non-government entities. It is our belief that this will produce a more effective and efficient community effort in solving crime. This would include educating the general public of personal safety techniques.
- j. NDCI has since been restricted of utilizing AZDPS Crime Lab because of lack of funds. As such, Criminal Investigators are improvising by submitting their traced evidence to the Indian Country Crime Lab located in Quantico, VA. Although, time is a variable with a one year turnaround time.
- k. NDCI has been instructed to assist in coordinating a Training Course for Uniform Patrol. Areas of emphasis are report writing, evidence collection, interviews, and incident determination. Invitations were extended to the respected AUSA offices for their participation.
- l. NDCI is researching and intending to renovate and update program statistical information for all categories (mileage, case load, crime trend). This information will be utilized to provide an accurate portrait of the condition of the Navajo Nation.

#### **Corrections:**

- a. In regards to complying with the COA's, the detention districts have completed the process of turning off the answering services and are making every effort to answer telephones. This has become problematic due to the shortage of personnel. The detention districts do not have office assistants who can assist by answering the telephone calls and greeting the public. When the detention districts become busy, the priority is to deal with inmate population for security checks, booking, and transport to courts or medical facilities.
- b. The department has continued to provide training for personnel locally and at very little cost to the organization. These trainings are being held at different levels within the seven public safety districts.

#### **Emergency Management:**

- a. DEM continues to provide training activities on response task duties and responsibilities. The goal is to achieve 25% or 26 chapters out of 110 total chapters to establish response teams. Chapters need to renew or test their emergency response plans.
- b. DEM has increased the number of trained and certified volunteer responders to 172 volunteers and 137 leaders who have completed the NIMS certification. These volunteers will provide valuable assistance to the chapters when conducting response activities.
- c. DEM field staff provide assistance to clients who need wood for heat and comfort. In addition, they help with livestock fee to clients on a referral basis. Unfortunately, due to limitation on public assistance, the department will need to change the provision assistance allowed.

#### **Fire and Rescue:**

- a. Due to new facilities being constructed, the department in collaboration with Navajo Design and Engineering will conduct initial and final fire inspections.
- b. The department requests for additional supplemental funding and the SAS packet with \$430,000 request will be pursued as the current funding is deemed insufficient.

- c. The initiative in recruiting more volunteer firefighters is ongoing and volunteers are essential in providing manpower during emergency calls. More manpower also reduces the amount of fatigue and stress on the firefighter when more personnel are available.

#### **Emergency Medical Service:**

- a. The department will continue to meet with officials from San Juan County, Sandoval County, Pueblo Pintado and Ganado Sage Hospital regarding the establishment of Navajo EMS field offices within their communities. This continues to be on-going.
- b. The department continues to follow up with the Department of Justice on the Memorandum of Understanding with Winslow Health Care Center, Winslow AZ. As of this reporting period, the department was informed by DOJ that another attorney is assigned to the division. The document has not been reviewed. There are nine Emergency Medical Service documents pending review and they date back to two years.

#### **Highway Safety:**

- a. The department continues to conduct child car seat clinics. Public and parent education and awareness continue to address this issue. The department is working with I.H.S prevention office on public awareness regarding new legislation on Booster seat usage.
- b. The department is working with Vice Presidents Office and Navajo Vital Records on a Tribal Identification card system for the Navajo nation.
- c. The department has expanded the schedule for Defensive Driving Courses to five agencies within the Navajo Nation. In addition, schedule car seat clinics in rural areas and locations.
- d. The department is implementing the CAPP (Children are Precious Passengers) classes for all Navajo Nation Agencies.

#### **Internal Affairs:**

- a. Office of Internal Affairs continues to do background check of former police officers for reinstatement.
- b. Office of Internal Affairs continues to conduct a variety of trainings for Department of Corrections, Criminal Investigations and Police Department.
- c. Office of Internal Affairs continues working with the State of New Mexico and Arizona to ensure training officers meet the requirements.
- d. Office of Internal Affairs continues to provide Sergeant at Arms for scheduled legislative council session (spring, summer, fall, and winter sessions).
- e. Office of Internal Affairs developed standard of operating procedures regarding IA Investigation.
- f. Office of Internal Affairs will assist Navajo Police Districts with Internal Investigation Cases at District level.
- g. Office of Internal Affairs assigned Two Investigators to develop new IA Organizational structure and desk manual policy. In addition, the office has assigned One Investigator to assist with the development of new NDLE General Orders.
- h. Office of Internal Affairs reviews and follows all Taser usage by certified NPD Police personnel.

#### **V. Status of Action Plan (A, B, and C lists)**

##### **“A” List**

- a. Develop a comprehensive plan that supports and promotes communication and working relationship between various programs.
- b. Response: On-going meetings have been held; Criminal Justice Summits, Resource Coordination meetings with Prosecutors, Judges, Probation Officers, Department of Behavior Health and Department of Corrections to address the much needed coordination and collaboration issues. Many of these issues expressed are related to lack of personnel at all levels including law

enforcement, corrections, judicial and other providers. The demand for services is much higher than providers available to service the population in need of services.

**“B” List**

- a. Status report of utilizing Automated Fingerprint Identification System (AFIS) by NDPS IMS.
- b. Response: The AFIS is still down to lack of funding for upgraded costs. AFIS LiveScan has been returned to IMS. No response regarding previous request for funds from Controller’s and First Lady’s Office.
- a. Status report of enhancing the IMS and Communications Improvement Project.
- b. Response: Integrated criminal justice system effort with prosecutor, judicial, public defender and NDI. IMS is part of an established project management effort with prosecutor and judicial. Through RFP process, New Dawn Technologies was selected for proof of concept on case management system. Unpaid CODY maintenance costs is an issue at this time, meeting with Cody on December 7 produced no imminent results.

**VI. Outstanding Program Issues**

**Law Enforcement:**

*Crownpoint District:*

- a. The district will review its budget in anticipation of shortfalls in the budget.

*Dilkon District:*

- a. Dilkon district needs a new public safety building as well as a detention facility to eliminate relays and high mileages. Additional funding is needed for police equipment, overtime, training, and recruitment.

*Shiprock District:*

- a. Navajo Nation Fleet Management needs to continue to review and order new tribal police vehicles to replace high mileages vehicles and those that continue to breakdown.
- b. Two (2) members of the Public Safety Committee continue to “Micromanage” Shiprock Police District without any input from the District Commander. As a result, this has created a hostile working environment between personnel. The members need to exclude themselves from interfering with district matters.
- c. Police Sergeants and Supervisors failed to communicate with their personnel, which resulted in 80% of the Police District not complying with a Division Directive.

*Tuba City District:*

- a. The district’s working relationship with Hopi Police and Rangers is excellent. However, there is a concern for officer’s liability when they have to exercise any force within the Hopi Jurisdiction. To resolve this issue, we have established communication with the New Hopi Chairman and we hope to expedite the MOA process regarding liability issues.
- b. An outstanding issue within the district was the former Police Lieutenant’s lack of leadership and communication. The district is working on establishing public relations with various external and internal organizations.

*Training Academy:*

- a. Navajo Police Training Academy will have limited in-service training this fiscal year for commissioned personnel due to impending renovation and repair. The police districts will have to provide in service training at their district to meet the required training hours of both APOST and BIA contract requirements.
- b. Navajo Police Training Academy will continue to provide the pistol and rifle firing range to police districts to meet mandated firearms qualification. There will be limited training provided by our Firearms Instructor during this period, he will be concentrate on the current audit and pending files.

- c. The districts are having issues with a selected training coordinator; the coordinators are changed periodically creating miscommunication and prevent continuity. This issue continues with their recruiter/background investigator. There are trained officer/sergeant at each district but are not used to effectively promote the organization.
- d. The Navajo Police Training Academy is experiencing back up work because of two vacant Police Sergeant positions: the Basic Training Sergeant is needed to monitor and assist the cadets at the state academies in addition to working with them to obtain positions with their basic recruit training. The In-service Training Sergeant is needed to monitor the district's commissioned officers training hours and provide a schedule for upcoming fiscal year trainings. The sergeant will also coordinate the AZPOST, NMPOST, BIA-IPA's training schedule.

*Window Rock District:*

- a. Relay problem between Window Rock and Dilkon Police districts is still continuing due to lack of personnel in local and substation areas. We tried using the Detention officers and Police recruits that are available to handle the relays between the two districts. There are numerous calls requesting for services from the public every hour within Window Rock area; the police officers are constantly tending to these calls on every shift. Dilkon district police officers request for relaying prisoners to Window Rock and this takes hours because they tend to other traffic within their district. Due to these situations that both districts encounter, there is no specific schedule of when to relay the prisoners from one location to the next. This is an on-going problem for both districts. Recommendation: Dilkon needs to hire Detention Officers to conduct relays and maybe have a temporary holding facility for the inmates.

*Information Management Services:*

- a. IMS Responsibilities (638 Scope of Work) - IMS recommends details of this area be discussed thoroughly to address our objectives with DCI and DOC. We must attempt to look at the larger picture of IT and IM issues. Program concerns will be submitted to Contract Analyst on December 30, 2009.

**Criminal Investigations:**

- a. Due to Federal and Navajo Nation budgetary constraints NDCI submitted a ten month budget and a two month budget request below the actual recommended amount which we believe will impact investigative services. It is anticipated that district programs will become selective in performing their duties and responsibilities.
- b. The current proposed FY-2009 budget is orientated toward providing adequate travel expense for vehicle use, to include absorbing cost for insurances. NDCI has significantly reduced its mileage use which directly correlates with reduced number of investigations. Other cost saving initiatives are being instigated.
- c. NDCI is stressing the necessity for all district offices to comply with mandated contractual requirements (medical examinations, training, background, weapon certifications). The emphasis is a program concern for effectively responding to re-occurring annual reviews.
- d. All NDCI district programs have reservations in regards to the working relationship with their respected District Prosecutors office. Specifically, the submission of criminal complaints and related issues. This issue was defused as a result of meetings conducted between the two entities.
- e. The respected Assistant United States Attorney's offices all have concerns regarding the effectiveness of police reports being submitted especially those reports that have the potential of proceeding to the federal level. Some district patrol programs are backlogged. Their primary concern is poor investigative report writing.

**Emergency Management:**

- a. The lack of local empowerment at chapters reflects the low results in establishing local emergency response teams. This needs to be addressed so that all chapters are prepared in case of emergency.

**Fire and Rescue:**

- a. Funding- Supplemental funding through the NNC for operational needs will still be submitted on an annual basis, as we do not see any additional funds to be allocated within the division or from the general fund. The current budget is insufficient to cover the high cost of insurance premiums and vehicle rental fees. Without supplemental funds, the budget is lacking over 40% of additional funds to adequately cover all expenses.

**Internal Affairs:**

- a. Department continues to provide on-going policy development training and familiarization courses to various departments with Navajo Division of Public Safety.
- b. Department request for training such as computer fraud, policies and procedures, update ruling on Internal Affairs investigations.
- c. Department requests for a presenting officer for NDPS during grievance hearings.

**VII. Problems/Recommendations**

**Law Enforcement:**

*Chinle District:*

- a. The district as well as Navajo Police Department as a whole needs to provide Level Three (3) body armor for all patrol officers to ensure protection. Several officers have outdated protective vests that need replacement. Funding through grants or other sources should be sought for the best body armor possible.

*Crownpoint District:*

- a. The DUI Task Force proposal needs clarification as to the legal binding in the absence of 164 process review and account number.

*Dilcon District:*

- a. District has limited personnel and requests for additional law enforcement officers, equipment, operating supplies as well as additional funding to pay overtime and holiday pay. The district has a hiring freeze on positions that need to be filled such as three (3) police sergeants and two (2) police radio dispatchers.
- b. District needs additional funding for non-commissioned personnel i.e. Public Safety Telecommunications Operators.
- c. Maintenance Services (A, B, and C) are done on all units in Window Rock, Chinle, and/or Tuba City Fleet shop services. Purchase order provided at Cakes Chevrolet for oil change only, tire services need to be included.

*Kayenta District:*

- a. The district is in need of a permanent facility to meet the growing needs of the staff and clientele. As well as needing more laptops for officers, an undercover vehicle and emergency lighting system for on crime scene and crash investigations.
- b. Review policies of Navajo nation regarding refusal to give raises unless all employees submit appraisal forms request for increase and/or merit pay are submitted. The Navajo Nation Personnel should not penalize deserving employee with outstanding ratings that supervisors submitted on time.

*Shiprock District:*

- a. The Public Safety Committee of the NNC needs to be educated on its role with respect to members' ethics, integrity, and morals. With respect to their personal relationship, they need to recuse themselves when voting on matters before the committee, *see* Title 2, NNC § 191, *et seq.* The committee also needs to be reminded that it shall not involve itself in program administration, *see* Title 2, NNC § 192, *et seq.*
- b. The Office of Internal Affairs current personnel should be removed, personnel are complacent and do not take their assignments seriously. They continue to fail to produce complete and quality investigations and reports.

### Training Academy:

- a. Navajo Police Training Academy is mandated to repair the training facilities with the roof repair a priority, funding to be identified and proposal submitted to proper entities.
- b. NLETA firing range will need to be upgraded with continuing fencing and increasing the dirt mount for wall barrier. Tuba City Police Lieutenant has been assigned to assist the training academy regarding seeking improvement funding and equipment upgrades.
- d. Water wells for the Toyei compound had to be repaired, materials needed to replace the worn out parts have been ordered but required funding. Water Development started the project to repair the wells but the pipes were stolen when left over the weekend, the police officer is still investigating. In the interim, Water development wasn't the Academy to replace the pipes that were stolen before they continue the project. Currently, the compound is using NTUA water however; payment becomes a major issue that needs to be resolved.

### Criminal Investigations:

- a. For FY-2009 NDCI was adequately funded through supplemental requests. For FY 2010 it is apparent that the program will struggle with ensuring that the district offices are effectively operating with supplies and resources. NDCI receives only 8% in comparison to that of NPD's budget. Increasing the general fund amount would greatly enhance our service capabilities.
- b. An analysis of cost in regards to tribal expenditures rates should be conducted so that we can justify and explain the purpose for operational cost to those programs that can provide supplemental support (vehicle use rate, insurances).
- c. Prepare and provide an accurate portrait of the cost expenses of the NDCI program to the BIA to include citing federal regulations governing salaries (personnel cost) and mandated policies.
- d. NDCI is researching and locating existing documentation to readdress the Safe Trails Task Force Agreement. As previously stated, the agreement is over a decade old and certain issues should be modified in order to effectively serve both investigative programs.
- e. NDCI intends to develop and implement a standard operating procedures manual that will contain investigative responsibilities.
- f. Advertise, select and establish a permanent Chief of Criminal Investigation for the purpose of continuity and stability.
- g. It is the recommendation that other Division of Public Safety programs should extend and waive fees for providing recertification in specialized fields.

### Corrections:

- a. Kayenta DOC has been having problems with inmate transport. Most of the serving inmates are transferred to Window Rock facility and due to personnel shortage at the Chinle and Window Rock facilities, the district has to transport the inmates all the way to Window Rock and back. This issue needs to be addressed.
- b. During this quarter, Crownpoint DOC has been receiving requests from other departments for relays to hospitals, other districts, and from arrest locations. The problem is lack of manpower to fulfill the department needs and this causes a burden on DOC personnel. This issue needs to be addressed at the headquarters level to have the officers transport their inmates in for booking or medical clearances.
- c. During this quarter, Crownpoint DOC had to shut down the facility due to no heating available for both male and female sides. Inmates were transported to Window Rock District until repairs were made and were returned once the facility was authorized to resume operations by the Office of Environmental Health.

### Emergency Management:

- a. DEM continues to encounter problems with chapters regarding CERT teams. There is either lack of establishing a team or lack of participation in the team. This is evident when an emergency situation arises at the chapter and there is no emergency plan in plan. The chapters need to commit to establishing and maintaining the team. DEM will continue to assist the chapters in establishing CERT teams.

**Fire and Safety Rescue Services:**

- a. Timely Vehicle Repair- We continually encounter problems with Fleet Management and their inability to understand that we have a limited number of fire trucks and if one breaks down it needs to be repaired immediately even during off-duty hours. To say “Wait till Monday” is placing the Navajo Nation at great risk, especially for something as insignificant as batteries or and oil filter. This issue needs to be addressed.
- b. Budget Needs- To address a major public safety need, our department needs a significant budget increase. As you can see, we requested significant amounts of funding with lobby efforts and yet we continue to be under funded. Many of our problems and the lack of fire/rescue/medical services can be resolved with an adequate budget. We are aware that it will not fix all our problems however; it will address our most oppressing problems
- c. Responding to Incidents- Lack of department funding has put a huge strain on the operations section; some calls now have to be screened before a response is made. This is to reduce mileage cost for each vehicle assigned to each district.

**Highway Safety:**

- a. The department needs a new office building. In addition, the department needs more training for staff and support from administrative offices.

**Internal Affairs:**

- a. Office of Internal Affairs needs to be part of Academy Curriculum for police academy and Advance Officers training.
- b. Office of Internal Affairs needs to get a new office building for our department.
- c. Department needs additional funds for mileage cost and purchasing new equipment.

**VIII. Flow Chart (most recent/updated chart attached)**

DIVISION OF  
SOCIAL SERVICES



CORA MAXX-PHILLIPS  
EXECUTIVE DIRECTOR

FY 2010 - 1ST QUARTERLY REPORT

The Navajo Nation  
**DIVISION OF SOCIAL SERVICES**  
 First Quarterly Report – FY 2010  
 (October, November, December, 2009)

**I. PROGRAM INFORMATION**

Division Executive Director: Cora Maxx-Phillips, Executive Director  
 Telephone No: 928-871-6556  
 Fax No: 928-871-7087

Departments:

Block Grants & Special Projects	Michelle Jones, Senior Program & Projects Specialist
Child Care & Development Fund Program	Alfred Yazzie, Program Manager II
Dine for Our Children	Juanita Rodgers, Senior Program & Projects Specialist
Management Information Systems Dept.	Travis Platero, Senior Programmer Analyst
Navajo Children & Family Services	Regina Yazzie, Program Director
Navajo School Clothing Program	Ralph Atcitty, Program & Projects Specialist
Navajo Treatment Center for Children & Their Families	Gerald Watchman, Acting Clinical Director
Program for Self-Reliance	Roxanne Gorman, Department Manager III
Title XIX-Long Term Care Services	Antoinette Miller, Title XIX Liaison
638 Contract Administration	Virgil Pablo, Senior Program & Projects Manager

**II. BUDGET / PERFORMANCE INFORMATION**

**Executive Office / Accounting Section**

Funding Source	# of Personnel	# of Vehicles	FY-2009 Personnel	% Used	FY-2009 Operating	% Used
General	10	1	\$436,098.00	26%	\$153,020.00	12%
Total	10	1	\$436,098.00	26%	\$153,020.00	12%

**Block Grants & Special Projects**

Office	Funding Source	# of Personnel	# of Vehicle	FY 2010 Personnel	% Used	FY 2010 Operating	% Used
BGSP	Title IV-B*	4	1	56,693.00	.27	37,573.00	.41
BGSP	Title IV-B II	0	0		0	79,431.00	0
BGSP	Title IV-E*	1	1	57,796.00	.18	92,204.00	.12
BGSP	Family Violence*	5	1	100,780.00	.27	1,501,902.00	.08
BGSP	CSBG*	1	0	16,462.00	0	104,804.00	0
BGSP	LIHEAP*	2	0	26,255.00	0	12,765.00	0
BGSP	AZ Title XX**	1	0	28,456.00	.61	6,410.00	.32
BGSP	UT Title XX**	1	0	2,422.00	0	567.00	0
BGSP	NM Title XX – Central**	1	0	15,141.00	0	4,020.00	.20
Total:		7	2	306,994.00	.33	1,839,676.00	.23

\*Position cost share: Dept. Director, Office Specialist, Sr. Office Specialist, Principal Social Worker and Office Assistant \*\*  
 AZ/NM/UT cost share Contract Analyst

**Child Care & Development Fund (CCDF)**

	FY2009 Personnel	Personnel Budget	% Used	FY2009 Operating	Operating Budget	% Used
Central Adm	\$ 645,483.82	\$ 685,532.00	94%	\$ 655,273.47	\$ 885,747.00	74%
Central Direct	\$5,043,402.68	\$5,539,775.00	91%	\$2,889,195.47	\$3,250,803.00	89%
<b>Total</b>	<b>\$5,688,886.50</b>	<b>\$6,225,307.00</b>		<b>\$3,544,468.94</b>	<b>\$4,136,550.00</b>	

**Developmental Disabilities**

Funding Source	# of Personnel	# of Vehicle(s)	FY 2010 Personnel	% Used	FY 2010 Operating	% Used
General	7	3	\$350,001		\$518,814	
External			\$0		\$0	
Others			\$0		\$0	
<b>Total</b>	<b>7</b>	<b>3</b>	<b>\$350,001</b>		<b>\$518,814</b>	

### Dine for Our Children

Office	Funding Source	# of Personnel	# of Vehicle(s)	FY 2007-8 Personnel	% Used	FY 2007-8 Operating	% Used
DOC	External 08-10	2	1	118,246	78%	315,354	81%
	<i>Total</i>	2	1	118,246	78%	315,354	81%

### MIS

New adjustments have been made to the MIS budget that was originally set at \$100,000.00, according to Block Grants and Special Projects, it had to be reduced and shared with DSS regional offices. Here is the new 2010 budget numbers that MIS will be utilizing.

Funding Source	No. of Personnel	No. of Vehicles	FY 2009 Personnel	Total % Used	FY2009 Operating	Total % Used
General Funds	2	0	86,756	98%	0	0%
External	2	0	51,708	100%	0	0%
Total	4	0	134,464	99%	0	0%

### Navajo Children & Family Services

Program	Funding Source	Business Unit #	# of Personnel	# of Vehicles	Personnel	% Used	Operating	% Used
ICWA Unit	P.L. 95-608	K090722	15.25	08	\$659,940.00	86%	\$97,038.00	45%
Adoption Unit	Title IV-B Sub-Part II	K100513	4.60	01	\$76,782.00	59%	\$18,881.00	11%
AZ Parent Skills Trng.	AZ DES	K102001	.40	00	\$22,372.00	43%	\$9,088.00	16%

### Navajo School Clothing Program

Office	Funding Source	# of Personnel	# of Vehicles	FY 2009 Personnel	% Used	FY 2009 Operating	% Used
NSCP	General	2	0	\$185,723.00	28.19%	\$1,073,083.00	13.99%
	Temporary	19					
	Others		0	0	0	0	0
	Total	21	0	\$185,723.00	28.19%	\$1,073,000.00	13.99%

### Navajo Treatment Center for Children and Their Families

Fiscal Year	Funding Source	Number of Personnel	Number of Vehicles	Personnel Balance	Percent (%) Used	Operating Balance	Percent (%) Used
2009	K090587 IHS – Base	07	05	152,879	79%	382,981	50%
2009	K090586	00	05	0	00%	349,679	81%

	IHS-Tribal Shares						
2009	K090720 - BIA	09	03	7,386	96%	32,969	88%
2009	Total	25	13	160,265	85%	765,629	74%

### Program for Self-Reliance

Federal Funds: FY 2010

Administration (20%)

Budget	Expenditures	Open
Balance		Commitments
\$ 6,369,378.00	\$ 386,526.35	\$ 39,313.35
\$ 5,943,538.30		

Direct Service (80%)

Budget	Expenditures	Open
Balance		Commitments
\$24,804,648.00	\$6,756,474.19	\$ 98,787.51
\$17,949,376.30		

State Funds: FY 2010 - 2013

State of Arizona-Maintenance of Effort (MOE)

Budget  
\$6,887,367.00

### Title XIX-Long Term Care Services

Office	Funding Source	# of Personnel	# of Vehicles	FY2010 Personnel	% Used	*FY2010 Operating	% Used
Long Term Care Services	External (State of AZ)	32	14	1,581,989	13%	355,948	13%

\*The above budget figures do not include the Indirect Cost of \$533,921

b. Revenues Earned (Year to Date):

October 2009	\$196,775.22
November 2009	\$197,000.67
December 2009	<u>\$195,915.91</u>
<b>TOTAL YTD:</b>	<b>\$589,691.80</b>

Approved Budget: \$2,471,858.00

### 638 Contract Administration

Office	Funding Source	# of Personnel	# of Vehicles	FY 2010 Personnel % Used	FY 2010 Operating	% Used
'638 Dept.	External	9	1	% Not avail.	% Not avail.	% Not Av

**Chinle Regional Office**

Funding Source	No. of Personnel	No. of Vehicles	FY 2010 Personnel	% Used	FY 201009 Operating	% Used
638 Admin	14	6	\$ 665,833	92%	\$ 37,562	81%
638 Welfare	9	7	\$ 381,258	79%	\$ 227,070	35%
Admin General Funds	4	1	\$ 295,664	16%	\$ 85,193	33%
ALTCS-TXIX	11	5	\$ 471,444	18%	\$ 188,690	11%
AZ TXX	4	4	\$ 230,495	10%	\$ 98,456	89%
CSBG (FY 09-11)	0	0	0	0%	\$ 51,535	0%
CSBG (FY 08-10)	0	0	0	0%	\$ 51,354	55%
DEPP	1	1	\$ 35,651	17%	\$ 13,422	12%
LIHEAP	1	1	\$ 33,903	0%	\$ 421,441	0%
LIHEAP (09-Cont Funds)	0	0	0	0%	\$ 52,914	0%
PSSF	2	2	\$ 39,049	52%	\$ 8,782	42%
FVP-Family Violence	2	1	\$ 86,064	4%	\$ 34,628	36%

**Eastern Navajo Regional Office**

Budget Period: 10/01/09 – 09/30/10

OFFICE	FUNDING SOURCE	# OF PERSONNEL	# OF VEHICLES	FY 2008 PERSONNEL	% USED	FY 2008 OPERATING	% USED
Administration	General	5	2 GSA	\$246817.00	14%	\$154691.00	8%
DEPP	General	1	1 GSA	\$42405.00	14%	\$16837.00	0%
TIV-B PSSF	Federal	2	1 Tribal	\$26752.00	50%	\$29370.00	6%
Family Violence	Federal	2	1 Tribal	\$85974.00	9%	\$34898.00	4%
08' LIHEAP	Federal	---	---	---	---	\$38,326.00	70%

Budget Period: 07/01/09 – 06/30/10

NM TXX-CPS	Federal	3	1 Tribal 1 GSA	\$144874.00	31%	\$51,599.00	16%
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Budget Period: 01/01/09– 12/31/09

PL.93-638 Admin.	Federal	19	23 GSA	\$667157.00	87%	\$223509.00	75%
PL.93-638 CES	Federal	1		\$18034.00	94%	\$27513.00	65%
PL.93-638 CWA	Federal	26		\$859745.00	86%	\$155775.00	80%

Budget Period: 10/01/08 – 9/30/2010

OFFICE	FUNDING SOURCE	# OF PERSONNEL	# OF VEHICLES	FY 2008 PERSONNEL	% USED	FY 2008 OPERATING	% USED
09' LIHEAP	Federal	4	0	\$44,053.00	77%	\$691,791.00	85%
09' LIHEAP Contingency	Federal	---	---	---	---	\$66,462.00	9%
09'CSBG	Federal	---	---	---	---	\$64291.00	91%

Budget Period: 10/1/09 – 9/30/2011

OFFICE	FUNDING SOURCE	# OF PERSONNEL	# OF VEHICLES	FY 2008 PERSONNEL	% USED	FY 2008 OPERATING	% USED
10' LIHEAP	Federal	2	0	\$22039.00	0%	\$529911.00	0%
<b>GRAND TOTAL</b>		65	30			\$ .00	%

**Fort Defiance Regional Office**

OFFICE	FUNDING SOURCE	# OF PERSONNEL	# OF VEHICLES	FY 2009/2010 PERSONNEL	% USED	FY 2009/2010 OPERATION	% USED
Fort Defiance Regional Office	<b>General Funds</b>	6	2	292,813.00	20%	106,735.00	25%
	<b>External Funds</b>						
	'638 Administration	15	13	589,740	92%	19,869.00	100%
	'638 Welfare Assistance	15	15	455,404.00	89%	235,202.00	100%
	Arizona TXX	3	3	218,113.00	28%	70,869.00	50%
	Promoting Safe and Stable Families	2	2	32,077.00	63%	15,745.00	25%
	Family Violence Prevention	2	1	88,743.00	16%	31,948.80	21%
	LIHEAP	0	0	35,651.00	8%	378,426.00	25%
	LIHEAP (Contingency)	0	0	-	0%	-	25%
	LIHEAP Contingency	0	0	-	0%	47,669.00	99%
	CSBG – FY 2010	0	0	-	0%	46,428.00	25%
	ALTCS	5	3	367,027.00	15%	144,849.00	25%
	NM TXX	1	0	27,472.00	41%	10,969.00	25%
	DEPP	1	1	42,405.00	17%	17,074.00	25%

**Shiprock Regional Office**

Funding Source	# of Staff	# of vehicle	Total Budget	% Used
General	5	1	328,933	98
DEPP	1		62,519	98
Family Violence Title IV-B	2	1	120,248	100
	2	1	235,672	95
AZ TXX	.05		36,242	100
NM TXX	3	1	192,202	100
UT TXX	1	10	66,349	100
638 Administration	15	11	797,181	73
638 Welfare Assist.	17		672,011	70
CSBG			41,313	100
LIHEAP 09	4		630,081	100
LIHEAP-C't 08			56,909	100
Total	51	25	3,259,660	99

**Western Navajo Regional Office**

Funding Source	# of Personnel	# of Vehicle(s)	FY 2009 Personnel	% Used	FY 2009 Operating	% Used
General	5	2	\$269,387	17.34%	\$112,640	3.10%
FVP&SA	2	1	\$ 88,743	17.86%	\$ 31,919	2.57%
TXX-AZ	5	6	\$245,536	40.97%	\$ 55,504	23.01%
TXX-Utah	1	0	\$ 42,405	40.91%	\$ 23,257	8.92%
PSSF	2	2	\$ 31,292	65.58%	\$ 16,540	10.28%
ALTCS	7	4	\$427,290	18.45%	\$199,308	9.27%

638 Admin	16	15	\$589,754	87.70%	\$207,427	62.20%
638 Welfare	20	17	\$645,722	77.07%	\$402,286	45.91%
LIHEAP	1	0	\$ 28,506	0%	\$477,193	0%
LIHEAP Contg	0	0	\$ 3,389	87.97%	\$ 55,924	67.69%
CSBG	0	0	\$ - 0 -	0	\$ 57,768	0.0%
CEC	0	0	\$	0	\$	0%
DEPP	1	1	\$ 37,818	17.68%	\$ 22,204	10.72%
<b>Total</b>	60	48	\$2,409,842		\$1,661,970	23.92%

### III. Accomplishments

#### **Executive / Accounting Section**

The NNDSS held its annual Conference at the Little America Hotel in Flagstaff, Arizona, on December 7, 8, and 9, 2009.

The NNDSS Accounting Section received its list of applicants for the Accounts Maintenance Specialist position for which applications will be reviewed and possible selection to be made shortly.

The Quarterly Financial Reviews for all NNDSS Programs have been scheduled and to be held accordingly next quarter.

The NNDSS Accounting Section devoted full attention and time to the NTCCF Program in completing required closeouts and modifications for carryover funds in the amount of \$1.6 million from FY-2002 to current. The NTCCF Program is in satisfactory standing as of now.

#### Navajo Nation Children's Code Revision Workgroup

The NDSS in collaboration with the judicial branch, Office of Public Defenders, DOJ and Office of the Prosecutors have diligently worked on revisions to the existing Title 19, Children Code. The workgroup have finalized the Dependency, Children in Need of Supervision (CHINS) and the Delinquent sections are in final stages of the Purpose, Definitions and General sections.

#### Navajo Nation Budget Formulation meeting

The NDSS has taken the initiative to begin its fiscal year budget planning. The Division received presentation from the Arizona Health Care Cost Containment System and Department of Economic Security and the Navajo Nation Washington Office. The information received was grim so the Division has begun measures to ensure continuation of services.

#### Proposed Domestic Violence Code

The NDSS in collaboration with the judicial branch, Office of Public Defenders, DOJ and Office of the Prosecutors and the Domestic Violence Advocacy Group are making plans to develop a domestic violence code that will protect vulnerable individuals.

#### Proposed Adult Protection Code

The NDSS in collaboration with the Native American Law Center out of Farmington, New Mexico has developed a code that will protect vulnerable individuals between the age of 18 and 55 years old. The proposed Code has gone through the review process and is currently being reviewed by the appropriate oversight committees before it is present to the Navajo Nation Council for enactment.

#### **Block Grants & Special Projects:**

BGSP is participating in the NDSS Budget Worksessions in addressing the funding of programs and looking at the transitional plan of SWRO/FDRO/WNRO. These meetings are being attended by the Department Director.

Title IV-E Initiative

**1st Quarter NM Title IV-E Monthly Statistic 2009**

Receiving IV-E Subsidy	October	November	December
Foster Care	0	0	0
Adoption	3	3	3
Guardianship	21	21	21
Total	24	24	24

Statistics for the past three months has remained the same, however, the number decreased in September when three children were removed from their guardianship home. The children were returned to their biological mother. During the quarter two home visits were made to renew two Title IV - E guardianship assistance agreements to re-determine IV - E eligibility and to continue IV - E guardianship financial assistance.

Presentations provided on the Fostering Connections to Success and Increasing Adoption Act of 2008 (P.L. **110-351**) at Navajo Division of Social Services Conference held in Flagstaff, Arizona on December 7-9, 2009; during the annual conference.

Under the legislation Fostering Connection to success to Increase Adoption Act of 2008 (P.L. 110-351) there is a planning grant for \$300,000 to allow tribes to assess and fine-tune their social services program to implement the IV - E program. The planning grant has been awarded to NNDSS and the CORE Working Group has developed a plan of action and currently working to develop the Title IV - E Plan and to develop and fine tune the infrastructures to implement the IV-E program by October 2011.

Teleconference is maintained with the Children's Bureau and Region IX for updates and to keep them inform of Navajo's progress on the IV-E development.

DSS Directors and Liaison have made contact with Arizona, New Mexico and Utah legislators and Social Services Directors that Navajo plans to request for matching dollars to administer the Title IV -E program because '638 funds is insufficient. Continue follow-up will be made on this effort.

BGSP submitted a Request for Extension to the US DOJ/OVW for the Safety for Indian Women from Sexual Offenders Demonstration Initiative Grant, this request was denied on 12/16/09. Another request for extension was initiated by the OVW Project Office for 3/31/09, currently this request is pending. There continues to be one subcontractor, Home for Women and Children in Shiprock, New Mexico.

Under the Family Violence Prevention and Service Act Grant the official signed Notice of Grant Award was never received. A copy of the NOGA was faxed and used to initiate the SAS approval process. Approval and resolution has been obtained from HSSC and IGR. Awaiting OMB transmittal for use of accounts numbers.

A new grant application was completed for the Methamphetamine and Suicide Prevention Initiative under the Navajo Area Indian Health Service. The application was approved for funding for two years in the amount of \$404,000. The MSPI has been approved by the HSSC and is awaiting approval from IGR.

A new Government Service Agreement was received from New Mexico CYFD for FY 2010, the SAS was initiated and currently the contract was approved by HSSC and awaiting approval from IGR.

BGSP continues to collaborate and meet with State Departments and Programs for government to government agreements.

BGSP attended the Arizona I GA meeting in Phoenix, Arizona on December 17, 2009.

On December 11, 2009 the Title IVE Specialist attended the New Mexico and Navajo IGA meeting on behalf of BGSP to discuss different issues between Navajo and New Mexico social services program. One issue we discussed was the Independent Living Program. New Mexico has an RFP open to coordinate the ILP for the Indian population.

AZ DES Agreement was nearly fully executed, approval completed by HSSC and IGR. However, Arizona sent a new contract. This contract was being negotiated between Navajo DOJ and Arizona AG's Office regarding arbitration

language. A verbal agreement just had been reached and Navajo is awaiting for the final agreement and will immediately initiate an administrative review.

For the Low Income Home Energy Assistance Program under the FY2010 the Notice of Grant Award was issued under a continuing resolution in the amount of \$2,729,295.00 and was received on October 26, 2009. Allocation given to regional and central, budget prepared and forward to OMB. Account number issued and Regional Office are expending the funds.

Orientation for LIHEAP FY2010 Detailed Plan was held on November 18 and 19 at Western New Mexico Gallup Campus for Regional Staff. School Clothing, New Dawn and Water Resources were invited to participate but did not attend.

For the Community Service Block Grant under the FY2010 the Notice of Grant Award was received in the amount of \$1,275,929.00 on November 12, 2009. Allocation given to the three Divisions: NDSS, Water Resource and New Dawn. NDSS allocated funds to the six Regional offices. Budget prepared and forwarded to OMB for account numbers. Account numbers received but was inform by OMB that new resolution would have to be presented to oversight committees; therefore SAS packet was prepared and will be forward to the necessary offices for signature. CSBG FY2010 Detailed Plan orientation was held with LIHEAP on November 18 through 19 at WNM-Gallup Campus for Regional staff.

Under the CSBG-AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA), The First quarterly report was submitted on October, 2009 and next report is due in January. Budget was set up for training and on the job training. Funds will be transferred into temporary employment to hire additional help for the LIHEAP program.

The Detailed Plan for the Low Income Home Energy Assistance Program for FY2010 was submitted on August 28, 2009. Confirmation was received from funding agency that plan was received and is being reviewed at this time. Household report was also submitted along with the detailed plan. Carryover report for FY2009 submitted with an estimated amount of return funds at \$300,000.00. Regions were advise to expend FY2009 in a timely matter so that there will be not carryover or returned funds. Undated carryover report will be forward to funding agency in October.

CSBG-AARA Funds were inputted into the FMIS and account numbers were issued. Water Resource and New Dawn are in the process of hiring temporary. Plans for NDSS will be worked on within the next couple of week to start using the funds. The Second report to the funding agency is due January 1, 2010.

The Ombudsman and State Health Insurance Programs subcontract agreement has been terminated between Navajo Nation Division of Social Services and Navajo Division of Health / Navajo Area Agency and the two programs have fully transferred back to NDOH as of October 2009.

#### **Child Care & Development Fund:**

- a. After many months of renovation, the Kii Doo Baa Child Care Center located in Chinle, AZ will open in January 2010. A blessing ceremony will take place on December 28, 2009. The center can accommodate up to 45 children.
- b. The CCDF program finally has its American Recovery and Reinvestment Act (ARRA) budget in place. The program received \$5,070,923 in supplemental funding for its 2009 grant.

#### **Developmental Disabilities**

- a. Our current caseload is averaging 249. This is primarily due to individuals whom we served which have deceased. We received 6 additional cases from Flagstaff DD office; however during the last couple of months, we lost 2 more consumers.
- c. We continue to collaborate our DD services with DES DD Quality Assurance, Mr. Ernest Dale. He attends the departments partnership and staff meetings, as well as providing technical support and assistance.

- d. The case managers continue to assess ALTCS services based on need. If there is a decrease in services and families do not agree with the assessment, the Notice of Action process is followed. More recently, a home modification was denied due to not medically necessary.
- e. During this quarter, case managers completed 157 reviews, which consist of quarterly and annual reviews occurring in the individual's natural home or group home settings. The following is a breakdown:
  - 2 Crisis/Safety planning meeting (one requested by agency),
  - 2 Behavior Management Plan teamings,
  - 2 Functional Assessment & Psychological Evaluation,
  - 60 Annual,
  - 88 Quarterly (9-month, 6-month & 3-month),
  - 3 group home placement (Residential Placement Committee).
- f. The Residential Placement committee approved 2 consumers for placement in a group home. During this process, case managers are advocating for their consumers to ensure all costs will be covered. Typically, the Division pays for Day Treatment (DTA) and Habilitation (HAB) in the group home and Room and Board (RRB) may be covered by DSS 638 Contracts Administration.
- g. Case Managers also submit to the District Nurse requests for additional staffing requests to ensure there is a medical need to support the enhanced staffing ration requested. One requests was approved for 1:1 staffing for individuals due to medical necessity.
- h. Families continue to express interest in providing services for the loved ones, they are provided with contact information with Flagstaff DD Central office to complete the application process.

### **Dine for Our Children**

SUBMISSION OF GRANT - The Parent Leaders plan to submit several grant applications to private foundations to seeking funds to sustain the DOC project under the auspicious of the Parent Leaders. Parent Leaders have requested the DOC Project continue for families and are working to submit a grant.

CONNECT TO HELP CIRCLE - Connect2 Help Circle (C2HC) initiative has begun with the Kayenta Parent Leaders. C2HC program' emphasis is to have a cadre of community volunteers helping each other to meet individual needs with in the community. This program is very successful. It is anticipated the Fort Defiance Parent Leaders will embark on a Connect2 Help Circle its local community.

### **PRESENTATIONS FOR INSTITIONAL REVIEW BOARD-**

Five presentations have been made to the Agency Councils. Each council approved and supported the DOC resolution to conduct to studies across the Nation within the next 3 months. The 2 surveys will provide information on the gaps in services for special needs children across the Navajo Nation. Approximately 300 surveys will be conducted to gather information on several domains of health e.g., health insurance coverage, access to care, perceived health status, utilization of service and measurement of child health.

### **PARENT LEADERSHIP SKILLS –**

The leadership skills developed by the DOC Parent Leaders were very evident at the recent Christmas Luncheon. They took on the leadership role in facilitating the meeting and do understand their role as parent leaders. The Parent Leader is someone who represents the needs and perspectives of parents without speaking or acting in a staff role for an organization or non-profit institution. Parent Leaders are parents who have addressed the challenges of parenting, gained the knowledge and skills to function in meaningful leadership roles and serve as a “parent voice” to help shape the direction of their families, programs, and communities. It is evident the DOC Project was very successful in developing the leadership skills of those who participated in the program.

### **MIS**

- a. Completed all 2010 budget requirement deadlines set forth by the division.
- b. Title IV-E, advance planning document requirements on the Tribal Child Welfare Data collection.
- c. Setup and configured 638 invoicing processes with vendors. 638 and MIS have been in the process of piloting a new invoicing process with 3 vendors.

## Navajo Children & Family Services

- A. The ICWA Unit is currently fully staffed with a supervisor, six social workers, a caseworker and an Office Specialist. The unit has worked diligently on cases that involve the ICWA across the United States. Presently, cases are active in 30 states. The following is the unit's Program Performance Criteria for the quarter:
- 638 cases, of that number 1,337 are children were provided serves (duplicated).
  - 53 new cases assigned, of that number 48 children were provided serves (duplicated).
  - 05 legal intervention requests made to NN Department of Justice.
  - 06 children were enrolled with the tribe.
  - 14 children were provided financial assistance.
  - 27 children were reunified with their parent(s).
  - 18 children were reunified with a relative.
  - 02 children were placed with a relative for guardianship.
  - 03 children were placed with a relative for adoption.
  - 04 children were placed in a non-relative, certified Navajo adoptive home.
  - Case staffings conducted with state agencies: 32; with NN DOJ: 07; with NN DSS regional offices: 01 and NCFS Adoption Unit: 09.
  - 21 Team Decision Making meetings attended with state agencies.
  - 20 mediation meetings attended with state agencies.
  - 04 relatives were referred to the NCFS, Adoption Unit to complete home studies.
  - 06 relative home studies completed.
  - 17 presentations on ICWA and program services conducted.
- B. The Adoption Unit, Title IV-B, Sub-Part II, Adoption Promotion and Support Services (APSS) is fully staffed with a supervisor, three social workers an Office Specialist. The Unit has worked diligently on providing case management services on cases pertaining to the unit's APSS five-year plan, which includes seven different types of service delivery. The following is the unit's Program Performance Criteria for the quarter:
- 03 adoptive homes and 03 relative homes were certified.
  - 01 adoptive home was re-certified.
  - 32 case staffings were conducted.
  - 07 children were matched with a certified adoptive home.
  - 05 cases for voluntary relinquishment cases were assigned, of which 02 children were returned to the birth parent's care.
  - 05 children were placed in a certified relative home.
  - 06 kinship care providers completed the 2-day Dine Traditional Parent Training.
  - 11 foster parents completed the 2-day Dine Traditional Parent Training.
- C. Strengthening Government-to-Government Working Relationships
1. The Program Director (PD) attended quarterly Navajo Nation/State Intergovernmental (IGA) meetings. The primary purpose of these meetings is to not only monitor the agreements for compliance of the ICWA as they pertain to Navajo children, but to also maintain a cooperative relationship with the state child welfare agencies. Throughout the quarter, there were three IGA meetings held: 1) November 10<sup>th</sup> with the State of Utah, Division of child and Family Services (UTDCFS), which was held at their Salt Lake City office and in the afternoon the PD conducted training on the revised IGA to state ICWA liaison workers.; 2) December 11<sup>th</sup> with the State of New Mexico, Children, Youth and Families Department (NMCYFD), which was held at their Albuquerque office and 3) December 17<sup>th</sup> the State of Arizona, Department of Economic Security (AZDES) was held at a Phoenix office.
  2. The PD attended the following state and private agencies: AZDES Eliminating Racial Disparities and Disproportionality (ERDD) work group, Casey Family Programs, AZDES Adoption Roundtable work group, AZDES District III and AZDES Court Improvement Advisory work group. In addition, social workers and supervisors have conducted case coordination meetings and/or case staffing with state child welfare agencies and other pertinent agencies throughout the quarter.
  3. The program along with the Navajo Nation Department of Justice (NN DOJ) attorney and Navajo Nation Office of Management and Budget (NN OMB) successfully negotiated with the Bureau of

Indian Affairs, Navajo Regional office the program's annual 638 ICWA contract, which is for the period January 2010 to December 2010. The program received its Annual Funding Agreement.

D. Strengthening Navajo Nation Inter-Agency Working Relationships

1. The program's Adoption Unit has been coordinating with the Division of Social Services (DSS) Regional offices in an effort to revise the DSS Adoption Regulation. The work had conducted at least one meeting a month thus far. The purpose of the revisions is to address the on-going need for appropriate adoption protocol for children who are in out-of-home care and who have a permanency plan of adoption either with a relative or non-relative. In addition, the regulation would also benefit birth parent(s) who have an adoption plan at their child's birth.
2. In an effort to continue an internal tribal coordinated service delivery between this program and other Navajo tribal programs, the PD and unit supervisors attended and/or conducted meetings with the following programs throughout the quarter: DSS Title IV-E; NN DOJ; DSS 638 Program Administration; Navajo Nation Children's Code Revision Work Group and DSS 638 Services/Manual Work Group. The purpose of these internal tribal coordination meetings was to not only strengthening the working relationship, but to also address on-going issues and to come to some resolution of the issues. The overall goal of the coordination efforts is to develop a more effective working relationship so that clientele are provided the best possible services on and off the Navajo Reservation.

E. Strengthening Inter-Departmental Team Work and Policies

1. The PD had conducted the program's monthly managers meetings with the two unit supervisors and the Administrative Assistant. The purpose of these meetings is to make announcements, discuss programmatic issues and/or concerns and discuss budget initiatives.
2. The PD or unit supervisors had conducted bi-monthly clerical staff meetings, ICWA/Adoption staff meetings and other internal meetings, e.g., program website development sub-group. The purpose of these meetings is to address on-going issues/concerns pertaining to the overall programmatic operations, to discuss alternatives in resolving them and to implement new policies and/or procedures where necessary.
3. In an effort to continue strengthening internal program service delivery to clientele, the PD and unit supervisors conducted and/or attended staff meetings throughout the quarter, e.g., the annual year-end staff meeting was held in Albuquerque. The annual year-end staff meeting offers to staff a number of presenters who are versed in child welfare services. In addition, other staff meetings were conducted, which pertained to clerical duties related to overall program operations and ICWA and Adoption Unit's specific meetings and program managers.
4. In an effort to continue staff training and development, several program staff attended the Division of Social Services Semi-Annual Conference, which was held in Flagstaff, AZ. The conference offered attendees a variety of topics related to Navajo culture and Division policies/procedures. In addition, staff had attended other trainings, such as, computer software training in Excel.
5. The program maintained its AZ DES Parenting Skills Training (PST) contract throughout the quarter by providing services to 03 families. The social worker continues to meet the needs of the families throughout the reservation.
6. NCFS continues to process Criminal Background investigations for NDSS under the contract with Arizona Department of Public Safety for child care providers, Adoption/foster homes and NDSS staff. NCFS has process a total of 56 fingerprinting cards for this quarter.

**Navajo School Clothing Program**

- a. The NSCP processed purchase requisition to order additional shoes and jackets from vendors.
- b. The NSCP request Parks and Recreation to repairs the three heaters in the building and they were repaired the week of the request.
- c. The NSCP experience frozen water in the bathroom and the Parks and Recreation brought portable heaters to heat the bathroom and thawed the frozen water line.
- d. The NSCP Warehouse workers begin packing clothing orders for the schools. Began on November 12, 2009.
- e. NSCP hired (5) office aide to key in the orders, process batches for the warehouse for packaging.
- f. The NSCP has received 30,053 orders and over 650 Schools as of 10/01/09.

## **Navajo Treatment Center for Children & Their Families**

- a. The Navajo Treatment Center for Children and Their Families (NTCCF) has provided 1,291 client contact hours and 1,752 client consultation hours.
- b. NTCCF has six (06) Family Therapists to provide outpatient mental health therapeutic services. Four (04) of the Family Therapists are state licensed; three (03) are not state licensed; two (02) have a Masters degree in Social Work preparing for licensure examination to become independently state licensed; and one (01) has a Masters degree in Education.
- c. The delegated Clinical Director continues to provide clinical group supervision every first Monday of the month with the clinical staff. Clinical group supervision consists of administrative updates, clinic updates and case reviews.
- d. Counseling sessions are offered to individuals, couples, groups, families and aftercare.
- e. Counseling sessions are offered at school, home and/or at program clinic(s).
- f. Program has increased the number of client contact and consultation hours to Navajo children and their families.
- g. NTCCF has one (01) vacant Clinical Director position with the NTCCF/Clinical Administration Office. This position continues to listed as Open Until Filled (OUF) with the Navajo Nation Department of Personnel Management.
- h. The program welcomes Mr. Philen Smith, Office Specialist with the Crownpoint NTCCF Clinic. Mr. Smith was permanently hired effective December 14, 2009.
- i. The program also welcomes Mr. Phil Begay, Treatment Coordinator with the Tuba City NTCCF clinic. Mr. Begay was permanently hired effective December 21, 2009.
- j. NTCCF staff attended a required Quarterly Review December 01-03, 2009 held at the Residence Inn – Marriott in Albuquerque, New Mexico. Quarterly review entailed the following training topics: Communicating with Diplomacy and Tact, Teambuilding and Clinical Issues and Elements of a Group Session.

## **Program for Self-Reliance**

### Finance:

- Business Unit Numbers - The Office of Management and Budgets has issued new Business Unit Numbers (Administrative/Direct Service) for the Carry-Forward funds (Reserve Funds) identified from the SF-269 Financial Reports. Business Unit Numbers for the Carry-Forward funds will be identified as Reserve Funds.
- Governmental Services Agreement - The PSR has completed and submitted a preliminary financial report to New Mexico Human Services Department for the Governmental Services Agreement (GSA) which ended June 30, 2009. Final financial reporting to close-out the GSA is pending with Division of Finance.
- 196-T Financial Reports - Completed the 4<sup>th</sup> Quarter 196-T Financial Reports for Fiscal Years 2002, 2003, 2004, 2005, 2006, 2007, 2008, and 2009. The 196-T Financial Reports are pending review by Division of Finance-Contract Accounting Section for compliance requirements under 45 CFR 286.

### Policy Research/Data:

- MIS Enhancement - The NNPSR entered into a contract with EagleSun Systems Products, Inc. (ESPI), to develop a comprehensive data base system to be utilized by the NNPSR. The development of the database is scheduled to be implemented effective January 2010 with the benefit payments. During this quarter, training sessions on the new data base system were held for new staff, power users and a refresher session for staff needing additional training.
- Computer Hardware and Software - To ensure that the NNPSR network system is able to support the new software application, computer hardware and software necessary to upgrade our network system were purchased and installed at the NNPSR Shiprock data center and the local offices.
- Family Assistance and Employment Support Services (FAESS) Manual - The revision of the FAESS Manual, to incorporate changes necessary to support the new data base system, is currently in the SAS Review process for approval by the Health and Social Services Committee of the Navajo Nation Council. The goal is to implement the revisions effective January 01, 2010.
- New Mexico Governmental Services Agreement - In October 2009, the NNPSR's Increase in Services Plan was approved by the New Mexico Human Services Department (NMHSD). Subsequently, the proposed Governmental Services Agreement (GSA), between the Navajo Nation and the State of New Mexico Human Services Department was received and is in the SAS Review process. The GSA, when approved, will provide \$218,000 to the Navajo Nation to increase TANF services to individuals and families residing in the New Mexico portion of the Navajo Nation.

#### Human Resources/Staff Development:

- The NNPSR Human Resources Section - completed the classification process for the Assistant Department Manager and the Public Information Officer positions for the Navajo Nation Program for Self Reliance.
- The NNPSR Human Resources Section - initiated the recruitment process to hire College Interns for the 2009 Winter Break. The Interns will be assigned to the respective NNPSR field offices to assist the Special Projects Section in the implementation of activities related to customer services.

#### Public Relations:

- October Public Service Announcements - APIO developed Public Service Announcement for Gallup NNPSR office notification of service interruption. Developed and distributed PSA to media outlets informing public of update to case management system. The current case management system CWA software will be replaced by the TAS software and may cause some delays in services.
- Media Coverage - Developed media advisory for the Fatherhood Conference on Oct. 12, 2009. Completed a phone interview pertaining to the Fatherhood Conference with a local radio station in Page, Az.
- State of Utah Collaboration - A news release was issued regarding this pilot collaboration effort developed between Utah Dept. of Workforce Services and NNPSR.
- Fatherhood Conference - A news release was issued on the coverage of the Fatherhood Conference that took place (Oct19-Oct. 22, 2009) at the Ft. McDowell Radisson Resort and Casino.
- New Policy Pages - Developed an updated design for the NNPSR Policy Manual.
- November Public Service Announcements - PRS issued announcement to local media notifying the public of office closures due to the 1<sup>st</sup> Quarterly Meeting.
- New Employee - A new Senior Public Information Officer was selected and brings to the program a multimedia background. A new Public Information Officer was also hired.
- Bid Contract for Newsletter – A new vendor of Albuquerque was awarded the bid contract for the Oct. 2009 issue of Self Reliance Newsletter.
- December Public Service Announcements - Issued PSA on behalf of Shiprock office regarding scheduled office closure due to staff meeting.
- 2010 PRS Marketing Plan - SPIO completed a draft copy of the new PRS marketing plan for the 2010 calendar year. The focus was on outlets that provided maximum return on investment according to shelf life, reach and overall effectiveness. Incentives offered by media outlets were also brought into consideration.

#### Customer Training:

- Fatherhood Conference - Additional support was provided for the Fatherhood Conference by assigning some Training Instructors and all Employment Development Specialists to serve as facilitators, assistances, guides, etc..
- ACF Region IX Tribal TANF RRTA Workshop - Attended the ACF Region IX Tribal TANF RRTA Workshop in San Francisco, CA., to represent the Navajo Nation and our program. At this event, I am proud to report that I observed that The Navajo Nation Program for Self Reliance is very advanced with their services, plans and staff development. Many of the tribes that attended were voicing concerns that their State and Federal representatives and their lack, etc.
- Internal Employment Promotion – Our NNPSR promoted a Sr. Caseworker to the Employment Development Specialist position within our Customer Development Section.
- TAS Software - The Training Instructors and Employment Development Specialists have begun to input assessment results and information on Employment & Training into the Tribal Assistance System.

#### Special Projects:

- Fatherhood Conference – Coordinated the Fatherhood Conference held at the Fort McDowell Resort in Fountain Hills, Arizona. One Hundred Sixty Eight (168) NNPSR customers and staff from all over the Navajo reservation were in attendance and impacted by the trainings.
- Completed Proposals - The initiatives are “Establishment of Legal Custody Workshop”, “Intergenerational Cultural Exchange Workshop” and “Healthy Marriage Conference”.

#### Quality Assurance:

- Quarterly Random Reviews - Case Management Specialist completed all the quarterly random reviews. The percentage of non-compliance finding has increased based on the internal reviews.
- FY 2009 Fourth Quarter Report - Senior Social Worker presented the FY 2009 Fourth Quarter Report before a special meeting of the Health and Social Services Committee on November 17, 2009 on behalf of the NN Program for Self Reliance. Highlights presented were the conversion to the TAS Database System, hosting the White Mountain Apache Tribal TANF Program, Father hood Conference, Intensive Case Management Training, School Supplies for children on PSR benefits.

#### Chinle Agency:

- Orientations - 12 NNPSR Customer Orientations held for the quarter.
- Trainings – One (1) Fire Safety Training and two (2) CPR/1<sup>st</sup> Aid training done by Chinle Fire Department.
- Monthly Random Case Reviews – Twenty (20) Monthly Random case reviews completed for the quarter.
- School Supplies – Five Hundred and Ninety Six (596) school supplies distributed to NNPSR customers in August 2009.
- Customer Success Stories - Two (2) program customers have attained their license as a Certified Nursing Assistant and have been employed at Chinle Hospital as nurses.
- NNPSR Employees – One Sub-Office Case Assistant has been promoted to Caseworker position and one temporary Senior Caseworker has been hired.
- Monthly Update Report - Orientated 510 of 798 customers on Monthly Update Report starting November 2009.
- New Software Entries - 98% of Agency total cases are entered into TAS beginning of December 2009.
- Informal Hearings – Twelve (12) Informal Hearings held for the quarter and result was 80% of the decision overturned in favor of the customers.

#### Crownpoint Agency:

- Work Participation Rate - Currently completion rate is 82.75%.
- Quality Assurance Corrective Action Plan - Weekly staff agenda includes Corrective Action Plan for response to error reports.
- Fatherhood Conference - Crownpoint Senior Caseworkers transported fourteen (14) customers to the Fatherhood Conference in Fort McDowell for a three day session. It was a successful visit and we had one father of the year award nomination and one child essay written and displayed at the conference.
- Alamo Office Space – NNPSR staff are able to utilize an office at a new building in the Alamo community. The Kin Lixchii houses the itinerate office where we share with other resources and is used twice a month.
- Grants Office Space – NNPSR staff are able to utilize an office at the Cibola ISD in Grants, NM. We utilize that office twice a month.

#### Fort Defiance Agency:

- Customer Trainings - Customer trainings were initiated (Personal Values, Positive Listening Skills, Its all about me, Self Discovery, Confidence Building, Character Counts, Getting a job)
- Customer Incentives - 1132 School Supplies distributed to customer; Support Services and Incentives were given to customers for their effort
- Fatherhood Conference - 22 customers attended the Fatherhood Conference; one was selected “Father of the Year”.

#### Gallup Agency:

- Customer Service – A total of 3,034 customers were assisted by the NNPSR Gallup Office.
- Network System - Internet service was connected in December 2009 and downloaded to at least 4 stations. MIS will be reprogramming computers and printers for the next two weeks to get all computers set according to wireless connection.
- Customer Incentives – In November 2009, Gallup office began distributing Thanksgiving incentives (gift certificates) to eligible customers in the amount of \$50.00 from Lowes’ Shop n’ Save.
- Customer Training – On-going Parenting Training for customers provided by NNSS Family Violence Program.

#### Shiprock Agency:

- October, 2009 - Completed 10 Random Case Reviews (eligibility).
- TAS Software - All Staff fully trained and conducting TAS entries.
- Fatherhood Conference - Staff members chaperoned and transported seventeen (17) NNPSR customers to the Fatherhood Conference in Fountain Hills, Arizona.
- Co-Hort Classes - Five Staff attend weekly classes at Gallup UNM Campus and are on schedule to do their finals on Dec. 16<sup>th</sup>.
- November, 2009 - Two Staff members assisted the Aneth PSR Sub-Office with their TAS entries.
- Performance Measurement – On scheduled to complete and finalize the Performance Measurement report for all 4 Quarters of 2009.
- December, 2009 - Shiprock Field Office received “Achievement” of 79.67% in Work Participation for FY “09 and completed 10 Cases Random Review on Eligibility.

#### Monument Valley/Kayenta Agency:

- Random Case Reviews - PSII completed total of 41 monthly Random Case Review for October – December 2009.
- Work Participation Rate - Current WPR averaged for Kayenta is 95.92% for October 2009.
- Fatherhood Conference – Staff escorted customers to Fort McDowell, AZ to attend the Fatherhood Conference in October 20-21, 2009.
- New Employees – A new Records Clerk and a Administrative Services Officer.
- Utah State Meeting – MV personnel hosted a meeting between NNPSR and State of Utah in October 2009
- Utah Jobs Connections – MV personnel initiated collaboration with UJC in November 2009.

### **Title XIX Long Term Care Services**

- a. Division of Social Services Annual Conference Planning: The ALTCS Program assisted the Division in planning and organizing the 27th Annual DSS Conference that was held at the Little America Hotel in Flagstaff, Arizona on December 7, 8, & 9, 2009. This year’s conference emphasized the presentation of traditional Navajo Stories and teachings and the promotion of family preservation.
- b. Arizona Blue Sky Flyers Christmas Airlift - The Program hosted the Arizona Blue Sky Flyers for their 25<sup>th</sup> Annual Christmas Airlift. A group of retired pilots gather and bring donations of used clothing, toys and non-perishable items to the Navajo Nation. The donations are distributed to the Regions, Youth Homes and other needy individuals and entities within the Navajo Nation.

### **638 Contract Administration**

- a. NDSS continued to perform in the fourth year of a five-year ‘638 social services contract with no break in the social services delivery system. The 5-year ‘638 contract began January 1, 2006 and ends December 31, 2010.
- b. The ‘638 office continues to work with the BIA Central Office on a Pipefitters training for Navajo general assistance employables. 6 Navajo students graduated in November 2009 from training in Chicago.
- c. All six regional offices, to some degree, are actively implementing the Continuum of Service Model (a case management methodology).
- d. A training was completed and will continue to occur on a revised reporting format of services rendered. This is critical information for the funding agency and for funding distribution purposes as being made in Washington D. C.
- e. Navajo social services staff moved into the Dilkon modular office building.
- f. The ‘638 department is working with the Office of Indian Energy and Economic Development in Washington D. C. to set up a pilot project for the Chinle Chapter and the intent is to prepare and get GA employables on a job and off general assistance.
- g. A Memorandum of Understanding was entered between the “638 Social Services General Assistance Program and the Navajo Department of Workforce Development. The intent is to focus of GA recipients to attain training and to secure work placement and collaboration meetings have occurred.
- h. The ‘638 department was able to request and receive an additional \$15.0 million in welfare assistance funds from the BIA in response to a “limitation of cost” letter.

### **Chinle Regional Office**

1. ‘638 Administration:
  - a. 12/6-10, staff attended the 27<sup>th</sup> Annual NDSS Conference in Flagstaff, Arizona. The conference covered traditional teaching and it was well done; the staff enjoyed the conference.
  - b. 12/15, staff voted; took two (2) to four (4) hours off to vote.
  - c. 11/13, CMS met with Judge Thompson for an orientation of what she expects. She is requesting for courts five days prior to hearing.
  - d. 11/16-17, Acting PSW attended Advanced Bereavement Counseling Conference in Scottsdale, Arizona.
  - e. 11/18, Chinle Region hosted the 3th Annual Veterans Day Community Dinner.
  - f. 11/19, Staff Thanksgiving dinner.
  - g. 11/25, Navajo Nation worked ½ day; clients who were placed at Eagle Dancer Youth and Family Services made home visits.
  - h. 10/09, FCRB hearing; each CMS had one or two cases heard.

- i. 10/21-10/24, Acting PSW attended "Time of Change, Time of Resilience, Time to Learn from the Experts."
  - j. 10/29, staff attended the Faith Practices at End-of-Life Care.
  - k. 10/29-11/01, Acting PSW and a CMS traveled with clients to New Orleans, LA to spend time with their potential adoptive parents and the visit went well.
2. Protective Services:
- a. 12/2-15, continues to provide services to clients with the hopes of building strong family and community.
  - b. 12/6-10, staff attended the 27<sup>th</sup> Annual NDSS Conference in Flagstaff, Arizona. Division's direct services appreciated the cultural and traditional teaching included in the sessions.
  - c. 12/15, Navajo Nation Special Election.
  - d. 11/02, Two (2) staff and Regional Director attended the Special Retirement Packet Meeting in Window Rock, AZ. Presenters did not have enough time to answer prudent questions regarding the retirement process; participants were informed not to share information with other employees until all orientations are conducted.
  - e. 11/12, Interviewed two (2) potential applicants for Senior Social Services Representative for the Specialized Child Care Program.
  - f. 11/18, MDT meeting with US Attorney Heather Belt, Kate Pursey, FBI Agency Chery Priestino, Blanda Preston, Federal Witness Advocate and several staff. 28 cases were staffed, 13 were closed (not substantiated or US Attorney would not accept for prosecution).
  - g. 11/18, Chinle Region hosted the 3<sup>th</sup> Annual Veterans Day Community Dinner, celebrating and expressing honors and appreciations to the Veterans and elders. Staff assisted in cooking, serving and donation of food.
  - h. 11/19, FSU staff Thanksgiving Dinner.
  - i. 11/23, new employee, Ms. Thelma Begay came on board as the Senior Social Services Representative for the Specialized Child Care Program.
  - j. Continue to provide quality, holistic, cultural and valued based services to clients.
  - k. 10/09, PSW conducted Foster Care Review Board Meeting; two cases were closed and placement for children was successful.
  - l. 10/12, PSW attended the retirement meeting in Window Rock, AZ. Further information on the special retirement packet will be disseminated later this month.
  - m. 10/22, SCAN meeting; three cases were closed.
3. Family Financial Services Unit:
- a. Continue to provide GA, Indigent Burial, Disaster, CSBG, and LIHEAP to low income families.
  - b. Continue taking intakes for low income home energy assistance program.
  - c. Continue meeting with Workforce Development staff seeking for client resources.
  - d. 12/6-10, staff attended the 27<sup>th</sup> Annual NDSS Conference in Flagstaff, Arizona.
  - e. 12/17, some employees will be attending the 2009 Employee Recognition at McGees Park, Bloomfield, New Mexico.
  - f. 12/21, staff will be attending the Domestic Violence Awareness min-conference at Rough Rock Chapter.
  - g. 11/02, met with Employee Benefit to attend the Special Employment orientation.
  - h. LIHEAP Sr. Caseworker, a staff and Supervisor attended the FY2010 Detailed Plan meeting.
- Miscellaneous Assistance:*
- a. Provide indigent burial assistance to 36 individuals for this quarter.
  - b. Provide burnout and disaster assistance to 00 individual.
  - c. Provide emergency transportation service to 00 individual;
4. Family Violence Prevention Services:
- Victims/Witness Advocate: December's report was not submitted.*
- a. November: provided direct services to four (4) new clients (5 children were directly affected by domestic violence) and on-going cases to two (2) adult females, (2) elders and 3 children (6 children and 4 adults were affected by DV); provide education on dynamic of domestic violence, lethality assessment with safety planning, self-empowerment or lay-legal advocacy to 13 individuals; assisted 1 individuals with filing protection orders, provided 2 court accompaniment, and assisted 2 non-literate elders with interpretation of court documents; placed a family in safe home (1 adult and 3 children).
  - b. MOU placed with ADABI for Crisis Intervention Program for DV they are able to provide services SS can not.

- c. October: provided direct services to three (3) females, (1) male, (1) elder and (5) children, (5) children were directly affected by domestic violence; provide education on dynamic of domestic violence, lethality assessment with safety planning, self-empowerment or lay-legal advocacy to 5 individuals; assisted 1 individuals with filing protection orders, transported 7 clients; provided 3 court accompaniment, and assisted a non-literate elders with interpretation of court documents; placed 4 clients in safe home.

*Community Involvement Specialist:*

- a. 12/01, Attend Rough Rock Chapter's Planning Meeting; updates on "Stop the Domestic Violence in your community".
- b. 12/10, Attend Chinle Head Start planning meeting to collaborate and update the staff on the Domestic Violence Conference at the local chapters.
- c. 12/14, Attend the Central Navajo Public Health Consortium-Healthier communities through sustainable public health partnerships. The committee discussing plans for 2010.
- d. 12/15, Presentation on Self Empowerment (and K'e in the workplace) to the Prosecutors' Office in Window Rock, Arizona.
- e. 12/17, Mastery of Ceremony at the Chinle Senior Center's Christmas Dinner.
- f. 12/17, attended the NNACADV meeting at Chinle ADABI program.
- g. 12/18, attended the CCCT meeting discuss plans and activities for 2010.
- h. 12/21, min-conference at Rough Rock Chapter on "Stop the Domestic Violence in your community". Topics: Dine' Elder Protection Act, Integrating Western and Traditional Perspective of Family Violence relating to Domestic Violence and Child Abuse, School Community Collaboration in Combating Social Issues, Reaching Homes and Education Home about Child Abuse and Neglect.
- i. 11/20, Participated in the 6<sup>th</sup> Annual Four Directions-Mobilizing to Prevent Diabetes from the Four Directions; Assisted with the horseback riding from the North and Bike ride during the kick off from Rough Rock Junction.
- j. Presentations to Schools: 10/06-Black Mesa Community School on Child abuse and neglect signs, reporting procedures during Red Ribbon week;
- k. November's Mini Conference: Chinle NDSS hosted the 3th Annual Strength and Honor Our Past, present, and Future Veterans and Elder Conference at the Chinle Chapter House. Topics: Dine Elder Protection Act, providing care services for Elders from the State perspective, Why there is war and recognition of militaries.
- l. November's Coordination and Collaboration with Local Resources: 11/04-met with Chinle Community Collaboration Team (CCCT) updates on 3th Annual Strength and Honor Our Past, present, and Future Veterans and Elder. CCCT: Chinle Health Promotion IHS, Family Spirit IHS, ADABI Program, Chinle Veteran Affairs, Department of Behavioral health Services, and Chinle Aging Program.
- m. 10/01, set up information booth at Chinle Chapter House during the Domestic Violence kick off; provided NDSS program and services information.
- n. 10/28, Presented at the Navajo Nation Museum during the Domestic Violence Conference.
- o. 10/29, Presented at Ramah Chapter during the Domestic Violence Awareness; provided information on Domestic Violence and other related issues.
- p. October's Presentations to Schools: 10/06-Lukachukai Community School on Child abuse and neglect signs, reporting procedures during a parent training; 10/13-Lukachukai Community School on Domestic Violence and relating issues, signs of DV and reporting procedures during a Head Start staff and parent training; 10/16-Head Start on Domestic Violence and related issues, signs of DV and reporting procedures; 10/19-Round Rock School on Child abuse and neglect signs reporting procedures during a staff development training; 10/29- Lukachukai Community School on self empowerment, clan system and traditional parenting skills during a parent training; 10/22-Chinle Boarding School FACE Program on Domestic Violence Awareness, nurturing your child, signs and reporting procedures during a parent training; 10/22- Chinle Boarding School on Domestic Violence Awareness, signs and reporting procedures during a Red Ribbon Week activities; 10/23-Child Care Development Fund Program on child abuse and neglect signs, reporting procedures during a Child Care Providers training; 10/26-Nazlini Community School on Domestic Violence Awareness, signs and reporting procedures during Red Ribbon Week activities; 10/28-Round Rock School on Domestic Violence Awareness, signs and reporting procedures during Red Ribbon Week activities.
- q. October's Presentations to Chapter and Communities: 10/12-update "Stop the Domestic Violence in your Community Conference with Pinon Chapter; 10/19- Pinon Chapter community committee plans on a mini conference at Pinon Unified School on October 21, 2009; 10/21, set up information booth at

- Pinon Unified School hosting the “Stop the Domestic Violence in your Community Conference”, provided information on Domestic Violence, child abuse, and NDSS program and services.
- r. Aired on KTNN broadcasting about October’s Domestic Violence Awareness activities.
5. Long Term Care Services: *First Quarter Reports were not submitted.*
  6. Promoting Safe & Stable Families:
    - a. CMS December: Five (5) active cases; two (2) new and 1 closure.
    - b. 12/6-10, staff attended the 27<sup>th</sup> Annual NDSS Conference in Flagstaff, Arizona. Theme: Strengthening “Sihasin” for our Children and Families. The conference was successful with well knowledgeable presenters on each session.
    - c. CMS November: Several referrals were received; one (1) family consented to services and four (4) are still pending. Contacts were attempted but no success. CMS is using intense parenting sessions using the “Family’s Journey to Harmony” curriculum. Also made follow-up visits with those families that have completed the parenting sessions. One (1) family is seeking an NHA home in Chinle with no success, however, they are planning on applying with Navajo, New Mexico’s NHA.
    - d. CMS October cases were four (4) active cases; no closures.
    - e. CMS-Due to the expired vehicle insurance, we did not provide any in-home parenting training services to families.
    - f. CMS is carrying three (3) active cases; one (1) closure (several home visits were made but no one was home, relatives reported family had moved.)
    - g. PSW-10/07, attend case staffing.
    - h. PSW-10/14, attend staff meeting with Specialty Program staff.
    - i. PSW-10/15, attend staff meeting with Regional Director and Specialty Program staff.
    - j. PSW-No activities for November besides routine weekly family visits.
  7. Youth Home- Closed as of September 10, 2009.

### **Eastern Navajo Regional Office**

The Division of Social Services continues to provide services and assistance to the Native American population and to various resources/vendors within the Eastern Navajo Region. Each Unit contributes by maintaining/managing court hearings, case assignments, on call obligations, various meetings, daily intakes, protective services, transportation services, home maker services, financial assistance services and administrative services.

This quarter the Adult In-Home Care Program distributed 50 Thanksgiving food baskets to needy families, single parents, elderly and high risk along with 150 Christmas stockings. The food baskets and Christmas stockings were donated by Southwest Indian Foundation. Some families were also assisted with wood and coal from the Chapters for those families that are referred by the Home Care Workers.

This year at the ENRO first quarterly meeting/Retirement and Christmas festivities all program staff were presented pull over jackets with the DSS logo as an appreciation for their hard work and dedication. The staff was also presented with appreciation gifts that were purchased with funds raised by the Christmas planning committee via Navajo Taco Sales and Raffle. The program also recognized eleven (11) employees who opted to retire December 31, 2009 per the Navajo Special Retirement Program. They were presented with Pendleton Shawls as a gift of appreciation. Also, five (5) employees were recognized for their outstanding dedication throughout the year. The individuals from each service unit were: Janell Laughlin, Principal Social Service Representative, Family Service/Child Protective Services Unit; Toby Charley, Sr. Case Worker/Gallup, Family Financial Assistance Unit; Helena Chee, Home Care Worker/Dz, AIHCP Unit; Pearl Brown, Account Maintenance Specialist, Administration Unit; and Sadie Begay, Program Supervisor II, Sunrise Home for Youth; and Employee of the Year to Lesley P. Morris, Program Supervisor I, Family Financial Assistance Unit.

This quarter we hired six new staff: Ms. Veronica Yazzie, Sr. Social Worker, NM TXX-CPS, Caroline Charley, Victim & Witness Advocate, Verna Kenneth, Sr. Social Service Representative, Petrina Parrish, Sr. Case Worker/FFAU, Nathaniel Natonabah, Sr. Case Worker/FFAU and Natalie Ashley, Sr. Social Worker.

The LIHEAP Wood and Coal Project identified two more vendors from the communities of Thoreau and Gallup to assist families with wood for the upcoming winter months. This was needed due to problems encountered with the wood vendors from the Chapters of Ojo Encino and Mexican Springs. These chapters have had a difficult time maintaining their wood stock for their community members.

The Family Violence Program held its annual Domestic Violence Mini Conference on November 17, 2009 at the St. Paul Catholic Church, Crownpoint. A total of 72 attended and overall the conference was a big success. It was broadcasted via KGAK Radio.

The educational video depicting child abuse and family preservation activities are distributing in DVD.

## **Fort Defiance Regional Office**

### **638 Administration**

- On December 2<sup>nd</sup> & 3<sup>rd</sup>, 2009, DSS staff attended the 1st Quarterly staff in Chandler, Arizona.
- Ms. Lucinda Morris, Regional Director, returned from her medical leave.
- Continued attending Program Manager's meeting and discussed budgets, lay off, and other office duties.
- Ms. JoAnne Shirleson, Case Management Specialist, accepted her Retirement Package and her last day of employment is on December 31<sup>st</sup>, 2009.
- PSW submitted monthly statistical reports to Lucinda Morris, RD and she provided overall copies for our files.
- FDFSU had a Retirement Dinner for JoAnne Shirleson at Fort Defiance Chapter House on December 18, 2009.
- PSW continues to supervise 2 Case Management Specialist: JS & MB. Both workers continue to follow DSS protocol and CMS standards & procedures. Re-certifications of cases are completed on timely basis. Intake and placements are completed by both workers.
- PSW continues to conducted staff meetings and case staffing. The cases are being transferred to case managers.
- PSW, CPS Staff, U.S. Attorney staff, and various resources staff met the new Chief Prosecutor Bernadine Martin.
- PSW completed the Annual Evaluation Performance for several FSU employees.
- FDFSU attended the Open House for Dilkon DSS and Paul Long, Sr., performed the traditional ceremony for them.
- PSW and staff met with Whim Spire Foster Families Shelter staff from Durango, Colorado. Whim Spire briefly provided information on their program.
- Two (2) staff attended the DSS Conference in Flagstaff, Arizona from December 7<sup>th</sup> to 11<sup>th</sup>, 2009 as presenters.
- Received several Christmas gift boxes from New Jersey Sponsorship Program for clients and their families.
- Received and distributed Food Vouchers received from Southwest Indian Foundation of Gallup, New Mexico. Vouchers were distributed to various families for Christmas.

### **Welfare Assistance**

- Business as usual where one staff, Case Management Specialist continues to provide case management services, Services to the court ordered home studies and hard to place children. The court ordered home studies continue to be referred to our office, often with only a month to complete them, leaving the Case Management Specialist overwhelmed, since she also has to carry child welfare cases.
- Case Management Specialist successfully completed three (3) Court ordered home studies. Received positive feedback from the Judges regarding the home studies. The home studies are complex and time consuming, often requiring extensive traveling. Have had to request for continuance with the court due to limited time to conduct the home studies. CMS has been very busy.
- PSW held bi-weekly case staffing with Permanency Worker.
- The Foster Care position vacant, however it was on hold due to budget cuts and layoff status.

### **Title XX (Arizona and New Mexico)**

- FSU continues to provide CPS services by two staff. CPS responding to only P1 and P2 due to increased number of Intakes/reporting.
- PSW and CPS staff continues to attend the MDT and CPT meetings.
- PSW Co-Chairs both the MD& CPT meetings. FSU is still unable to get Cooperation from Criminal Investigation Section regarding Child Abuse investigation, their input is needed at the meetings.
- PSW continues to provide on-going staff meetings and case staffing.
- PSW and CPS staff in process of setting orientation training to NNPD (Police Officers). Training will include CPS roles and responsibilities, detainment process, etc.
- APS worker, Juanita Williams, currently carrying a case load of twenty eight (28) cases. She continues to work with various resources.
- APS worker continues to attend Elderly Task Force Meeting each Monday morning with Ft. Defiance PHS Social Services staff and various resources.

**Victim Witness Program:**

- Nia Francisco, Domestic Violence Community Worker, conducted presentation for Crystal, Hunters Point and Wide Ruins Boarding Schools. Presentation was on child/elder abuse and neglect and its reporting laws, also on unsafe and safe touching.
- Victim Witness Advocate continues to work closely with CPS and APS. Victim Witness files all TRO's and provides follow-up.
- The month of October was recognized as "Domestic Violence" month. Ms. Nia Francisco conducted trainings, set up information booths, and candle light vigils with various resources. FDFSU had a good response from the community.
- Received some gifts from Navajo Nation Toys for Tots Program for our clients.
- Ms. Althea James and Nia Francisco attended the Domestic Violence Instructor Training Program from November 2nd to 6th, 2009 in Window Rock, Arizona.
- Ms. Althea James continues to attend case staffing and assist workers to conduct home visits with CPS and APS workers.

**Promoting Safe and Stable Families**

- Senior Social Worker continues to provide on-going training to FSU staff on PSSF protocols.
- On 12/02/09-12/03/09, SSW participated in the Quarterly Staff Meeting and SSW provided training on "Effective Writing Skills".
- On 12/07/09-12/09/09, SSW participated in the DSS Conference in Flagstaff, AZ and presented a workshop on "Writing the Best Court Report."
- SSW continues to attend MDT meetings, participates in case discussions, provides recommendation and advocates for PSSF referrals.
- On 11/12/09-11/13/09, SSW attended "Active Parenting training in Mesa, Arizona.
- SSW continues to schedule case staffing with CMS when necessary.
- SSW has eight (8) active cases with Family Preservation & Family Support Services
- SSW continues to receive referrals with three (3) pending referrals.
- SSW provides Family Preservation services after working hours.
- PSW continues to case staff new referrals and participates in family case staffing on behalf of active PSSF cases.
- SSW participates in all staff meetings and other administrative meeting as necessary.
- SSW working with the schools in setting up parenting classes for parents.
- Window Rock School District is requesting assistance from PSSF to provide parenting classes. Parenting classes will begin January 2010.

**Adult In-Home Care Program:**

Staff provided in-home care services to their clients in their assigned communities. Services included housekeeping and personal care services in the home to enhance their quality of life that the individuals are not able to perform. Other responsibilities also included responding to referrals and completing intake documents, re-certifying clients and attending meetings. Service providers also completed applications for assistance for their assigned clients. Case reviews were completed for the cases of all Home Care Workers to ensure compliance. All Home Care Workers attended the staff meeting in Chandler, Arizona in December.

Month	October Cases	November Cases	December Cases
Kee, Otis	11	11	11
Lano, Ruby	14	14	13
Spencer, Bernadette	11	09	09
Whitefeather, Bernice	11	09	09
<b>TOTAL CASES</b>	47	43	42
<b>Closed Cases</b>	01	04	01
	03	0	0

Unduplicated			

- **Ft. Defiance Arizona Long Term Care Services:**

- The Ft. Defiance ALTCS invites resources such Home Health Agencies and Community Representative during staff meetings, an on going dialogue with Agencies to resolve any issues or concerns surrounding our member's services.
- Members received promotional items such as first aid kits, mugs, and flashlights. Members are appreciative of these items.
- Case Managers assisted many members received home modification with walk in showers, grab bars in bathroom, and wheel chair ramps with safety rails through doctor's referral and prescription.
- The Case Management Specialists continues on daily basis making home visit to conduct periodic case reviews to ensure that member continue to receive attendant/personal care by caregiver; and continuously monitor member's safety and that they receive quality care.
- ALTCS participates in the Elderly Task Force meeting at the FD Indian Health Services.
- Participates in Home Health and the transportation providers meeting.

- **Ft. Defiance Family Services Unit:**

- 638 Administration

- On September 15<sup>th</sup> & 16<sup>th</sup>, 2009, PSW and staff attended the 4<sup>th</sup> Quarter staff meeting with Dilkon Region in Albuquerque, N.M.
- PSW and other supervisors met with Thomas Cody to inform the regions that he will be in the "Acting" Regional Director capacity until Ms. Morris's return.
- PSW, staff and Dilkon staff attended "Work Session" in Scottsdale, Arizona to elaborate on program guidelines for both regions.
- Ms. Deannah Neswood-Gishey, Acting Regional Director attended several meetings and provided feedback to the program supervisors.
- August 25, 2009 PSW and Marlene Van Winkle PSSF met with Edwin Gonzales and Tim Perry to audit cases and discuss barriers and progress.
- PSW continues to supervise two (2) Case Management Specialist (Joanne Shirleson and Marcella Begay) both workers continue to follow DSS protocol and CMS standards. Re-certifications of cases are done on timely basis.
- On August 28, 2009 PSW and FSU staff attended the P-Card training in Window Rock.

- Welfare Assistance

- Case Management Specialist continues to provide services to court ordered home studies and hard to place children. The court ordered home studies continue to be referred to the FSU office, with only a months time to finish, leaving the worker overwhelmed.
- Case Management Specialist successfully completed three (3) court ordered home studies. Received positive feed back from the Judges regarding the home studies.
- The Foster Care position vacant the position was advertised and should be getting the list for potential applicants to fill the position.
- PSW held bi-weekly case staffing with Permanency Worker.

- Title XX (Arizona and New Mexico)

- FSU continues to provide CPS services. CPS responding to only P1 and P2, due to increased number of intakes/reporting.
- PSW and CPS staff continues to attend the MDT and CPT meetings. PSW co-chairs the MD & CPT meetings. FSU still getting no assistance from Criminal Investigation regarding Child Abuse investigation their information is vital at the meetings.
- PSW continues to present on-going staff meetings and case staffings.
- PSW and CPS staff in the process of providing orientation training to NNPd (Police Officers). The training will include CPS responsibilities.
- APS worker currently carrying a case load of twenty-eight (28) cases. She continues to work with various resources.
- APS worker attends Elderly Task Force meeting with Ft. Defiance I.H.S Social Services staff.

- Promoting Safe and Stable Families:

- The Senior Social Worker continued to provide on-going training to FSU staff on PSSF protocols.

- On July 22, 2009 SSW conducted the PSSF protocol training to Navajo Nation Head Start Program and Program for Self Reliance.
- On July 27, 2009 – July 31, 2009 SSW participated in the Ft. Defiance and Southwest Region work session in Phoenix, Arizona.
- SSW attends MDT meetings and participates in case discussions by providing recommendations and advocates for PSSF referrals.
- On August 25, 2009 Arizona State University, Edwin Gonzales and Tim Perry completed annual
- PSSF completed three (3) client surveys with positive outcomes.
- SSW continues to schedule case staffing with CMS to evaluate cases with concerns.
- On September 7, 2009 – September 11, 2009 SSW attended the Annual Family Preservation Conference in Houston, Texas.

- **Fort Defiance & Dilkon Financial Assistance Unit (FAU)**

- General Assistance:

This quarter I attended (2) 638 meetings in Window Rock at the Karagan Professional Building with the Workforce Staff. We coordinated services on how to enhance General Assistance consumers to continue their education and trainings and obtain employment. On 11/16/09 I attended collaboration and coordination training with several local school, colleges and job corps staffs.

- Miscellaneous Assistance

BURNOUT: There was no request made for burnout assistance this quarter.

- Low Income Home Energy Assistance

- 11/09/09 Financial CWS received FY'10 LIHEAP award in the amount of \$266,449.00 for Southwest Office; \$20,075.00 is spent on home heating source and weatherization assistance therefore we have \$207,384.00 left to spend.
- 11/09/09 Financial CWS received FY'10 LIHEAP award in the amount of \$414,344.00 for Fort Defiance Office; \$23,986.00 is spent on home heating source and weatherization assistance therefore we have \$351,100.40 left to spend.

CSBG. Services are being provided as prescribed. There are no issues disrupting service delivery.

- **Ganado Family Services Unit:**

- Administration:

- Principal Social Worker was invited to become a member of the dependency group and ICWA/TPR group as part of the children's code revision. Provided input from NDSS scope of work and services.
  - Case Managers and SCCP worker coordinated efforts which resulted in permanency of children in out of home care.
  - TXX staff provided several trainings to schools on reporting child abuse and neglect. This increases positive communication with school personnel in addressing child abuse and neglect.
  - Promoting Safe and Stable families program provided 2 community educations on program.
  - Workers attended the Fort Defiance Regional Quarterly meeting and the Annual NDSS Conference. Workers shared information with one another and discussed how to use the training received to improve services. Attending these activities has rejuvenated workers.
  - A total of 135 intakes received for the quarter. Ganado Family Services Unit has only two CPS workers to respond to the CPS referrals. Priority one and two cases are addressed immediately. Children removed for safety are also priority, which leaves many of the P3 and P4 not responded to within the timeline of the Professional Standards.
  - Staff was able to successfully continued professional services despite the extended absence of supervisory social worker. It should be noted that this indicates the stability of Ganado FSU and the commitment of the staff to their clients.
  - Acting Principal Social Worker attended the '638 meeting and was able to share the progress under the whole '638 program.
- **638/SCCS:**
  - The worker has completed and closed several cases for permanency. PSW has assigned worker court ordered home studies to assist the overload with case managers. PSW has assessed that worker has only minor corrections per case reviews.
  - Worker did not attend any training this quarter and did not attend the quarterly meeting due to report writing priorities.

- Worker has assisted in presentation to the school regarding social services programs.
- Worker has made improvements in conducting home assessments and is primarily self directed.
- **Family Violence Program:**
  - Nia Francis, Community Involvement Specialist presented at Crystal, Hunters Point, and Wide Ruins Boarding Schools. The focal point of the presentation was child/elder abuse and its reporting laws.
  - Witness Advocate works closely with CPS and APS staff she files all TRO's and provides follow-up.
  - Della Jimmie and Althea James attended the 4<sup>th</sup> Corner Conference in Flagstaff, Arizona, which was sponsored by US Attorney and FBI Office.
- **Shandiin Home for Youth:**

Shandiin Youth Home provided shelter, care, recreational activities, transportation, counseling, guidance, supervision and referral services to the female adolescents placed with the Youth Home Program. Two residents received mental health services with the Mental Health Clinic, Fort Defiance Indian Hospital.

  - 07 adolescents (unduplicated - new) were placed for the months of October, November and December 2009.
    - Unduplicated resident count:
      - October - 03
      - November - 01
      - December - 03
  - Client placement count was
    - Placements: October 2009 – Five (5)
    - Placements: November 2009 – Six (6)
    - Placements: December 2009 – Five (5)

Client placement was at two as of December 15, 2009. Seven (7) youths were discharged during the quarter.

### **Dilkon Family Service Unit**

- Dilkon FSU Principal Social Worker/Supervisor Attended and participated in Two-638-Services and Manual Workgroup meetings in Window Rock, AZ.
- Attended and participated in one Adoption Policy Revision Meeting in Window Rock, AZ.
- Attended and participated in two-Program managers meetings.
- Facilitated 3 Dilkon FSU staff meetings and 4-Dilkon FSW supervisors meetings.
- Met with the AUSA office, Camille Bible, in Flagstaff, AZ to restart the MDT meetings in the SWRO area.
- The FSU PSW plans to attend the Region Christmas Banquet at Hondah Resort in Pinetop, AZ.
- The FSU PSW will also attend an Arizona IGA meeting in Phoenix, AZ.

### **Intake & Protective Services**

- The cases continue to be COSM compliant with ongoing case reviews by the supervisor.
- There currently two TXX Protective Services Workers: a Social Worker (SW) and a Sr. Social Worker (Sr. SW).
- There is currently no DEPP worker for the Dilkon FSU office. This position was funded with General Funds and it was abolished when the SWRO Administration was abolished, as the administration was also funded with General funds. The TXX PS workers have been responding to Elder referrals.
- The PSSF Sr. SW was the primary intake person for the quarter with assistance from the protective services workers, office specialist, and SCCS Sr. SW.
- One Pr. SSR is located in Leupp, AZ who provides intake services, answers telephone calls and helps LIHEAP and GA with the application process and disseminates NDSS information to the public.
- The Protective Services Sr SW attended the 1<sup>st</sup> Quarterly staff meeting in Chandler, AZ and the Annual DSS Conference in Flagstaff, AZ.
- The Protective Services (PS) Social Worker (SW) was on extensive medial leave beginning November 10, 2009 and ending December 11, 2009. The PS SW will attend the Region Christmas Banquet Hondah Resort in Pinetop, AZ.

- 103 intakes were completed and 4 court ordered home studies; 83 intakes were for the Dilkon, Teesto, Indian Wells, Whitecone, Jeddito, and Greasewood Chapter areas and 20 intakes were for the Leupp, Birdsprings, and Tolani Lake Chapter areas.

### **Case Management Services**

- There are currently four-638 Program Case Management Specialist (CMS) with one primarily working on adult cases and the other three-working with children and adult cases.
- The cases continue to be COSM compliant with ongoing case reviews by the supervisor.
- The four CMS attended the 1<sup>st</sup> Quarterly staff meeting in Chandler, AZ and two-attended the Annual DSS Conference in Flagstaff, AZ.
- The four CMS attended 3-Dilkon FSU Staff meetings.
- Three CMS will attend the Region Christmas Banquet in Pinetop, AZ.

### **Specialty Services**

- 8-Specialty workers attended the 1st-Quarter staff meeting in Chandler, AZ: The PSSF PSW, the Family Violence Victim Witness Advocate and the Community Involvement Specialist, the 638-SCCS Sr. SW and Pr. SSR, and 3-638-AIHCS Home Care Workers. The PSSF Sr. SW did not attend.
- 5-Specialty Workers attended the Annual DSS Conference in Flagstaff, AZ: the PSSF PSW, Fam Violence Victim Witness Advocate, SCCS Pr. SSR, and 2-638-AIHCS Home Care Workers.
- The specialty workers attended in participated in 3-FSU staff meetings.
- The 638-SCCS Sr. SW has a case load of 3 and should have a total of ten. The SCCS Sr. SW is assigned all Court ordered home studies this quarter to keep her busy.
- The PSSF Sr. SW currently has no case load and has been primarily doing intakes for the FSU to keep her busy. This is the first time in PSSF's existence that the PSSF Sr. SW has no cases; it usually is the area with the most cases for the PSSF program.
- The Family Violence Community Involvement Specialist held various domestic violence awareness activities during the month of October and reportedly received community involvement and support from 2-local groups particularly refreshments for the participants: the Dilkon DV Task Force and the Dilkon District Court. Presentations and walks were facilitated during November with support from local organizations and groups: Winslow Indian Health Care Center (WIHCC), Community Health Representatives (CHR), and Special Diabetes and Navajo Health Education.

### **Dilkon Arizona Long Term Care Services:**

- The referral received are 14 (ALTCS) for this quarterly.
- This supervisor conducted audit on several difference service unit this Quarter: ALTCS 20.
- The supervisor conducted 1 employee appraisals for October.
- The ALTCS programs all position are currently filled. The ALTCS Case Management has 4 positions and all are filled at this time employees.
- The ALTCS staff is currently being train to address the AHCCCS corrective action plan where Navajo Nation was sited. The ALTCS Staff have not had any schedule Corrective Action Training this quarter.
- The ALTCS Case Manager had two Staff meeting on October 27, November 16, 2009 on updates of the up coming events.
- The ALTCS Case Manger has attended the 1<sup>st</sup> Quarterly Staff Meeting in Scottsdale, AZ on December 1-3, 2009 and the NDSS Conference on December 7-10, 2009. They will be attending the Christmas Dinner on December 23-24, 2009 in Hon-Dah Casino in Pinetop, AZ
- The ALTCS Supervisor attended the ALTCS Supervisor Meeting on October 21, 2009 to discuss on going issues.

### **Shiprock Regional Office**

- A. We used all of LHEAP allotted funds. Staff went to over twenty communities to educate community members and take applications. The Senior Citizen's Centers helped.
- B. We continued prevention public education upon request. Emphasis remains on preventive measures and healthy relationship techniques found in the Family to Journey curriculum. Six communities participated.
- C. We continued to streamline assignments and tasks for all staff in light of tight budgets. No position has been eliminated. Lapse funds were used for temporary help.

D. The initial planning grant for the construction of the Youth Home is received and accepted by Window Rock. The land clearance survey is in process.

## **Western Navajo Regional Office**

### **Administration**

- On November 4, 2009, Regional Director attended NDSS Management Staff meeting in Gallup, NM to present WNRO's report; meeting was very productive and informative because NDSS has not had a management meeting for the past several months; administrative updates, announcements and upcoming plans were presented by all regions in attendance and it is hoped that NDSS is back on track with management staff meetings.
- On November 10, 2009, Regional Director and Kayenta Children and Family Services' Supervisory Principal Social Worker attended the Navajo Nation/Utah IGA meeting in Salt Lake City, Utah to present written and oral report to participants. Regina Yazzie, MSW, Director for Navajo Children & Family Services provided orientation on the IGA for Utah State personnel. Reports presented by Utah State Regional Directors and we discussed issues and concerns related to CPS Coordination.
- On November 17, 2009, Regional Director attended the Regional Directors' meeting at NDSS/ Shiprock Regional Office to discuss the Child Welfare Implementation Project and continue to discuss the Restructuring Plan on Southwest Regional Office where Regional Directors from Western and Fort Defiance will present the transition plan to management staff on December 3-4, 2009 during the budget work session in Phoenix, AZ.
- On November 17, 2009, Regional Director attended and provided a written and oral reports to the Health & Social Services Committee meeting. The Health & Social Services Committee put NDSS on their next meeting agenda to discuss the SWRO Transition Plan.
- On December 3 – 4, 2009, Regional Director and Accountant attended the NDSS Budget Planning Meeting in Phoenix, AZ where presentation by Arizona State DES officials and their accountants on the status of their financial situation, budget crisis; Arizona State Governor's Office had the same message. Navajo Nation Washington Office Executive Director regarding federal funding and budget planning processes. The information given was for use and reference in future budget planning. The second day, NDSS budget status and plans for upcoming budget formulation, starting with P.L. 93.638 Administration and Welfare Assistance. Western and Fort Defiance Regional Directors presented the reorganization transition plan as result of elimination of former SWRO Administration. Transition plan will be finalized with comments and recommendations received for presentation to the Health and Social Service Committee.
- On December 7 – 9, 2009, most of the staff from Western Navajo Regional Office attend the Annual NDSS Conference at Little America in Flagstaff, Arizona. For those attended, general session guest speakers and presenters have some enlightening messages for participants; work sessions were on topics that are specific to what we do in our personal and work life. The lowlight of the conference was that presenters were not given enough time to present their topics, especially the ones on traditional aspects and approaches, because these are not text book materials, it requires more time.
- On December 11, 2009, Regional Director attended the Criminal Justice Summit at the Tuba City Family Court, this is a resource meeting for services providers within Tuba City service area; Judge Allen Sloan facilitated the meeting. We discussed the roles and responsibilities of each service provider include the implementation of MOA we have in place for NDSS, Department of Public Safety, Judge and Office of the prosecutor. Each service provider was given 15 minutes to present their program and meaningful inputs and recommendations during discussions.
- On December 18, 2009, the staff attended the Quarterly General Staff Meeting at Goulding's Lodge in Monument Valley, Utah. Administrative reports were presented, honor three retirees who are participating in the Special Retirement Package and Christmas Luncheon was provided by Goulding's Lodge & Restaurant.
- Community Involvement Specialist: provided 18 community presentations in areas of Purple Ribbon Awareness, Bullying Prevention, Suicide Prevention, Reality of Meth, Domestic Violence, School Health Fair, Sobriety Day, Community Health Fair, Elder Day DV101, Mandated training for Child Care Development Program; provided training for other resources.
- Kayenta Children and Family Service Supervisory Principal Social Worker was assigned to attend the Utah Tribal and Indian Issues in Salt Lake City, Utah to initiate the task of establishing by-laws of the Tribal and Indian Issues Committee.

### Tuba City Children and Family Services

- Child Protective Services: timelines for Priority 1 & 2 reports were met at 85% with crisis intervention in October, 90% in November and 80% in December to ensure child safety and well-being; Children's Case Managers attended scheduled court hearings and provided update reports on monthly basis; timelines for Priority 2 Adult Protective Service were met at 80% in October, 100% in November and 90% in December, there was no Priority 1 ever assigned. Adult Protective Service worker conducted a presentation at Tonalea Senior Center; and one Child Protective Service Worker and Case Management Specialist have been coordinating very well with Criminal Investigations, Safe Child and FBI on a severe physical abuse case. Supervisory Principal Social Worker reviewed 80 cases in October; zero cases in November and 32 cases in December by 12/18/2009. Foster Care Specialist finally recruited two homes in Kayenta area; they are pending licensure. Interviewed and hired a new home care worker.
- Collaboration & Coordination with other resources: monthly Child Protective Team meetings facilitated by Tuba City Regional Health Care Corporation, Inc. every third Thursday of the month; Foster Care Review Board hearing was scheduled for 10/15/09, but was postponed due to case managers not having reports available in advance for FCRB members. TCCFS staff met with Kristin and Nicole of Whim Spire, Inc. of Durango, CO on 11/04/09 to share and exchange information about foster care/RTCs; several staff members met with Jamie and Esther of NAU Indian Child Program to discuss mandatory reporting and CPS protocol; Stan Allen of Eagle Dancer Youth & Family Services provided an update about their services at our unit meeting; Dr. James Cox, Child Psychologist shared information about different functions of mental health professionals at Tuba City Boarding School, he conducts psycho-educational evaluations at Tuba City Boarding School to identify learning disabilities. He is willing to work with NDSS and Family Courts.; CPS staff attended the Family Court Judicial Summit on 11/13/09, where the new judge will be hosting a summit on a monthly basis to improve coordination and collaboration between the different resources; Permanency planning worker attended the adopting regulations work group meeting in Window Rock to work on a draft for review; Adult Protective Service worker attends monthly Elderly Care meeting facilitated by Community Health Nursing at Inscription House Health Clinic, when schedule allows. Northern Area Suicide Prevention Taskforce meeting at Eubank Conference Room at TCRHCC, Inc.

### Arizona Long Term Care Services

- Enrollments of new members for this quarter has been very minimal
- On October 21, 2009, three representatives from Tuba City attended the Quarterly AHCCCS meeting; next meeting will be held on January 2010.
- On October 29, 2009, ALTCS Principal Social Worker participated in the Breast Cancer Awareness Month.
- Tribal Holidays; with most facilities operating on tribal holidays some ALTCS voluntarily work and they are expected to be on standby for urgent matters.
- A new case management rate was awarded by the State of Arizona in November 2009, there was a slight increase in the case management rate; the Ste will be reviewing the expenditures for proper use on ALTCS services and they will be monitoring quarterly expenditures. The accountant and ALTCS Supervisor submitted a budget on December 14, 2009 to the Title XIX Liaison for submittal.
- Each community has a task force or committee to address elderly care issues. Kaibeto Case Manager attends the Elder Care Task Force at the Inscription House Clinic; Kayenta Case Managers attend the Elder Care Task Force meeting at the Kayenta Health Clinic; Case managers continue involvement with agencies to enhance coordination and collaboration of services to community members.
- Betty Ann Goat, Case Management Specialist, will be retiring on December 31, 2009; a temporary worker will assist with case management while a new employee is hired.
- The purchase of the Tuba City building is put on hold at this time due to the requirement of obtaining three bids for a building.
- On December 16, 2009, ALTCS Principal Social Worker attended the Motor Vehicle Review Board meeting to request for vehicle take home approval, but there was no quorum.

### SERVICE DELIVERY:

<b>WORKER NAME</b>	<b>CASES C/O</b>	<b>NEW CASES</b>	<b>CLOSED</b>	<b>TOTAL CASES</b>
Tuba City Sub-Office	181	22	8	181
Kaibeto Sub-Office	182	09	05	175
Kayenta Sub-Office	160	10	31	139
Financial Services	187	0	4	183
AZ Long Term Care Svcs.	424	0	0	424

Victim Witness Advocate	12	23	13	35
TOTALS	1,146	64	61	1,137

**Staff Development Training:**

Date	Type of Training	Staff Name(s)	Hours
0	PSSF Training @ The Inn (EXAMPLE)	Frank, Neal, George, Jarvis Vivian, Renae, Orlinda	16.0
12/7-9/09	NDSS Annual Conference	WNRO Staff	21.0
12/10-11/09	ITCA Indian Child Family	Bessie Zahne	16.0

**IV.STATUS OF ON-GOING PROJECTS, INITIATIVES & COAs**

**Executive Administration / Accounting Section:**

The NDSS Accounting Section continues to meet on a quarterly basis to conduct its financial reviews with all programs; making recommendations as necessary to avoid reversions.

The NDSS continues to strive and promote the streamlining of reviews and processes so that resources are efficiently and adequately utilized.

The NDSS continues to promote the procurement of new buildings and facilities for its programs.

The NDSS Central Accounting Section hosted its first meeting with all accounting/financial staff on November 2 and 3, 2009, in Flagstaff, Arizona. Plans have been initiated to streamline all processes and methods throughout the Division; utilizing the same financial system for consistency and availability of information on a moment's notice. Meetings and sessions are to continue throughout the year.

The NDSS Central Accounting Section is taking the lead role in the provision of a variety of training sessions for all accounting/financial staff (OMB training, pay card training, procurement, FMIS, Property, Waste/Abuse/Fraud, etc.).

**Block Grants & Special Projects:**

LIHEAP Wood/Coal vending is an on going project and planning a follow up meeting with Chapter in January after carryover funds are input into the system.

CSBG ARRA funds will be used to hire Case Assistants, Office Assistants, Carpenters and laborer to assist with the LIHEAP program. (i.e. intake and repairs on housing)

The Navajo & Arizona IGA to implement the IV-E program as of today we have no children approved for Title IV-E. Navajo DSS social workers, judges, prosecutors and attorneys have been trained on the Title IV - E regulation and data entry. However, we have found the computers in Tuba City office not compatible to Arizona data system. We have scheduled a meeting to assess the system but due to the bad weather condition the meeting was postponed. The next earliest meeting will be schedule in January 2010. Arizona DES has informed they have entered our entire License Foster Care home into their data system.

Efforts with Arizona Title TIV-E Initiative continues to have problems in communicating with the Arizona Children's Information Library and Data Services (CHILDS). DSS MIS office is currently making effort to put in new cables to upgrade the computer services in Tuba City office. MIS office is testing the system and we should know soon if we are capable of entering data information into CHILDS. Once we begin to communicate with CHILDS we will be setting up training with ADES for the staff to actually enter data information.

The Project end date for the U.S. DOJ - Sexual Assault Project is for December 31, 2009. Originally there was no plans to request for an extension but after carefully reviewing the remaining balance of the subcontractor, it became necessary to request for an extension.

Statistics and financial reports for TXX (Arizona, New Mexico, Utah) will continue on a monthly basis; monthly Title XX reports will continue.

The Wood/Coal Project initiative under LIHEAP will need to have an updated meeting with Chapter needs to be planned to try and get more chapter involve also at the same type invite private vendors to the meeting to work directly with the chapter or NDSS. And Centralization of LIHEAP: Protocols and Plans need to be worked on and presented to Executive office on the Pros and Cons of the initiative. Meetings would have to include BG&SP, NDSS Executive and Regional Offices.

Under the CSBG Self-Sufficiency Plans: Negotiation need to be started with local colleges on training and certifications for our clients that are requesting for assistance in work and education related.

CSBG AARA: Negotiation with local chapter, colleges and other departments that can provide training and on the job training assistance to clients that either lost their job or needs to obtain a job.

The Block Grants and Special Projects Department will continue to have staff available to provide technical assistance and support in the areas of Title IV-B Subparts 1 and 2, Title XX (Utah, New Mexico and Arizona), Family Violence Prevention Services Act, LIHEAP and CSBG to the NDSS Departments and Regional Offices in the following areas: Personnel, Procurement, Administrative, and fiscal. And Continue to provide technical assistance and support to Sub-contractors: i.e. orientation on Invoice Payment, Monthly Reports and relevant Contractual issues/concerns in the areas of Family Violence Prevention Services Act and Sexual Assault Initiatives.

In addition, monitor all contracts activities under BGSP for compliance in accordance with all Assurances, terms of contract, all applicable Federal and State regulations and the Corrective Action Plans.

Review and complete outstanding fiscal and programmatic reports for the Title IV-B (Subparts 1 & 2) FVPSA, Title XX (Arizona, New Mexico, and Utah) LIHEAP, CSBG funded programs and Sexual Assault Initiatives. Reports are provided and submitted on annual basis to the U.S. Dept. of Health & Human Services and the U.S. Dept. of Justice.

BGSP will continue to submit monthly statistical and fiscal reports to the State of Arizona for reimbursements for Title XX Contracts (Arizona, New Mexico, Utah); enhance coordination and communication for efficient services to children and families. Began developing information to incorporate into the Family & Domestic Violence initiative in preparation for the New Year.

BGSP will seek other potential funding sources that will enhance and expand our existing services under the Division of Social Services.

### **Child Care & Development Fund**

- a. The agreement between the CCDF program and the State of Arizona is complete. Now the CCDF program is working on internal policies and procedures for the criminal background check process (fingerprinting, fees, etc.). More importantly, the program is going to continually meet with the Department of Personnel Management to discuss penalties for any background checks that come back positive.
- b. In February 2009, the program has begun to update its CCDF program policies and procedures. More importantly, the goal is to align the policy to the Tribal Plan. Currently, the Tribal Plan and the policy have different goals. Because of the differences, the program had inconsistencies determining eligibility. The program hopes it can have a final version prior to October so that it can implement the policy along with the new Tribal Plan. The planning meeting will commence in January 2010 to have a new policy in place by mid-summer.

- c. The CCDF program is using its stimulus money to replace aging equipment such as water heaters, HVAC systems, kitchen appliances and classroom furniture (cribs, high chairs, etc.). Additionally, new playground equipment will be purchased for three sites: Tuba City, Chinle, and Shiprock.
- d. The CCDF program is initiating a plan to move several modular units to Shiprock Dine College campus and to Tuba City, AZ. The modular units that are slated to be moved are from communities where enrollment has been stagnant and inconsistent. Whereas, the new proposed locations have higher populations for our target child range. More significantly, the new locations have a large number of Navajo families that are on TANF, our target population to serve for self-sufficiency.

### **Developmental Disabilities**

- Program continues to submit invoices for case management services utilizing a system developed by IGA team members; for which the turnaround time for payment has improved. The Program Supervisor is able to view warrant check information on AZ DOA's website, vendor information and determine approximately when the actual warrant check is received. Information from the website has proven very useful.
- Our current caseload is averaging 247. The amount fluctuates, due to individuals served pass. Six additional cases from Flagstaff DD office were assigned to Navajo; will bring our total caseload count to 252.
- We continue to collaborate with DES/DD Quality Assurance, Mr. Ernest Dale.
- The case managers continue to assess ALTCS services based on needs.
- A total of 142 case reviews have been completed
- We continue to meet with provider agencies and NNDD/AZ DES DDD Joint staff meeting on a quarterly basis to ensure all programmatic issues and concerns are discussed and resolved.
- The Residential Placement committee approved 2 consumers for placement in a group home. During this process, case managers are advocating for their consumers to ensure all costs will be covered. Typically, the Division pays for Day Treatment (DTA) and Habilitation (HAB) in the group home and Room and Board (RRB) may be covered by DSS 638 Contracts Administration.
- Case Managers also submit to the District Nurse requests for additional staffing requests to ensure there is a medical need to support the enhanced staffing ration requested. Three requests have been approved for 1:1 staffing for individuals due to medical necessity.
- Families continue to express interest in providing services for their loved ones, they are provided with contact information with Flagstaff DD Central office to complete the application process.

### **Dine for Our Children**

The DOC Project will end its program April, 2009. Currently it is developing plans to close out its budgets, operations, etc. to meet all federal requirements in closing the program as required. In addition, the Director Ms. Jenny Rodgers will retire December 31, 2009. However, she will return to finish certain aspects of the project, such as presenting to the IRB to conduct two surveys and analyze the data.

### **MIS**

Continuing ongoing project for installation of APC UPS Infrastructure, with new FY 2010 funds.

Installation of Barracuda web filter and SPAM filter on the external network.

Continuing to work on MIS management and action plan, for 2010.

Continuing to work on MIS policy and procedures for the entire division.

Continue working with Title IV-E initiatives with national recourse centers, other tribes and federal government entities.

Working with the 638 Statistical work group on developing and collecting better data for statistical reports.

Continuing work with Program for Self Reliance's (PSR) consultant (Ardham Technology Inc.) regarding a central switch migration and installation at the Shiprock, NM location. PSR has asked for help with project management since there is no lead on such project ventures.

### **Navajo Children and Family Services**

NCFS has coordinate with the Casey Family Program, Phoenix, Arizona to work with the NN DSS, including this program to set aside funding for the upcoming FY 2010. The program submitted a Scope of Work outlining two areas of need: 1) Develop an ICWA closed case assessment tool and 2) Conduct assessments on the program's closed ICWA cases for period beginning with January 2005 to December 2008. The purpose of this coordinated work is to have Casey Family Program review closed ICWA cases and determine whether the three IGA states (Arizona, New Mexico and Utah) have complied with the ICWA in terms of active efforts of reunifying the child with hi/her parent(s), whether children were placed in accordance to the placement preference outlined in the ICWA law, e.g., relative search had been conducted and how the state the Nation coordinated case management services throughout the life of the case.

### **Navajo School Clothing Program**

The NSCP continues to accept Emergency request for clothing assistance.

The NSCP continues to seek permanent site for office space and warehouse facility.

The NSCP continues to research into clothing manufacturing project.

The NSCP sharing its storage facility located near Fleet Management office, with Title XIX & Ft. Defiance Region.

The NSCP continues to collaborate/network with DSS/MIS Department in seeking a more efficient database system to utilize and computer equipment.

NSCP hired 5 office aide to key in the order, to be completed by 12/31/09.

The NSCP has received 30,053 orders from 650 Schools as 12/22/09.

### **Navajo Treatment Center for Children & Their Families**

- a. Program continues to provide quality psychotherapy, child advocacy and community prevention education to Navajo children and their families
- b. Participate in the Navajo Division of Social Services (DSS) Management meetings.
- c. Program continues to schedule staff meetings to ensure communication regarding program updates, schedules and patient services.
- d. Program continues to maintain partnership with other resources to exchange program information and extend services for collaborative treatment with patients.
- e. Program continues to work closely with clinical providers in obtaining and maintaining their state licensure.
- f. Program is in compliance with the established Memorandum of Agreement by providing therapeutic services to Navajo children and their families with Navajo Peacemaking and Safe Schools Project (Borrego Pass Day School, Chilchinbeto, Community School, Little Singer Community School, Shonto Preparatory School, Shonto Preparatory Technology High School and The Star School).
- g. Program is in compliance with the established guidelines of the Methamphetamine and Suicide Prevention Initiatives grant.
- h. Program is in the process of finalizing the NTCCF Clinical Policy and Procedures Manual in accordance to HIPAA standards.

### **Program for Self-Reliance**

#### Finance:

- Professional Service Contract - PSR is in the process of entering into a new Professional Service Contract with Martine Construction & Services to serve as the project manager for the renovations, tenant improvements, and the inspections of certain Field Offices.
- Security Budget - The PSR Finance staff completed the FY2010 - FY2012 State of Arizona Dept. of Economic Security budget and it is being processed through the Navajo Nation's 164 process.

#### Policy Research/Data:

- Family Assistance and Employment Support Services Manual - A staff training session is scheduled for January 2010.

#### Human Resources:

- Recruitment, Selection and Hiring of Key NNPSR Positions - An Administrative Services Officer, a Senior Public Information Officer and a Investigator was hired during this quarter.
- Proposed Classification of New Position(s) - Nineteen (19) Senior Caseworker positions for the field offices – PCQs will be generated and submitted from the NNPSR Human Resources section  
Seven (7) Caseworker positions for the field offices – PCQs will be generated and submitted from the NNPSR Human Resources section. Three (3) Case Assistants for the field office – PCQs will be generated and submitted from the NNPSR Human Resources section

- Proposed Re-classification of Current Position(s) - Senior Office Specialist to Human Resources Technician – still pending finalization of PCQ. Property Clerk to Accounts Maintenance Specialist – still pending finalization of PCQ. Reclassification of the Principal Programmer Analyst Position to a Systems and Programming Manager – the position was classified as a Programmer Analyst Supervisor. NNPSR management will appeal this classification.
- Proposed Retirement of NNPSR Employees - The Navajo Nation Government recently announced plans to offer an “Early Retirement Package” to employees that meet certain criteria. As a result of this initiative, there will be seven (7) employees taking advantage of this opportunity.
- On Going NNPSR Human Resources Section activities - The NNPSR Human Resources Section continues coordination regarding job vacancy announcements, performance evaluations, processing Personnel Action Forms for new hires, resignations, terminations and temporary employment, position advertisements, annual performance evaluations and merit payments.
- Staff Background Check – A Request for Proposal was reviewed by Navajo Nation Department of Justice and Business Regulatory and cleared for processing by Navajo Nation Purchasing to solicit interested vendors to initiate the selection process. The Request for Proposal was then advertised in the media by Navajo Nation Purchasing Department in November 2009. This process is pending the review of interested vendor proposals that have submitted.

#### Public Relations:

- PRS Action Plan - Completed PRS Action Plan and met with staff regarding deadlines and section expectations.
- PRS Media Equipment – Identifying equipment needed to request for FY 2010 through Regional Office.
- Newsletter - Redesign of program newsletter for publication for January 2010 is in progress.
- NNPSR Website - Working with PRS staff to upload new content to new domain – [www.navajoselfreliance.org](http://www.navajoselfreliance.org).

#### Customer Training:

- Job Skills Training – Continuing effort with Policy, Research and Data Section to complete the Job Skills listing for the Tribal Assistance System (TAS) for the Customer Development Section training.
- Employment Readiness Plan – plans are to include the Subsidized Employment Plan and possibly On-the-Job training.
- Customer Training Plan – Changes of the Pay Card power point and the new Monthly Update Report presentation will be included.
- Building Bridges – continue to work closely with Program Supervisors and Sr. Caseworkers to make smooth transition of needed customer information between the field CDS staff and field staff.
- Subsidized Employment – more meetings will be scheduled with EDS staff to begin preliminary plans of this component.
- Resources of Job Training - working closely with Special Projects and with the CCDF and Head Start Program for possible job placements for work participation activities, OJT and Subsidized employment.

#### Special Projects:

- Establishing Legal Custody Seminar Proposal – Associate Public Information Officer of Public Relations was assigned to take the lead in planning and coordinating this Seminar. The proposal has been developed and approved by Department Manager and the dates have been moved, tentatively, to January 21, 2010.
- Healthy Marriage Conference – Planning meetings have been initiated and a proposal has been drafted and is pending approval.
- Child Care Academy Program - The Professional Service Contract has been finalized and all supporting documents have been collected. NNPSR Finance will be putting the SAS packet together to begin the approval process.

#### Quality Assurance:

- Random Case Reviews - Quality Assurance random case reviews for the 1<sup>st</sup>. quarter are currently being conducted.

#### Chinle Agency:

- UNM Cohort Students - Seven (7) staff are enrolled in UNM Cohort and are on track to achieve a Human Services Certificate.
- New Customers – Sixty (60) new customers served for the quarter.
- Fatherhood Conference – Nineteen (10) NNPSR Customers were escorted to the Fatherhood Conference at Fort McDowell Radisson Resort in October 2009.
- Youth Initiative – College preparation proposal completed for December 2009 and recruitment is in progress with 13 customers committed to attending the event.
- Child Care Academy - Recruitment for the upcoming Child Care Academy continuing with five (5) customers signed up.

- Grand Parents Raising Grandchildren - Recruitment for Establishing Legal Customer Seminar continuing for January 2010.
- School Supplies – Two Hundred and Twenty Eight (228) school supplies currently being distributed to all new customers for their children.

Crownpoint Agency:

- Pending Projects - Currently, due to TAS implementation, projects and resource building is put on hold until we complete the data conversion from case files to system.
- Itinerant Site - Program Supervisor II is working on getting itinerant site in Tohajiilee, Dzilth-Na-O-Dith-Hle, Pueblo Pintado. Reviewing the area for availability of telephone and internet access so the TAS database can be utilized while providing services.

Gallup Agency:

- Communication Lines – Telephone lines are not completed for the Gallup NNPSR.
- School Supplies - Backpack distribution is ongoing for Customers who come in for appointments or to new customers whose children are eligible.

Fort Defiance Agency:

- Vacated Facilities – Meetings being held with Arizona Dept. Economic Security Dept. facility management personnel for vacated facilities in Holbrook, Az., Sanders, Az. And Dilkon, Az.
- Internal Quality Assurance – due to continued audit findings, upon eligibility determination, Caseworkers are completing self corrections on all applications and final case reviews completed by PSII and Caseworker Supervisor.
- Greasewood Sub-Office - is in full service.

Shiprock Agency:

- Informal Hearings - Conducting customer's Informal Hearings.

Monument Valley/Kayenta Agency:

- Youth Conference 2010 – Staff working on Youth Conference planning to be in March 2010.

**Title XIX Long Term Care Services**

- a. ALTCS Enrollment Statistics: The current enrollment for the ALTCS Program is as follows. The ALTCS program has 1,167 members receiving Home and Community Based Services and 251 were in a residential facility for a total case count of 1,418.
- b. Department of Economic Security: The ALTCS Program continues to assist the DES in seeking office space within our local communities. With the current economic downturn, DES has been seeking cost saving alternatives and thereby trying to get out of their building leases. They have closed down Greasewood and TeesNosPos offices and place the staff in other areas where they are able to find rent free space. It is critical we keep these services in our communities as they determine eligibility for financial and medical assistance.
- c. Office Space: The ALTCS Program continues to work on the purchase of modular buildings for the Regional ALTCS Staff. Buildings will be purchased for Ft. Defiance, Chinle and Tuba City and Dilkon ALTCS Programs. A budget had been developed and funds have been transferred into a specific account to be used for the purchase, infrastructure and set up of the buildings.
- d. Chinle Assisted Living Facility: The ALTCS office continues work with Chinle Assisted Living Facility. The facility was completed a couple of years ago. However, due to the changes in administrators, they have not been able to open the facility. The Chinle facility was finally able to obtaining a licensure waiver and should be opening their facility within the next few months. The licensure waiver ensures the collection of their party billing and payments from Arizona Health Care Cost Containment System.
- e. Hoosh Dooh Di To Incorporated (HDDTI): The ALTCS office continues to work with the HDDTI in completing the construction of the Elderly Group Home in Whipporwill, Arizona. HDDTI is working on the second phase of construction on this facility. DSS continues to work with the facility to ensure they meet all standards to ensure the waiver of licensure. This will ensure the collection of third party reimbursements from the Arizona Health Care Cost Containment System.
- f. Navajo Nation Long Term Care Advisory Council : The ALTCS program continues to assist Division of Health with the development of the Division of Elderly Services. The Council has been meeting on monthly basis.

**638 Contract Administration**

- NDSS continued to perform in the fourth year of a five-year '638 social services contract with no break in the social services delivery system. The 5-year '638 contract began January 1, 2006 and ends December 31, 2010.

- The '638 office continues to work with the BIA Central Office on a Pipefitters training for Navajo general assistance employables. 5 Navajo students in May and 5 more are in training in Chicago.
- Fingerprinting and background checks continue to be completed on all '638 staff who come in regular contact with children. Assessments of the background checks were completed on the employees and they were respectively notified whether they were cleared or not.
- All six regional offices, to some degree, are actively implementing the Continuum of Service Model (a case management methodology).
- A training was completed and will continue to occur on a revised reporting format of services rendered. This is critical information for the funding agency and for funding distribution purposes as being made in Washington D. C.
- The Dilkon modular office building is in the final stages and ready for occupancy.
- The '638 department is working with the Office of Indian Energy and Economic Development in Washington D. C. to set up a pilot project for the Chinle Chapter and the intent is to prepare and get GA employables on a job and off general assistance.
- A Memorandum of Understanding was entered between the "638 Social Services General Assistance Program and the Navajo Department of Workforce Development. The intent is to focus on GA recipients to attain training and to secure work placement.
- The '638 department was able to request and receive an additional \$15.0 million in welfare assistance funds from the BIA in response to a "limitation of cost" letter.

### **Chinle Regional Office**

1. '638 Administration:
  - a. Continue staff meetings, provide updates on cases. Set staffing with CMS for case assistance.
  - b. CMS continue attending court hearings, SCAN, and MDTs.
  - c. CMS continue weekly case staffing every Wednesdays.
  - d. CMS continue case staffing for RTC placement with Acting PSW.
  - e. AIHC workers continue to provide in-home services to clients. Program continues to receive referrals.
  - f. Continue working with clients; December-20 dependency court hearing, 1 of 5 guardianship cases were granted, no custody hearing granted, and 1 adoption was granted. November-23 dependency court hearing, 1 of 8 guardianship cases were granted and 1 custody hearing but none granted; 1 adoption was granted. October: 26 dependency court hearing, 2 of 9 guardianship cases were granted and no custody hearings.
  - g. CMS and AIHC are encouraged to work together, ex. Making home visits for re-certification, so the client knows who and what to expect.
2. Protective Services:
  - a. Continue protective services for children, adult and elders, those clients requesting for services.
  - b. Staff assisting with community effort with Christmas donation for people that are in need.
  - c. Vehicles are being maintained and serviced.
  - d. CPS and APS investigation and assessments are addressed immediately.
  - e. Protective services continues to utilize court intervention and foster case placement to provide safety and protection.
  - f. Referrals are being made to appropriate services for clients.
  - g. Dr. Gomes of Chinle IHS will be assisting FSU-CPS in writing a grant to obtain an SUV vehicle. She is requesting statistics on varies child abuses reported.
3. Family Financial Services Unit
  - a. Community Services Block Grant PL 105-285 FY 2010.
    - Provide financial assistance to low-income families to become self-sufficient through various services and utilizing the National Poverty Guideline for eligibility.
  - b. Low Income Home Energy Assistance Program PL 105-285 FY 2010.
    - Provide financial assistance to assist eligible families to repair/weatherize for a warm/energy efficient home. Priority is given to elderly, low income and physically challenged individuals.
4. Family Violence Prevention Services:
  - a. CIS will continue to work toward program goals and objectives as outlined in the funding plans.

- b. CIS will continue to provide presentations relating to Prevention Education and Awareness, overview of NDSS program and services, set up information booths, educate on Self Empowerment, Dysfunctional Families and Dine Parenting and Childrearing.
  - c. CIS will continue to collaborate with local resources, schools and chapters.
5. Promoting Safe & Stable Families:
- a. CMS-Continue attending case staffing and staff meetings with Family Services Unit.
  - b. CMS-Case consultations are done on Wednesdays with the Family Services Unit CMS and it is working quite well thus far.
  - c. CMS-Case transfers are done with recommendations for PSSF program services. CMS are slowly sending referrals, which are incomplete at times. As mentioned by the Block Grant Director, referrals lacking documents required, it should be denied for services until all documents are attached. Nonetheless, services are being provided with some progress.

### **Eastern Navajo Regional Office**

Recruitment to fill six (06) key vacant positions within the Program is ongoing for a Sr. Information Systems Technician (SIST), Social Worker (SW), Sr. Social Worker (SSW), Principal Social Service Representative (PSSR), and two Sr. Case Workers for the FFAU.

The Family Violence Prevention program is continuing to promote and enhance community public awareness and prevention of family violence on Navajo children and families through community outreach and education activities at local communities, schools, and other special activities and campaigns. This quarter (7) presentations were given at chapter health fairs and school prevention awareness activities. The Community Involvement Specialist has been assisting with transporting of children for the Family Services Unit and assisting with presentations at the TIV-B/PSSF Parenting Skills Classes.

The Youth Home provided services to 26 youths this first quarter. Most of the residents were able to spend time with family during the Thanksgiving holiday. Currently there are no clients for December. Students received tutoring services from the Gallup McKinley County Schools twice a week which has helped with completion of homework.

The Adult In-Home Care (638) Program provided monthly services to an average of 81 clients per month and received (18) new referrals this quarter.

The Family Financial Assistance Unit Low Income Home Energy Assistance Program (LIHEAP) received its funding in early December 2009. They started assisting families with wood, coal and propane for the winter months. This quarter a total of 214 individuals have been assisted with wood/coal; propane; electric payment assistance; and natural gas assistance. Additional applications have been processed indicating higher number assisted.

### **Fort Defiance Regional Office**

#### **Ft. Defiance Regional Administration:**

- To increase staff morale, cook-out luncheon is scheduled on monthly basis.
- On-going Social Work Connection meeting where resources such as DBHS, Veterans Office, etc. provides information on programs. With on-going meetings, we hope to improve coordination of services for clients and other programs.
- FSU continues to participate in the Criminal Justice Meeting to discuss concerns and improve our working relationship with the Prosecutor's Office and Courts.

- **Adult In-Home Care Program**

- There are no pending on-going projects, initiatives or COA's with the Adult In-Home Care Program.

- **Ft. Defiance Arizona Long Term Care Program:**

- On going case reviews and home visits.
- Our office conducts staff meeting on a biweekly basis, and case staffing as needed.

- **Dilkon Family Service Unit**

#### **Intake and Protective Services, Specialty Services and 638-Case Management Services:**

- COSM compliance is continually addressed daily to ensure that consumers receive quality services and that staff continually strive to remain in compliance. Staff is continually recommended for various trainings to improve their overall knowledge base in their scope of work, working with the community, working with colleagues, and for overall self improvement. With the potential lay-off situation, the COSM has been

disrupted but the region administration will conscientiously address it in January to assure compliance with all three (3) Family Service Units.

- CPS Staff continue to complete Monthly Measures and provide PS pre packets to all consumers. New incoming CPS consumers complete a satisfactory survey.

- **Dilkon Arizona Long Term Care Program:**

- The supervisor plans to start a monthly staffing if time permits for 30 minutes to 1 hour. In addition, seeking out other options for training space and training for the staff.

#### Financial Services

#### Administration

Executive Office is responsible for the completion of this list for the Division

- Fort Defiance & Dilkon Financial Assistance Unit (FAU)

#### General Assistance

- I. Pauline John, Casework Supervisor has accepted the responsibility of supervising the Regional Family Financial Department. Thus far, she has made tremendous strides in identifying service issues and concerns.

She has attended Program Manager's meetings, individual staff conferences, and training to improve coordination of services for clients and other resources.

#### Miscellaneous Assistance

Currently there is nothing is planned to initiate any changes in Miscellaneous Assistance..

#### Low Income Home Energy Assistance

Fort Defiance is in receipt of a new allotment and applications are being accepted. Otherwise, there is nothing planned to initiate any changes in LIHEAP Assistance for now.

- Ganado Family Services Unit:

- TXX staff continues to coordinate forensic interviews with the Federal Bureau of Investigation. Forensic interview for children have been completed within a shorter time limit than before. The FBI is a strong voice for children in our multidisciplinary team meetings. CPS staff has been able to coordinate services with Greasewood community school, law enforcement, Sage Hospital Behavioral Health, and Fort Defiance IHS.
- Coordination with Sage Counseling department remains strong. Clients are referred by case managers for therapy and substance abuse services.
- Coordination with the schools also remains strong. The counselor's are responsive to CPS workers need to interview children.
- Since the change in Chief Prosecutor, our coordination with the prosecutor and presenting officers has been improved. Acting supervisor attended meeting with chief prosecutor and other entities to improve coordination regarding cases we work on together.
- Due to one CPS worker being on unauthorized extended leave, one CPS worker was inundated with assignments and nearly burned out. This resulted in the coordination of services within the GFSU and COSM had to be put aside.

- Family Violence Program:

1. Nothing is planned to initiate any changes in Family Violence Program for now.

- Shandiin Home for Youth:

The Youth Home was granted NAHASDA funds for FY2001 and FY2002 for the pre-engineering and construction phase of a youth home facility. Progress has been stalled for the pre-engineering phase. At the present time, about 78% of the pre-engineering phase is completed. Funding from both grant years were recaptured by the Navajo Housing Authority though no formal letter was received from NHA. The project had been reassigned to the Construction Services Division/Navajo Housing Authority because of the lack of progress but since the reassignment no progress took place. Ralph Atcitty, Planner, DSS was assisting the Youth Home with project planning but has since been transferred to another Program.

### **Shiprock Regional Office**

- A. Child Protection Team (CPT) meets the second Wednesday of every month in Shiprock and second one in Blanding, Utah the first Wednesday of every month. One CPS staff conducts the Shiprock CPT meetings. One CPS Staff member participates in the Utah CPT meetings for children's cases that involve residents of Utah and the Utah agencies. Specific cases are reviewed at these meetings.
- B. One Case management Specialist facilitates the monthly Foster Care Review Board meetings. Currently we have ten licensed foster homes and new applicants are in process of for certification. Foster home recruitment and retention is a continuous process with scheduled meetings, training and assistance with technical questions raised by the foster parents and the social workers who place children in the home.
- C. Adult Protective Services holds a monthly coordination of services and case staffing the 3<sup>rd</sup> Friday with local services providers. Major issue continues to be adults who refuse services.
- D. The Domestic Violence Prevention staff members continue to provide a monthly education for court ordered and volunteers who need training on symptoms of domestic violence.
- E. Three staff members are assigned to participate in three '638 Program improvement teams.
- F. We initiated an affirmative collaboration with the Peacemaker Program as an alternative to the regular court processes. Referrals continue as each worker assesses each case.
- G. We continue to participate with the National initiative on Collaboration of service providers.

### **Western Navajo Regional Office**

- WNRO continue to do intakes for Citizen Energy Corporation (CEC) energy assistance program. Currently, there is enough applications to deplete the funds; however, the contract with CEC specifics that we pay vendors for utilities and wood/coal. The hang up now is applicants getting wood/coal vendors. Applicants are not submitting names and information on wood/coal vendors. Some of the CEC applications will be outdated. We have received FY 2010 LIHEAP and CSBG allocations. Intake has been implemented.
- Regional Director and representatives will continue to participate in the '638 Contracts Administration Department meetings and work group meetings to continue to participate in Arizona and Utah IGA meetings, Quarterly PSSF staff meetings, Quarterly NDSS Department of Workforce Development MOU Meeting and other coordination meetings with various programs.

## **V. STATUS OF ACTION PLAN (A, B and C lists)**

### **Executive Administration / Accounting Section**

The NDSS continues to promote the seven plans established for all Programs.

### **Block Grants & Special Projects**

Title IV-E Specialist priority will be devoted to the Title IV-E Development Grants and the Title IV-E Plan. When the development grant is approved more time will be provided to the goals and objective to prepare NNDSS readiness to implement the IV-E program.

The next title IVE teleconference is scheduled for January 7th, 2010. The Children's Bureau will be hosting an IV-E meeting in Washington DC for tribes that were awarded the development grants, NDSS plans to attend this meeting.

### **Child Care & Development Fund**

No response provided.

### **Developmental Disabilities**

Not applicable.

### **Dine for Our Children**

The DOC will develop plans as appropriate to respond to the A, B and C list.

### **MIS**

No response provided.

### **Navajo Children & Family Services**

The program's seven (7) action items listed in the overall Division of Social Services Action Plan are as follows:

- A. Communication – The program has identified with staff areas of needed improvement and has initiated the change in practice. The on-going initiative will continue throughout 2010.
- B. Compliance and Accountability – The program has initiated the accountability of P-Card usage by staff by setting guidelines for monthly usage in terms of staying within the per diem limits of their travel.
- C. Core Training – The PD and supervisors still have yet to develop IDPs for staff. This is an on-going initiative for the program. The PD and the supervisors will meet in January to begin the developments of the IDPs.
- D. Enhancing Independence and Self Sufficiency – The PD still has yet to complete the format in developing the format for the community resource for clients.
- E. Management Information System – The PD has met with the DSS MIS personnel and has an understanding that the new MIS connectivity involves all DSS programs. The Division's internet connectivity has been developed within the past 60 days, therefore allowing the program to have their internet connection and begin working towards the program's website development.
- F. Program Coordination and Collaboration – The program has continued to conduct cross-trainings with Division programs and state and private agencies on program operations and recruitment of adoptive homes on and off the Navajo reservation. This activity is on-going as it is stated in the program's Plan of Operation in both the 638, ICWA Annual Contract and the Title IV-B, APSS Annual contract.
- G. Quality Services – This action and objective is an on-going program initiative throughout the year. The program will continue to analyze the service delivery and make changes where necessary to meet the needs of the clientele.

### **Navajo School Clothing Program**

No response provided.

### **Navajo Treatment Center for Children & Their Families**

To be submitted by the Division.

### **Program for Self-Reliance**

#### Policy Research/Data:

- Currently revising the MIS and PRD Action Plans in accordance with the Goals and Objectives outlined in the new Tribal Family Assistance Plan.

#### Special Projects:

- Initiatives - Special Projects will initiate two proposed plan on needs assessments of customers for Focus Group Meetings.

#### Quality Assurance:

- Corrective Action Plan - QA personnel met with the Monument Valley Staff to discuss the number of discrepancy findings in cash assistance and work participation. The Case Management specialist will continue to monitor the progress being made with their corrective action plan.

#### Chinle:

- Computer Resource Room - Customer computer rooms have not been populated with computers; work order request pending with MIS.
- G.E.D. Classes - Northland Pioneer College still conducting classes at the Chinle PSR Office.

#### Gallup:

- Customer Training - NNPSR Gallup Office and NN Social Services Family Violence Program have agreed to provide an opportunity to attend a six week parenting training one on one with customers regarding Parenting Trainings.
- Sub Leasing Office Space - Three (3) Navajo Nation programs: Navajo Department of Workforce Development, Navajo Nation Social Services Family Violence Program and NN Office of Special Education and Rehabilitation Services are in collaboration regarding sub-leasing office space from Gallup NNPSR, pending agreements.

#### Shiprock:

- Monthly Case Reviews - Program Supervisor II (Acting) to complete 30 cases for review for October, November, and December 2009.
- Action Plan Measures Reporting - will be completed for the months of October, November, December, 2009.

### **Title XIX Long Term Care Services**

Not applicable.

### **638 Contract Administration**

No response received.

### **Chinle Regional Office**

1. Protective Services:
  - a. Collaboration with other services units is maintained.
  - b. Community Involvement Specialist is staging mini conferences and educating on Domestic Violence and Child Abuse Prevention to the local community.
  - c. Protective services tries to respond to Priority I & II child abuse and elder protection.
  - d. The court has four or five cases pending for shelter hearing and judicatory hearing. A better collaboration has been established with the court with the new judge, Judge Cindy Thompson. Workers expressions and concerns regarding cases have been considered by the Judge.
  - e. After the protection services are completed, cases are referred to Case Management Services for further client services, case plan.
  - f. Anticipating on providing culturally value based counseling with clients at the initial contact before further services are provided. We have noticed that when this type of counseling is provided before referral is made, the parents or caretaker are more focused on their initiative on working with the Case Manager or people involved.
2. Family Financial Services Unit:
  - a. Continue to provide Financial Assistance to low-income families and increase self-sufficiency as defined in the 25 CFR 20.301.
  - b. Continue to provide one-time CSBG assistance to provide for hardship.
  - c. Continue to provide LIHEAP assistance to low-income families for heating, propane, ECIP, and Weatherization. Prioritizing to assist elderly, handicap and low-income families.
  - d. Continue to provide assistance according to Program Guideline that established.
3. Family Violence Prevention Services:
  - a. On-going collaboration efforts with community entities.
  - b. Continue to work toward program goals and objectives.
4. Promoting Safe & Stable Families:
  - a. CMS-Continue to collaborate and coordinate with the Family Services Unit CMS to advocate for referrals. On-going day-to-day.
  - b. PSW-Overview of PSSF Program services processes for better understanding and implementation.

- c. PSW-Home visits are standing order to continue in-home parenting skills sessions (western society and Dine' traditional teaching) on a weekly basis at a minimum of 1 hour per session.
- d. PSW-collaborate closely with referring sources for continuum of services for clients.

### **Eastern Navajo Regional Office**

Not applicable.

### **Fort Defiance Regional Office**

- Ft. Defiance Regional Administration:
  1. When approved move ALTCS & Financial Program into vacated BIA building.
  2. Plan for FY 2010 1<sup>st</sup> Quarter staff meeting.
  3. Update all of Program Manager's EPAF.
  4. Reconcile all of statistical data and reports.
  5. Continuous assessment on the Southwest Region transition into Ft. Defiance Region.

- Adult In-Home Care Program:

Continue to provide In-Home Care services to eligible individuals who are at risk of institutionalization due to economic, physical or psychosocial reasons. To keep the individuals in their own home, to increase or maintain self-sufficiency by teaching individual daily living skills. To enhance the quality of life to the individuals who are unable to perform to perform essential activities of daily living.

- Ft. Defiance Arizona Long Term Care Services:
- Our office allows new Home Care Agencies to do their Home Care Program presentation during our staff meeting. Home Care providers are invited if their client(s) need case staffing.
- Our office works closely with Ft. Defiance Indian Health Services for referrals on ALTCS members for home modification, walk in shower w/grab, and wheelchair. Case Manager implements doctor's prescription, by sending out quotes to two or three vendors. Once quotes received, Case Manager sends these on to Phoenix State AHCCCS for approval.
- Attend AHCCCS quarterly meetings in Phoenix for updates, follow ups, and information that impacts members served.
- Ft. Defiance Family Services Unit: Nothing to report.
- Fort Defiance & Dilkon Financial Assistance Unit (FAU):
  - To enhance the General Assistance and Community Service Block Grant consumers to pursue further education and trainings to become self-sufficient.
  - To obtain employment future stability.
- Ganado Family Services Unit: Nothing to report
- Family Violence Program: Nothing to report
- Shandiin Home for Youth:

Continue to provide shelter, care, recreational activities, transportation, counseling, guidance, supervision and referral services to the female adolescents placed with the Youth Home Program.

- Dilkon Family Service Unit
- Dilkon Arizona Long Term Care Service:

The Supervisor will continue to review/audit the ALTCS Unit to increase the ability of their skills to maintain their files and keep their appointments with their clientele.

### **Shiprock Regional Office**

A. The Regional and Unit Annual Plans. Emphasis is on monitoring of cases and improvement with community educations that emphasize empowerment of individuals and communities.

B. The Annual Plan includes (1) regular reviews (audits) of case records; (2) compliance with staff performance appraisals; (3) monitoring of budgeting and expenditure patterns; (4) scheduling and participating in public educations in the communities is used to monitor the overall regional performance. The Performance Improvement Initiatives focus on improving effective and efficient intake, investigations and assessment of cases with emphasis on compliance and program enhancements.

C. Annual plan includes diverse means to provide community education but the emphasis remains on preventions of abuse through parent-child relationship skill development and community awareness about evolving social disruptions. Staff members are aware of and alerted to increasing number of domestic violence cases, the impact of methamphetamine problems on young mothers, new-born infants and young children. The plan incorporates traditional values into the community education.

#### **Western Navajo Regional Office**

- Regional Director has been involved in meeting regarding reorganization due to elimination of former Southwest Regional Office administration; transition plan development is currently underway and being updated with additional information received from out meetings. On December 16, 2009 Fort Defiance Regional Office Director and Western's Regional Director met with Leupp Chapter officials to re-negotiate Office Lease Agreement. For WNRO office lease agreement, it will be effective March 1, 2020.
- We are in full swing in the implementation of fiscal year 2010 LIHEAP and CSBG. We continue to do intakes for Citizen Energy Corporation energy assistance with expires in December 31, 2009.
- Tuba City Chapter officials never negotiated with the Arizona Public Service to contract for utility payments and weatherization assistances. Thus, we are awaiting new allotments.

## **VI. OUTSTANDING PROGRAM ISSUES**

#### **Executive / Accounting Office**

The NDSS continues to promote direct services as priority throughout all its programs.

The NDSS continues to find alternative means for compensating staff whom provide CPS duties and responsibilities throughout the Regions. In collaboration with the Department of Personnel Management, the FLSA Exempt status may change to permit payment for services.

The NDSS continues to experience difficulties in its IT services throughout the programs.

#### **Block Grants & Special Projects**

Due to the new legislation "Fostering Connections to Success to Increasing Adoption Act of 2008" negotiation with the State of Utah on the Title IVE Initiative continues to be placed on hold.

Late submittal of statistical and data reporting continues to be a problem for the TXX contracts. Reports are not received in a timely manner and greatly endangers NDSS's continued funding. Reports are submitted late to the funding agency.

The Contract Analyst position responsible for the Title XX contracts and the MSPI had been vacated on November 16, 2009.

#### **Child Care & Development Fund**

No response submitted.

### **Developmental Disabilities**

No response submitted.

### **Dine for Our Children**

This quarter there are no outstanding program issues to report.

### **MIS**

As mentioned in section II. a. of this report, it was stated that budgeted funds are needed to complete fundamental information technology needs of the data center. MIS is waiting for funds to become available to implement the listed projects.

- a. The MIS department needs consultant funds to complete projects with its infrastructure rebuilding. Projects such as, the UPS installation which requires a professional electrician and technical cabling expertise. Installation of the Cisco Core 4510 and cabling for the central DSS office.
- b. Budget FY 2010 has a permanent Principal Information Technician position budgeted for, but is awaiting approval to utilize those dollars.

### **Navajo Children & Family Services**

None at this time.

### **Navajo School Clothing Program**

No response provided.

### **Navajo Treatment Center for Children & Their Families**

Family Therapist positions are difficult to fill. Therefore, the program advertises the position(s) as depending upon experience (DOE) and open until filled (OUF).

### **Program for Self Reliance**

#### **Finance:**

- **Fixed IDC Rate** - Negotiation with NBC to identify a fixed IDC rate is still pending based on following. In previous fiscal year, the OMB issued notice to the external funded programs to calculate in their budgets an Indirect Cost (IDC) rate of approximately 9% and within the same FY, the external funded programs were directed to recalculate their IDC at the provisional rate of 21.6%. The external funded programs are still using the provisional rate of 21.6%.

- **Office Space** - The need for new facilities (office space) at all PSR Field and sub-office locations for staff and equipment/property.

#### **Public Relations:**

- **Equipment** – Media equipment needed is pending for FY 2010.

#### **Chinle:**

- **Vacant Positions** – Several positions are still pending advertisement and filling.
- **NNPSR Network System** – System failures have caused a delay in meeting timelines on entering data into TAS.

#### **Gallup:**

- Gallup staff travel daily for internet TAS entries at the Central PSR Office. Although this is helpful, travel time takes away from the staff where more case management can be completed.

- **Limited Services** - Due to limited electronic communication (limited internet, no phones, no fax), ongoing daily/weekly travel for TAS entries, with regular appointments still scheduled for customers, Gallup is experiencing lack of customer services.
  - **Customer Incentives** - Incentives submitted to Recovery Services/Policy Section for gift cards have not been approved, therefore incentives requested are still pending for customers to pick up gift cards.
- Monument Valley/Aneth Office:**
- Monument Valley Office is experiencing problems with DSL lines; need TI lines to complete TAS entries. Staff has been traveling to Kayenta Office to complete tasks.

## **Title XIX Long Term Care Services**

Navajo Nation Home Care Providers – The ALTCS Program continues to work with Home Care Providers in providing various meetings to disseminate information. Although we cannot solve all the problems, if we open up lines of communication, and education by providing them with information, we are hopeful we can develop a better working relationship with them.

### **638 Contract Administration**

- a. Implementing the COSM: continues in a transition phases from region to region.
- b. Follow up on the 2007 Single Audit corrective action plans for compliance.
- c. MIS developments continue to be challenges to the Division.

### **Chinle Regional Office**

1. Protective Services:
  - a. Appropriate vehicles for CPS delivery services.
  - b. More Funding.
  - c. Lack of adequate supplies.
  - d. Several staff members have considered the Special Retirement Packets and replacement is an issue.
2. Family Financial Services Unit:
  - a. For the past 15 months, the Program was temporarily assigned to utilize the Chinle Valley School-Long Term Care Program's conference room to provide financial services to clients. The room measures approximately 562 square foot; it is currently holding 5 Senior Case Worker, a Secretary and the Program Supervisor and clients to perform reviews and intake. Workers are literally working shoulder to shoulder violating client's confidentiality. The office space is inadequate and very unprofessional; there are no desks and no individual telephone lines. It is frustration for the staff and clients to work in this manner. This concern is repeatedly expressed to the Regional Director, however the situation remains the same.
3. Family Violence Prevention Services:
  - a. CIS-needs a new laptop and power point projector.
  - b. CIS-There is no conference room to host mini conferences for the general public and clients.
  - c. VWA-Problem with respondent not being served for those client's that filed for TPO. Once, client received at letter requesting for respondent's address although it is not petitioner's responsibility to be seeking for addresses due to safety. These types of issues could be addressed at the NNACADV and Process Serving Task Force meetings. The Task Force recommends remedies for problems, barriers, complaints and concerns of victims of crimes they are encountering. R: Allow advocate to attend these meetings so they it could be shared/addressed with the Courts, Law Enforcement, Prosecutors, and Judges without any red tape with travel request and TA issues.
  - d. VWA-Lack of funding for operational costs limits achieving goals and objectives.
  - e. VWA-Would benefit training on case management.
4. Promoting Safe & Stable Families:
  - a. PSW-Lack of required documents for referrals, seems to be an on-going issue.
  - b. PSW-Lack or missing information regarding specific location of homes on referrals.
  - c. PSW-lack of coordination, team work within the Division.

### **Eastern Navajo Regional Office**

With the fulfillment of six key positions, the need for larger office space for the Family Service Unit staff in Crownpoint and Gallup is urgent. The ENRO Administration is pursuing alternative office sites. The FFAU Tohajiilee sub-office located within the chapter house does not have proper heating. The chapter officials and council delegates have been informed about these deficiencies but no response.

#### **Fort Defiance Regional Office**

No response submitted.

#### **Shiprock Regional Office**

- A. Program data collection remains an issue. We support the proposed changes initiated by the '638 Contingency Planning Group to improve data collection but we fear much work remains before it is fully automated. Each staff member maintains his/her own manual count. Staff members still raise questions about the Manual Data Collection form.
- B. Proposed Case Audit forms: we are using the proposed Review Forms but have questions about the usefulness. The questions on the review forms merge issues related to audits with those related to program/case service issues. We recommend improvements.
- C. Child Protection Services continue to work against high and unrealistic public expectations. Referral sources expect quick fix services to resolve family disputes that have been developing for years. We have run-away mothers and strings of unknown fathers - we have babies and children without care and nurturing caretakers. Our workers are placed in a position to assess these situations quickly, often with minimal data and information. The issues are not new but the volume of reports are increasing at an alarming rate and frightening in light of decreasing funds and eminent budget cuts that directly impact the number of staff who are qualified and able to do the required work.

#### **Western Navajo Regional Office**

We need to timely amend the Citizan Energy Corporation (CEC) contract. Payments directly to wood vendors is creating bottleneck in getting people timely assisted.

WNRO entered into an IGA for Title IV-E nearly three years ago, but still do not have a single eligible case. Supervisory Principal Social Worker obtained temporary pin numbers, issued fobs and provided website for online data security training in January 2009 but none of the case managers have completed the required course to become certified. It appears that CMS are not motivated to do the extra work resulting in NDSS losing opportunity for reimbursement for foster care cost. We have ten children paid out of home care this month and nineteen unlicensed relative hours.

## **VII. PROBLEMS AND RECOMMENDATIONS**

### **Executive Administration / Accounting Section**

The NDSS is experiencing overwhelming telephone calls concerning date as to when financial assistance checks were issued. Recommendation: All caseworkers stress the processes of how a check is issued to their clientele.

### **Block Grants and Special Projects**

The BG & SP Department will continue to work with the Executive Office, 638' Contract Administration, Management Information System (MIS) and other departments to resolve and streamline our activities.

BGSP recommends we need to continue to meet with NDSS/Central Office Dept. Directors and supervisors to address realigning and streamlining administration.

BGSP recommends that Central Accounting staff meet with Regional Accountants monthly to reconcile fiscal records/activities to ensure expenditures.

There continues to be delays in obtaining statistical data from certain NDSS regional offices. These delays cause inaccurate reporting to the state agency and federal.

All temporary LIHEAP workers should be oriented on the program by BGSP and their Region to eliminate confusion in interpretation.

### **Child Care & Development Fund**

No response submitted.

### **Developmental Disabilities**

No response submitted.

### **Dine for Our Children**

No outstanding program issues to report.

### **MIS**

Problem: MIS is currently looking at adding an unbudgeted position for a Network Specialist position is in being planned for. The funding of the position is in question and is not being supported by some programs.

- a. With the merge of Southwest and Fort Defiance regional offices taking place. The question of the technician is in question. Whether, to keep the technician in Fort Defiance and Southwest, or Riff one of the positions, or move one of the positions to the central location? The regional director of Fort Defiance has been out of the office and a final executive decision still remains to be made.

Recommended Resolution:

- a. Funding needs to be found in order to full move forward on the Network Specialist position.
- b. Meet with Fort Defiance regional director and ASO from central to get a final decision on funding and position location.

### **Navajo Children and Family Services**

None to report at this time.

### **Navajo School Clothing Program**

Problem: continue to need a larger storage facility or a warehouse nearby.

Recommended Resolution: continue to search for resources.

### **Navajo Treatment Center for Children & Their Families**

NTCCF recommends program to remain centralized as specialized treatment of trauma and substance abuse.

### **Program for Self-Reliance**

Human Resources:

- NNPSR Job Vacancy Announcements - There has been an on-going problem and/or concern regarding the recruitment of qualified individuals for the two (2) vacant positions of Programs & Projects Specialist with the NNPSR. Although these positions have been continuously advertised through the NN Job Vacancy Announcements as Open Until Filled, the referral process has been slow. Therefore, a recommendation to address this situation is to

recruit in-house with interested NNPSR employees that meet the minimum qualifications for the Programs & Projects Specialist position.

Quality Assurance:

- The number of caseload is increasing at all the field office. Based on the first quarterly random review by Quality Assurance, the number of discrepancy findings has increased and as result recommending that the NNPSR request for an audit waiver due to the number of months the program focused on converting to the TAS System.

Chinle Agency:

- Customer Increase - Increase in caseloads continuing at both offices, including sub-office, and additional positions had been requested (Senior Caseworkers/Caseworkers) via Position Clarification Questionnaire (PCQ) through DPM process.
- Additional Staff - One permanent Senior Caseworker hired for Chinle office and a Temporary Senior Caseworker hired in December 2009; however, they need training on case management process.
- Network System – Due to system failure, our recommendation is to place servers at designated sites; and upload and program system to back up on a daily basis. Therefore, connections to the server will continue if the internet is out of service, which will minimize services on populating data into TAS.

Gallup:

- Pending Incentives - Request decreasing time in reviewing and approving Incentive Awards for High Academic, Honor Roll, etc... We have students who are still waiting for their awards from previous school year.
- TAS Software - Since CWA will no longer be used January 2010, Gallup NNPSR needs the assistance of MIS to download TAS software ASAP.

Shiprock Agency:

- Case Loads - Shiprock Field Office increased case loads and doubled. Additional office space and additional employees will be needed.

Monument Valley/Aneth Offices:

- Communication - Wireless/TI line internet is needed for Monument Valley Office to be successful in TAS software implementation.

Special Projects:

- Barriers of Special Projects - Special Projects would like to pursue many projects and program; however, limited on staff. It is time consuming to receive qualified applicants through the Navajo Nation Department of Personnel Management (NNDPM) due to applicants that are deemed not qualified through the NNDPM. Solution to assist with current project, the Special Projects Section will be doing an in-house advertisement for possible promotion or transfer.

**638 Contract Administration**

- a. Reporting of statistical data to the funding agency is a significant and serious concern. The reporting is directly tied to the Division's MIS department and there continues to be lapses in reporting that result in incomplete data reporting. The program had to resort to manual reporting which should not be the case in this age of advanced IT.
- b. Adequate office space at some of the regions continue to be acutely limited.
- c. Adequate administration funding to support the "need" for case managers continues to hamper service delivery efforts in terms of caseloads.
- d. There are still challenges in locating storage space for '638 inactive files.

RECOMMENDATIONS:

There is a need to staff the Division's MIS department so that adequate programming can occur, especially in the area of statistical reporting. Numbers are very important at the federal government Washington D. C. level.

There is continued need to train and re-train social services staff on the scope of the '638 social services manual.

There is a need to tap into opportunities and resources of the American Recovery and Reinvestment Act of 2009.

There is a need to explore resources for adequate office space.

### **Title XIX Long Term Care Services**

Home Care Agencies: The ALTCS Program is working on paperwork to set up a registrar within the Program for home care providers. This will ensure that Agencies that are working with Navajo Nation ATLCS members are registered and the Nation is aware they are providing services. Additionally, the Navajo Nation would have some control over the Agencies by setting parameters to ensure professional business practices.

### **Chinle Regional Office**

1. '638 Administration:
  - a. Two CMS continue to behind on their cases; they are continually encouraged to closed cases that are pending. They continue to lack updates; and deadlines are being ignored.
  - b. Few court reports are being completed, however, they are coming in slow for review usually the day of the hearing; court appearances are being made with court reports.
  - c. Request training for Foster Care, FCRB and FCRB report writing, case plan, court report writing, narrative writing, case-filing, SARF and time management.
  - d. October and November, Kinship Care Services have been slow due to SSSR position being vacant. Acting PSW has been assisting with the certification when there was a need. Several requests were made however they are still pending assessment or assignment.
  - e. December, the Foster Care SSSR position was filled; the new worker has been orientating herself, reading manuals and getting herself involved in the daily activities of the program.
2. Protective Services:
  - a. DSS advocate for more funding for delivery of services.
  - b. Several staff members have considered the Special Retirement Packets and replacement is an issue.
3. Family Financial Services Unit
  - a. Office Space is inadequate.
  - b. Statistics count a continuing concern. R: Re-orientate until accountability is accurate. Suggest we use the chapter printout list for case count.
4. Family Violence Prevention Services:
  - a. CIS-R: all Regional CIS need to work together, collaborate and coordinate as a team and utilize "train the trainers" method to teach goals and objectives relating to family violence.
5. Promoting Safe & Stable Families:
  - a. CMS-Family Services Unit CMS and Supervisor lack knowledge of the PSSF criteria and services for appropriate referrals. R: re-distribute matrix for Specialty Services Programs including PSSF.
  - b. PSW-lack of office equipment: need own printer; currently using co-worker's printer which is an inconvenient at times.

### **Eastern Navajo Regional Office**

There are currently (06) positions vacant within the Eastern Navajo Region. Continuous recruitment for key positions has been on-going; however, the individuals referred have little or no specific program or job knowledge and the positions are ultimately re-advertised.

### **Fort Defiance Regional Office**

#### Ft. Defiance Regional Administration:

Fort Defiance's never-ending search for better office, trailer or modular, for the Ganado Family Services Unit also continues. For years, they too have endured inclimate weatherconditions, rodent and small animal infestation, vandalism, and overcrowded facilities. Three (3) employees continue to occupy two small rooms and two in two other small rooms. There is no worker or client privacy and our staff turnover is high because of the unpleasant working conditions. On an average, the Region is expending an average of \$6,000 per treatment for rodents to protect staff and clients from any effects of Hantavirus. This is money that could be spent on a building. The floorboards are weakening and basically, the building should be condemned. We will continue to search and lobby for

a new building or a safe used one. WE NEED A NEW OFFICE. The Regional Director continues to coordinate with Ralph Atcitty who is currently communicating with the Arizona Legislature for a new building. With the State facing a \$2.1 billion deficit, the likelihood of a new building is asking for a miracle, BUT THEY DO HAPPEN SOMETIMES.

#### Adult In-Home Care Program:

No problems or recommendations to report. All positions with the Program are filled.

#### Ft. Defiance Arizona Long Term Care Services:

- Temporary Case Management Specialist has not been fulfilled.  
Suggestion: Advertise position for full time position emphasis on college degree in social work, psychology, behavioral health or related field.
- Travel Authorization takes too long for approval and case reviews become overdue, sometimes severely past due.  
Suggestion: Case review is continuous routine, implement blanket TA.
- **Lack of direct communication** from the Administrative support staff either verbally or written notices. Often our office is the last to know about these matters on budget, meetings, any internal information that also impact the ALTCS program.  
Suggestion: Provide training in People Skills development, how to be courteous to fellow workers and public; and communication skills.
- Caseload ratio remains above 90% more than what is called for. CMS continues to keep case review updated; yet they still fall behind.  
Suggestion: Advertise for Temporary Case Management soon; open to college student during their breaks.
- TRANSPORTATION: Our office is beginning to experience problem with the 4/4 SUV. It was taken in twice in the month of October.  
Suggestion: Request for a new vehicle through GSA 1) less cost to ALTCS program 2) Quality service 3) Cost effective insurance plan

#### A. New Office Building for the ALTCS Program:

ALTCS program has been sharing office with the administrative staff, and it is a very congested place where there is no privacy (confidentiality) for members when they come in to see their case manager. The building is old, unsafe and fire hazardous by usage of excessive electrical extensions to operate office equipments and heaters. The ALTCS program needs to have its own building with a fenced in property for safety measures and to protect the building and tribal vehicles from vandalism.

Recommendation:

The Navajo Nation to assist in seeking new buildings for all departments/divisions for environmental, health and safety reasons.

#### Ft. Defiance Family Services Unit:

- Regional Director to advocate for a Case Management Specialist position. The one Case Management Specialist, Jennifer Johnson, is overwhelmed with court ordered home studies, CHINS cases, and regular CWA cases.
- Need to meet with Window Rock Family Court Judges about Court Order home study investigations that are being requested within one month and it is not enough time.
- Need of an Intake Worker for the Ft Defiance Office.

#### Fort Defiance & Dilcon Financial Assistance Unit (FAU)

- General Assistance
  - As a Case Worker Supervisor I would greatly appreciate to have a GSA vehicle assigned to me to provide technical assistance and sign documents for Fort Defiance FSU, Ganado FSU and Dilcon FSU offices. Right now I am using difference direct service workers assigned vehicles.
  - As a Case Worker Supervisor I would greatly appreciate to have a cell phone in order for the Financial Assistance Staff and my Supervisor to contact me.
  - Directs Service complaints filed and remedial action taken by NDSS
  - Policy development or legislative amendments
  - Provide suggestions to resolve the concerns
- Ganado Family Services Unit:

audits, assessments, and evaluation to make decisions that impact staffing and services to clients.

Ganado FSU is attempting to maintain in compliance with the professional standards by utilizing the new intake form but MIS is unable to assist with updating the MIS and make the system work. Recommendation: MIS overall to be

updated so our work is more efficient and it is progressing. Greasewood community school needs education in reporting abuse and neglect procedures to proper Navajo Division of Social Services Unit as well as reporting serious incidences to proper tribal, state, and federal law enforcement. Greasewood community school needs education in reporting abuse and neglect procedures to proper Navajo Division of Social Services Unit as well as reporting serious incidences to proper tribal, state, and federal law enforcement. Ganado FSU continues to have problems with lack of office space. Our building is overcrowded and is a fire hazard, per the Ganado Fire Department. **The Fire Department was called due to smoke in the building.** The report was that our building is old and need new ballasts. Recommendations were also made for smoke detectors, carbon monoxide detectors. Fire extinguishers are on order. Both tribal vehicles have high mileage and are consistently in need of repairs. Requested replacement of these vehicles with GSA vehicles which are better maintained. Due to budge constraints, vehicle mileage is not adequate. We only have three reliable vehicles that get over used and some staff are unable to do consistent home visits due to mileage constraints. Ganado Chapter has requested that GFSU pay for their trash disposal. Requests have been made to obtain an invoice to process for payment. Fort Defiance Management had filed concerns regarding leadership that has not been addressed. Quality workers are leaving due to no resolution and state of leadership. Recommendation: NDSS Administration takes active role in the resolution on the concerns filed.

- Family Violence Program:

- Shandiin Home for Youth:

No problems or recommendations to report. All positions with the Youth Home are filled.

- Dilkon Family Service Unit:

- The new modular building currently has a sewer back up and is being addressed. Jerry Freddie, Dilkon Council Delegate stated that he will secure funding for the project and the FSU PSW is currently looking for a qualified worker to complete the project.
- Several Direct Services Staff are reportedly contacting the Central Executive Office and the Ft. Defiance Regional Office with their concerns without consulting or addressing their issues and concerns with the FSU Supervisor. The Region Program Manager II is expected to address these concerns on 12/16/09 when she meets with the FSU Staff.
- There are several past due bills for services such as, sanitation, cell phone, security systems, that needs to be addressed ASAP; the trash bin is full and will not be emptied until we pay our bill.
- There are numerous rumors generated by the current plans of reopening the Leupp Office that continues to add stress to the workers here at the FSU.

- Dilkon Arizona Long Term Care Program:

- The ALTCS Programs requesting for more training on job related issues obtaining to their clientele.
- The ALTCS Program requesting for additional Case Manager.
- All position for CMS is filled.

If you have any questions, please feel free to consult with me at tribal extension 4084. This report is submitted respectively. Thank you.

### **Shiprock Regional Office**

No report submitted.

### **Western Navajo Regional Office**

Kayenta sub-office has been closed since December 14, 2009, at the recommendation of the Office of Safety and Health Administration (OSHA) due to no heating in the office. The heater/cooler combination unit burned out during the week of December 7, 2009. A heater/cooler combination unit has been ordered and received by Facility Maintenance Department in Fort Defiance. Working crew is expected to be out this week to work on installing the unit. We hope to have all staff back in the office next week. Now, they are stationed at the prosecutor's office in Kayenta; other staff are generally out in the field daily, such as the Home Care Workers and direct service staff. Financial Assistance staff are doing intakes at the chapter houses.

NAVAJO  
DIVISION OF TRANSPORTATION



TOM PLATERO  
EXECUTIVE DIRECTOR

FY 2010 - 1ST QUARTERLY REPORT

The Navajo Nation  
**NAVAJO DIVISION OF TRANSPORTATION**  
First Quarterly Report – FY 2010  
(October, November, December, 2009)

**I. PROGRAM INFORMATION:**

Division Executive Director: Tom Platero  
Telephone No: 928-871-6498  
Fax No: 928-871-7987  
Website Address: [www.navajodot.org](http://www.navajodot.org)

Departments:

Capital Projects	Gene Martinez, Senior Program & Project Specialist
Airport Section	Emerson Tracey, Program Supervisor
Technical Support	Francine Bradley, Program Manager I
Archaeologist Section	Lenora Etsitty, Archaeologist
Environmental Section	Jovanna Frank, Environmental Technician
Right of Way Section	Julius Pete, Senior Right-of-Way Agency
Transportation Planning Section	Riley Wilson, Program Manager II
GIS/IT/Survey Section	Lemont Yazzie, Senior GIS Supervisor
Inventory Section	Jonah Begay, GIS Supervisor
Planning Section	Salisa Norstog, Prinicpal Planner
Road Maintenance Section	Roscoe Tsosie, Acting Program Supervisor

**III. SIGNIFICANT ACCOMPLISHMENTS:**

- Navajo DOT, TCDC and the BIA Navajo Regional Office have successfully completed obligation of \$47.26 million in American Recovery and Reinvestment Act of 2009 projects (US 491, N36, N5, N11, N9, N221, and N15). We are now working together to secure unobligated funds from other regions. The prioritization plan for the second round of IRR ARRA funding will be approved by TCDC on January 5, 2010.
- Navajo Division of Transportation successfully sponsored the Navajo Transportation Conference on October 27-29, 2009. After 18 months of planning, the Division staff did an excellent job. The next Navajo Transportation Conference will be in 2011. It is cost prohibitive to have an annual conference. Special thanks to all our event sponsors.
- The \$8 million Navajo Nation contribution to the New Mexico Department of Transportation for US 491 has been completed. It was a difficult process but with the support of many stakeholders, the funds were officially transferred. The Navajo Nation had proposed to transfer \$2 million a year for four years; however, ARRA funding provided all the funds at once.
- Participated in the Hopi Partnership meeting. We have been working to establish a positive working relationship with the Hopis for some time now. The goal is to eventually merge the Navajo and Hopi partnership groups into one cohesive unit.
- The groundbreaking activities for the Pinon and Dilcon road maintenance yards were completed. This project has been in development for over two years. These two yards will be the very first Navajo Division of Transportation yards. Recognition needs to be given to Navajo County for being a successful partner in this historic endeavor. Below is a picture from the Dilcon Groundbreaking festivities:



- Senator Jeff Bingman included \$500,000 for US 491 with the FY 2010 Federal Budget. Senator Bingaman has been a pro-active advocate for this project.
- The Navajo Nation Long Range Transportation plan was approved on December 4, 2009. The project was a joint effort between Navajo DOT and ADOT. Supplemental funding was secured from ADOT to have a consultant work with our Principal Planner. Mrs. Salisa Norstog, Navajo DOT Principal Planner, must be recognized for her exceptional leadership efforts in completing this project.
- Navajo Nation continues to be a partner in the Tribal Transportation Coalition of Land Based Tribes. The Federal Government has made it very difficult for large and small tribes to get an equitable distribution of IRR construction dollars. This Coalition is working to find commonalities so that a “united” request is given to Congress regarding the Transportation Reauthorization within the next 6-12 months. The Obama Administration wants to hold off Reauthorization until after the 2010 elections.
- Successfully navigated a recall of a Cease and Desist order issued by the Bureau of Indian Affairs for Navajo DOT to maintain BIA roads. We are beginning to make an impact on the communities where services can be provided. The difficulty to meet 100% of the needs will be a challenge.
- The Navajo Transportation Complex is now at 90% design. We are working with the Federal Highway Administration to secure the funds for complete construction. Project has been in development for over four years. When it is constructed, it will house all of Navajo DOT as well as conference facilities to accommodate up to 200 participants.
- The first Navajo DOT/TCDC/BIA/NECA Collaboration meeting was held on October 13-14, 2009. Each of these entities contributes to the success of transportation infrastructure on the Navajo Nation. We need to establish open lines of communication so that we all work towards improvement of roads for the Navajo Nation.
- The transition of the Navajo Nation Scenic Byways program will be completed before the end of December. Previously this program had been administered within the Division of Economic Development. Mr. Riley Wilson will be the program manager. The program is an integral part of promoting tourism on the Navajo Nation.
- Navajo DOT promoted our program during the Window Rock and Shiprock Fairs by entering floats in the parade. The float committee should be commended as they won 1<sup>st</sup> prize for Tribal Departments at the Window Rock Fair.

#### **IV. STATUS OF ON-GOING PROJECTS AND INITIATIVES:**

- Fuel Excise Tax/Road Funds – Projects are ongoing. No new projects can be authorized until there is resolution to the “true” outstanding balance between Tax Commission Office, Finance, Office of Management and Budget and Navajo DOT. We will need assistance from the Office of the President/Vice President to get all stakeholders together to resolve this dilemma.
- US 491: Project construction has been suspended for the winter months. Funding continues to be a major issue. Navajo DOT and New Mexico DOT are making every effort to secure additional funding. Total need at this point is roughly \$147 million.
- 93-638 Road Maintenance Program: A preliminary Notice of Intent to Contract has been formally submitted to the Bureau of Indian Affairs. There is no written response yet from the Bureau. It should be noted that the Bureau is extremely busy implementing the ARRA programs.

#### **V. STATUS OF ACTION PLAN/CONDITION(S) OF APPROPRIATION:**

- Formalizing Partnerships: Continue to be an active member of the Navajo DOT/ADOT/BIA/FHWA/Counties Partnership group. Navajo DOT is now championing all task groups so we no longer rely on ADOT. We also participate in the Hopi Partnership group. Navajo DOT has formalized partnerships with external entities. We must now make the transition of establishing partnership teams within the Navajo Nation government.
- Supplemental Funding: Submitted a \$147 million Navajo Nation/New Mexico Department of Transportation grant application to the Federal Highway Administration for TIGER discretionary funding for the remainder of US 491. Over \$52 billion in applications were submitted for roughly \$1.5 billion in available funding.
- Condition(s) of Appropriation:
  - #22: All ARRA clearances for the Bureau of Indian Affairs ARRA projects have been completed. ARRA projects amounting to \$47.26 million in road construction projects are cleared. Completion date by 1<sup>st</sup> Quarter. Project lead: Gene Martinez, Senior Programs and Projects Specialist.
  - #23: Agency Road Committees are holding centrally located meetings. Completion date by 1<sup>st</sup> Quarter. Project lead: Riley Wilson, Program Manager II.

#### **VI. OUTSTANDING ISSUES/RECOMMENDATIONS:**

- FUEL EXCISE TAX FUNDS: Need to get all relevant stake holders together so that we can resolve the predicament of establishing “true” fund balance. The lack of established protocols leaves too many variations in interpreting how the program should be managed.  
RECOMMENDATION: Have joint meeting with all stakeholders to standardize a system for maintaining a daily fund balance.
- NAVAJO NATION CAPITAL PROJECT CONTRACTING: There have been so many changes to the contracting format within the last year. We have had seven parking lot projects on hold status for nearly a year. We support Department of Justice’s efforts to update the contracting process but the delays in making a final decision is greatly impacting our ability to complete projects desperately needed by local Chapters/Communities.  
RECOMMENDATION: Office of the President/Vice President needs to intervene and get all decision-makers to finalize a standardized format for all Capital Projects contracting.

# NAVAJO ENVIRONMENTAL PROTECTION AGENCY



STEPHEN B. ETSITTY  
EXECUTIVE DIRECTOR

FY 2010 - 1ST QUARTERLY REPORT

The Navajo Nation  
**NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY – CRIMINAL ENFORCEMENT DEPARTMENT**  
 First Quarterly Report – FY 2010  
 (October, November, December, 2009)

**Program Information**

Division Executive Director: Stephen B. Etsitty  
 Program Manager: Anderson Harvey, Sergeant  
 Telephone No.: 928-871-7393  
 Fax No: 928-871-7996

**Budget Information**

Office Funding Source	# of Personnel	#of Vehicles	FY 2009 Personnel	FY 2009 Operating	% Used
Enforce General	5	5	5	345,546	15%
Total	5	5	5		

**Accomplishment;**

The Criminal Enforcement Department preventative patrol in the following communities for environmental criminal and other criminal activities.

**Shiprock Agency:** Navajo Agriculture Product Industries, Proposed Desert Rock Site, Nehnahnezad, Beclabito, Red Mesa, Montezuma Creek, Hogback, Horseshoe Canyon, Aneth, Four Corners Tribal Park, Huerfano, Sanostee, Newcomb, Upper Fruitland, Shiprock, Counselor, Little Water, Burnham, Mexican Water, Red Valley/Cove, Buffalo Pass, Sheep Springs, Teec Nos Pos, Cudei, Carson, San Juan River and BHP Coalmine areas.

**Crownpoint Agency:** Standing Rock, Haystack, Tse Ya Toh, Twin Lakes, Mexican Springs, Tohatchi, Casamaro Lake, White Horse, Chilchitah, Little Water, Crownpoint, Standing Rock, Little Water, Tohlakai, Thoreau, Coyote Canyon, Pueblo Pintado, Huerfano, Red Rock Community, Manuelito, Superman Canyon, Mount Powell, Coyote Canyon, Mentmore, Rock Springs and Baca/Prewitt.

**Western Agency:** Grand Falls, Copper mine, Gray Mountain Community, Leupp, Sand Springs, Cameron, Cactus Valley, Moenavi Valley, Elephant Feet, Red Lake, Bitter Springs, Coal Mine Canyon, Shonto, Tonalea Lake, Lechee, Cider Ridge, Kayenta, Monument Valley, Black Mesa, Peabody Coal Mine, Copper Mine, Tsegi Canyon, Navajo National Monument, Navajo Mountain, Wildcat Peak, Newspaper Rock, Oljatoh and Tuba City community.

**Fort Defiance Agency:** Whitecone community, Grease Wood community, Dilkon, Sebi Delkai, Ganado, Sawmill Community, Toyei Community, St. Micheals, Hunters Point, Oak Springs, Pinedale, Navajo community, New Lands, Sanders, Querno Canyon, Klagetoh, Wide Ruins, Ganado, Wood Springs, Steamboat, Black Soil Road, Houck, Querino Canyon, Chambers, Sanders, Leupp, Fluted Rock, Burnside, Kinlichee, Crystal, Narbona Pass, Window Rock, Summit and Fort Defiance community.

**Chinle Agency:** Pinon, Tselani/Cottonwood Community, Black Mountain, Balakai Mesa, Blue Gap, Whippoorwell, Low Mountain, Smoke Signal, Cow Springs Canyon, Forest Lake, Tsaile, Dinnebito, Rough Rock, Rock Point, Fluted Rock, Round Rock, Chinle Wash, Nazlini, Nazlini Wash, Canyon De Chelly NPS, Kitsillie community, West of Chinle, Many Farms, Old Valley Store, Tsaile Ram Pasture, Spider Rock Community.

**Investigations/Activities**

NNEPA-Criminal Enforcement Department activities include criminal investigations, patrols; assistance; arrest and presentations totaled one hundred eighty (180) case log activities. Four (4) cases are still pending follow up investigations, Notice of Violations response, interviews and judicial adjudications, persecution reviews, filing of criminal complaints. Six (06) Environmental laws and regulation presentations were conducted at Schools, Chapters, and Community activities. Twenty five (25) cases have been resolved, adjudicated in tribal court, field contact corrective clean up measures, compliance with Notice of Violations, or closed with lack of substantial information, assistance to other tribal, Federal and State agencies and or law enforcement agencies.

NNEPA-Criminal Enforcement Department received a complaint from Kayenta District Navajo Police and Navajo Tribal Utility Authority reference to eighty four 55-Gallon drums containing asphalt stacked along a county road and over a NTUA waterline at Oljatoh, Utah. Upon investigation, we found a local residence had purchased the eighty four 55-gallon drums and additional three hundred and twenty three 55-gallon drums containing asphalt to be used to pave a driveway to the owner's residence. Case is pending further environmental assessment concerns, storage of large amount of drums and business site lease.

NNEPA-CED investigated a complaint of illegal dumping of used petroleum waste disposal south of Gallup, NM, at a trucking company. The matter was investigated and determined the trucking company was legal and a small amount of ground contamination was found and that all maintenance on the semi-tractors was completed at a proper oil change service in Gallup, NM. Case was also determined to result from personal matters between neighbors.

NNEPA-CED received a complaint from Dilkon NDPS of a petroleum spill at the Lower Greasewood Store. It was reported over 75-Gallons had leaked from a fuel line during the petroleum delivery to storage tanks. Investigations determine a gasoline customer had accidentally driven over the fuel line and only about 10-gallons had leak onto a concrete pad. The company was notified and they had notified an environmental service from Farmington, NM; on the same day the spill was remediated and all contaminated soil was removed to proper disposal in Farmington, NM. within 6-hours.

NNEPA-CED received a complaint from a local resident in Fort Defiance that a convenience store owner had poured coolant/anti-freeze into parking lot water puddles after it rained to poison stray dogs and that the reporting person's dog consumed the water had died as a result. Due to lack of post mortem examination or any toxicology report on the canine from the respective dog owner including no puddles of water were found, case was unfounded.

NNEPA-CED investigated several minor complaints referred by other NNEPA departments which were resolved without incidences; and assisted with issuance of notices of violations and corrective actions by the responsible parties.

### **Initiatives and COA**

NNEPA-CED continues to provide assistance to the NNEPA-Air and Toxics Department, Resource Conservation and Recovery Program, Surface and Ground Water Protection Department. Request for assistance from these programs includes non-compliance response, response on tribal environmental violations, responsible generators on environmental related civil and criminal activities and environmental criminal investigations.

NNEPA-CED is continuing to provide assistance upon request to the Navajo Nation communities, Navajo Nation Department of Law Enforcement and the Navajo Nation Department of Resource Enforcement Department at all district levels within the Navajo Nation for investigations, Environmental related activities, security details and other selected assignments. This includes assistance to the United States Environmental Protection Agency Criminal Investigations, local and State Agencies.

### **Outstanding Program Issues**

One NNEPA-CED Officer successfully completed Arizona Police Officers Training Board required 40-hours of Firearms Instructor Training Program at the Arizona Law Enforcement Training Center in Phoenix, Arizona. The certified firearms training instructor is currently assigned to develop our NNEPA-CED firearms qualification requirements.

Per NNEPA-CED policy and the Arizona Police Officers Standards Training Boards requirements, CED personnel had attain all firearms qualification, proficiency related trainings, legal updates on Use of Force training, defensive tactics training, CPR and other tribal and federal law enforcement/emergency trainings. CED personnel had attained the required annual certifications to better serve the Navajo communities in preserving and protecting tribal property and the safety of the Navajo Nation environment.

The Navajo Nation  
**NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY – AIR & TOXICS DEPARTMENT**  
First Quarterly Report – FY 2010  
(October, November, December, 2009)

**I. DEPARTMENT INFORMATION**

Division Executive Director:	Stephen B. Etsitty
Department Manager:	Eugenia Quintana
Telephone No:	928-871-6790
Fax No:	928-871-7655

**II. ACCOMPLISHMENTS**

1. A Title V operating permit was issued to Peabody Western Coal Company on December 7, 2009.
2. Navajo EPA (NNEPA), Division of Natural Resources (DNR), and Department of Justice (DOJ) reviewed an Advanced Noticed of Proposed Rulemaking (ANPR), under the Clean Air Act, proposed by U.S. EPA, for Best Available Retrofit Technology which would apply to Four Corners Power Plant and Navajo Generating Station. The Navajo Nation will submit formal comments to U.S. EPA, which are due March 2010.
3. NNEPA and Eastern Research Group (ERG) worked on final draft Emission Inventory report; the Emissions Inventory will be finalized by December 31, 2009. Both NNEPA and ERG faced challenges of not being able to obtain information needed from a number of facilities on Navajo Nation.
4. A total of fourteen (14) consultation letters were issued to Navajo Housing Authority and Navajo Partnership for Housing for air quality impacts and four (4) burn permits were issued to individual clients.
5. OPP received two Title V renewal applications from Transwestern Pipeline Companies (TWP) in Klagetoh and Leupp. The Environmental Engineer will review the applications and make a completeness determination within sixty (60) days.
6. Compliance officer attended RATA testing for Four Corners Power for Sulfur Dioxide (SO<sub>2</sub>), Carbon Monoxide (CO), and Nitrous Oxides (NO<sub>x</sub>) on October 7, 2009. The testing went well and the company will send the testing results to NNEPA.
7. There were no Title V compliance evaluation inspections this quarter.
8. Radon staff responded to two Indoor Air Quality complaints they are as follows:
  - i. Tohatchi Elementary School, Tohatchi, NM
  - ii. Navajo Nation Land Office, Window Rock, AZ
9. Seven (7) meeting were held regarding the Contaminated Structures Project, Phase II (CSP) for Eastern Agency communities. These meetings include updates and progress of the access agreement from home owners and residential radiological screening.
10. Radon staff participated in three (3) conference calls to prepare for U.S. EPA's contractors arrival for home screening and assessments with one on the draft report of the screening process in November 2009.
11. Radon staff contacted family members that their homes to be assessed for Contaminated Structures Project by giving 24-Hr notice for U.S. EPA's arrival and to have:
  1. Homes and storage sheds to be unlocked
  2. Have Homesite Lease or Grazing Permits available
  3. Have someone available at the residence

12. Staff participated and presented at the Abandoned Uranium Mine Stakeholders workshop in Gallup, New Mexico. We presented on the progress of the Contaminated Structures Project, Phase II. Environmental Specialist attended the Community Talking Circle meeting on their concerns.
13. Five (5) radon barriers installation completed for Contaminated Structures Project, Phase I, three (3) at Red Mesa, Arizona two (2) at Cane Valley, Utah.
14. Twenty seven (27) Home Access Agreements were signed for U.S. EPA Region 9 Contractors to conduct home assessments for structures in the Church Rock Community.
15. Radon staff assisted U.S. EPA Contractors with their screening in the Church Rock community in the month of November 2009.
16. Staff participated in the NNEPA Superfund quarterly meeting on the Contaminated Structures Project update and objectives for FY 2010.
17. Staff participated in five (5) conference calls and one (1) meeting to receive, provide updates, and acquire related information regarding compliance inspections and workers protection standards.

**A. Key Action Items**

1. One (1) radon mitigation installation completed for South West Indian Foundation (SWIF) house in the Church Rock Chapter on Happy Valley Road. E-Perm radon testing was conducted on the home after completion with the result reading 1.1 pCi/l. Installation of the passive mitigation system was instructed by the Radon staff with supplies provided by NNNEPA Radon program.
2. Radon staff were trained on radon testing using the E-Perm chamber testing method. This training was put to use in the month of November 2009.
3. In November 2009 Radon staff placed 39 E-Perm radon chambers in the community of Church Rock Chapter. Seventeen (17) of readings were above the 4.0 pCi/l recommended level and twenty two (22) readings were less than 4.0 pCi/l.
4. The Radon program staff assisted the U.S. EPA Contractors on screening of twenty seven (27) homesites which totaled eighty eight (88) structured screened for RAD's in the Church Rock community. These are residential homes, hogan, shed, tool shed, and others like bread ovens, livestock corrals; these are structures that fit the structures definition by U.S. EPA. A meeting is scheduled in January 2010 on the results of the screening of the homesites.
5. In December 2009 six (6) home sites were screened on Sundance Road with the assistance of the NNEPA Superfund staff for preliminary screening.
6. The Pesticide Program staff met with representatives from Navajo Agricultural Products Industry (NAPI) to discuss a training and certification class for all pesticide applicators that do work at NAPI. New Mexico Department of Agriculture Pesticide Program will conduct the classroom style training and will administer the exam. The training and testing is tentatively scheduled for January 2010 at NAPI.
7. The Pesticide Program staff began work on amending the Pesticide Code and Regulations. The code and regulation will be more stringent than the Federal Insecticide, Fungicide, and Rodenticide Act.
8. Three staff persons from the Air & Toxic Department attended an 8-HR HAZWOPER refresher course.

**INSPECTIONS/ASSESSMENTS/OUTREACH**

1. There were no Title V compliance evaluation inspections this quarter.

2. A total of forty three (43) radon/awareness outreach were conducted for the CSP Phase II project on radon testing at the following location within the Church Rock Chapter:
  1. Happy Valley Road
  2. Tabernacle Road
  3. Red Top Road
  4. Uphill Road
  5. Limeridge Road
  6. Becenti Trails Road
  7. Superman Canyon
  8. Old Church Rock Mine Road
  9. Water Pond Road
  10. Pipeline Canyon
  11. Sundance Road
  12. Mariano Lake
  13. Baca/Haystack
3. The Pesticide Program conducted twenty seven (27) non-agricultural inspections, six (6) market place inspections, and one (1) agricultural inspection were conducted by FIFRA credentialed staff. There were no repeat violators.
4. The Pesticide Program conducted three (3) outreach at the following locations:
  1. Fort Defiance Community Health Representative, Fort Defiance, AZ.
  2. Tsinaabass Habitiin Elementary School, Gap, AZ.
  3. Window Rock Unified School District, Fort Defiance, AZ.
5. Air Monitoring reports show all monitoring sites to be in compliance with the NAAQS for Particulate Matter (PM), during the months of October, November and December 2009. The NAAQS for PM 10 is 150 ug/m<sup>3</sup> for 24 hours/annual (New PM 10 rule September 2006) and 35 ug/m<sup>3</sup> for PM 2.5 for 24 hours. Nazlini and Fort Defiance are PM<sub>2.5</sub> sites.
6. The Air Monitoring conducted one (1) outreach on air monitoring at Sanostee Community Planning meeting, Sanostee, NM.
7. The Operating Permit Program (OPP) reviewed routine emissions reports and quarterly reports from Resolute Plant, Peabody Coal, Transwestern Pipeline Co, EPNG, APS and NGS. All reports were consistent with the permit conditions.

## STATISTICS

1. One prescribed burn complaint was received on November 12, 2009, from Sawmill Chapter Vice President; smoke from a prescribed burn was impacting the community with ground level smoke. Air Quality monitoring section deployed an air monitor to measure particulate matter. The monitor was set up at the Chapter House from 1pm to 5pm on November 12, 2009. Due to security reasons, the monitor was moved to a local community member's resident to continue monitoring throughout the night. The results showed the community was heavily impacted by the particulates from the smoke.
2. Air Operating Permit Program received an excess emission notification on November 3 and 4, 2009 from EPNG Dilkon office which occurred at Dilkon Compressor Station between 20:00 November 3<sup>rd</sup> and 00:00 November 4<sup>th</sup>. The cause for excess emissions was a unit was taken off line and there were multiple start ups to restart the unit. It emitted emissions which exceeded the required limit. Once a unit is started it goes back into equilibrium. This turbine unit is a Dry Lo Nox system which is designed for excess emissions.
3. Air Operating Permit Program received an excess emission notification on December 8, 2009 that occurred on December 8 from ConocoPhillips Fractionating Plant. The initial cause for the excess emission was the pilot light went out on the Flare due to high winds; and when re-lighting the Flare, the facility vented excess emissions. As of this report, no volume has been reported but the facility has 10 days to report the volume.
4. Excess emissions event occurred in Unit B-01 at the Dilkon Compressor Station on December 16, 2009. The excess emissions event occurred between 12:00 and 15:00 on December 16, 2009. The cause for excess emissions was due to

pipeline conditions and excess emissions caused the automatic shutdown of the unit. There is no corrective action required due to the presence of a Dry-Lo-NOx system which is designed for the excess emissions.

#### **ISSUES AND RECOMMENDATIONS**

1. The federal ozone (O<sub>3</sub>) standard was recently promulgated to a lower standard from 84 ppb to 74 ppb (the more stringent standard). In the Four Corners area, ozone is already at an elevated level, and with the new standard, ozone will be near or at non-attainment during the 2010 summer season. The Shiprock site monitors for ozone and a QAPP has been drafted for ozone. The QAPP is at U.S. EPA for review. Nitrogen and Sulfur Dioxide monitoring is also underway at the Shiprock monitoring site.
2. The federal Sulfur Dioxide (SO<sub>2</sub>) standard was recently noticed by USEPA with a proposal to revoke the 24-hour average standard, and replace it with a one-hour standard. A public comment period has started and Air Quality Control/Operating Permit staff will be reviewing the proposed regulation.

The Navajo Nation  
**NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY – WASTE REGULATORY COMPLIANCE DEPARTMENT**  
 First Quarterly Report – FY 2010  
 (October, November, December, 2009)

**I. PROGRAM INFORMATION:**

Division Executive Director:	Stephen B. Etsitty
Department Manager:	Diane Malone
Telephone No:	928-871-7994
Fax No:	928-871-7966

**I. ACCOMPLISHMENTS:**

Waste Regulatory Compliance Department (WRCD) Administrative activities involved oversight of four programs; RCRP, NSP, UST and LUST. The reports from the four programs are attached.

A. The administration activities for this month of December 2009 are as follows:

**1. UST/LUST Programs**

a) For the month of October, November and December 2009 UST/LUST Fees Report in the following table

<b>The submittal of Periodic Tariff/Tank Fees Payments to Miscellaneous Account # 511001 and 511002 by the Leaking and /or Underground Storage Tank Program</b>				
<b>Date of Deposit</b>	<b>Ref Number</b>	<b>511001 (80%) Trust Funds Rev Total</b>	<b>511002 (20%) Special Rev. Total</b>	<b>Total Deposit</b>
10/16/09	09-10	39,217.57	10,441.78	<b>49,659.35</b>
11/16/09	09-11	42,592.73	10,765.74	<b>53,358.47</b>
12/11/09	09-12	44,401.89	32,464.92	<b>55,659.11</b>
				<b>158,677.11</b>

b) Quarterly Meeting with U.S. EPA Underground Storage Tanks and Leaking UST Programs on December 8-9, 2009, The items discussed are as follows:

- 2009 grant projects – accomplishments; 2010 grant projects - upcoming work
  - Developing Database for UST sites on the Navajo Nation
  - Modular Building discussion
  - LUST sites remediation and screening activities for FY2009; LUST sites listed for FY2010 activities
  - Meet with Thriftway to discuss projects; meet with contractors to discuss the upcoming EPA UST/LUST contract work for FY 2010
  - Meeting in Albuquerque, NM with BIA Navajo Area Environmental Quality Office to discuss project (Warren Roan and Henry Haven) and V&S Digital Imaging staff Mr. Vestor Smith regarding the record retention project.
- c) Meeting with the State of Utah Institutional Trust Lands Administration and the Bureau of Indian Affairs on the Land Relinquishment in Montezuma Creek, UT.
- d) Contract Attorney filed a motion to dismiss a law suit against Navajo EPA UST Program in the Pic-N-Run Case in Chinle, AZ; the law suit was filed by the plaintiff Shiprock Concrete Company.
- e) Oversight on Burnham Mine (LUST) soil clean up initiated by the Consolidated Coal Company.

## 2. Superfund Program

- a) NNCERCLA Meeting with NNEPA, Contract Attorney, and Petroleum Industry reps. in Albuquerque, NM on December 02, 2009.

Pre-Meeting: Before the meetings, NNEPA staff met with Contract Attorney. We discussed the following items:

- The former Dept. Director's file boxes containing the spill responses. According to staff all the files went to NSP. By 2005, the former dept. director had stopped all response actions and was referring them to DEM or other NNEPA Programs.
- Tier II Report that were collected from DEM. These were placed on disk and mapped by NSP, but still need land status whether these are allotments or trust lands.
- Lists of abandoned sites, NFPI, Old Sawmill and Pinon Trading Post site.
- Draft MOU between NSP and DEM. DEM presented the draft to CEM. They had several questions which require NSP presents. The meeting hasn't been scheduled to date.
- Revised estimate of program costs prepared by NSP Manager.
- RCRA permit information-obtained by NSP Manager from U.S. EPA and any additional information will be given to Contract Attorney.
- Gap filling policy proposed by Petroleum Industry.

Meeting with the Petroleum Industries: Representing the Petroleum Industry were Mark Sheridan and Chris Neumann, Jim Vallena and Douglas Perce with ConocoPhillips, Mike Todd and Lori Keeter from Enterprise; Saida Ibrahimova from BP.

NNEPA Contract Attorney provided the update status on all items we discussed in our pre-meeting. The only item they were concerned about was the estimate of program costs, because it was significantly higher than the figures we'd mentioned in past meetings. We discussed the gap filling draft policy that Chris Neumann prepared. He and Mark both acknowledge that reference to state programs should be deleted. Chris also said that he didn't intend to limit the NSP's authority in the language he added under Section III. He will revise these items and reword the last paragraph of Section II and provide a new draft. Our next meeting is scheduled for March 3, 2010.

- b) Navajo Superfund Program Quarterly Meeting with U.S. EPA

On December 15-17, 2009, NNEPA met with U.S. EPA for the end-of-year quarterly meeting. The following items were discussed:

- U.S. EPA status Update on Structures by Harry Allen.
- NNEPA Status Update on Structures by NSP lead staff.
- U.S. EPA Status update on AUM sites, Skyline Mines, Eastern Agency Site Screens to include discussion on Mariano Lake Old Gulf Mine and plans for FY2010
- Work schedules to include the background levels and structure suitability for structure screening and surveying provided by U.S. EPA.
- Uranium Commission Update provided by NN DOJ.
- Discussion on Section 17 URI site provided by NSP staff.
- Discussion on Northeast Church Rock Mine Site provided by U.S. EPA which covered the step out area and the additional temporary housing
- Discussion on the NNCERLA and Brownfield activities
- Discussion on the 2010 work plan for SACA, PASI and Brownfields grants.

## 3. Resource Conservation and Recovery Program

- a) On December 11, 2009, NNEPA staff met with an alleged violator to discuss illegal dumping in the Coal Mine Canyon chapter area and requests for assistance with clean-up. On December 18, 2009, NNEPA visited the dump site in Coal Mine mesa with the alleged violator.

- B. Other WRCD activities, in conjunction with programs, are as follows:

**Superfund Program:**

- a) Navajo Uranium Contamination Stakeholder Workshops sponsored by U.S. EPA, Region 9. The Plenary Session Guest Speaker was Mr. Phil Harrison, member of the Navajo Nation Council's Resource Committee. Mr. Harrison stated: *"We have witnessed a great deal of effort, especially on behalf of the United States Environmental Protection Agency and the Region IX offices in San Francisco. Numerous uranium contaminated structures throughout Navajo Indian Country have been surveyed and demolished, and individual Navajo residents have been compensated for the loss of these structures. There has been substantial work, especially in the Western Agency, relating to the identification and replacement of uranium contaminated water supplies. This past year, in the federal appropriation package passed by Congress and signed by President Obama, there was a provision allocating five million dollars for the cleanup of what we refer to as the Highway 160 site located across the Highway from the uranium mill tailings pile a few miles northeast of Tuba City. And, just a few miles from here, at the Northeast Church Rock site, there have been two interim removal actions, one on-going as we meet today, designed to decrease the threats from uranium contaminated soils. Additionally, the Department of Energy has recently completed a project designed to stop the continuous flow of radio-active contaminants into the San Juan River from Many Devils Wash located adjacent to the mill tailings pile at Shiprock. We appreciate these actions recognizing that the federal agencies involved are working with severely constrained budgets for work of this type. But, today we ask you to recognize and acknowledge publicly what we have been saying for many years. The task before us is massive. It is massive in any context. It requires a massive influx of financial resources."*

For next three days, different federal agencies presented their update of the Navajo Five Year Plan for Uranium Legacy and from federal, state and tribal agencies presented their updates in different sessions with panel discussions.

- b) November 12, 2009 - Meeting with Air Quality Department manager regarding the closure of the Fort Defiance WIC Program by Risk Management for safety reasons. The cause is found to be Hazardous Substance found in the basement of the old stone (IHS) building. We had consultation with U.S. EPA On-scene coordinator of the issues and opted to speak with IHS Area office regarding the removal of the hazardous chemicals.
- c) November 20, 2009, NNEPA met with U.S. EPA Remedial Project team to discuss the Mariano Lake and Haystack Section 23 properties (abandoned uranium mines). U.S. EPA and their contractors conducting Abandoned Uranium Mine (AUM) site screening reports. Two uranium mine site properties with nearby residents were referred to NNEPA and U.S. EPA for emergency response assessments in the spring of 2009. These two properties were the Mariano Lake and the Haystack Section 23 properties.
- d) The Mariano Lake property is a former Golf uranium mine site located on Navajo allotment in the Mariano Lake Chapter. Currently the allotment is in probate status. At a meeting on November 19<sup>th</sup>, the NSP, NNEPA, U.S. EPA On-Scene Coordinator, and a U.S. EPA Contractor reviewed the preliminary gamma data collected from the Mariano Lake property. Data indicated that the two residences located on the east site of the Mariano Lake mine property reside on elevated gamma radiation areas and would need to be relocated at a later date; current gamma levels were not high enough to warrant an immediate evacuation, but U.S. EPA will return in Spring 2010 to remediate these two properties. For the former water well located at the SW corner of the fenced mine site, NSP needs to provide information on the drilling company and well data to U.S. EPA, and they will initiate well repairs to take water quality samples. If the water samples indicate drinking water quality, than a community water system maybe re-established.
- e) Haystack, Section 23 is a reclaimed uranium mining site, located adjacent to Navajo allotments in the Baca Prewitt Chapter area. Currently, the Navajo allotment owner lives less than ¼ mile SW of the property of concern. The property of concern is a modern home and barn located on the reclaimed AUM site. The site was reclaimed by U.S. EPA Region 9 Emergency Response Section in the early 1990s. In the spring 2009, U.S. EPA contractors recorded this site as located on Navajo allotment on their AUM site screen report. The radiation scans at the private property indicates elevated gamma radiation levels which will be referred to U.S. EPA Region 6 and NM Environmental Division for follow-up. The radiation scans at the nearby Navajo residences indicates all gamma levels comparable to background radiation levels. All Navajo residences at these two properties will get radon sampling monitors in late November or early December 2009.

- f) November 30, 2009, NNEPA went before the Resources Committee. The topic of discussion involved the update activities relating the Federal Five-Year Plan for the Uranium Legacy. The update reports covered the activities include; the federal funding, staffing and office space needs, report on the remedial activities occurring at Northeast Church Rock Uranium Mine (NECR), Tuba City Open Dump (TCOD), Highway 160 in Tuba City near Rare Metal, the Contaminated home structures, Phase I of home replacements, and 2<sup>nd</sup> phase-NSP home structures surveys and the contaminated wells issues at Box Canyon area.
- g) Participated in the Resource Committee's Special Meeting on October 16, 2009 in Tuba City, AZ regarding update on the Black Falls and Box Canyon contaminated wells issues contained as part of the Navajo Uranium Five-Year Plan.
- h) Attended the U.S. EPA Government-to-Government consultation meeting with Navajo Nation President in Phoenix, AZ on October 22, 2009 regarding the Northeast Church Rock EE/CA. The items discussed are as follows: EPA held two public workshop and two meetings to receive public comments. During the public meetings, the residents voiced concerns about the proposed cleanup plan and also about the alternatives options. Following the discussion, the Navajo Nation President requested an extension to include evaluation and work sessions about the Alternative 5 from Alternative 2. There will be additional meetings and tours of the site for the community impacted.

#### **UST/LUST**

- a) For the month of November 2009, NNEPA met with the contractor regarding the Modular Building and discussed the finalized interior designs and furniture. The site was also selected, surveyed for archeological and biological survey and proper paper work were submitted to NN Land Development for land use permit.
- b) NNEPA participated in site inspections of UST in the Tuba City Area starting the FY2010 sites.
- c) Conference calls with Contract Attorney and U.S. EPA attorneys regarding Pic-N-Run.
- d) For the month of October 2009, NNEPA participated in the open bid process for the Monitoring Wells for the Rare Metal Site with the assistance of Navajo AML staff.
- e) Conference Calls with Contract Attorney and USEPA attorney pertaining to Pic-N-Run law suit.

#### **Resource Conservation and Recovery Program**

- a) Participated in conference calls with U.S. EPA on October 28, 2009 regarding the Tuba City Open Dump updates of the Phase I and II activities (U.S. EPA, Hopi Tribe's Consultant, BIA and BIA consultants) on October 29, 2009

The Navajo Nation  
**NAVAJO ENVIRONMENTAL PROTECTION AGENCY – RESOURCE CONSERVATION AND RECOVERY PROGRAM**  
 First Quarterly Report – FY 2010  
 (October, November, December, 2009)

I. Program Information

Division Executive Director: Stephen B. Etsitty  
 Environmental Program Supervisor: Cassandra Bloedel  
 Telephone No.: 928-871-7692  
 Fax No: 928-871-7996

II. Budget Information:

Program	Funding Source	# of Staff	# of Veh's	FY-10 Operating	FY-10 Available	% Used	Date
<b>RCRP</b>	General	3	3	273,721.00	226,277.96	94.49%	12/16/09
<b>#1-11011</b>	<b>Total</b>	3	3	273,721.00	226,277.96	17.63%	12/16/09

III. Accomplishments

October 2009, NNEPA-RCRP continued technical support for the former Tuba City open dumpsite for the U.S. EPA Source Characterization Project; monitored the monthly inspections at the Highway 160 Site, and provided five (5) outreach presentations. Staff attended meetings/conference for the New Mexico Recycling Coalition and U.S. EPA, and completed training for GIS and HAZWOPER.

November 2009, NNEPA-RCRP continued technical support for Tuba City, AZ (TCOD and Highway 160 Site) in scheduled meetings and conference calls. Participated in a meeting with U.S. DOE for the Highway 160 Site, and a request for assistance with home surveys for home that were not surveyed during the U.S. EPA and Dr. Walker home surveys. Provided 10 outreach presentations to Arizona and New Mexico Chapters. Staff attended a U.S. EPA Conference.

December 2009, NNEPA-RCRP continued technical support for the former Tuba City open dumpsite for the closeout of the U.S. EPA Source Characterization Project and the monthly inspection of the Highway 160 Site. Provided nine (9) outreach presentations to Arizona, New Mexico and Utah Navajo Chapters. Staff participated in gathering additional information for the Highway 160 Site, and participated in a U.S. EPA, Washington DC - Emergency Response Town Hall meeting.

IV. Citations/Notices of Violation (NOVs) – Number, Type and Location

RCRP response: 32 complaints, 22 NOVs, 15 compliance letters, five (5) verbal contacts with vendors at the Tuba City flea market, 12 verbal contacts with vendors at the Chinle flea market, and 54 site assessments (includes multiple sites at one location). Civil complaints were received from the following Chapters:

Chinle Agency reported 7 complaints. RCRP issued 2 NOVs, issued 10 compliance letters, contacted 12 vendors at the Chinle flea market, and conducted 16 site assessments.

Eastern Agency reported one (1) complaint. RCRP conducted 1 site assessment. Complaint had a cleanup action.

Fort Defiance Agency reported 13 complaints. RCRP issued five (5) NOVs, issued three (3) compliance letters, and conducted 11 site assessments. NNEPA-CED, was instrumental in reducing civil complaints by immediate response to those complaints related to other Navajo Nation law violations.

Shiprock Agency reported three (3) complaints. NOVs are pending further investigation with complainant, and RCRP conducted three (3) site assessments. NNEPA-CED, was instrumental in reducing civil complaints by immediate response to those complaints related to other Navajo Nation violations.

Western Navajo Agency reported eight (8) complaints. RCRP issued 15 NOVs, issued two (2) compliance letters, and conducted 23 site assessments. Five (5) vendors were visited at the Tuba City flea market. NNEPA-CED, has been instrumental in reducing civil complaints by immediate response to those complaints related to other Navajo Nation violations.

- a. Presentations  
RCRP staff completed 5 presentations/outreach events at Chapter Houses, and public functions. Including two (2) grant opportunities for New Mexico and Arizona Chapters released through the NNEPA email system.
  - b. Inspections
    1. Highway 160 site inspections with El Paso Natural Gas Co. for October, November, and December.
    2. Two (2) flea market areas in Chinle and Tuba City, Arizona.
  - c. Assistance: RCRP provided assistance for the Tuba City Open Dumpsite with USEPA and their contractors; and the El Paso Natural Gas Co. oversight for the reclamation efforts at the Highway 160 Site.
- V. Status of on-going projects, initiatives and COA's  
RCRP staff continues to provide technical support for Tuba City, AZ with the former Tuba City open dumpsite and the Highway 160 Site.
- VI. Outstanding Program Issues  
The Program will have a cost share institution for the Environmental Program Supervisor to facilitate this Program and the Highway 160 Site.
- VII. Problems/Recommendation  
None.

## **Underground Storage Tank Program First Quarter Report FY 2010**

Updates on projects regarding Modular Building:

1. Modular Building:
  - a. Modular Building is in final Stages.
  - b. Need to complete Federal Justification as outlined by U.S. EPA.
  - c. The Exterior Color Scheme is need from NNEPA to complete the building.
2. Site Preparation
  - a. January 2010 will be the date to request for proposal from contractors.
  - b. NNEPA will consider chain link fence with barbwire in contract.
3. Furniture
  - a. Furniture selection is finalized with Business Environments (B.E.).
  - b. Colors/Patterns/Furniture Selection happened on 11/10/09 with NNEPA & B.E.
  - c. NNEPA is deciding to furnish the two vacant offices and storage
    - i. Business Environments will provide a quote at a 20% increase.
4. Land acquisition
  - a. A complete packet will still have to be submitted to the Navajo Nation Land Department for appropriate land withdrawal.
  - b. Pending review for the complete pack is the Biological Clearance from the Navajo Nation Fish and Wildlife.
    - i. Environmental Site Assessment:
      1. iina'ba', INC. was selected to do the ESA
      2. Contract signed by vendor 7/16/09.

3. iina'ba' is waiting for the Biological Clearance from the Navajo Nation Fish and Wildlife to complete the EA Packet.
- ii. Land Survey:
  1. iina'ba', INC was selected to do the survey
  2. This will include 1' intervals of elevation contours
  3. This was completed on 11/12/09.
- iii. Archeological Clearance:
  1. Documentation was provided from Navajo Nation Historic Preservations Department.
    - a. Result: No impacts to historic or archeological sites in area.
- iv. The site selected by program is west of the NN Staff Development and Training Center.
- v. Additional tasks:
  1. Biological Clearance yet to be obtained.
  2. NN Property Management needs copy of survey.

## **Task I: Administration**

- A. Subtask 1: This report consists of the First Quarter Report of FY 2010.
  1. Tasks not on work plan.
    - a. Developing Database for UST sites on Navajo Nation
      1. No Activity this quarter.
    - b. Responding to Fuel Releases:
      1. Fuel Surface Spill: at NAV149 Greasewood Trading Post.
      2. Fuel Surface Spill: Celluar1 Towers in Greasewood and Tolani Lake, Arizona. Jon Erole consulted with RP.
      3. Fuel Surface Spill: Arizona Department Of Transportation
        - a. Spill No. 1 - Highway 89 at milepost 524 (at Bittersprings near 89A and 89 junction) on December 5, 2009
        - b. Spill No. 2 - Highway 160 at milepost 393.7 near Kayenta. Reported by ADOT field crew on November 18, 2009. No responsible party identified. ADOT has hired Bell for Environmental (Matt Jacobs contact) to cleanup soil, etc.
    - c. Working with AST facilities:
      1. Apache County will submit their SWAP documents through the NNEPA Office of Environmental Review to get a complete review.
      2. NAPCO Consultant Thomas Dodge inquiring about UST Removal requirements and AST Installation Requirements NAV071 IHS.
- B. Subtask 2: Close Out Activities:
  1. The financial draw downs on Account No. K091113 can be found on FMIS.
- C. Subtask 3: Administrative Support Duties:
  1. Office Specialist, prepared and processed travel authorization forms, logged in incoming correspondences, solicited bids, purchased office supplies, processed receiving reports for payment of purchases, answered incoming calls and mailed out correspondences.

## **Task II: General Program Activities**

- A. Subtask 1: Close out 2009 UST Inspections
  1. The following facilities are still under review and close out for the year:
    - a. NAV460 Montezuma Creek School Bus Barn Montezuma Creek, UT
    - b. NAV312 Arviso's Conoco Crownpoint, NM
    - c. NAV354 Crownpoint School Bus Barn Crownpoint, NM
    - d. NAV349 Thoreau High School Bus Barn Thoreau, NM
    - e. NAV366 Alamo Community School Alamo, NM
    - f. NAV299 Conoco Navajo, NM
- B. Subtask 2: Select operating facilities for 2009 and 2010 inspections.
  1. The list of facilities to conduct compliance inspections in FY 2010 is below. A few more facilities may be added to the list:

1.	NAV018	THRIFTWAY 701	THRIFTWAY MARKETING CORP.	Tuba City
2.	NAV030	SHIPROCK EXPRESS #515	SHIPROCK EXPRESS LLC	Shiprock
3.	NAV031	RED ROCK TRADING POST – FINA	RED ROCK RETAILERS, LLC	Red Valley
4.	NAV057	Kayenta Fina Station	SANDIA OIL CO.	Kayenta
5.	NAV059	Navajo Country Express	SHIPROCK EXPRESS LLC	Shiprock
6.	NAV071	NORTHERN NAVAJO MEDICAL CENTER	INDIAN HEALTH SERVICE (IHS)	Shiprock
7.	NAV077	IHS - CHINLE HEALTH CARE FACILITY	PUBLIC HEALTH SERVICE, REGION VI (IHS)	Chinle
8.	NAV124	MEXICAN WATER TRADING POST aka THRIFTWAY 901 or 511	RED MESA TRADING CO.	Mexican Water
9.	NAV125	RED MESA 501 (FORMERLY THRIFTWAY 501)	THRIFTWAY MARKETING CORP.	Red Mesa
10.	NAV131	Red Mesa Trading Co. aka Red Mesa Express #518	THRIFTWAY MARKETING CORP.	Nageezi
11.	NAV135	Mustang/Shell #266	WESTERN REFINING, INC fmr GIANT INDUSTRIES	Newcomb
12.	NAV137	RED MESA EXPRESS/THRIFTWAY 502	RED MESA TRADING CO.	Steamboat
13.	NAV145	SPEEDY'S SUNWEST'C' STORES	Spartin Investments, LLC	Black Hat
14.	NAV149	RED MESA #508 aka GREASEWOOD TRADING POST	RED MESA TRADING CO.	Ganado
15.	NAV209	RED MESA TRADING CO.	RED MESA TRADING CO.	Sheep Springs
16.	NAV214	RED MESA #507 aka NASCHITTI TRADING POST	RED MESA TRADING CO.	Naschitti
17.	NAV279	TONALEA GENERAL STORE #510 (NEW RED LAKE TRADING POST)	RED MESA TRADING CO.	Tonalea
18.	NAV316	SHONTO TRADING POST	SHIPROCK TRADING CO.	Shonto
19.	NAV318	LITTLEWATER EXPRESS #522 aka TOCITO T.P.	LITTLE WATER EXPRESS, LLC	Littlewater
20.	NAV454	PINE HILL FINA	SANDIA OIL CO.	Pinehill
21.	NAV478	Mustang/Giant #7196	WESTERN REFINING, INC fmr GIANT INDUSTRIES	Vanderwagen
22.	NAV245	Pinon		Pinon
23.	NAV305	Navajo Westerns		Dilkon

C. Subtask 3: Conduct UST inspections in FY2010.

1. NAV018 Shell Gas Station in Tuba City, AZ inspected on 12/30/09. No Violations.
2. A schedule is to be provided in the future of the facilities mentioned above.

D. Subtask 4: Records Retention Project

1. Contractor picked up records from NAV079 to NAV121 in July 2009, have not received word from him.
2. Contractor will provide a New Proposal on the terms of completing the project by June 2010. U.S. EPA, indicated this project should be more than 50% complete at this time; an accelerated effort is need to complete by June.

E. Subtask 5: The contract for Contract Attorney, Nordhaus Law Firm.

1. Contract Attorney worked on dismissing the motion against NNEPA UST Program filed by the Plaintiff: Pic-N-Run, INC. (or Felix – Shiprock Concrete Company).
2. Contract Attorney consulted with U.S. EPA on completing the Eastern Agency Agreement.

### **Task III: Provide Compliance and Technical Assistance**

- A. Subtask 1: Compliance Status for RBDO
  - 1. Delivered Reports to RBDO on tank removal project in FY 2009.
  - 2. 12/01/09: Meeting with State of Utah Institutional Trust Lands Administration and Bureau of Indian Affairs regarding Montezuma Creek Land Relinquishment.
- B. Subtask 2: UST Removals and Upgrading Activities
  - 1. Upgrading/Installations:
    - a. NAV244 Pic-N-Run Station in Leupp, Arizona. 3 Tanks installed on 10/30/09. Product Lines installed on same day. Xerxes Fiberglass Tanks and Ameron Dual Wall Fiberglass Reinforced Plastic with Containment Sumps. Passed Inspection.
    - b. NAV001 Speedy's Truck Stop in Lupton, Arizona. Product Line Installation. Pices Product Dual Wall Flex Line with Containment Sumps. Passed Inspection.
  - 2. Removals:
    - a. NAV244 Pic-N-Run Store Leupp, Arizona. 3 Tanks removed from the ground on October 2009 along with product lines. NNEPA oversight.
    - b. NAV001 Speedy's Truck Stop in Lupton, Arizona. Product Line Removal on 12/17/09. No NNEPA oversight.
    - c. NAV149 Greasewood Trading Post in Greasewood, AZ. PCS was removed from gully alongside access road to Store. Approximately, 40 cubic yards of soil was removed.
- C. Subtask 3: Conduct Owner/Operator training to enhance regulatory compliance.
  - 1. NAV018 Shell Gas Station in Tuba City, AZ. Compliance assistance was provided to manager of store on record keeping and requirements for maintaining cleanliness on UST system (house keeping procedures). Informed them of the consequences if records are not kept in place which would result in violation or release.
- D. Subtask 4: Recruit for positions at University Job Fairs to entice people to apply for work
  - 1. Attended Career Fair at Haskell Indian Nations University in Lawrence, KS on 10/27/09. Many students seem to be interested in jobs at NNEPA.

### **Task IV: Enhance Technical and Regulatory Skills**

- A. Subtask 1: Complete mandatory ITCA health and safety training (8 hour refresher)
  - 1. No Activity.
- B. Subtask 2: Complete mandatory ITCA training to enhance and maintain inspector credentials
  - No Activity.
- C. Subtask 3: Attend other applicable training and conferences
  - 1. U.S. EPA/Tribal Conference in Tucson, AZ 10/21-23/09.
  - 2. Nation Tribal Meeting in Miami, Florida on 10/5-9/09.

The Navajo Nation  
**NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY – NAVAJO NATION SUPERFUND PROGRAMS**  
First Quarterly Report – FY 2010  
(October, November, December, 2009)

**I. Program Information**

Division Executive Director:	Stephen B. Etsitty
Environmental Program Supervisor:	Frieda S. White
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**II. Accomplishments**

**A. PA/SI ACTIVITIES:**

**Contaminated Structure Project (CSP):**

- NSP provided two presentations:
  - 1) In combination with U.S. EPA Region 9 at a Northern Mine Conference, they presented information titled “Making Progress on Abandoned Uranium Mines on the Navajo Nation” keying in on CSP Project.
  - 2) Presented resented the technical aspects of the CSP radiological screening process at the Stakeholders Conference in Gallup, NM, responding to questions asked of their panel.
- Coordinated with U.S. EPA On-Scene Coordinator (OSC), and U.S. EPA Contractor a) with NSP/Radon receiving training on the Electret monitors for radon sampling, and b) with NSP referring to USEPA and their contractors the contaminated structures in the Churchrock Chapter that exceeded the action limit:
  - 1) 28 required in-depth surveys were performed by U.S. EPA/NSP of which NSP is awaiting results and a report; 28 outreaches were conducted for obtained access agreements prior to in-depth surveys
- Performed new outreaches obtaining access agreements then performed 6 preliminary surveys at these locations
- Performed 9 new outreaches with new families and obtained access agreements (7 in Mariano Lake Haystack and 2 in Haystack)
- NSP with U.S. EPA and their contractors traveled to Mariano Lake Gulf (MLG) mine property and Haystack Section 23 (HS 23) to locate homes and properties and converse with nearby residences; HS 23’s area was determined to be on private property and is on a reclaimed AUM site conducted in the early 1990s by U.S. EPA Region 9’s Emergency Response; GPS coordinates were obtained from each location.
- U.S. EPA and their contractors completed home preliminary gamma assessments at the MLG and HS 23 properties finding two residences located on the East side of MLG with elevated gamma radiation that would need to be relocated; Readings were not high enough to immediately relocate them and U.S. EPA will return in Spring 2010 to remediate the two properties; Elevated readings were also found at the private property of Haystack Section 23 and is to be referred to U.S. EPA Region 6 and NMED.
- Informed residences of MLG and HS 23 of the discovered elevated readings east of MLG, of the equivalent readings to background south of MLG, and the plan for MLG remediation (emergency response) to occur in January 2010; Without anyone home although appointments were made, the referral of HS 23 to U.S. EPA Region 6 was not performed.

## **B. SITE SCREENS:**

- Provided oversight of site screen activities conducted at abandoned uranium mines,
  - 1) Mesa V and vicinity, on Lukachukai Mountain by Weston Solutions Inc., U.S. EPA's contractor, in the Cove southern inaccessible ridged areas the week of October 12<sup>th</sup>, and
  - 2) Quivera Mine area for contamination contribution to be determined from the West-East arroyo which receives flow from the unnamed arroyo directly from the NECR site and Pipeline arroyo the week of October 26<sup>th</sup>
- Site screens were conducted of other abandoned uranium mines by Weston Solutions, Inc. in the balance of the Lukachukai Mountain areas and in the Red Valley mine area the week of October 16<sup>th</sup>.
- U.S. EPA Region 8 returned on October 27<sup>th</sup> to the Skyline area to locate Keith mine with assistance of NNAML and to determine the depth of the contaminated pile located below Skyline mine for determination of volumes needed for cost estimation; Mine is near Oljato, Utah; A report will be forthcoming of activities on 10/7 and U.S. EPA Region 8 will improve upon late notification to NNEPA during 10/24 for 10/27 field work.
- NSP, U.S. EPA, and U.S. EPA contractors (10/28) surveyed the Isabella mine site located in the San Mateo valley near Grants, NM; The site is located on Navajo allotted lands, does not have residences, and has an open shaft (7'x7' unfenced) with various mine waste piles scattered about the site. U.S. EPA contractors will generate a report and include into the AUM database.
- NSP, U.S. EPA, and U.S. EPA contractors (10/28) surveyed the Chavez mine lease located west of the Tohajile community, which has a partially collapsed open adit and mine waste piles in the area. U.S. EPA contractors will generate a report and include into the AUM database.
- Attended a meeting with U.S. EPA regarding AUM site screens, development of a coordination process with NAML on future reclamation activities, and upcoming U.S. EPA emergency responses to Mariano Lake and Haystack Section 23.
- NSP with U.S. EPA obtained three surface soil samples adjacent to the Red Pond Water Pond road near the NECR area which would be analyzed for the radium content and correlated to U.S. EPA's Pressurized Ion Chamber readings.

## **C. TECHNICAL ASSISTANCE:**

- Revised the Navajo Nation Uranium Legacy Staff Plan to allow important participation for the Interim Removal Action (IRA) at the NECR Site and to coincide with Navajo Superfund Program's Plan of Operation.
- Reviewed and prepared twenty environmental compliance letters to inform of the absence of toxic chemicals in the area thereby allowing construction activities.
- Provided information for the Mother Jones Magazine on behalf of the cleanup occurring at the NECR site and AUM issues.
- Completed memo to NN DOJ Attorney Dave Taylor, as Mr. Rutherford moved to Department of Transportation, to provide three FOIA CDs related to the Kerr McGee mine.
- Participated in responding to questions at various attended presentations at the AUM Stakeholders Conference on November 3<sup>rd</sup>-4<sup>th</sup>.
- Attended a meeting with NNEPA Executive Director, NNAML, and U.S. EPA HQ officials, regarding NNEPA's consultation on the proposed rule changing to the old UMTRCA cleanup standards, and for revising the Indoor Air Quality and Radon Standards.
- Attended brain storm session re: chemical exposure at the Fort Defiance's WIC Office, visited the site that was evacuated and tape secured, and provided recommendation of which NNEPA-ATD was to work with responders to inform NNEPA would hire a contractor to remove the chemicals and train the user of these chemicals.

#### **D. PUBLIC INFORMATION:**

- NSP attended a Public Hearing in Grants, NM titled “Public Listening” provided by the Grants Mineral Belt group on October 19<sup>th</sup> and provided assurance of NSP’s oversight responsibility to replace all top soil removed before the end of the project.

#### **E. SACA ACTIVITIES (NECR):**

- Completed attendance and participation in onsite meetings and teleconferences regarding the Interim Removal Action (IRA) for outcomes of:
  - 1) Ensuring tasks were conducted accordingly and to inform of decision to remove all of trees and soil to <2.24 pCi/gm, ( 8am@ UNC Office on October 14<sup>th</sup>)
  - 2) Ensuring removed contaminated soil is to be replaced (5pm @ Churchrock Chapter with Red Water Pond Road members on October 28<sup>th</sup>)
  - 3) Not touching the discovered burial site to undergo an archaeological survey and the sweat lodge.
  - 4) Removal of discovered asbestos in tiles on cement slab occurring with developed work plan in accordance to NM regulations, in which NSP required insertion of zoning and certified disposal information received as a manifest document.
  - 5) Determining that O&M for seeding will occur at a frequency of 1/mo or 1/qt.
  - 6) Ensuring daily consistency of buses dropping off children at their homes or having their family pick them up to prevent exposure from NECR’s IRA activities as they walk by.
  - 7) Ensuring that while it was raining, the ineffective placement of orange plastic fencing for erosion control was captured by settling ponds when the heavy muddy water uplifted the fence, as observed.
  - 8) Placing a 3<sup>rd</sup> Air monitoring station at NW location near home of family that did not move.
  - 9) MWH’s HASP being used over their subcontractor’s, MACTEC, day to day hazards analysis by employees which was not adequate as it left the door open to not meet Health & Safety requirements.
  - 10) Four additional households at U.S. EPA’s cost will be included for temporary housing in Gallup.
  - 11) Identifying the presence of petroleum where its extent will be addressed after completion of the IRA.
  - 12) Ensuring Riprap Quality Data for Riprap material to be used in the unnamed arroyo is not the same material used on NN roads that caused multiple flat tires.
  - 13) Ensuring vegetation and trees are replaced.
- Attended the government-to-government consultation on October 22<sup>nd</sup> in Phoenix, AZ between the Navajo Nation and U.S. EPA Region 9 senior management on the proposed removal of the Uranium waste from the NECR mine site; discussed need to provide more proof and educate the community with facts and provide a tour of a similar effective buried and lined facility, and to perform a health study in the NECR area.

#### **F. PREWITT/UNC ACTIVITIES:**

- Attended the U.S. EPA Region 6 meeting on 12/2/09 in Albuquerque, NM to receive initial planning detail for the 5 - year review of the Prewitt NPL site.

#### **G. BROWNFIELDS ACTIVITIES:**

- Report of Brownfields Success Story of activities was completed and presented at the Brownfields National Conference in New Orleans, LA under the title of “Respecting Our Land, Revitalizing Our Commitments” in the Tribal Brownfields and Response Program.
- **NFPI** -During short timeframe from the September 2009 meeting and among other duties, gathered information as available from the Department of Economic Development and submitted condensed version of application for the Brownfields Assessment Grant for the NFPI site.
- **OLD CHURCHROCK MINE (OCRM) ACTIVITIES (Section 17):** NSP received a hardcopy of the site characterization report from URI and a copy of the downwind structures survey report from Iina Baa and will review them to determine next steps.
- **NNCERCLA ACTIVITIES:** NSP assisted with EPCRA/CAA inspections at the Rock Point Boarding School on 9/22 and on 9/23 at Hunters point Boarding School finding that Tier II reports from BIA were sent to DEM; NSP received BIA information from the Manager of NNEPA-ATD.

- Completed search of eight boxes of the former WRC Director's files and found reports of complaints to Solid Waste; Next, bound memo or record books containing her notes will be reviewed, once provided.
- Attended the NNCERCLA meeting on 12/2/09 providing a) electronic copies of Tier II reports from Chevron and 2 from AZ DOT, b) a map to match the Tier II reports with general GPS points, c) a General Budget of the NNRP program; and reporting a) that old spill reports in boxes of files were minimal, b) that responding operators should be able to reconcile map locations based on their operations. NMOG sharing a) difficulty to trace leaks of gathered lines smaller than compressor lines that are consolidated from multi- businesses, then extracted from liquids, and finally piped to Texas for heating people's homes, b) to find if compressed lines contain Mercaptan, and if it has a reportable or not (40CFR3024), c) if there are concerns with coal seam methane gas gathered, extracted of CO2/impurities, and marketed; NSP will provide a) Contract Attorney the list of RCRA permits; NMOG was reminded response was not only to abandoned sites, and NMOG's interest is having numbers reasonable for storage or transportation (storage of H2O and crude pickup) as result of what is done not how it is done, perhaps needing caps; NMOG will draft a mini-MOU regarding the Tariff and review the GAP policy; An industry meeting will be held before the next meeting on 3/3/10.
- **TBA ACTIVITIES:** NSP sent correspondence to the Pinon RBDO Office informing them that the "RECOVERY -Targeted Brownfields Assessment -- McGee Trading Post Project" will begin on April 6, 2010 through August 31, 2010 with Phase I and Phase II environmental site assessments for cleanup planning and property redevelopment. The work will be performed by the U.S. EPA contractor, Ecology and Environment. Conversated with U.S. EPA contractor, Ecology and Environment, who will begin the Phase I portion by performing a document search more likely in December or January pending U.S. EPA's issued work order.
- **PARTNERSHIP ACTIVITIES:** NSP conversated with the City of Flagstaff, AZ Brownfields Office on the week of October 15<sup>th</sup>; their coalition grant could not be performed due to problems with Coconino County.
- **ENHANCE CLEANUP CAPACITY:** NSP will have a balance of about \$6,000 unspent by NNAML. NSP requested NNAMP to begin in January 2009; however it was not started until August 2009.
- Reviewed the survey performed by NNAML of the Blue Gap Chapter area; will make inquiries of NNAML to determine usability of the survey report.

The Navajo Nation  
**NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY – SURFACE & GROUND WATER PROTECTION DEPARTMENT**  
First Quarterly Report – FY 2010  
(October, November, December, 2009)

**I. Department Information**

Division Executive Director:	Stephen B. Etsitty
Public Civil Engineer:	Satya “Deb” Misra
Telephone No:	928-871-7701
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**Accomplishments**

**A. Department Office:**

1. Attended 45 meetings, conferences and conference calls as follows: with Resources Committee re: water need in the Black Falls area; with U.S. EPA, CDC, Water Resources Department (WRD), and PWSS Program to discuss water safety plan for the recently-funded water hauling project; with U.S. EPA, U.S. DA, Bureau of Reclamation, IHS and WRD to discuss drinking water projects and MOU between IHS and U.S.DA to receive U.S.DA funding for the Navajo Nation for water-related projects; uranium stake holders meeting to discuss uranium clean-up on the Navajo Nation; with U.S.EPA Office of Enforcement and Compliance Assistance to discuss enforcement action against BIA schools; Window Rock District Court hearing re. non-compliance by Black Mesa Shopping Center’s public water systems with Navajo Nation Safe Drinking Water Act; meetings with Program Managers and NNEPA Executive Director re. programmatic issues and my retirement; with U.S.EPA, IHS and others to discuss water infrastructure projects; with White House staff to discuss Clean Energy Economy; with National Tribal Water Council and U.S.EPA to discuss climate change and funding issues; and with U.S.EPA and other tribes to discuss wetlands program planning; with Resources Committee to discuss drinking water projects in the Black Falls Community; with Drinking Water/Wastewater Work Group; with National Tribal Water Council; with Federal Infrastructure Task Force, Regional Tribal Operations Committee, meeting/conference calls with U.S. EPA - Region 9 and HQ, Resource Committee meeting in Black Falls area, and NNEPA Directors’ meeting, 17<sup>th</sup> Annual Tribal/EPA Conference, meeting with U.S.DA, wetlands work group; NNEPA Department Managers’ meeting re: office space; ethics; conference call with U.S. EPA to discuss UIC funding and database, my retirement party; and Christmas party.
2. Gathered information on design, specifications and cost estimate for modular and steel buildings for PWSS Program.
3. Prepared amendments to the work plans of two Exchange Network and Wetlands Projects and grants to use-up unspent funds.
4. Oil Spill Prevention and Wastewater regulations have been finalized and ready for public comments. Wetlands regulations are being finalized.
5. Prepared and submitted monthly/semi-annual reports and OMB Form 2s for programs/projects.
6. Candidate has been selected for the vacant Senior Environmental Technician with the UIC Program; Administrative Assistant position within the PWSS Program is still vacant.
7. RFP for FY 2009 Exchange Network Project was advertised; 2 proposals received; consultant selection is in progress.
8. After conducting Employee Performance Appraisals for staff, merit bonuses/step increases were given, as needed.
9. Funding formula for the UIC Program is being revisited with U.S.EPA HQ with no immediate gain.
10. Contacts were made with the U.S. BOR and U.S. Department of Agriculture to collaborate on drinking water/wastewater projects for the Navajo Nation. Projects in the amount of \$8 million were selected and submitted to U.S. EPA for funding under Drinking Water Tribal Set Aside grant.
11. Wetlands mapping project was a success – wetlands areas have been digitized and shown on maps for the entire Navajo Nation.
12. Received the following awards: Connor Byestewa, Jr. Environmental Award; plaque awards from U.S. EPA and NNEPA for dedicated service.
13. All the FY 2010 budgets are in place.

**B. WQ/NNPDES Program:**

## **1. GOAL: Continue to implement permitting, compliance and enforcement capabilities to protect water quality.**

Task 1(a): Conduct field investigations: Staff conducted 21 inspection and other activities.

Task 1(b): Draft NPDES permit renewals

- The following NPDES permits were public noticed by U.S. EPA Region 9: BIA Ojo Encino School WWTF (NN0020915), BIA Crystal School WWTF (NN0020869), BIA Lake Valley School WWTF (NN0021016), BIA Pueblo Pintado School WWTF (NN0020991), and Gouldings Lodge WWTF (NN0025178)
- The following NPDES permit was issued by U.S. EPA Region 9: Chevron McKinley Mine (NN0029386)
- The following NPDES permit renewals are being worked on by program staff: BIA Wingate High School WWTF (NN0020958), NTUA Ganado WWTF (NN0022195), NTUA Tuba City WWTF (NN0020290), and Nacodogches Oil & Gas (NN0020133)
- NPDES Permit Renewal for BIA Crystal School WWTF (NN0020869): submitted comments to U.S. EPA Region 9 on public notice version
- NPDES Permit Renewal for BIA Wingate High School WWTF (NN0020958): completed the draft permit package
- Meeting with Navajo EPA Executive Director on U.S. EPA Region 9's withdrawal of the NPDES permit for PWCC in order to hold a public meeting in February 2010
- Responded to inquiry from BIA on the NPDES permit for the BIA Nenahnezad School WWTF

Task 1(c): Conduct NPDES CEIs

- NPDES CEI of the NTUA Tuba City WWTF (NN0020290) with U.S. EPA Region 9 NPDES Permits Office point of contact; completed draft report for CEI on NTUA Tuba City WWTF (sent to staff and U.S. EPA Region 9 inspector for review); finalized CEI report on NTUA Tuba City WWTF
- NPDES CEI of the NTUA Shiprock WWTP (NN0020621) with U.S. EPA Region 9 NPDES Permits Office point of contact; finalized CEI reports on NTUA Shiprock WWTP
- NPDES CEI of the APS Four Corners Power Plant (NN0000019) with U.S. EPA Region 9 NPDES Permits Office point of contact
- NPDES CEI of the BIA Lake Valley Community School WWTF (NN0021016) with U.S. EPA Region 9 NPDES Permits Office point of contact; completed draft report on CEI at BIA Lake Valley Boarding School WWTF; conducted f/u CEI at the BIA Lake Valley Boarding School WWTF
- Conducted NPDES CEI at the BIA Lukachukai School WWTF
- Conducted NPDES CEI at the BIA Jeehdeez'a Academy WWTF
- Working on finalizing the NPDES CEI Report for PWCC
- Submitted cover pages of CEI reports to U.S. EPA Region 9 CWA Compliance Office for inspections in FY 2009

Task 1(d): Conduct storm water construction inspections

- Inspection of the Window Rock teacher housing project
- Inspection of 40 new NHA homes in Navajo, NM; meetings with Dean Douglas Homes on NOI/SWPPP; follow up storm water inspection of NHA housing project in Navajo, NM

Task 1(e): Conduct storm water industrial inspections: Sand pit in Gamerco, NM along County Road 7

Task 1(f): Conduct CAFO inspection at NAPI

- Received update on status of feedlots from NAPI rep
- Discussion with U.S. EPA Region 9 contact and sent over COE document
- Tour of NAPI Cow Camp feedlot with U.S. EPA Region 9 NPDES Permits Office point of contact

Task 1(g): Improve compliance monitoring & enforcement activities

- COE NOV for Transwestern Pipeline Co. Work in Whe Yol Dah Sah Wash: agreement with planned action by Transwestern for site restoration; informal meeting with George Friend of Transwestern; spoke to George Friend on scouring that would have occurred; spoke with George Friend and informed him that the COE will provide details when Transwestern can begin to remove the flow structure they previously installed without 401/404 permits; per the NOV, Transwestern for removing 150-ft long rock structure and mitigating the site; meeting with Transwestern on the 401 Certification process and upcoming Transwestern projects; received documentation on the corrective action performed by Transwestern; discussion with Transwestern rep who will be sending a report on the corrective action performed; reviewed Whe-Yol-Dah-Sah Wash corrective actions document from Transwestern Pipeline (work on approval letter to be sent to COE).

- Discussion with Speedy's Septic on un-engineered lagoon in Rock Point, AZ, used for septage disposal
- Reviewed DMRs for APS Four Corners Power Plant
- Reviewed DMRs for the following NTUA facilities: Chinle WWTF, Ganado WWTF, Pinon WWTF, Navajo Townsite WWTF, Shiprock WWTF, Kayenta WWTF, Tuba City WWTF, and Window Rock WWTF
- Reviewed DMRs for the following BIA facilities: Hunters Point Boarding School WWTF, Crystal School WWTF, Seba Delkai School WWTF, Jeehdeez'a Academy WWTF, Lukachukai WWTF, and Nazlini Boarding School WWTF, and Tiis Naz Bas Boarding School WWTF

Task 1(h): Participate in monthly NPDES conference calls with U.S. EPA: Three calls and 2 meetings.

## **2. GOAL: Continue to operate the Navajo Nation 401 Certification program**

Task 2(a): Determine 401/404 applicability: Staff performed 14 activities with NHA/NMDOT/NTUA/ NNDOT and COE.

Task 2(b): Issue tribal 401 Certifications: Staff performed 13 activities during this quarter.

Task 2(c): Maintain 401 Certification database: Added 6 new 401 Certifications to the database.

## **3. GOAL: Continue to implement the NNSWQS program**

Task 3(a): Apply NNSWQS to other programs

- Discussion with National Parks Conservation Association on mercury issues in NM
- Addressed question from APS on dissolved solids WQS applicable to Morgan Lake
- Addressed inquiry from ADOT on whether Laguna Creek is a listed impaired stream (it is not)

Task 3(b): Initiate preliminary process for the next triennial review of the NNSWQS

- Added 2008 version of Colorado River Basin Salinity Control Forum salinity recommendations
- Added comments from U.S. EPA Region 9 on hardness definition and how it should be implemented for the hardness dependent metals equations
- Internal meeting concerning wetlands regulations and standards
- Discussion with USFWS on mercury criteria

## **4. GOAL: Continue to implement the NPS management program**

Task 4(a): Oversee on-going NPS Projects: Meeting with Division of Finance and OMB regarding differences in budget book sub-account numbers and the FMIS sub-account numbers

Task 4(b): Develop & submit NPS proposal

- Working on proposal development (Austin Ranch); deadline for NPS proposal is December 18, 2009
- Submitted FY 2010 NPS grant application package (Austin RMU) for NNEPA Executive Director's signature; FY 2010 NPS grant application package (Austin RMU) to be sent to U.S EPA Region 9

Task 4(c): Implement NPS management initiatives

## **5. GOAL: Continue to implement the WQ monitoring program**

Task 5(a): Determine physical/chemical/biological conditions of waterbodies and evaluate them against WQ indicators

- Collected benthic macro-invertebrate samples from Bowl Creek, Tsaile Creek, Teec Nos Pos Wash, Whiskey Creek, and Upper Wheatfields Creek
- Provided Utah State University bug lab with some background information for last year's sampling events
- Lab Contract: modified request for bid spreadsheet; researched labs on internet; sent out requests for bid to 3 labs.
- Visited by rep. from Columbia Analytical Services (contract lab)

Task 5(b): Maintain a WQ monitoring database

- Reviewed template sent by URS to uploading our data to WQX; sent comments to URS on the template; talked with URS on program comments on their WQX template; more discussion with URS on our comments on their WQX template
- Preparing to begin use of the WQX template after extensive reviews with URS
- Downloaded analytical reports from Columbia Analytical Services

Task 5(c): Prepare WQ assessment report involving designate use attainability determinations

- Discussion with U.S. EPA Region 9 project officer on our plan to submit WQ data in assessment report template that U.S. EPA wants by December 31, 2009
- Continued with report analyzing Moenkopi Canal data

Task 5(d): Submit WQ data to U.S. EPA: Pending full implementation of the template by URS.

Task 5(e): Revise WQ monitoring strategy if needed: An on-going activity

Task 5(f): Conduct annual assessment of the WQ monitoring program, QAPP and WQ database: An on-going activity

## **6. GOAL: Continue transition from a federal to a tribal NPDES program**

Task 6(a): Obtain NPDES program delegation

- NPDES PSA - Discussion with U.S. EPA Region 9 NPDES Permits Office on program delegation plans

- NPDES TAS - Waiting for Navajo Land Office to draft jurisdictional maps for supplemental 303/401 TAS and the new NPDES TAS

- Discussion with U.S. EPA Region 9 NPDES Permits Office point of contact on program delegation plans
- Participate with NTUA in a pretreatment survey of commercial users in Shiprock; continued assisting NTUA in inventory of 41 IUs/commercial users in Shiprock, NM

Task 6(b): Implement MOA between U.S. EPA and Navajo Nation

Task 6(c): Coordinate on permits, compliance and enforcement

- Meeting with Gary Sheth, U.S. EPA Region 9 NPDES Permits Office point of contact
- Coordinating with the U.S. EPA Region 9 NPDES Permits Office on permit schedules and with the CWA Compliance Office on CEIs and reporting

## **7. GOAL: Continue to implement the WQ education and outreach program**

Task 7(a): Conduct presentations to students: 7 presentations

Task 7(b): Conduct general public presentations: 4 presentations

Task 7(c): Issue quarterly program newsletter: Updating the newsletter format developed in the past

## **8. Continue tribal WQ staff training**

Task 8(a): Attend WQ-related, WET and other technical courses: Staff attended the following - CWA Section 404 Permitting; EPA webinar on An Urgent Call to Action: Nutrient Innovations Task Group Report; Navajo Transportation Conference in Mesa, AZ; and NHA conference on Going Green in Native Communities in Flagstaff, AZ.

Task 8(b): Attend health and safety recertification: 2 staff attended annual 8-hr HAZWOPER Refresher course

Task 8(c): Attend conferences/workshops: Several staff attended 17<sup>th</sup> Annual U.S. EPA-Tribal Conf. in Tucson, AZ.

## **9. Continue to provide technical assistance, grants management, and office administration**

Task 9(a): Provide clerical/office administrative support: Senior Office specialist is effectively providing clerical/office administrative report

Task 9(b): Provide CWA-related technical assistance: Staff performed 31 technical assistance related activities including the following:

- SPCC: discussion with contract attorney on status of proposed SPCC regs; discussion with contract attorney on changes to the proposed NNSPCC Regulations; began review of the updated version

- City of Gallup WWTP Discharge into Puerco River: compile program involvement for NNEPA Executive Director response to Lupton Chapter council delegate
- DNA Fly Ash Intent to Sue: discussion with NNDOJ on sharing info; sent info requested by Earth Justice
- Uranium Issues: rechecked Many Devils Wash due to decent rainfall; quarterly meeting with U.S. DOE; U.S. DOE public meeting in Shiprock; technical meeting with U.S. DOE; prepared update from recent UMTRA meetings; responded to NNEPA OER on contaminant plume under Shiprock
- DREP: reviewed latest draft Final EIS; prepared comments on draft FEIS
- BP Biopile: discussion with NRCS on work they have done in the past; sent info to Navajo Land Office; discussion with former employee of Four Corners Pipeline on the company's dealings with the Harvey family; researched how alfalfa production can be impacted by soil and irrigation water pH and conductivity; talked to consultant on desire to test soil outside of the fenced area
- US 491 Project: meeting by NMDOT on complaints pertaining to Segment 7; reviewed partial Segment 6 design plan sent by NMDOT
- Wetlands: commented on wetlands project report; closeout meeting with Ecosphere; internal meeting concerning wetlands regulations and standards; copied wetland database from one external hard drive to another; commented on wetlands grant documents; more data transfer and report review; internal discussion on the wetland project; reviewed draft wetland brochure; started to use the database and template prepared by Ecosphere; reviewed proposed NN Wetlands Regs; responded to questions from dept. wetlands staff
- APS Request for Off-lease Access to Collect Background Storm Water Samples: letter to APS concerning acknowledgement to access off-lease area for background storm water monitoring (responded by informing APS on a need for its actual request, not an acknowledgement); addressed questions from APS; explained to APS our response which led APS to agree to stop sampling until further notice; prepared response to APS revised request
- Discussion with ADEQ on AZPDES permits for the Holbrook and Winslow WWTPs and on ADEQ APP inspection report on Antelope Point Marina wastewater system; sent comment to ADEQ on its September 2008 inspection report of the Antelope Point Marina WW system
- Meeting with NTUA on e-coli exceedences at and pretreatment type survey for the Shiprock WWTP
- Inquiry by Dean Douglas Homes on reuse of treated wastewater for dust suppression and NOI/SWPPP requirements for construction activities
- Spoke with Farmington Daily Times reporter on report from Environment America on pollution dumped into Morgan Lake by APS Four Corners Power Plant
- Discussion with Upper Fruitland Chapter grazing official on abandoned well near the chapter house; informed Upper Fruitland Chapter grazing official that nearby abandoned well is likely a water well not an oil well
- Letter to Lake Valley Chapter responding to their concerns on the BIA Lake Valley School WWTF
- Proposed program equipment storage yard: took consultant to proposed site; got price quotes for pre-fab trusses; started materials list; compiled materials list; received price quotes; laid out area at NN Forestry Dept yard in Ft. Defiance and marked corners and support post spots; picked up materials and supplies; piers are poured; trusses are in place and lathe 20% done; submitted paperwork to NTUA to relocate powerline; progress being made on construction of the structure

Task 9(c): Each staff perform required administrative functions: Annual Employee Performance Appraisals, UIC and GAP Program in job interviews, salary Step Increase Recommendation forms, NN Motor Vehicle Review Board meeting on plan to purchase 2 trucks, request a vehicle assignment from GSA Gallup GSA Fleet Service, program staff meeting.

Task 9(d): Submit application for FY 2011 CWA PPG

- Internal discussions on including 319 competitive grant into the FY 2011 CWA PPG
- Considering U.S. EPA Region 9 Project Officer's idea of partial grants for the FY 2011 CWA PPG as a means to avoid problems with processing grant awards after the new FY starts
- FY 2010 CWA PPG: SAS for application and award passed by Resources and IGR Committees; President Shirley signed award; FY 2010 budget inputted

## **10. Quarterly reporting for self-evaluation and joint-evaluation of annual PPG performance**

Task 10(a): Report on task status, expenditures, accomplishments, environmental results, and problems impacting performance:

- Completed program monthly reports for October 2009, November 2009, and December 2009
- Completed program quarterly report for the 1<sup>st</sup> Quarter of FY 2010

**11. Major Accomplishments:** Submitted FY 2010 NPS grant application package (Austin RMU) to U.S. EPA Region 9; assisted the COE with its NOV against Transwestern Pipeline Co. resulting in the removal of a 150-ft long rock structure illegally installed in Whe Yol Dah Sah Wash.

**C. PWSS Program:**

1. Enforcement:

- Staff met with Black Mesa Shopping Center to discuss a settlement agreement for noncompliance of the Navajo Nation Safe Drinking Water Act- failure to submit nitrate/nitrite samples during 2007 and 2008. The amount of penalties resulting from not sampling for bacteae and nitrate/nitrite is \$325,000.00, which is not settled. The case was heard in the Window Rock district court on November 16, 2009 and judge's decision is pending. Staff conducted a followup inspection to photograph the current facilities at the Black Mesa Shopping Center.

- Staff met with the Jeddito Elementary School officials and the operator to discuss the public water system status of the facility. PWSSP determined this system to be a consecutive system. Staff provided a letter to the Jeddito Elementary School regarding their status as a consecutive public water system. The school purchases water from the Navajo Tribal Utility Authority. The school is required to conduct monthly bacteae sampling, lead/copper, and stage 2-disinfection by-product sampling. The school is also required to develop and implement a backflow prevention program and prepare an annual consumer confidence report.

- Staff sent a reminder notice to BIA regarding Beclabito Day School.

- Staff sent a NOV letter to NTUA regarding Jeddito-NTUA's bacteae non-compliance.

- Staff sent reminder notice to Fort Defiance Elementary School to remind them of their sampling requirements.

- NOV will be sent to Fort Defiance Elementary School for bacteae non-compliance.

- Staff inspected the Nazlini Community School's storage tank as there have been gun shots to the tank. Staff recommended the storage tank be repainted. The interior paint was not damaged.

- Staff sent 14 reminder letters for the Consumer Confidence Report Requirements.

- Staff emailed NTUA a reminder that asbestos sampling is required at the Leupp/Birdsprings public water system.

- Staff sent reminders to BIA regarding nitrate/nitrite sampling.

- Staff prepared 1<sup>st</sup> Quarter Significant Non-Compliers report, consisting of bacteae violations only and sent to U.S.EPA.

- Nine (9) NOVs were issued to owners/operators of public water systems for non-compliance of the bacteriological sampling requirements.

- Twelve (12) reminder letters were issued to owners/operators of public water systems for the consumer confidence report requirements.

2. Sanitary Survey Inspections

- Staff participated on sanitary survey inspections of the Navajo Generating Station, Arizona Public Service, and Coal Mine Mesa public water systems with the U.S. EPA's consultant the Cadmus Group.

- Staff is preparing their sanitary survey inspection reports.

- No sanitary survey inspections will be held until March 2010. The staff are preparing their inspection reports and entering into the DIME database upon completion.

3. Design Review and Final Inspections

- Staff completed 20 Initial Review of construction projects. These projects were public noticed in the newspaper.

- Staff completed 3 Final Inspections of drinking water projects.

4. Construction Permits and ROW Documents:

- Three permits as follows: NA-07-D36/Q78 Crystal-High Narbona Waterline Extension, NA-08-Q93 Red Rock Scatter waterline extension, NA-02-X10 Baca Water Point, and NA09S24 Blanco Canyon Waterline Replacement

- Staff participated in the Water/Wastewater Interagency meeting with the CDC, U.S. EPA-HQ, U.S. EPA-Region 9, U.S. DA, BOR, Department of Water Resources, IHS and NNEPA. Progress reports were received by most in attendance as to addressing access to safe drinking water. BOR has a treatment plant pilot project that seems to a possibility of having safe drinking water for any area on the Navajo Nation. BOR needs information about water sources. The C-aquifer also needs to be developed per Department of Water Resources. CDC brought information about a potential grant sources.

- Staff submitted comments to the NNEPA Office of Environmental Review regarding SWCA consulting project for the Berryhill Street Milan, NM proposed Sanitary Sewer System. Effluent to be released into the Rio San Jose. Staff commented that there will be no impact based on the divide between Northern Milan and the Navajo Nation geography and geology.

- Fourteen (14) ROW SAS documents were reviewed this quarter. Projects were proposed by NTUA and IHS.

## 5. Administration

- The Navajo Nation Safe Drinking Water Act amendments did not pass Navajo Nation Council. Per DOJ, the amendments need to be re-written in proper format and Legislative Counsel needs to ensure the document is copied properly. This document does need to go through the SAS process again but needs to be prepared correctly for NNC again by Legislative Counsel.
- The Navajo Nation Primary Drinking Water Regulations are being prepared for public notice.
- Staff attended the morning caucus council meetings to lobby for the approval/adoption of the NNSDWA.
- Ms. Dawn Begay successfully completed the 90-day Introductory Period. An evaluation and a personnel action form was prepared effective December 14, 2009.
- The Nordhaus Law Firm contract was successfully reviewed, signed, and put into place by Contract Administration-Office of the Controller.
- Sushil Chaudhary's contract was successfully reviewed, signed, and put into place by Contract Administration-OOC. Another contract amendment was prepared. I called Contract Administration and complained that the modifications were small and asked if we could prepare a purchase requisition for Mr. Chaudhary's services. They told me that contractor's services needed to be addressed through the contract process and at 20% of the initial contract amount. As we build the amount to a larger amount, 20% allowed will also increase.
- The Fourth Quarterly Report was sent to U.S. EPA, as was the 4<sup>th</sup> Quarterly Financial Report.

6. **GIS:** Staff prepared maps that were requested of outside entities. The Tohatchi Area of Opportunity & Service, Inc and the Monument Valley High School requested for maps.

## 7. Operator Workshops and Training (5 activities this quarter)

- Staff is preparing for the PWSSP Drinking Water Conference and will host the conference during July 2010. The conference is proposed to be held at the Radisson Resort and Conf. Center in Fort McDowell, AZ. Prior approval from the President's Office is required and a memo was prepared requesting approval.
- National Tribal Environmental Council, hosted a board training in Gallup, NM. Elements of the Roberts Rule of Order were discussed.
- Backflow Tester Training in Phoenix, 8 attendees from the Navajo Nation attended.
- CUPPS Training at the Navajo Nation Museum on November 23 and 24, 2009. This training was taught by the NTEC.
- Two operators attended a backflow specialist training in Phoenix.

## 8. Unregulated Water Sources

- Staff provided assistance to the CDC as they collected water samples of livestock wells. This project will be paid for by the U.S. EPA-Region 9. Staff took pictures, evaluated the area, and took samples. CDC also worked with the Community Health Representatives to collect more urine samples in the Red Mesa area. CDC and PWSSP talked about completing the livestock sampling project during FY2010. Other projects discussed were identifying health threats from nitrate/nitrite and bacteae from livestock wells.
- Staff participated in the water hauling meeting with the Department of Water Resources and CDC.
- Staff participated in the American Public Health Association Conference to help in promoting the poster that was prepared by the Kayenta Public Health Nurses, the DOH Community Representatives, the CDC and NNEPA. A one-day training is being scheduled for the month of January by the Red Mesa Chapter. The staff along with CDC will co-sponsor the event. Information about the livestock sampling and human urine sampling will be discussed.
- PWSSP submitted information to CDC for a grant to address cisterns and water hauling public education activities. \$90,000 was awarded to the PWSSP in collaboration with CDC. There is no match requirement.

9. Staff Training/Conferences (6 staff training this quarter): U.S. EPA Tribal conference; Uranium Summit; Groundwater Rule webinar; Drinking Water Sampling and Disinfection; Advanced Design of Wastewater Facilities in Maricopa; and Institutional Review Board's conference.

## 10. Source Water Assessment and Protection (7 activities this quarter)

- Staff is working with NMED-Liquid Waste Water Department regarding developing a plan to close UIC wells within a SWAP area.
- Staff developed a list of first responders including State Hazmat (NM LANL and AZ SERC), NNDEM, NNPD, NNFD to include this information in the SWAP. Staff is determining to what extent these entities are able to contribute to the contingency SWAP plans.
- Staff will plan for a meeting to raise more awareness to protect source water in the event of a spill/leak/fire.

- Staff participated on a conference call with URS regarding the GIS development project PWSSP. Data layers will be requested of each department.
- Staff received information regarding barrels of asphalt on top of a water line in the Oljato area. NTUA was concerned that the barrels of asphalt may contaminate the water source.
- Staff prepared a lesson plan for presentations of SWAP and OWTS for community and land use developers. The plan was shared with Mr. Ron Thompson of the National Tribal Environmental Council in preparation for training that NTEC agreed to provide. Included in the training would be HAZMAT emergency responder issues.
- Staff continued working on the UIC Class V well closure plans for OWTS and storm drains in SWAP or sensitive areas.
- In preparation of the 2011 chemical waiver applications and the susceptibility assessment surveys, staff contacted U.S. GS in Flagstaff requesting for a statement regarding asbestos mineral mass deposits on the Navajo Nation.

11. Technical Assistance (9 activities this quarter)

- Staff provided technical assistance to the Tohatchi Public School operator regarding nitrate/nitrite sampling. The operator reported that the nitrite sample results exceeded the MCL. Staff gave directions to get another set of samples and to conduct operation/maintenance.
- Staff provided information to Ganado Unified School District regarding a sanitary survey.
- Seven TA s were provided to Willow Springs, Red Mesa Unified School, Shonto Chapter, Round Rock Elementary. Staff visited the operators of each of these systems.
- Technical assistance was provided to the Saint Michaels School operator regarding the sampling requirements. Sister Mary Rochford has been submitting data and a monitoring schedule was prepared outlining sampling requirements for 2009 & 2010.
- Technical assistance was provided to the Fort Defiance Elementary School. An explanation of the noncompliance issues were given to the operator regarding bacteriological repeat sampling and public notice.

12. Wastewater: The regulations have been finalized. A public notice was requested but the Gallup Independent will not advertise until we pay for outstanding bills. A request to pay for the bills has been made.

13. Public Education: Staff presented Environmental and Health Contaminants in Unregulated Water Sources to a class of college students.

**D. UIC Program**

1. Permits: Staff worked on 5 injection well permits, i.e. NN 18 and NN 25-28 during this quarter.

2. Injection Well Mechanical Integrity Tests: (MIT's, Temp Logs, Step-Rate Tests, CBL): Staff witnessed 12 MIT's as follows: one at Dugan #157 West Bisti Unit. This well failed MIT and was immediately shut in, and is awaiting repairs; 2 at U.S. O&G #34-23 and #34-43. Both passed MIT; 4 at Resolute Oil and Gas Company's site # O-14 MCU, #R-17 MCU, #K-18 MCU and #D-15 MCU. All passed their respective MIT's; one re-test at Dugan #157 WBU (re-test). It passed MIT; 3 at Resolute #F422 AU, #H216 AU, and #G308 AU. All passed their respective MIT; and one at Bayless SWD #1 Tocito Unit. It failed MIT. Well was shut in and to be repaired/re-tested 12/18/09.

3. Enforcement Related Activities

- Resolute Oil and Gas Company was sent NOV's (failed MIT's over 180 days) by certified mail for the #19W43RU, #F-115 AU, and #F-116 AU. Staff contacted Resolute re: their 7W43 injection well which requires immediate remedial action or P&A; the operator was issued an NOV for their failure to address an overdue failed MIT and was also granted a 2-week extension. Resolute was notified of their non-reporting of pressure exceedances for Aneth area to the UIC since last summer. Resolute's field operations promptly provided this information.

- Staff contacted Nacogdoches (Mike Allen) and BLM (Val Jamison) re: the lack of activity at the Navajo #10 DBK injection well. This well needs to be repaired, converted to production, or P&A'd ASAP.

- Staff received a draft of Dugan's aquifer exemption application for the West Bisti SWD #1.

4. Spill Inspections/Injection Site Visit: Staff conducted 3 site visits to check the status of the Rim SW Monument 17E #2. This well has a pump jack over the hole – no injection presently underway, as well as general field inspection with U.S. EPA of the Aneth area (Aneth, McElmo and Ratherford Units), E. Boundary Butte, and DBK oil fields.

5. Training: Staff attended the "6B Rollout" Training in Window Rock.

6. Outreach: Staff handled 8 activities relating to trash dumping complaints and forwarded them to the Solid Waste Program in Window Rock and Shiprock Fair.

7. Pit Remediation/Ground Water Sampling: The UIC program was notified re. the correspondence between Western (Bill Robertson) and NN O&G (Chalmer Bitsoi) re: remediation at the old TX-NM Pipeline Station site in Montezuma Creek, UT; Staff was also contacted by EMNRD-Santa Fe (Glenn Von Gonten) re: pit closure jurisdiction for the Gallegos Gallup Sand Unit Pit (Chevron/Stantec). It was determined that this site is located on NN land (surface).

8. Other Activities:

- USEPA Region 9 staff delivered a 15 minute presentation on Class III permitting at the Navajo Uranium Contamination Stakeholders Workshop in Gallup, Nov 3; Sr. Hydro attended his presentation.

- Staff, in coordination with USEPA Region 9, continued on-going utilization of the new database, troubleshooting problems/irregularities & preparing for year-end reporting (Form 7520) to USEPA HQ.

- Staff, with the assistance of NNEPA/WQ Program, interviewed two candidates for the vacant Senior Environmental Technician position. Staff was unable to contact a third candidate referred by Dept. of Personnel Management.

- Staff received Sundry Notices from an operator via BLM: MIT results for Resolute's #D-15 MCU, #R-17 MCU, #O-14 MCU, #K-18 MCU, #F422 AU, #G-308 - all passed MIT.

- Contract Attorney provided new NNCERCLA spill report forms to the UIC Program.

- Staff sent to Contract Attorney an injection well inventory list to be provided to operators.

- Staff along with U.S. EPA Region 9 staff and Dugan Company staff participated in a conference call re: Dugan's Aquifer Exemption application (West Bisti SWD #1 Class IID); Dugan had several procedural questions which were addressed by NNEPA and USEPA.

- Invoices for UIC Annual Service Fees were mailed-out to operators. The total amount invoiced was **\$ 151,200.00**.

- Staff reviewed/edited USEPA Region 9's end-of-grant evaluation for the FY09 UIC Class II grant.

- Staff compiled end-of-year UIC MIT failure statistic report to U.S. EPA Regulations.

- UIC Program offered Ms. Jean Bia the vacant Senior Environmental Technician position. Ms. Bia accepted the offer on 12/4/09. Her employment, beginning January 11, 2010, is subject to final DPM approval and a 90-day probationary period.

- Staff edited the NNCERCLA 'petroleum spill report' form as per Contract Attorney's request.

- With U.S. EPA's help, staff made edits to four wells data in the new well database. Staff participated in a conference call with U.S. EPA HQ & Dept. Director re: NEIEN grant progress and account balances.

- Staff participated in a 'webinar' conference with USEPA, et al, re: the Grant UIC allocation.

**E. Conditions of appropriations:** The Department has no COAs.

**F. Current Projects**

- Work is in progress at the following sites: at Roanhorse Ranch CWA 319 Project – Obtained a two-year, no cost grant extension to complete In-Kind Match requirements which was submitted. An additional 15% of work was accomplished; Elkins Ranch CWA 319 Project – Maintenance on structures installed during 2007 was accomplished. About two miles of cross fencing was constructed; working on poster presentation for Quivira Coalition conference on November 4, 2009; presented poster presentation of Elkins Ranch Project at the Quivira Coalition Conference; completed 95% of GPS data collection on installed structures. Shaw Ranch CWA 319 Project - approximately 200 erosion control structures installed and approximately two miles of fence built; Dr. Buellah Ranch Project, CWA 319 Project – Approximately 50% of the cross fencing installed. Approximately 60 erosion control structures installed; Hardy Ranch 319 Project Grant Award SAS is now going to the Resources Committee for approval. Activities include archaeological clearance, fish and wildlife survey, purchasing/leasing riprap and fencing material, portable water harvesting structures on ranch roads, meeting with NRCS and e-mailing photos to U.S. EPA, Region 9. Allen Ranch - Started road work; consultant working with land-user rep on how to read the land, lay out the structure sites, and construct the structures; submitted paperwork to pay consultants; worked with consultants on erosion control and waterway stabilization; submitted project match report to NN for approval by Resources & IGR Committees.

- Savings from the Wetlands Mapping Project is being reprogrammed for additional wetlands mapping.

- FY 2007 and FY 2008 Exchange Network Project tasks are on-going.

**G. Outstanding Issues/Recommendations:** U.S. EPA needs to establish an annual set-aside of CWA §106 grant.

# NAVAJO GAMING REGULATORY COMMISSION



CARLEEN CHINO  
EXECUTIVE DIRECTOR

FY 2010 - 1ST QUARTERLY REPORT

The Navajo Nation  
**NAVAJO NATION GAMING REGULATORY COMMISSION**  
First Quarterly Report – FY 2010  
(October, November, December, 2009)

**Program Information**

Division Executive Director:	Carleen Chino
Telephone No.:	928-871-6712
Fax No:	928-871-6713

Departments:

Investigation & Licensing	Lisa F. Tom, Licensing Manager
Audit	Milford Maloney, Audit Manager
Slot Compliance	Lena Poyer, Slot Compliance Manager
Enforcement	Sherie Schultz, Enforcement Manager
Surveillance	Surveillance Manager

**Staff Status**

- The Navajo Gaming Regulatory Office (NGRO) is currently operating under the leadership of Carleen Chino as the Executive Director. Ms. Chino's 4-year contract with the Navajo Nation was approved by the Navajo Nation Council on October 22, 2009. Ms. Chino took office on November 16, 2009.
- The NGRO staff consists of thirty-three (33) employees in the following departments: Administration, Information Systems/Technology, Investigations/Licensing, Audit, Slot Compliance, Gaming Enforcement and Surveillance. All NGRO staff are Navajo Tribal Members. A summary of activities for each NGRO department is included in this First Quarter Report and titled separately hereafter.

**Administration Department**

- The NGRO met with the Navajo Nation Gaming Enterprise Executive Management (NNGE) staff a total of eight (8) times during the first quarter. Discussions included the pending items such as: 1) Secondary Employment Application; 2) the process of licensing Prospective Primary Management Officials, Vendors & Non-Gaming Employees; 3) internal issues between casino operations and the Tribal Gaming Office (TGO). Of the eight meetings, one (1) meeting was held with the NNGE Board of Directors on December 5, 2009 in Las Vegas, NV. Agenda items included the introduction of the NGRO Executive Director, financial and management reports by the NNGE Executive Management and the future of Navajo gaming.
- Participated in a meeting with the NNGE Executive Management and Vice President Ben Shelly on the future of Navajo gaming. Discussions included the plans for Class III gaming facilities at Twin Arrows near Flagstaff; off Pinta Road on I-40; Upper Fruitland area and Class II gaming facilities near Tse D'aa Kann and Chinle Chapter.
- Attendance to a meeting with the Window Rock Criminal Justice Initiative group was made on December 7, 2009. The session was to make introductions of the NGRO Investigations/Licensing staff and to share what the NGRO's responsibility is, in regards to Navajo gaming. The main concern expressed was the establishment of a system for accessing criminal background information and active warrants on prospective employees to the gaming facility.



November:	8 Hired	Non-Key:	33
December:	11 Hired		
<u>PMO:</u>	<u>2</u>		
Total:	52 Employees	Total:	52

#### Vendor Licensing:

Vendors to FRNC are issued temporary vendor licenses upon request prior to conducting business. Five (5) Vendor Licensing applications were sent out during this quarter to the following companies: BDP Direct, NM Air Filter, Horizon Loyalty, NRT Technology, and The PC Place.

#### Meetings:

- On November 4, 5 & 10, 2009 the Licensing staff participated in the NGRO interviews for the Gaming Agent & Gaming Investigator positions.
- On December 11, 2009 the Licensing staff attended an ANMIGC Licensing Chapter Meeting held at Hollywood Casino, the San Felipe Gaming Commission hosted the meeting. The main discussion for this meeting was to find out how much each Gaming Commission was charging for their vendor licenses. There was an issue with one of the vendors wanting to negotiate their renewal fee. Other topics discussed included the process for licensing prospective employees who are charged as sex offenders when applying to work at the casino and if the NGRO discloses the Social Security Act on the gaming license applications and how licensing files are stored.

#### Staff Training:

- On October 14 and 15, 2009 the Licensing staff attended Key Scan Training conducted by Michael Papp of NIC. Mr. Papp went into detailed dynamics on how the Keyscan System works in the casino. The TGO Gaming Agents were trained on how to start new access codes for the Keyscan System. They were trained on how to secure doors at different levels. They were trained on how to print and set up badges for the casino. An issue was brought up about the access system for the vault. A swipe card needs to be installed in the vault area so it is known who has been accessing that area. This installation issue is still pending.
- On October 20 through 22, 2009, two Licensing staff attended the Wicklander-Zulawski Investigations training in Albuquerque, NM. Staff was instructed on how to conduct a professional investigation that included certain techniques of how to read body language, gestures, eye movements, etc., during investigations as well as learning how to use formal statements and positive confrontation when conducting interviews.
- During November 16-20, 2009, several Licensing staff attended the Gaming Expo in Las Vegas, NV. Their network opportunities consisted mainly on licensing & background investigations issues.
- On October 21, 2009 an NGRO Management meeting held at Earls Restaurant. Each Department gave a brief update of their department. Surveillance mentioned that all Gaming Agents should be at work at least 5 to 10 minutes before their shift so that they could get a debriefing from the prior shift; Internal Audit stated they were working on the Title 31 and Bingo Audit; Licensing was in need of more Investigators due to the time limit of background investigations being turned over to the NIGC; discussions also included upcoming events in the NGRO office, such as: 1)a possible Management Retreat; 2) Employee Morale incentives, i.e., weight challenges, 50/50 ticket drawings, Thanksgiving and Christmas Dinner locations.
- On November 9, 2009 a Mandatory Meeting was held in the Surveillance Office by Jerry Tobish, Surveillance Director. This meeting was to inform the Gaming Agents of the New Executive Director that was coming on board, Carleen Chino. The staff was also informed that the new Enforcement Manager was to begin work on November 16, 2009 and the possibility of a shift rotation for the Agents & Surveillance.
- On November 12, 2009 Licensing staff attended a Casino Management Meeting held at FRNC. An announcement was made on all the selected new hires for the NGRO office.

- The Licensing staff in conjunction with the FRNC Human Resources aiding in conducting Employee Orientations. A total of six (6) Employee Orientations were held on the following dates: 10/12/09, 10/26/09, 11/9/09, 11/23/09, 12/7/09, and 12/28/09. The NGRO Licensing Staff gave a short presentation to the FRNC employees on the NGRO's specific duties that include: 1) regulating gaming activity in the casino; 2) the importance of following policies and procedures and if employees are caught violating the law that the local law enforcement will be called; 3) wearing their gaming licenses/badges at all times and the cost to replace a lost badge; 4) casino employees were also reminded of their responsibility to inform the TGO Gaming Agents or Investigators within 72 hours, if they receive any citations/arrests from law enforcement.
- On November 23, 2009 Licensing staff met with FRNC Human Resources for an update on the Secondary Non-Gaming Employee Application. The Human Resource Department wants to initiate a secondary non-gaming employee application that is different from the current gaming application. There has not been a decision on whether the proposed secondary application will be considered.

## **Audit Department**

The NGRO Audit Department has the following to report for the 1st Quarter.

- The Audit Department is drafting the audit plan for the 2010 calendar year. These audits will be conducted to verify that Fire Rock Navajo Casino (FRNC) is in compliance with all applicable laws of the Navajo Nation and the United States of America, including but not limited to the Indian Gaming Regulatory Act of 1988. This authority is given to the NGRO under Chapter 5, Commerce and Trade, subsection 2008, Powers and Duties of the Gaming Regulatory Office. The scheduled audits are required by the National Indian Gaming Commission (NIGC), Minimum Internal Controls Standards (MICS), as well as risk audits of separate departments within FRNC. Risk audits may be conducted on the Player's Club, Food & Beverage and Gift Shop, but not limited to only these departments. The audits will be included and conducted thru December 31, 2010.
- The Internal Audit Department has started a draft of the Internal Audit Policies and Procedures. The final draft is expected to be completed within the next quarter.
- The NGRO was unsuccessful in finding individuals to fill Gaming Auditor positions. Therefore, amendments to the reclassifications for the Gaming Auditor positions are awaiting a response from the Navajo Nation Personnel Office. Upon approval, advertisement for (3) three additional Gaming Auditor positions will begin along with scheduling interviews.
- The Gaming Audit Manager attended the G2E 2009 Gaming Expo at the Convention Center in Las Vegas, NV. It consisted of a variety of training seminars throughout the week and was able to obtain information on how to conduct audits and examined different accounting/auditing software.
- The Audit Department has completed the Preliminary Audit Report for the Title 31 and Bingo Operations. The reports are being reviewed by the Executive Director and will be issued to FRNC management for a response. The NGRO is given the responsibility for insuring that the FRNC is in compliance with the NIGC MICS, the Navajo Nation and Federal Regulations and the Tribal-State Compact. Upon final approval of the audit schedule, the Internal Audit Department will begin the audits of the required departments of the casino.
- **External Audit** – The NGRO was made aware of the NNGE's contract with the Certified Public Accountants, REDW, LLC to conduct the 2009 External Audit of Fire Rock Navajo Casino. The REDW staff will be on casino property beginning January 1, 2010 and through April 20, 2010 to conduct the Year-End Cash Count, Financial and Minimum Internal Control Standards (MICS) Audit.

## **Slot Compliance Department**

- October 1<sup>st</sup> to current, the Slot Compliance Department created a filing system for each individual gaming device on the casino floor, at a total of 705 slot machines. All machines are 100% Ticket In/Ticket Out.

- Prepared in draft the Roles and Responsibilities for TGO Gaming Agents, including some Slot Compliance Policies & Procedures.
- On October 2, 2009, fourteen (14) new IGT games were placed on-line there were no problems with the installs. Updates to the slot machine game themes, theoretical hold percentages, software upgrades and machine movements occurred throughout the first quarter by the Slot Compliance Department.
- Participated in conducting interviews for Gaming Enforcement Manager and Gaming Investigators for the NGRO on November 5-6, 2009.
- On November 12, 2009 the Slot Compliance Department participated in a conference call with WMS Gaming on Class II game requirements.
- Incorporated a Machine Activity List of all gaming machine changes that included conversions, machine moves, new game installs, and a request to casino operations for a current and updated gaming floor layout.
- November 16-19, 2009, Slot Compliance Assistants attended the Annual Gaming Expo in Las Vegas, NV. They received some feedback on laboratories that can certify Class II games.
- On November 19, 2009 participated in the review of the Fire Rock Navajo Casino's "Emergency Evacuation Manual with Security and TGO Staff.

#### **Slot Compliance Department Goals for 2010:**

- EPROM Inspections-10% quarterly, a estimate of 74 machines a quarter; complete EPROM inventory.
- Keep Current Information on Gaming Devices on all active machines with Slot Analyst from Operations and keep an updated spreadsheet of games.
- Verify individual gaming machine files to same as the casino slot departments and also verify the checklist on slots files to be accurate to NGRO machine files for compliance.
- Keep updated on Customer Notification from gaming vendor manufacturers for any Mandatory changes and other modifications to gaming devices that are in operation at the casino.

#### **Gaming Enforcement Department**

The Gaming Enforcement Manager came on board with the Navajo Gaming Regulatory Office on November 23, 2009 and submits the following report:

- The TGO/Gaming Agent Office was temporarily operating under the direction of the Surveillance Manager. The TGO/Gaming Agent staff displayed uniqueness in their individual abilities to manage their assigned duties and showed a promising ability to complete the assignments of monitoring, regulating and maintaining compliance with various gaming requirements.
- The TGO/Gaming Agent office has met, discussed and addressed outstanding concerns, issues and has resolved several unclear areas of enforcement for enhanced communication and improved services toward the Navajo Gaming Regulatory. Overall, strengthening the protection of the assets and reducing liability.
- The TGO/Gaming Agent office currently consists of eight (8) team members referred to as "Gaming Agents". The team has vibrant and brilliant ideas to be more effective and efficient in their defined duties and responsibilities. Two (2) additional Gaming Agent positions have been filled and were occupied December 21, 2009. This office is looking forward to having all vacant positions filled to ensure that proper Ordinances, Regulations and Laws are followed and properly applied.

- Recommendations have been made by various Gaming Agents relating to shift schedules that may be more conducive toward effectiveness; recommendations such as changes in forms and methods currently being utilized to be more explanatory for patrons and employees have been expressed. Such as ‘exclusion,’ ‘investigations’ and audit forms being revised were some of the recommendations received. Some of these recommendations have merit and drafts are being developed to be presented to the Executive Director for final approval.
- Two (2) Lead Agents based on their experience have been diligently working with all staff to train and monitor activities ensuring that proper methods, laws and regulations are being utilized and applied.
- The First Anniversary of the Navajo Fire Rock Casino was successful without any infringement. Gaming Agents were on site and observant as to the activities occurring ensuring compliance. There is full confidence in the Gaming Agents in enforcing the Nation’s laws and the same will be portrayed during the upcoming New Year’s Eve festivities and anticipate that the entire holiday season to occur with minimal or very limited violations of any type.
- New development and growth is sure to be part of the TGO/Gaming Agent Office. It is the goal to apply and follow the Navajo Nation Gaming Ordinance, Gaming Regulations, Minimum Internal Controls, the State Gaming Compacts, Title 31, the Indian Gaming Regulatory Act, Standard Operating Procedures and the Navajo Nation Personnel Policies & Procedures to ensure compliance and equity for the Navajo Fire Rock Casino and its employees and patrons.

## **Surveillance Department**

### **Areas of Documentation on Surveillance Logs**

(October-December 2009)

Intoxicated Persons	126
Customer/Employee Injuries/Illnesses	26
Alcohol/Illegal Drug on Premises	12
Panhandling/Soliciting	4
Minor Accidents in Parking Lot	3
Property Damage	2
Vehicle Vandalization	2
Domestic Disputes	10
Unaccompanied Minors	20
Counterfeit Incidents	1
DUI Arrest on Premises	0
Emergency Personal on Premises	36
Arrest Made on Premises	50
Exclusions	14
Self Exclusions	3
Excluded Person Back on Property	7
Employee Dispute	44
Customer Dispute	81
Technical/Mechanical Problems	70
Cage/Vault/ Soft Count Violations	24
M.O.D Violations	1
Slot Attendant Violations	8
Security Violations	16
Table Game Violations	29
Players Club Violations	18
F&B Violations	21
Bingo Violations	7
Maintenance/Housekeeping Violations	3
Gift Shop Violations	2
I.T. Violations	0
Administration/Enterprise Violations	2

Surveillance Tape Review Request	68
Weapons confiscated	1
Vehicle Fire	1
Lost and found/return items	20

**Reports Turned in (October-December 2009)**

- Procedure Violations = 24
- Incident & Special Reports = 19
- Transactions Monitored by Surveillance

<u>Jackpot Hand Pays (All)</u>		<u>Cage Payouts over \$500</u>	
October	2,578	October	743
November	2,726	November	700
December	2,460	December	865

- Trainings

October 13, 2009	Trident Table Games System
November 9, 2009	TGO and Surveillance Only Meeting
November 11, 2009	Training on Emergency Preparedness
November 12, 2009	Management Training
December 23, 2009	Double Back Jack

- Duress Alarms Cleared by Surveillance: 2,851

**National Indian Gaming Commission (NIGC)**

- On October 20, 2009 NIGC Representative Ken Billingsley visited the NGRO and requested all past due (90 day) employee background investigation files. The list was emailed to the NIGC office and all is in compliance as the employees were given NIGC approval.

**Annual Goals/Challenges and Opportunities for Improvement**

The NGRO will continue its assessment of the structure of its organization and will allow opportunities for improvement. Several challenges that need immediate attention include but are not limited to the following:

- 1) Professional Building – The NGRO will seek plans to construct a building to house all the NGRO Staff as we continue to aid the NNGE in expanding gaming operations.
- 2) Regulatory Assessment – The NGRO will continue its focus on taking additional steps to review the balance of regulatory concern and business concern. This will be an ongoing effort between casino management and the NGRO.
- 3) Develop a Training Certification Process for Staff – The NGRO will conduct training sessions to review all of the current laws, rules, and regulations that are utilized by the NGRO on January 4 & 5, 2010.
- 4) Approval of the Proposed Regulations – The proposed regulations will be published for public comment in January 2010. Any final regulations will be properly submitted to all parties for enforcement.
- 5) Department Development – The NGRO will review and update all department standard operating procedures and internal controls to streamline and track performance.

NAVAJO HOPI LAND  
COMMISSION



ROMAN BITSUIE  
EXECUTIVE DIRECTOR

FY 2010 - 1ST QUARTERLY REPORT

The Navajo Nation  
**NAVAJO HOPI LAND COMMISSION OFFICE**  
 First Quarterly Report – FY 2010  
 (October, November, December, 2009)

*“Protect and advance the interests and rights of the people and communities affected by the adverse impacts of the passage of the Navajo and Hopi Indian Land Settlement Act of 1974, P. L. 93-531, as amended.”*

**I. Program Information:**

Division Executive Director: Roman Bitsuie  
 Telephone No: 928-871-6441  
 Fax No: 928-871-7297

**II. Budget/Performance Information**

Funding and Expenditure:

Funding Source	No. of Personnel	No. of Vehicle(s)	FY 2009 Personnel	% Used	FY 2009 Operating	% Used
General	7	1	\$476,886	17%	\$78,145	31%
External	2					
Others	0					
Total	9	1	\$476,886	17%	\$78,145	31%

**III. Accomplishments:**

A. Renewable Energy Development Initiative

NHLCO implemented a renewable energy development project with Department of Energy (DOE) grant to develop renewable energy development capability by starting solar and wind assisted energy development on lands acquired to benefit Navajos living on lands partitioned to the Hopi in 1974. The following are start up activities:

1. Hiring of Renewable Energy Staff:
  - a. Hired Christina Lewis as the project’s senior program and project specialist (SPPS).
  - b. Hired Crystal Silver as the project’s office specialist for program.
2. Grant Compliance:
  - a. October 26-29, 2009 – Completed and submitted FY 2009 first, second and third quarterly reports to DOE.
  - b. November 10, 2009- Completed and submitted FY 2009 fourth quarterly report to DOE.
  - c. December 16, 2009- Completed and submitted FY 2010 first quarterly report to DOE.
3. DOE Tribal Energy Conference
  - a. November 16-21 – The SPPS attended the DOE tribal energy conference in Denver, CO.

The conference, intended for tribes awarded renewable energy projects, focused on lessons learned and various approaches taken by tribes to implement their grants. The SPPS met key tribes, DOE coordinator/staff, consultants, solar energy companies, and other governmental agencies associated with renewable energy development to establish partnerships.

- b. Sandia National Laboratories, Albuquerque, NM - The SPPS met with Sandra Begay-Campbell regarding the project. She invited us to visit Sandia Laboratories to see the large scale solar power (power towers) and some concentrating solar technology (sterling dishes). She is a vital individual who is willing to help NHLCO. Ms. Begay-Campbell will be a strong asset to NHLCO to link and establish partnerships with other resources to achieve our goal.
4. Review of Grant and Consultant's Report
    - a. SPPS reviewed the grant implementation, consultant contracts, budget, and consultant's reports.
    - b. It is recommended NHLCO have a work session to take the next step towards grant implementation to complete the DOE grant.
  5. Research on Renewable Energy
    - a. SPPS is currently researching information on renewable energy per websites received from the DOE coordinator.
  6. Request for Technical Assistance & Other Funds
    - a. NHLCO executive director submitted a technical assistance request funds for transmission capacity and interconnect study be conducted for the Paragon Ranch property.
    - b. NHLCO executive director submitted a FY 2010 appropriations request to U.S. Senator Tom Udall (NM) for \$1.5 million for the project.
  7. Meetings attended by the SPPS:
    - a. November 4 –With Paul Robertson, consultant, on the reporting of the grant..
    - b. November 23 – With Michelle Redman on developing partnership regarding funding for solar energy to families residing on HPL.
    - c. November 25 – With NHLC, for project update.
    - d. December 1 – With Navajo Nation Contracts and Grants to coordinate the grant financial reports and required documents to be submitted.
    - e. December 9 – With the NHLCO directors and Miss Silvers to discuss the project status, completed tasks and future plans. We decided to have work session on January 7 and 8, 2010 in Gallup, NM.
    - f. December 9 – With the NHLCO directors and Michael Utter regarding grant implementation and fundraising by grants for project. Discussion was also on various grants available such as USDA, HUD, DOE grants to target for NOFA upcoming dates.
    - g. December 15 – With NTUA on solar energy.
    - h. December 18 – With NHLC for a project update.

B. Former Joint Use Area (FJUA)

1. Hopi Partitioned Lands (HPL)

48 Homes Project – Funded with NRTF, the 48 Homes Project is a NHLCO sponsored project to build 48 homes for families living on the HPL. The Navajo Housing Services Program, under agreement with NHLCO, built the homes in 2000-2002, and opted out with forty two homes partially built and six homes unbuilt. In a follow up project, some of the homes are being repaired and new ones built. Having divided the follow up project work into four phases, we are in the third and fourth phases.

A contract document for a contract with J & L Construction to renovate 13 homes in Phase 3 is being reviewed by the Design and Engineering before consideration by the Department of Justice for final approval. Promised Land, Inc. will begin constructing three of the six unbuilt homes under Phase 4 (SAS process is done for this segment). ICE, Inc. is constructing three other homes under a sole source agreement. The homes are 50% complete, with the main frames in place.

Other HPL Matters

- a. NHLCO staff met with HPL residents once this quarter in Teesto and discussed HPL resident organization's capability.
- b. NHLCO staff met with the Hopi tribe in early October and discussed FJUA grazing matters. The Hopi tribe complains of excessive grazing in the HPL, and requests Navajo help in addressing it. Some of the livestock were purported to trespass from the NPL. The Hopi tribe is also interested in meeting with the Navajo Nation on issue related to families living on the HPL. An NHLC initiative to meet with natural resource committees on the issue has not occurred yet.
- c. Reparations – Individual relocatees are writing their Senator and Congressman on issues related to children of relocatees that are now landless.

2. Navajo Partitioned Lands (NPL)

a. NPL Housing

[No housing construction was done in the NPL area this quarter]

b. NPL Grazing Regulations

[None this quarter]

C. Navajo Rehabilitation Trust Funds (NRTF) Administration

NHLCO is administering a 2008 NRTF allocation of \$1.8 million for rehabilitation and improvement projects on the land dispute affected lands. Business unit (account) numbers were issued to eleven of the fourteen successful proposals from the summer of 2009. We are working to issue the three remaining accounts; the recipients being Coppermine and Tonalea chapters and Woos Do Dii, Inc.

D. Land Selections and Conveyances

NHLC selected some 3,000 acres of land in Arizona and New Mexico for conveyance either from fee to trust or tribal fee to trust status as required by the Act.

1. NHLC selected some 3,000 acres of land in Arizona and New Mexico for conveyance either from fee to trust or tribal fee to trust status as required by the Act.

2. NHLC selected 36.00 acres of lands outside of Albuquerque, NM and submitted all related documents to ONHIR for conveyances to trust status.
3. Two parcels in AZ are similarly selected and awaiting conveyances, the total acreages are 1,521.25.
4. Four parcels of tribal fee lands in Winslow and Flagstaff are selected for conveyances totaling 1,205.70 acres.
5. NHLCO met BLM, Office of Navajo and Hopi Indian Relocation (ONHIR) to receive clarification on a Black Rock allotment containing 6,500 acres of selected lands. The land is leased to a non-Navajo lessee, with grazing fees collected, managed by ONHIR for the benefit of relocatees.
6. Several parcels at Cameron, Cosnino, Twin Arrows, Dennison Property, Page and Winslow were identified for a 3-way land exchange totally 942.37 acres in Arizona.

E. Former Bennett Freeze Area Recovery

Recovery Plan- We ensure that development of the former Bennett Freeze Area remains a viable issue by facilitating its development and supporting legislation designed to authorize appropriations to develop the region. We are:

- a. Compiling a “people’s projects” list for inclusion in a proposed former Bennett Freeze reconstruction legislation to be introduced early 2010.

F. Legislations

[None this quarter except for Senator McCain request for a People’s Project legislation. See E. a above)

G. New Lands Transition

[None this quarter]

**IV. Status of Ongoing Projects:**

(See Section III all.)

**V. Outstanding Program issues:**

A. Renewable Energy Development Project

1. Implement the NHLC Renewable Energy Project with the \$300,000 Department of Energy grant.
2. Assist Navajo Nation Renewable Energy Task Force develop and implement renewable energy development projects on the Navajo Nation, including Bisti-Paragon area.
3. Seek additional federal funds to implement fully the renewable energy development program.

B. Former Joint Use Area

1. HPL

- a. HPL 48 Homes Project – Renovate thirteen homes and build six unbuilt homes.
- b. Voice of the People, Inc.-revive the HPL resident organization so it can effectively represent the concerns of its constituents.

C. Former Bennett Freeze Area (FBFA)

1. Seek funding for projects recommended in the FBFA 2008 Recovery Plan.
2. Participate in congressional legislation development process to enact public law that establishes a recovery/rehabilitation program for the former Bennett Freeze area.
3. Secure escrow funds held by the federal government for the benefit of the residents of the former Bennett Freeze Area.
4. Develop a NHLCO spending plan for use of escrow fund account totaling \$6 Million.
5. Work with Division of Community Development to ensure benefits flow to the region under the national recovery program.

C. Legislation

1. Cause introduction of legislation that establishes a recovery/rehabilitation program for the FBFA.
2. Cause introduction of legislation that will clear title to the New Mexico lands the Navajo Nation wants conveyed to it as part of the New Mexico land acquisition project.
3. Secure federal appropriation to continue operating the renewable energy development project beyond July 2010.

E. Navajo Rehabilitation Trust Funds (NRTF)

1. Assist grant recipients to implement projects funded with NRTF.
2. Cause reversion of NRTF for FYs 94, 95, 2000, and 2001 back to the NRTF unbudgeted balance.
3. Monitor NRTF appropriation for economic development at Twin Arrows.

F. Land Selection Related Activities

1. Support Navajo Nation development of leases and/or other land use agreements with memoranda of understanding signers to pursue development of renewable energy resources at Bisti-Paragon area selected lands. Work with Renewable Energy Task Force to issue a RFP for other lands in NM and AZ.
2. Support continued efforts by NHLC, NHLCO and Navajo Nation Washington Office efforts to educate Arizona and New Mexico congressional delegations and their staffs about the importance of legislation to convey PRLA-encumbered land selections in the Bisti-Paragon area, the scope of Navajo Nation efforts to establish large-scale renewable energy projects in the Bisti Paragon area.
3. Identify and present potential lands in Arizona to Bureau of Land Management to support land acquisition.
4. Support presentations to Bureau of Indian Affairs to provide basis for conveyance of selected parcels of Rincon Ranch, Sanders property, Albuquerque property, Peaks Ranch and Winslow area to Navajo Nation trust status.
5. Get clarifications on the leasing of selected and acquired lands in New Mexico, specifically the acreage amount leased, and grazing fee status.

G. Relocatee Issues

6. Develop legislation possibilities that will authorize reparations for children of relocatees.

NAVAJO NATION  
WASHINGTON OFFICE



SHARON CLAHCHISCHILLAGE  
EXECUTIVE DIRECTOR

FY 2010 - 1ST QUARTERLY REPORT

The Navajo Nation  
**NAVAJO NATION WASHINGTON OFFICE**  
First Quarterly Report – FY 2010  
(October, November, December, 2009)

**I. General Information**

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Web Address: [www.nnwo.org](http://www.nnwo.org)

**II. NNWO Budget & Office Information**

A. Budget Information

Program	
Source	General Funds
FY 2010 Funding	1,361,000
Balance Remaining:	1,020,750

B. Office Information

Budgeted Permanent Positions	10
Permanent Staff	9
Contracted Staff	0
Vacant Positions	1

**III. Policy Updates**

**Appropriations**

**FY2010 Spending Bills Completed**

In December, Congress cleared the final seven spending bills for Fiscal Year 2010 which began on October 1. Five of the 12 regular spending bills had already been enacted: Agriculture, Energy-Water, Homeland Security, Interior-Environment, and the Legislative Branch. Six of the remaining bills were passed in the form of an omnibus that was signed by President Obama on December 16. The Defense Appropriations Bill was signed on December 19.

The conference report on the omnibus (HR 3288) provides for a total of \$446.8 billion in discretionary spending and roughly \$1.1 trillion when mandatory spending is included.

The Senate cleared the measure by a vote of 57-35. The House adopted the report, 221-202, on Dec. 10.

The omnibus legislation includes spending bills for Commerce-Justice-Science (HR 2847), Financial Services (HR 3170), Labor-HHS-Education (HR 3293), Military Construction-VA (HR 3082), State-Foreign Operations (HR 3081) and Transportation-HUD (HR 3288).

The conference agreement's Commerce-Justice-Science section totals \$64.4 billion in discretionary spending, a \$6.8 billion, or 12 percent, increase over fiscal 2009, but \$196 million less than was requested. The Justice Department would see \$28 billion, while the Commerce Department would receive \$14 billion.

The Transportation and Housing and Urban Development section includes \$67.9 billion in discretionary funds, a \$13.4 billion increase over the fiscal 2009 level when economic stimulus funds are excluded.

Overall, this section of the bill would provide \$122.1 billion. It includes \$41.8 billion for highway construction and \$2.5 billion in grant money to support high-speed rail, more than double the amount that President Obama sought.

The omnibus would also provide \$24 billion in discretionary funds for the Financial Services portion, which funds the Treasury Department, the Securities and Exchange Commission, and other agencies, as well as the judiciary, Executive Office of the President and District of Columbia. The amount represents a \$1.6 billion, or 7 percent, increase over fiscal 2009.

Labor-HHS-Education would receive \$163.6 billion in discretionary funding, an \$8.5 billion increase over fiscal 2009, excluding stimulus funds and would continue existing federal restrictions on abortion funding.

Military construction and Veterans Affairs would get \$78 billion in discretionary funding, just above the president's \$77.7 billion request and 7 percent more than the \$72.9 billion appropriated for fiscal 2009. The agreement would, for the first time, provide advance appropriations for veterans' medical accounts, allocating \$48.2 billion for fiscal 2011.

The State-Foreign Operations provision includes \$48.7 billion in discretionary funds, a \$1.2 billion cut from the fiscal 2009 level, including stimulus dollars.

On December 19, the Senate cleared and President Obama signed a \$636 billion Defense spending bill.

Senators voted, 88-10, to pass H.R. 3326, which would provide \$508 billion for the Defense Department's regular activities and \$128.3 billion for war operations.

The bill would appropriate \$3.8 billion less for Defense programs than the president's request but \$11 billion more than the current level, which included supplemental spending enacted in June. The total is equal to that in the bills passed by both the House and Senate. Provisions included support for ongoing operations in Iraq, Afghanistan, and the general military effort against terrorism.

Officially, the Senate voted to concur in House amendments to previous Senate amendments to the Defense appropriations measure. The House voted 395-34 to add the expiring provisions to the measure and had sent it back to the Senate on Dec. 16.

The bill also extended through February a number of expiring non-Defense programs, such as expanded unemployment and health care benefits that were part of the economic stimulus bill enacted earlier this year. These include a subsidy for health insurance costs paid by laid-off workers who keep coverage from their previous employer under COBRA.

Also extended through February were anti-terrorism provisions of the Patriot Act, surface transportation programs, the National Flood Insurance Program and some Small Business Administration loan programs.

The bill also provided \$400 million for administrative costs associated with the food stamp program, as well as enough funding to prevent a cut in Medicare payments to physicians for about two months.

### **American Recovery and Reinvestment Act of 2009 (ARRA)**

#### **Navajo Nation Receives \$5.27 million for Water Project**

In October, \$5.27 million in ARRA funding was awarded to the Navajo Nation in New Mexico under modification to an existing contract for purchasing pipeline and related fittings for constructing key portions of the Navajo Nation Municipal Pipeline authorized as part of the Animas-La Plata Project by the Colorado Ute Settlement Act Amendments of 2000.

The award was announced by Secretary of the Interior Ken Salazar as part of the Bureau of Reclamation (BOR) tribal funding to improve infrastructure and water supplies while bringing jobs to Indian country.

The Navajo Nation was among four other tribes that received a combined total of \$47 million in ARRA funding. These awards are in addition to the \$97 million previously awarded by the BOR.

### **Navajo Nation Receives \$2.2 million in Tribal Transit Funding**

The Federal Transit Administration (FTA) announced in December the selection of projects to be funded under the ARRA for the Public Transportation on Indian Reservations Program (Tribal Transit Program).

The Navajo Nation received \$2.2 million for the construction of a bus maintenance facility and administration office complex.

The Tribal Transit Program, established in 2005, makes funds available to federally recognized Indian tribes or Alaska Native villages, groups, or communities as identified by the Bureau of Indian Affairs in the U.S. Department of the Interior for public transportation capital projects, operating costs and planning activities that are eligible costs under the Non-urbanized Area Formula Program.

The ARRA Tribal Transit funding may be used only for capital expenditures. A total of \$17 million was made available for the Tribal Transit program under ARRA. A total of 71 applicants requested \$54 million for capital projects. FTA made project selections through a competitive process based on each applicant's responsiveness to the program evaluation criteria outlined in FTA's March 23, 2009 Federal Register Notice. A total of 39 of the highest rated projects were selected for funding.

## **Health**

### **Indian Health Care Improvement Act – H.R. 2708 (IHICIA), Affordable Health Care for Americans Act – H.R. 3962, and Patient Protection and Affordable Care Act – H.R. 3590**

Introduced in June, the Indian Health Care Improvement Act (H.R. 2708) was eventually attached to the national health care reform bill, the Affordable Health Care for Americans Act (H.R. 3962). NNWO Legislative Associate Novaline Wilson kept Navajo Nation leaders (NN Department of Health & NNC Health and Social Services Committee) informed to the constantly evolving developments.

Key provisions of interest to the Navajo Nation in the House version included:

- Section 214: Environmental and nuclear health hazards: Authorizes the study and ongoing monitoring to determine trends in health hazards to Indian miners and to Indians on or near reservations and Indian communities as a result of environmental hazards which may result in chronic or life threatening health problems, including uranium mining.
- Section 215: Arizona as a contract health service delivery area: Authorizes the state of Arizona to be designated as a contract health service delivery area by the Service for the purpose of providing contract health services to members of federally recognized tribes in Arizona.
- Section 301: Consultation; construction and renovation of facilities; reports: Establishes the priority system for health facilities construction. The Navajo Nation has five facilities on the priority list.
- Section 413: Navajo Nation Medicaid Agency feasibility study: Authorizes the study to determine the feasibility of treating the Navajo Nation as a state for the purposes of Medicaid reimbursement.

Letters to support the passage of H.R. 3962 were sent to Representatives Kirkpatrick, Grijalva, Heinrich, Lujan, Matheson, Pastor and Teague. Representatives Matheson and Teague did not support H.R. 3962.

On November 7, the House voted 220-215 to pass the Affordable Health Care for Americans Act (H.R. 3962).

Meanwhile in the Senate, it appeared the IHICIA was not attached to the Patient Protection and Affordable Care Act (H.R. 3590). The Senate Committee on Indian Affairs (SCIA) scheduled a markup of the then-separate IHICIA bill on December 3, 2009. The Navajo Nation offered amendments to protect the five listings for health facilities construction, the Navajo Nation Medicaid feasibility study, and the Environmental and health hazards provisions, which is the only amendment that did not

make it onto the final bill (S.1790). NNWO will continue to advocate for other legislative mechanisms to ensure uranium mining health effects research resources. After the markup, Dorgan sponsored two amendments for (H.R. 3590), S.AMDT.2922 would authorize contract health services appropriations making it an entitlement, not discretionary funding. S.AMDT.2923 is the S.1790 version of the IHCIA (with Navajo's amendments).

Support letters from the Navajo Nation advocating for the attachment of these amendments were delivered to more than fifty Senator's offices.

On Christmas Eve, after months of crafting legislation and a national debate on health care reform, the Senate passed the Patient Protection and Affordable Care Act (H.R. 3590) by a vote of 60-39. However, included in the Senate's final bill version was language from the IHCIA added as a manager's amendment by Senator Harry Reid (D-NV).

New Mexico Senators Jeff Bingaman and Tom Udall voted for the bill's passage. The Republican Senators from Arizona and Utah all voted against.

In the next quarter, both chambers will convene conference committees to work out differences in the two bills (H.R. 3962 and H.R. 3590). It is anticipated that since the House version also included language from the IHCIA, the final bill sent to Obama's desk will contain the native health care reauthorization.

### **Department of Health and Human Services Hold Roundtable for Native Nations and Organizations**

Improving healthcare and strengthening partnerships with tribes were the focus of a meeting held between tribal leaders and U.S. Secretary for the Department of Health and Human Services (DHHS) Kathleen Sebelius on November 3.

Navajo Nation Division of Health Executive Director Anslem Roanhorse and Navajo Nation Council Health and Social Services Committee members Jerry Freddie and Evelyn Acothley accompanied by NNWO staff attended the listening session.

"The health disparities our Navajo people face are significant," said Council Delegate Acothley. "Remote and isolated communities have limited access to care. Many communities also have inadequate sanitation facilities. These are real issues the Navajo people face."

Reauthorization of the Indian Health Care Improvement Act (IHICA), the need for national healthcare reform, and IHS streamlining in health care delivery were discussed and presented to Secretary Sebelius as recommendations to improve healthcare for the Navajo people

"Increasing access to quality healthcare and building new healthcare facilities which have been on the priority list for decades is crucial to improving the wellness of the Navajo people," said Director Roanhorse. "Many of our people, especially elders and veterans, live in very remote areas. It is important that we increase access to healthcare, make reforms to Indian Health Care, and preserve the system accounts for isolation, user population size, and disease burden for IHS facilities construction."

The Secretary noted President Obama's signing of the Department of Interior Appropriations bill, which contained a \$4 billion increase for American Indian and Alaska Native healthcare. The 13 percent increase over the 2009 budget was the largest increase in 20 years.

Included in the increased funding for Indian Health Service is \$304 million for contract health service and information technology.

DHHS provides direct healthcare services and oversees several programs, such as the Indian Health Service, Centers for Medicare and Medicaid Services, Child Welfare Services, Aging, Child Care, and Substance Abuse and Mental Health Administration, and Temporary Assistance for Needy Families.

### **The 7th Generation Promise: Indian Youth Suicide Prevention Act of 2009 (S. 1635)**

On December 3, the Senate Committee on Indian Affairs approved by voice vote, S. 1635, aimed at preventing suicide among young American Indians.

The bill, sponsored by Senator Byron Dorgan(D-ND)and introduced in August, would establish an Indian Youth “telemental health” demonstration project that would use electronic information and telecommunications technologies to support long-distance mental health care, patient and professional-related education, public health, and health administration.

It would revise the application process for substance abuse and mental health services grants and give priority consideration to the applications of Indian tribes or tribal organizations that serve populations with documented high rates of suicide.

It also would direct the secretary of Health and Human Services to encourage Indian tribes, tribal organizations and other mental health care providers serving residents of Indian country to obtain the services of pre-doctoral psychology and psychiatry interns. The NNWO continues to provide updates to both the NDOH and Health and Social Services Committee on this issue as it moves forward.

Cosponsors include Senators Johanns (R-NE), Johnson (SD-D), Udall (D-NM), Baucus (D-MT), and Tester (D-MT).

## **Public Safety**

### **Public Safety Issues Addressed During Tribal Leaders Conference**

During the week’s historic White House Leaders Conference in early November Vice President Shelly and members of the Public Safety Committee met with the nation’s leaders in an effort to gain additional funds for detention centers, tribal courts and more public safety officers.

Vice President Shelly raised the need for public safety funding at the White House Leaders Conference, during the public safety and housing panel. The panel consisted of Deputy Secretary of Homeland Security Jane Lute, Deputy Attorney General David Ogden, Associate Attorney General, Tom Perrelli, and House Representatives Tom Cole (R-OK4) and Stephanie Herseth-Sandlin (D-SD).

The Vice President detailed the inadequate conditions the Navajo Nation must work with to provide protection for its citizens. “The Navajo Nation is large reservation, 26,000 square miles, the size of West Virginia. All we have are small public safety facilities, law enforcement, and fire department. Our detention centers are 50 years old and falling apart but crime continues to rise. “

“We are doing what we can but we have a lack of funds,” continued Vice President Shelly. “We can do more if we work together.”

The panel responded in understanding the challenges facing all tribes in the area of public safety.

“We recognize the urgencies of these issues and we recognize that we have a responsibility collectively as the federal government to what is affecting lives on a daily basis,” said, Deputy Attorney General David Ogden. “We have begun working very closely with the Department of Interior on policy and budget issues to and working with other agencies to present a unified approach to these issues. We are working now to bring initiatives that will bring hope and a lasting change to native people.”

Oklahoma Republican Representative Tom Cole added, “The President deserves credit for increasing tribal budgets for law enforcement. Real dollars are coming, but long term there needs to be a focus on self-generated funds through increased economic development.”

”If Tribes continue to rely solely on federal dollars they will continue to be disappointed,” added the Congressman.

Meanwhile, the Navajo Nation Council’s Public Safety Committee spent the week meeting with law enforcement officials and lawmakers to get additional funds for Navajo public safety.

They thanked lawmakers for the \$74 million in recent funds released by the U.S. Department of Justice through the Correctional Facilities on Tribal Lands Program as a part of the American Recovery and Reinvestment Act (ARRA). These grants are allowing the Navajo Nation to construct correctional facilities in Tuba City and Kayenta in Arizona, and in Ramah,

New Mexico.

While they also thanked officials for the increase in the Interior budget for construction of detention facilities, such as the project at Shiprock, New Mexico, the Committee also indicated a need for additional funds to build tribal courts.

The Committee explained to Justice and Interior officials the need for Native Nations for an Emergency Fund for Indian Safety and Health totaling \$400 million a year over a five year period.

Among the offices visited included: Senators Jon Kyl (R-AZ) and Tom Udall (D-NM), Representative Ben Lujan (D-NM3), the Department of Justice, and Larry Echo Hawk with the Bureau of Indian Affairs.

“The executive and legislative branches continue their efforts to work together and move forward on remedying the dire public safety issues facing the Navajo Nation,” said Public Safety Committee Chairman Rex Lee Jim.

### **Tribal Law and Order Act of 2009 (S. 797)**

On October 29, the Law and Order Act of 2009 (S. 797) was reported to the Senate with an amendment in the nature of a substitute by the Senate Committee Indian Affairs (SCIA) and placed on the Senate Legislative Calendar.

In September SCIA gave voice vote approval to the bill sponsored by Chairman Byron L. Dorgan, D-N.D., to increase federal responses to crimes in American Indian communities as well as promote police recruitment.

The measure would allow federal officials, with the consent of the tribe, to investigate offenses against tribal laws and would require federal officials to turn over evidence to tribal law enforcement if federal investigation ceases.

The bill would establish the Office of Indian Country Crime at the Department of Justice to administer federal criminal laws in American Indian communities and establish grants to state, tribal and local governments that enter into cooperative agreements. The bill would authorize such sums as necessary for fiscal 2010-2014.

The panel also approved a Dorgan substitute amendment to S. 797 that deleted provisions in the original bill that would establish an “Indian Law Enforcement Foundation.” Lawmakers also approved an amendment by Al Franken (D-MN), that would require the Interior and Justice departments to report to Congress on the problem of sex trafficking of American Indian women and girls.

## **Education**

### **The Indian School Bus Route Safety Reauthorization Act of 2009 (S. 759)**

On December 16, the Senate Committee on Energy and Natural Resources approved S. 759, The Indian School Bus Route Safety Reauthorization Act of 2009, by voice vote. The bill is identical to H.R. 3645, which was introduced in September. The legislation will continue a program that improves school bus routes on Navajo Nation for six more years.

More than two-thirds of public roads on the Navajo Nation, stretching more than 6,500 miles and serving dozens of communities, are unpaved. As a result they become impassable far too easily, especially during rainy or snowy weather. This poses many challenges for Navajo families, but primary among them is that buses often simply cannot get through to bring kids to school safely. Navajo children repeatedly find themselves stranded without a way to get to the classroom.

The Indian School Bus Route Maintenance Program was established in 1998 to address this issue. As a result of this program, the Federal Highway Administration has distributed \$1.8 million annually to help Arizona, New Mexico and Utah counties improve the routes so that the buses can drive where they are needed.

Many of the roads that these school buses must travel on are state- and county-maintained, so they are not eligible for federal funding through the Bureau of Indian Affairs to make up for any shortfalls. The Indian School Bus Route Maintenance Program has helped fill the gap for the last 11 years.

The reauthorization effort is supported by Members of both houses and both parties.

In September, Ann Kirkpatrick (D-AZ), Jim Matheson (D-UT) and Ben Ray Lujan (D-NM) joined together to introduced the House version of the reauthorization.

The Senate bill was introduced in April in the Senate by Senators Robert Bennett (R-UT), Jeff Bingaman (D-NM), Orrin Hatch (R-UT), Jon Kyl (R-AZ) and Mark Udall (D-CO).

### **S. 633 – Tribal Health Promotion and Tribal Colleges and Universities Advancement Act of 2009**

On December 3, the committee approved a bill (S. 633) that would establish a program for tribal colleges and universities within the Department of Health and Human Services. It also would authorize the provision of health-related grants and cooperative agreements to tribal colleges and universities.

The bill would require the secretary of Health and Human Services to enter into a memorandum of agreement with the American Indian Higher Education Consortium for equitable participation by American Indians in HHS programs, services and resources and to provide technical assistance to tribal colleges and universities.

It also would establish an endowment fund for a tribal health professions workforce development program, and it would require the secretary of Labor to establish grants to, or cooperative agreements with, tribal colleges and universities for economic development, entrepreneurship, community development and sound fiscal leadership in Indian communities.

As amended by a Tester substitute amendment, the bill also would:

- Include a Native Language Vitalization and Training Program to provide competitive grants to tribal colleges or universities to promote the preservation, revitalization, relevancy, and use of native languages.
- Provide grants to tribally controlled colleges or universities for construction, renovation and modernization of community fitness or wellness centers on tribal college campuses.

### **NN Council Delegate Katherine Benally Meets with BIA Regarding School Rebuild**

Navajo Nation Council Delegate Katherine Benally (Denehosto) met with the Bureau of Indian Affairs in November regarding the planned construction of the new Dennehotso Boarding School. There have been concerns that the current school location was in an area not physically and culturally suitable for the community.

A BIA consultant noted that the existing school location is prone to flooding from the nearby Laguna Wash already suspected of being contaminated by a sewage lagoon.

Culturally negative concerns were also voiced by the community.

“I have heard from some about the current building being located in the vicinity of snake dens and past lightning strikes,” said Delegate Benally. “Navajos believe these factors can hurt one’s well-being. The community wants to make sure that we will build a facility that students will feel safe, both physically and culturally, so they can study.”

The BIA said upcoming feasibility studies would include an assessment of alternative sites.

## **Housing**

### **Helping Expedite and Advance Responsible Tribal Homeownership (HEARTH) Act (H.R. 2523)**

In October, the House Committee on Natural Resources convened to hear testimony regarding the H.R. 2523, the Helping Expedite and Advance Responsible Tribal Homeownership (HEARTH) Act. Navajo Nation Department of Natural

Resources Executive Director Arvin Trujillo provided testimony describing its experience with surface leasing since instituting the Navajo Nation Leasing Act in 2000.

“The Navajo Nation is the first tribal nation to be authorized to sign business and residential leases without prior approval of the Bureau of Indian Affairs, a corresponding Tribal Self-determination contract, or a compact with the Department of the Interior,” said Director Arvin Trujillo.

Trujillo then continued to describe some of the roadblocks the Navajo Nation has had as it ventured into the leasing process such as unclear objectives from the federal government, little or no funding for land title administration and the lack of existing land survey information for accurate title documentation for leasing.

The Navajo Nation has been required to provide funding and build databases to correct these documentation shortfalls created by the Bureau of Indian Affairs and the Bureau of Land Management. Trujillo noted that as the national legislation moves through the Congress, consideration of these deficiencies must be addressed before the final version of the bill.

Trujillo concluded that, “both the Navajo Nation Leasing Act and the HEARTH Act represent a significant step forward in providing greater self-determination to tribes. The Committee and Congressman Heinrich should be commended for moving forward to provide us with greater sovereignty. However, in order to implement the Acts the federal government must provide funding for the costs associated with transferring the responsibility to tribes, and the transfer of responsibility must be complete to allow tribes to convey the leases.”

Introduced by Representative Martin Heinrich (NM-1) in May, the HEARTH Act is being sought as a template for streamlining the leasing process to build stronger native communities and provide economic opportunities for rest of the country’s native nations.

The bill is supported by 25 co-sponsors, including Representatives Harry Teague (NM-2), Ben Ray Luján (NM-3), Ann Kirkpatrick (AZ-1) and Raúl Grijalva (AZ-7).

## **Energy and Natural Resources**

### **Navajo-Gallup Water Supply Update**

The first funding installment of the Navajo-Gallup Water Supply was included in the final legislation of the \$33.5 billion Energy-Water Appropriations Bill.

\$3 million for the pipeline project was set aside along with \$190,000 for the Navajo Nation Investigations Program applied to water resources. Another \$1.75 million was assigned to the Navajo Nation Electrification Program.

Overall, the Energy-Water Spending Bill provides \$27.1 billion for the Department of Energy, \$5.4 billion for the U.S. Army Corps of Engineers and \$1.1 billion for the Department of Interior’s Bureau of Reclamation.

Other spending includes \$210 million for Weatherization Assistance Grants, \$10 million for Tribal Energy Activities and \$210,000 for the Sid Yates Scholarship Program. The Bureau of Reclamation scholarship program at Arizona State University assists Native American students through a curriculum pertinent to tribal sovereignty, tribal governance, and seminars in Advanced Tribal Law.

On October 1, the Secretary of Interior Ken Salazar signed a Record of Decision for the Navajo Gallup Water Supply Project. The signing ceremony held in Washington DC, was attended by New Mexico Senators Jeff Bingaman and Tom Udall, New Mexico Congressman Ben Ray Luján, Reclamation Commissioner Michael Connor, and several other stakeholders, including Stanley Pollack, Navajo Nation Assistant Attorney General, who was representing Navajo Nation President Joe Shirley, Jr.

Senator Bingaman noted the hard work of all the stakeholders to bring the water supply project to this current point. Senator Udall announced his respect for both Senator Bingaman’s leadership to shepherd the underlying legislation through the Senate and Congressman Ben Ray Luján, for his assistance in the House.

Commissioner Connor mentioned a crucial moment in bringing this water project to rural New Mexico during a hearing of the

Senate Committee on Energy and Natural Resources. Navajo children living near the proposed waterline were asked to develop pictures of water delivery to their homes. The children developed drawings that illustrated “water being delivered in the back of a pickup.” That, he said, was when everyone got it.

## Other

### **NN Vice President Ben Shelly Asks President Obama for Consultation Mandate**

On November 5, at the first tribal summit for the 564 federally recognized Native American tribes in 15 years, Navajo Nation Vice President Ben Shelly asked President Obama to take steps to ensure that consultation and collaboration with Tribes through government-to-government relationships become a mandate that would continue through future administrations.

Addressing President Obama, Vice President Shelly said, “I watched the message you gave us a while ago. It's very good..., it would be nice, if you could work with us and the congressional people to make it a mandate that the United States government should work with the Indian Nation(s). The thing I'm worried about is that at the end of your term, what happens with all the plans that we're going to be putting together with your administration -- our administration. I supported you, and Navajo Nation did. What happens to all of that?”

“Through the histories of all Indian Tribe(s),” continued Vice President Shelly, “the treaties that were made between the United States and Indian Tribe(s) have been broken a lot. How can we make it so solid that (consultation and collaboration) stays, no matter what administration comes in? I think we need to work on that, sir.”

After joking that calling his presidency will last eight years may be a little premature, President Obama hoped that working with the Congress he could make sure these gatherings continue through the future.

“And to the extent that we can partner with Congress to lock some of those good habits in and end some of the bad habits that we've seen in the past, that's something that we'll be very interested in doing. So I think what should be part of the agenda of consultation over the next several years, is how do we continue to institutionalize some of the best practices of consultation and collaboration and partnership that's so important,” continued President Obama.

The question and answer session came at the end of President Obama's opening remarks for the conference. Obama welcomed native leaders and said he will sign a memorandum instructing his cabinet members to strengthen the government-to-government dialog with Native Nations within the next 90 days.

A year after being elected, President Obama has appointed several Native Americans into prominent roles in his Administration. Among those include: Larry Echo Hawk as head of the Bureau of Indian Affairs; Yvette Roubideaux as Director of the Indian Health Service; Hilary Tomkins as Solicitor of the Department of Interior; Mary Smith as Assistant Attorney General for the Department of Justice; Kim Teehee as Senior Policy Advisor for Native American Affairs; and Jodi Gillette as a Deputy Associate Director White House Office of Intergovernmental Affairs.

President Obama also made the following assessment, “we faced an economic crisis in which we took bold and swift action, including in your communities. We allocated more than \$3 billion of the Recovery Act to help with some of your most pressing needs, like rebuilding and renovating schools on reservations across the country. We provided more than \$100 million in loans to spur job creation in tribal economies. And we made sure my budget included significant increases in funding for the Bureau of Indian Affairs, the Indian Health Service, and other agencies that have critical roles to play in your communities.”

The White House Tribal Nations Conference was held at the Department of the Interior, with opening and closing remarks from President Obama and discussions ranging from jobs to energy to housing to health care. This conference provided tribal leaders an opportunity to interact directly with the President and representatives from the highest levels of his Administration.

Each federally recognized tribe was invited to send one representative to the conference.

### **Utah Trust Fund (S.1690) – Navajo Vice President Ben Shelly testifies against bill**

On December 9, Navajo Nation Vice President Ben Shelly testified before the Senate Indian Affairs Committee in Washington, D.C., against a bill that would place administration of the Utah Navajo Trust Fund into the hands of a non-government, non-profit organization with little oversight by the Navajo Nation.

The Vice President testified that the Navajo Nation rightfully should be the trust fund trustee. He said the Navajo Nation is adamantly opposed to Senate Bill 1690.

S. 1690 was introduced by Utah Senator Robert Bennett and would give control of the trust fund to the Utah Dineh Corporation, an entity that was not in existence when the bill was introduced.

“This bill would give control over approximately \$30 million in trust funds to a corporation with zero experience with absolutely no outside capital,” Vice President Shelly told the committee. “Every year an additional \$6 to \$8 million dollars is added to the trust fund. In the event of any breach of trust by the corporation, the beneficiaries would have no remedy against the corporation.

Vice President Shelly told the committee that the Navajo Nation would be an accountable, responsible, and transparent trustee in the Utah Navajo Trust Fund. He said that in the 30 years of administering the current Utah Navajo Trust Fund, the Navajo Nation has never breached its fiduciary responsibility to the trust fund.

“The Navajo Nation has had a successful record of managing, investing and increasing the value of multiple trust accounts,” the Vice President said. “The Office of the Utah Navajo Commission already administers and leverages money from the Utah Navajo Revitalization Fund, the UNTF, Navajo Nation funds and federal funds for projects on Navajo lands in San Juan County, Utah.”

The Vice President raised the issue of a lack of tribal government consultation by Senator Bennett, and said that was inconsistent with established U.S. policy to recognize the sovereignty of Native Nations and the right of tribal governments to exercise self-determination in matters concerning native lands, resources and citizens.

“Senate Bill 1690 was introduced by the Honorable Senator Bennett without a single consultation by the Senator or his staff with the Navajo Nation government,” the Vice President said.

Senator Bennett suggested that the problem was a Utah problem and should be solved by their parties.

The Utah Navajo Trust Fund is capitalized completely by royalties from Navajo Nation mineral leases on Navajo Nation lands in Utah, these were added to the Navajo Nation in 1933.

Since the 1970s, the Navajo Nation has been the fiscal agent for all Utah Navajo Trust Fund royalties. It has distributed money every year to the State of Utah from the Nation’s general funds for investment in the Utah Navajo Trust Fund. The beneficiaries of the Utah Navajo Trust Fund are Navajo citizens residing in San Juan County, Utah. Only members of the Navajo Nation are eligible beneficiaries of the Utah Navajo Trust Fund.

“Senate Bill 1690 fails to ensure any accountability or transparency in the use of trust fund money and fails to ensure that the trust will exist into perpetuity for the benefit of future generations of Navajo beneficiaries,” Vice President Shelly said. “Senate Bill 1690 broadly expands the original purposes of the trust and would lead to misuse and misappropriation of trust funds. Senate Bill 1690 would violate the common law of trusts by designating a handful of beneficiaries as the trustee and causing countless conflicts of interest.”

“The Navajo Nation needs to be the Trustee of the Utah Navajo Trust Fund,” Vice President Shelly said. “We want to work with Congress, this Committee and the Utah Delegation to make the Navajo Nation a strong, accountable, and transparent Trustee.”

### **Cobell, DOI Settle Lawsuit for \$1.4 Billion**

Department of the Interior (DOI) Secretary Ken Salazar announced on December 8, that his department has settled the Cobell lawsuit for \$1.4 billion dollars. The class-action was brought upon the U.S. Government in 1996 for the historical mismanagement of trust land accounts held by Native Americans. The agreement still needs approval from the federal court

hearing the case as does Congress. Secretary Salazar hopes the bill will be introduced by the end of this year.

According to the DOI, litigation will end regarding the Department of the Interior's performance of an historical accounting for trust accounts maintained by the United States on behalf of more than 300,000 individual Native Americans. A fund totaling \$1.4 billion will be distributed to class members to compensate them for their claims, and resolve potential claims that prior U.S. officials mismanaged the administration of trust assets.

Each individual class member would receive \$1,000 each. The Navajo Nation has approximately 42,000 holders of trust lands primarily located in the Eastern Agency.

"This has been long journey for Cobell team and the DOI attorneys to negotiate this agreement," said Navajo Nation Vice President Ben Shelly. "I just hope it's a fair amount for the individual Navajos affected by settlement and help resolve the tribe's own lawsuit regarding mismanagement of trust funds."

Currently working though the courts, the Navajo Nation has a separate case seeking compensation resulting from past DOI trust land fund mismanagement.

#### **IV. Ongoing NNWO Goals & Objectives**

Continue the Navajo Nation government's working relationship with Congress, federal agencies, and the Obama administration.

In addition to working on legislative efforts with Congress the Navajo Nation Washington Office continues to represent the Nation's interests before federal agencies. In providing support to visiting Navajo Nation elected representatives and staff the Navajo Nation Washington Office facilitates meetings, consultations, and assists in the representation with federal agencies.

##### **Prioritize and Advance Planning and Budget Development**

The Navajo Nation Washington Office has worked arduously to advance the budget and appropriations requests with the federal government on behalf of the Navajo Nation. The Navajo Nation Washington Office continues to educate and stress the critical importance of working two years in advance in the federal budget cycle in order to have projects and program funding incorporated in the President's budget submittal to Congress.

#### **V. Program Recommendations**

##### **FY 2013**

The Navajo Nation Washington Office has been working three budget cycles in advance with the U.S. Office of Management and Budget in preparation of the FY 2011, 2012 and 2013 budgets. Navajo Nation Divisions and Departments will be requested to start preparing budget figures and project justifications for the FY 2013 budget year.

OFFICE OF THE  
CONTROLLER



MARK GRANT  
CONTROLLER

FY 2010 - 1ST QUARTERLY REPORT

The Navajo Nation  
**OFFICE OF THE CONTROLLER**  
 First Quarterly Report – FY 2010  
 (October, November, December, 2009)

*“The Mission of Division of Finance is to protect, manage and maintain the financial integrity and physical resources of The Navajo Nation. We seek to demonstrate ethical behavior and promote fiscal responsibility and accountability to the Dine’ and their Government through meaningful, accurate and efficient financial information so that all our customers quality services.”*

**I. PROGRAM INFORMATION:**

Controller: Mark Grant  
 Telephone No.: 928-871-6310  
 Fax No: 928-871-7612

Departments:

General Acct/Investment/Fixed Assets/ Property Management/Property Warehouse Payroll	Robert Willie, Superrvisor Isabelle Yazzie, Accounting Manager
Accounts Payable/Travel Office/ P-Card Section	Lorena Eldridge, Accounting Manager
Cashiers/Office Services/Accounts Receivable Systems/Contract Accounting/WIA Accounting	Lena D. Arviso, Accounting Manager Laura Johnson, FMIS Project Manager
Contract Administration/Purchasing Supply Center Credit Services	Janice M. Haskie, Accounting Manager Louise Johnson, Manager

**II. BUDGET/PERFORMANCE INFORMATION:**

**Accounts Receivable/Cashiers/Office Services:**

A.

Section	Funding Source	# of Personnel	# of Vehicles	FY 2009 Personnel Budget	% Used	FY 2009 Operating	% Used
Accounts Receivable	General Fund	6		\$ 198,869	16%		
Cashiers	General Fund	8		\$ 264,077	18%		
Office Services	General Fund	2	1	\$ 44,034	18%		

- B. Accounts Receivable Section (A/R) prepared invoices for general funds and proprietary funds.
- C. Cashiers Section (C/S) prepared incoming/outgoing electronic wires, receipts and deposited funds for the Navajo Nation departments.
- D. Office Services Section (O/S) monitored incoming/outgoing mail, mail meters, Xerox copies, Interdepartmental Charge Requisitions and vehicle mileage for the Office of the Controller (OOC).

**Payroll:**

- E. The Payroll Section’s budget is included in the overall Office of the Controller’s budget.
- F. The Payroll Section’s performance criteria are included in the Office of the Controller’s Form 2.

**Accounts Payable:**

- G. Accounts Payable Section prepared voucher processing for the general funds, external contracts and proprietary funds for FY 2009 and 2010 with the net term of 30 days.
- H. P-Card prepared downloaded data from Wells Fargo, air fares, OOP reimbursements for the Navajo Nation programs/department. Included is also the task of uploading data into the FMIS.
- I. Continue to offer overtime to AP & P-Card staff due to the high volume of disbursements and card maintenance and customer services.

**General Accounting:**

- J. General Accounting Section prepared unaudited internal Navajo Nation “Combined Financial Statements for the 2 Months Ending November 30, 2009”.
- K. Closeout for Oct, and Nov 2009. Currently working on closing out December 2009.
- L. Completing Bank Reconciliations and Account Analysis and begin clearing outstanding items.

**Purchasing Services Department:**

M.

Office	Funding Source	# of Personnel	# of Vehicle(s)	FY 2009 Personnel	% Used	FY 2009 Operating	% Used
Purchasing Services Department	General	8	0	\$ 51,946.24	21%	\$ 13,076.92	42%
Office Supply Center	Proprietary – Internal Fund	4	1	\$ 23,423.27	23%	\$ 55,138.34	80%
	Total	12	1	\$ 75,369.51	44%	\$ 68,215.26	122%

N. Program Performance Results (Budget Form 2 attached)

**Credit Services Department:**

Office	Funding Source	# of Personnel	# of Vehicle(s)	FY 2009 Personnel	% Used	FY 2009 Operating	% Used
	General						
	External						
<b>Personal Loan Program</b>	Other	2	1	\$64,190.90	29.22%	\$38,125.57	71.69%
<b>Home Loan Program</b>	Other	13	3	\$176,209.85	41.95%	\$42,198.83	22.26%
		<b>15</b>	<b>4</b>	<b>\$240,400.75</b>		<b>\$80,324.40</b>	

O. Program Performance Results (Budget Form 2 attached)

P. Personnel (Four (4) Vacant Positions)

1. Senior Accountant (#202875): The Department of Personnel Management referred two (2) applications; however, the applicants are two individuals who were incompetent for the position through previous employment by the Department so an interview was not scheduled. Instead of re-advertising the position the Senior Accountant position will be reclassified to a lower grade step position in the accounting field.
2. Accounting Technician (240193): Twelve (12) applications were referred by the Department of Personnel Management on August 19, 2009, through the filtering process; only five (5) applicants were selected to be

interviewed. One applicant was interviewed; however, she did not possess the skills the Department expected for the job so a selection was not made. The other four (4) applicants did not show up for the interview. Instead of re-advertising the position, it will be reclassified to a lower grade step accounting field.

3. Tribal Court Advocate (240953): Two (2) applicants were referred by the Department of Justice, they were scheduled interviews and both applicants did not show up for the interview. The position was requested to be re-advertised.
4. Collection Officer (228356): The position became vacant through a resignation on December 4, 2009 and is pending advertisement through the JVA process of the Personnel Management.

### III. ACCOMPLISHMENT:

#### Accounts Receivable:

- A. A/R advertised the Associate Accountant position and received referrals from Department of Personnel Management for this position. Interviews were completed on November 12, 2009. Ms. Doreen Francis was hired on December 1, 2009 into the Associate Accountant position. She passed Common Foundation, Inquiry and Accounts Receivable module tests.
- B. A/R and C/S attended FMIS issues log meeting each week. C/S staff met with the Consultants and discussed in detail why ten voided Cash Receipts made by C/S did not get posted to the General Ledgers (G/L). But after the Consultants did the analysis on the G/L tables, C/S were told that there were no headers for each voided Cash Receipt. Therefore, the headers were recreated for each batch and the batches were re-posted during a scheduled maintenance. This issue is resolved.
- C. A/R processed **153** Council Delegate Salary Advance Requests as of December 31, 2009 which consists of invoices totaling **\$10,975.00**. This process consists of staff entering data from the claim forms into the FMIS; Supervisor reviews and approves the batches, and it requires the Accounting Manager's signature on the claim forms. Finally A/R submits it to A/P for check processing.
- D. A/R staff have updated excel worksheets for Business Site Leases (BSLs) for agencies and have monitored BSLs by performing reconciliation, updating A/R Customer Ledger accounts, and sending out billings to the current A/R customers. The total payment received for BSLs for the quarter ending December 31, 2009 is **\$413,886.60**. The revenues received for Land Rents is **\$178,430.91** and revenues received for Right of Way is **\$34,736,118.42**. The total Insurance Premiums reported for the Chapters is **\$58,746.82** and for the Entities is **\$1,631,119.28**.
- E. A/R tested Accounts Receivable scripts in JDV812 environment and is now in the process of testing these scripts in PY812 environment.

#### Cashiers:

- F. C/S, Contract Accounting (C/A) and General Accounting (G/A) Sections have established better communication on deposits received via Wells Net; this consist of reimbursements/draw downs/advances made from external agencies, tax payments, and revenues coming in from other external organizations. These funds are recorded expeditiously.
- G. Elsie Julian, Accountant and Roberta Begay, Accounting Technician (Cashiers) prepared journal vouchers to correct entries that were processed incorrectly and entered them into the FMIS. Herman McClanahan Jr., Cashiers Supervisor approved and posted all these batches for the staff. This completed the year-end entries for Fiscal Year 2009.
- H. C/S took in **\$20,710,465.37** million dollar in daily deposits and **\$200,206,378.81** in ACH deposits for the quarter ending December 31, 2009. The total number of Cash Receipts issued is **12,008** and the total number of ACH Receipts issued is **582**. The total revenue for quarter ending December 31, 2009 is **\$139,735,080.18**.

#### Office Services:

- I. O/S prepared and submitted Xerox billing for the quarter ending December 31, 2009 to Department of Records Management (DRM). The total Xerox copies processed for the first quarter is **36,242** and the billed submitted for Xerox copies is **\$2,794.70**. The total number of mail sent out is **48,084** and the total cost of the mail sent out is **\$34,881.63**. The total number of General Assistance checks and Initial Grants mailed for the quarter is **6,689**, Scholarship is **224**, and the total number of TANF checks mailed is **2,324**.
- J. Employee Performance Evaluations (EPAF) is completed for C/A, A/R and O/S Sections. Re-configurations for O/S and A/R are completed by Business Environment.

#### Payroll:

- K. Successfully processed six (6) bi-weekly payrolls for Navajo Nation employees without major problem.
- L. Employer's Quarterly Wage Reports and payment for unemployment taxes were prepared and completed for the third quarter calendar year reporting. Reports and payments were sent to the states of Arizona, New Mexico, Utah and the District of Columbia on October 28 and 29, 2009.
- M. During the week of October 5-9, 2009, the Payroll Supervisor, Lita Sam, and Senior Payroll Technician, Karen

Calnimptewa, attended the annual Oracle training on the Payroll module.

**Accounts Payable:**

- N. Able to keep Accounts Payable processing payments to vendors/customers on a daily basis regardless of short of man power.
- O. Approved one year extension to the Rio Grande Travel Agent, Inc. from Albuquerque, NM.
- P. Closed out Fiscal Year 2008/2009 files and continue to book accruals if need to.
- Q. Two Account Maintenance Specialists were hired and one Accounting Technician temporary on basis and waiting for the five (5) retirees position to be declared vacant and will proceed to submit JVAs.
- R. Ongoing P – Card presentation to the Navajo Nation Program, for this quarter the P-Card G/L Download was **\$3,632,529**. Including General Funds, External Contracts, and Out of Pocket with ACH (banking information), Out of Packet without ACH (no banking information) and Out of Pocket that are pending.
- S. New card for Contracts 27 and General Fund 53 =80 new cards.
- T. Accountants are adopting to manage to down load data and enter journal entries for general funds and external accounts and cross training colleagues.
- U. Compile reports and documents for the internal auditor pertaining to discretionary funds.
- V. P Card Section is able ensure payroll deductions are completed on any card abuse by establishing new deduction code with Payroll and General Accounting Section.
- W. Able to provide 2 job sites for winter youth workers/Work Force Development.
- X. Completed the Accounts Payable re-configuration.
- Y. Order booklets for AP/P-Card staff to start studying to be AP Certified with scheduled to have group study sessions and reserved LCR upstairs 3 days of the week in January 2010 to March 2010.

**General Accounting:**

- Z. Working on pre-audit procedures, Fund Balance rollover, clearing outstanding items.
- AA. Performed monthly closeouts for Oct 2009 and Nov 2009.
- BB. Expedited pre-payroll. Staff was made available every other Wednesday to approve journal proof of payroll so journal entry would stay in balance and to clear up errors.
- CC. Working with Program for Self Reliance on uploading procedures.
- DD. Beginnings cross training with new employee to familiarize with job duties.
- EE. Analyzing work flow to try to expedite paperwork though General Accounting.

**Purchasing Department:**

FF. Quarterly Statistic

Inventory at Year End FY2009	\$254,816.17
Inventory balance at 12/17/2009	\$273,680.49
Total revenue this quarter	\$ 33,137.89
Total cost of goods sold this quarter	\$ 88,276.23
Total sales tax this quarter	\$ 3,531.05
SSO received (internal log in sheet)	165
SSO completion (FMIS posting)	183

**Credit Services Department:**

GG. **Personal Loan Program**

1. **Loan Application Distribution and Inquiries.** Total of (611) Personal Loan applications were distributed to potential applicants and total of (729) inquiries were made via personal visits and telephone calls.
2. **Loan Approval.** There were (560) loans approved through the Administrative Review process totaling \$1,038,600. The following is a comparison of the Personal Loans broken down by the five (5) agencies of the Navajo reservation:

Chinle	Eastern Navajo	Fort Defiance	Northern Navajo	Western Navajo
67	107	283	57	46
\$116,100	\$184,800	\$553,900	\$102,100	\$81,700

3. **Statistics on Loan Ineligibility.** One Hundred Nineteen (119) loan applications did not meet the program's

eligibility criteria to qualify for personal loans based either on debt-to-income ratio exceeding the required ratio (99), length of employment (06); Credit History (07), and other (07). The applications are promptly evaluated and analyzed on a priority basis and their eligibility or ineligibility status is determined while the applicants are waiting. The applicants are notified in writing of the reason for ineligibility, and vice versa, those that are eligible.

4. **Personal Property Liens/Release.** An applicant can pledge personal property as collateral in lieu of a qualified cosigner and includes an automobile, trucks, manufactured homes and must have a certificate of title, current registration, full coverage insurance policy and inspected by the Credit Manager, or designee. Title liens are effectuated through the respective County Motor Vehicle Divisions; respectively, titles are released upon loans paid in full. **Liens were placed on four (4) personal property that were pledged as collateral and one (1) title was released.**

#### HH. Home Loan Program

1. **Application Distribution and Inquiries.** A total of (55) Home Loan applications were distributed to potential applicants. There were a total of (93) Home Loan inquiries via personal visits and telephone calls.
2. **Loan Approvals.** A total of (05) Home Loans were made totaling \$1,712,700 to purchase new Manufactured Homes and Home Improvement. The following is a comparison of the Home Loans broken down by the five (5) agencies of the Navajo reservation:

Chinle	Eastern Navajo	Fort Defiance	Northern Navajo	Western Navajo
1	1	1	2	0
80,000	\$7,000	\$77,800	\$127,700	\$-0-

3. **Statistics on Loan Eligibility and Ineligibility.** Eighteen (18) applicants did not meet the program's eligibility criteria to qualify for home loans due to their debt-to-income ratio exceeding the required percentage (11), Credit History (05), and other (01). The applications are promptly evaluated and analyzed to determine eligibility within five (5) working days; they are either pre-qualified or ineligible. The applicants are notified in writing of the reason for ineligibility.
4. **Home Inspections.** Four (4) home loans were inspected for sufficiency in installation and other required inspections.

Date	Type	Location	Results	Problems
11/06/09	Manufactured Home	Many Farms, AZ	Passed Inspection	Minor cosmetic touchup
10/07/09	Manufactured Home	St. Micheals, AZ	Passed Inspection	None
11/18/09	Manufactured Home	Steamboat, AZ	Passed Inspection	Complete
12/03/09	New Home Construction	Klagetoh, AZ	Not Complete	
12/14/09	New Home Construction	Klagetoh, AZ	Passed Inspection	Complete
12/18/09	Manufactured Home Inspection	Tohajilee, NM	Passed Inspection	Complete

5. **Liens on Manufactured Home Titles/Release.** Liens are placed on the title to the new Manufactured Homes within 30 days of the loan and after you receive the MSO, and are filed within the respective County Motor Vehicle Division; and released upon the loan being paid in full. **Two (2) liens were placed on Manufactured Homes, and one (1) title was released.**
6. **Homeowners/Life Insurance.** Home Loan Program Operating Policies and Guidelines requires a Mortgage or Credit Life Insurance Policy in an amount not less than the outstanding principal balance of the loan and shall be kept in effect for the duration of the loan period. In an event that the insurance coverage lapses and is not cured within ten (10) working days, the Department intervenes and purchases insurance coverage by resorting to an independent contracted Insurance Company which is Amerind Risk Management Corporation. The Department has an MOA with Amerind to sign up customers under Community Shield Program for the basic or deluxe insurance coverage. The Loan Insurance Representative consistently follows up with the Homeowner(s) through correspondence, telephone, and field visits, regarding their lapse of insurance coverage, insurance renewal, obtain new coverage, and collect the outstanding negative impound balance. New insurance coverage requires a home inspection by taking photos of the dwelling and working hand-in-hand with Amerind to receive quotations and

approval. In some instances, Amerind will not insure a dwelling if the premises present evidence of fire risk, but the homeowner(s) can remove the hazardous material as advised by Amerind and still obtain coverage.

The Loan Insurance Representative provided the following data in working with the homeowners and maintaining insurance coverage.

Basic Coverage	54	Deluxe Coverage	40
Contacts	188		
New Accts Signed up	02		
Denials by Amerind	03		
Impound Escrow Collected	40	Amount	\$8,372.42
Insurance Lapsed	11		
Insurance Renewals	10		

Premium payments in the amount of \$6,808.00 were paid for the basic coverage, and \$18,542.00 for deluxe coverage. This covers the period August 1, 2008 to July 31, 2009.

7. **Mortgage Processed/Releases.** Applicants who receive loans in an amount over \$5,000 for home construction, improvement or for a purchase of a site built house must grant to the Navajo Nation a leasehold mortgage as first mortgagor. The leasehold mortgages are processed soon after loan closing and/or release of mortgage is executed as soon as possible after the loan has been paid in full. **One (1) Release of Mortgage was processed this quarter on a home loan.**

II. **Personnel Action Form (PAF) and Business Procurement Act (BPA) Clearances.** The Department provided Business Procurement Act (BPA) Clearance for individuals who are applying for loans with the Small Business Loan Program within the Division of Economic Development, Veteran's Loan Program, Dine College and BIA Natural Resources for any Grazing Permits being transferred to another individual. The Credit Services Department has the responsibility for all clearance of Personnel Action Forms (PAF) for employees who are terminating their employment with the Navajo Nation. Copies are made of the PAF's and forwarded to FMIS for updating purposes. The following are the statistics on clearances:

PAF Clearances .....	442
BPA Clearance (Accounts Receivable).....	920
BPA Clearance (NN Shopping Centers).....	03
BPA Clearance (Veterans Loans) .....	
BPA Clearance (BIA-Grazing Permits).....	04
BPA Clearance (RBDOS) .....	26

- JJ. **Collections.** The Department is diligently performing stringent collection of delinquent home, personal loan and the small business loan accounts to collect funds due and owing to the Navajo Nation. The collection staff is traveling reservation wide to personally contact debtors who are delinquent on their loan accounts, especially loan accounts that have matured and past the statutes of limitation. The Collection Section is continuing their collection efforts by assessing and analyzing loan accounts that are deemed non-collectable and initiating legislations for write-off or charge-off, and/or refinancing in some cases.

The following information is the statistics for the overall collection activity:

Loan Program	Number of Contacts	Skip Tracing	New Payment Agreements	Loans Accelerated	Amount Collected
Personal Loan	979	11	11	11	\$ 7,002.46
Home Loans	357	-0-	01	1	\$ 27,429.61
Business Loans	1				\$ 12,000.00
Total:					\$ 46,432.07

#### IV. STATUS OF ON-GOING PROJECTS, INITIATIVES AND COA'S:

##### Accounts Receivable:

- A. A/R staff continues to update worksheets on Auto/Grazing/Restitution/Missions/Archaeology accounts and send out customer billing statements generated from the FMIS. The staff will continue to perform procurement clearances

on Veterans, Credit Services, and Economic Development loans. A/R staff will continue to make adjustments on Tribal Ranches by applying 4% to 6% late charges based on approved lease agreements.

**Cashiers:**

- B. C/S staff will continue to print Wells Net reports daily, record all credit and debit transactions completely and accurately, and/or prepare journal vouchers (JVs), approve and post all JVs on a daily basis. The staff will continue to prepare and approve all wire payments on-line and print copies of all wire transactions (payments) from the Wells Fargo site. This is printed for supporting documentations for the Auditors.
- C. C/S Staff will continue to release Payroll Checks and Direct Pay Advices to the departments on a bi-weekly basis and upload ACH Direct Deposits and Positive Pay to Wells Fargo Bank. C/S will continue to disburse all Council Delegates, Vendors and Travel Reimbursement checks on a daily and/or on a bi-weekly basis. C/S will continue to deposit all cash and checks daily to Wells Fargo Bank. Mr. Herman McClanahan, Jr., Supervisor for Cashiers Section is working on Vendor Payments with Wells Fargo Bank and is in the process of running a test as soon as Ms. Vonda Lee, Associate Accountant provides the detailed transaction file. Currently, this assignment is on hold until A/P receives assistance from the Consultants.

**Office Services:**

- D. O/S staff will continue to assist OOC staff with faxing out documents to other organizations and Xerox documents for the staff if they need assistance. O/S will continue to mail all Vendors, General Assistance, TANF, Foster Grandparents checks, etc.

**Payroll:**

- E. The Local Governance Support program has presented an alternative method of processing time sheets. This evidently is mandate via COA #18, whereby the program devised an Intradepartmental Agreement between DCD and OOC essentially allowing the Agency Offices to submit their time sheets electronically to the Agency and DCD Administration Offices; a procedure that deviates from the traditional method to cut costs and to comply with Legislative mandate. To expedite the process of returning the timesheets to the Payroll Section, LSGC will scan and email to perspective approvers ultimately reaching the Division Director should any one particular time sheet need this approval. This will eliminate the driving into Window Rock to return in time sheets. However, some employees have expressed concern of the vulnerability and safety of social security numbers during the transmission. This documented process was forwarded to KPMG for review and recommendations on November 4, 2009. To date there is no response from KPMG to this request.
- F. On October 5, 2009, the Accounting Managers and Controller met with staff from the Auditor General's Office. Discussion was on the recent alleged misuse of discretionary funds as reported in the local newspapers. An audit was requested by the Speaker's Office for fiscal years 2006 through 2009. Per discussion, audit will encompass review of policies and procedures, segregation of duties, fraud and effective use of the FMIS. OOC sections were directed to assist in retrieving data from FMIS.

**Accounts Payable:**

- G. Find alternative on Document Scanning Project for AP and P-Card for future exploration.

**General Accounting:**

- H. Currently in process of preparing for external auditors.

**Purchasing Department:**

- I. Conducted presentation on the Navajo Nation Procurement Rules & Regulations on the following dates:
  - 1. October 21, 2009 LGSC Shiprock Agency
  - 2. November 05, 2009 Design and Engineering
  - 3. November 18, 2009 Rough Rock Chapter
  - 4. December 28, 2009 Community Development
- J. A draft copy of the revised Procurement Rules and Regulations was provided to Mr. Frank Snez his responds and updates are currently being work on in conjunction with Dept. of Justice.
- K. Attending most of the meeting regarding the revision of the procurement code.
- L. Sales Tax Form 600 for 2008 and 2009 is submitted to Navajo Tax Commission every quarter. Making sure all numbers, totals are correct and tax rate of 4%.

- M. Office Supply Center continues to order supplies and paper. Bids will be forwarded to vendors and upon the procurement policies the lowest bidder will be selected based on price, quality and product.
- N. Jan.04, 2010 through Jan. 08, 2010, Navajo Nation Office Supply will be conducting their first quarterly Inventory Count; therefore the office will be closed.

**Credit Services Department:**

- O. **Financial Education/Homebuyers Education.** It is the policy of the Home and Personal Loan Program that the Navajo public be educated on financial responsibility and money management. It is a requirement for the Home Loan Program that the homeowners attend the Homebuyer’s Education or financial counseling prior to loan commitment. Each certified trainers are scheduled to provide financial education based on different financial modules, and will receive certificates upon completion. The Department refers home loan clients to Navajo Partnership for Housing to receive Homebuyer’s education and receive certificates that they completed the course. Each participant will be charged a fee of \$50.00 to attend and complete the session. Financial Education were provided at the following locations:
  - 1. Financial Education – July 15, 2009, Shiprock Workforce Development Office (60 attended); July 14, 2009, Navajo Nation Health Program.
- P. **Promotional Activities.** Presentations regarding loan criteria and information about the lending program are scheduled based on requests coming in from the various department/programs/entities.

No.	Date	Location	Program
1	7/14/09	Isleta, NM	Isleta Casino & Resort

The Loan Officers have met with other departments introducing the loan programs available and arranged to provide presentations. Radio advertisement was made and aired on the Alamo Radio station.

- Q. **Staff/Collection/Lending Meetings**
- R. **Staff Training**  
July 15, 2009 – One staff attended Skills of Dynamic Public Speaking Training in Albuquerque. Elaborate on Stars training.
- S. **Conditions of Appropriation – Plan of Operation.** The amended Plan of Operation for Credit Services Department is in a draft form pending approval by the oversight Committee and contingent upon the approved Plan of Operation for the Controller’s office.

**V. STATUS OF ACTION PLAN (A, B, AND C LISTS):**

**Accounts Receivable:**

- A. A/R staff will need time to review their schedules on when to test the Credit Reimbursements on A/R module and push it out to production on the JDE/PeopleSoft software application. This assignment will be reviewed next quarter.
- B. A/R staff has not set up another meeting with Department of Justice (DOJ) on establishing an account for entering Cash Receipts on Performance Bond(s) payments from the Business Site Lessees which ensures security for performance of all contractual obligations. This project will be re-visited next quarter.

**Office Services:**

- C. O/S and Payroll Section (P/S) have not schedule a meeting with Leslie Riggs with National Account Services or any vendor to discuss ADP Time and Labor Management to go through the automation of time input via an automatic time input system. OOC does not have funds to proceed with this automation of time input at this time.

**VI. OUTSTANDING PROGRAM ISSUES:**

**Cashiers:**

- A. C/S staff is recording all Treasury ACH wire payments in the FMIS on a timely basis except for those payments that are received through the Lockbox account for Minerals Department. The credit transactions are recorded into the memo bank 14 (balance sheet entry) until the program provides the revenue account numbers. However, the revenues are not recorded expeditiously at the end of each month. This activity needs to be reviewed next quarter and C/S needs to find a better method of recording revenues expeditiously.
- B. C/S still has issues with the Treasury ACH wire payments for the Grants/Contracts Funds. Although detail information is emailed to the CA Accountants, the responses are not as quickly as C/S would like it to be. Therefore, C/S tries their utmost to work with the C/A staff by communicating with them at their workstation, through emails,

making copies of the Wells Net reports, through telephone calls, sending them reminders and request that they call the funding sources directly.

- C. C/S is concerned that Accounts Payable Section (A/P) has not followed up on vendor payments via Treasury ACH wire payments. Wells Fargo was ready to assist the Navajo Nation once the proper set-up is completed internally. However, the project is on hold because there is no programmer to program the transmission of data port to Wells Fargo. This project needs to be restarted because OOC is running into problems with costly check distribution and check reissuance to vendors, employees and etc.

**Payroll:**

- D. Payroll Manager has been working with the FMIS System staff to rectify the SUTA tax reporting to the State of New Mexico. The state requires this report to be filed electronically in XML or CSV format. This issue remains outstanding. The Avail payroll consultant is addressing the issue. The first actual submittal was to have happened in October, 2009 for the third quarter. However, issues of the report format and the programming of the path to where the file will reside are still being worked on.

**Accounts Payable:**

- E. Need to re-establish the document submission deadline.
- F. Need more funds in the big projects for AP & P-Card.
- G. Too slow of a process on Travel Reimbursements Checks.
- H. FMIS is too slow.

**Purchasing Department:**

- I. Purchase receipt payment backlog remains a problem. Factors contributing to late payments are:
  - 1. Programs are not processing receiving records for goods/services received. Invoices are being mailed to Accounts Payable as instructed on the purchase order. However, these are pending the receiving records. Programs need to initiate receiving records when deliverables are made.
  - 2. Original invoices are lost when in route to or at Accounts Payable.
  - 3. Programs/departments are sending in copies (not originals) of invoices or other documents in place of to evidence receipt of deliverables, however, an original invoice is the only document that the Accounts Payable Section honors to process a payment.
  - 4. Large volume of payment documents.
- J. The closure of Open Commitment for General Funds Business Unit will continue on Quarterly Bases; however the External Funds would need to address to minimize the open commitments.
- K. Need to run a report for all external funds open commitment, so contract accounting will review and request for deletion/closure of purchase order etc.
- L. Unsafe Delivery Sites at the program levels which causes back injuries and other parts of the body. I would like to recommend that the programs think about safety.
- M. The capabilities' to usually the FMIS is still concern at times we don't have access because of a down line, the system freeze up and Office Supply Center contacts Leroy, Nathan or the power-user.

**VII. PROBLEMS/RECOMMENDATIONS:**

**Accounts Receivable:**

- A. A/R billed CY '2010 Tribal Grazing Fees for Tribal Ranches Program for lessees with active leases. However, billings are pending for 12 individuals due to file lacking necessary information to substantiate billing process. Therefore, Mr. Fritz Roanhorse, Manager was notified for clarification and the staff is currently awaiting a response from him. If there is no response, the staff will have to meet with him to avoid further delay in billing process.

**Cashiers:**

- B. Mineral Department (MD) was providing the revenue account numbers within two days of the revenues received via the Lockbox. However, the department is not providing the information to C/S expeditiously. So, C/S will request a meeting with Mr. Elmer Johns, Mineral Auditor and his supervisor to provide the revenue account number(s) to C/S prior to the payment(s) showing up on the Wells Net report. C/S will continue to work with Minerals Department in obtaining the required revenue account numbers.

**Payroll:**

- C. The Payroll Manager addressed a serious situation with the Navajo Department of Workforce Development in that some employees (mostly youth) have not been paid since June or July 2009. A majority of these employees are from Tuba City. Program Supervisor was informed that this practice is unacceptable and that streamlining their employee

hiring process was absolutely necessary. Program understood our concern and was to have remedied the situation. However, problems still exist in late processing of PAFs and back pay forms.

- D. The late processing of PAFs also contributed to 145 employees not getting their full pay check for PPE 10/09/09. For this PPE the first 24 hours were in FY 2009. The last 56 hours were in FY 2010. Federally funded programs whose grants ended on 09/30/09 and whose budgets and PAFs did not reach the Department of Personnel Management by the established deadline did not get paid the 56 hours. Programs continue to miss these deadlines despite repeated reminders that the Payroll Section does not run interim payrolls anymore. This feature still is not working and has been on the issues log since March 2009.
- E. Early releases for the holidays and 2-hour delays due to weather conditions have affected the processing of timesheets and other payroll processing items. Time sheets are due on 12/31/09 and many have not been received at the Payroll Office. Today's 2-hour delay and 4-hour administrative leave may cause many timesheets to be late which allows less time for Payroll Technicians to enter the time/hours into HRIS.

#### **Accounts Payable:**

- J. Prepare Monthly Report and daily checklist in a timely manner. Also to accept any task given by Supervisor.
- J. Continue Positive Pay upload of all checks. Communicate to Positive Pay Group when checks are uploaded.
- K. Record all credit transactions and debit transactions within the month they are received. Continue with email communication to appropriate departments for account number assignment.
- L. Staff chart with new structure is needed in order to have better harmony with Section Supervisor, Accountants, AMS and Office Aid.
- M. The credit services department is in dire need of an office expansion to safely accommodate the individual staff's work performance in their office space. The clientele for the services provided has grown to a full-fledged loan services in lending, collection, accounting, leasehold mortgage/title liens, release of mortgage/title liens, insurance, etc. The Department has checked into other office spaces within the vicinity of Window Rock, St. Michaels and Tse Bonito, all to no avail. Other alternative is to request the Office of the Auditor General's Office to modify their office space to reduce in size to allow additional space for Credit Services with hopes of their understanding and cooperation.

#### **General Accounting:**

- N. Working with programs on reading budget starts reports to identify actual expenditures, encumbrances and budget available. So that program will be able to analyze its own business units.

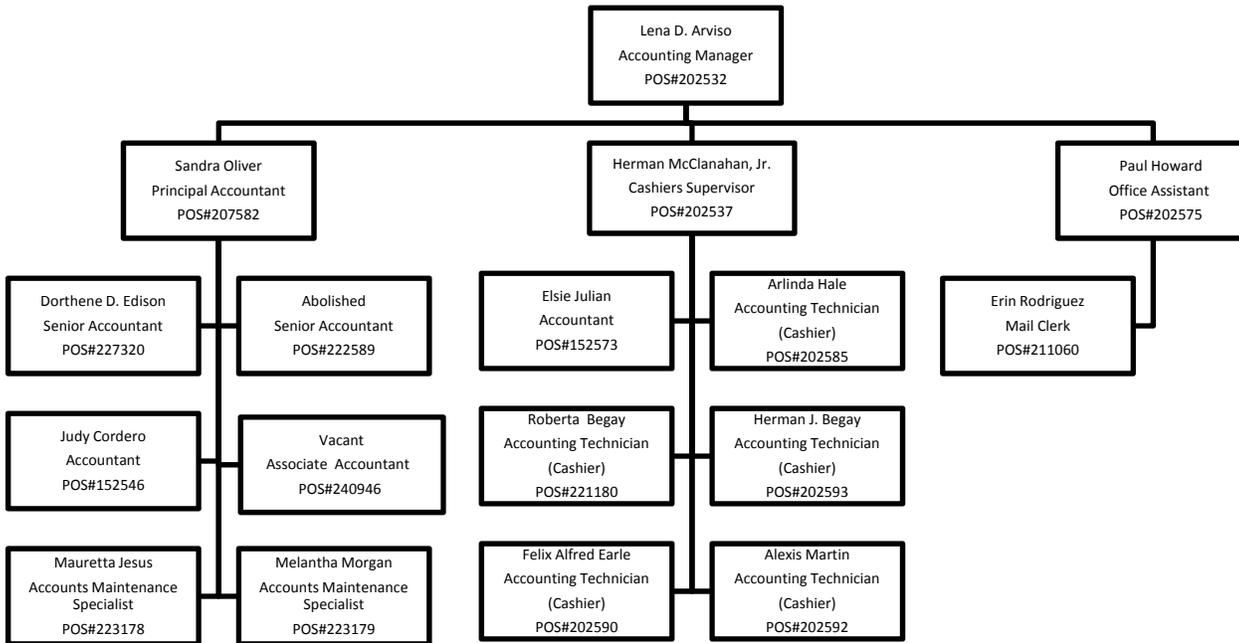
#### **Purchasing Services Department:**

- O. Contract/SAS process is not being followed:
  - 1. SAS processes are being initiated well in to the contract term resulting in requests for demand payments from contractor before contract has been setup on FMIS.
  - 2. During the SAS review process, Office of Management & Budget and Office of the Controller are bypassed and not given the opportunity to review contracts. This has resulted in several contracts being executed without financial information necessary to encumber the contract, i.e. account numbers, contractual dollar amounts, or contract term.
  - 3. Budget Hold code (B1) is not working accurately in the FMIS system, therefore the consultants are working on the problem and more of the issues meeting pertains to the purchasing module.
- P. Procurement of services is being done without proper contracts, e.g. long term lease agreements are not being processed through SAS/Admin Review. PSD is seeking legal advice from DOJ in this area.
- Q. Large purchases also are being delayed due to noncompliance with Navajo Nation Procurement Rules & Regulations. Per these policies, the foundation of an efficient and cost-effective procurement process begins with proper planning by the procuring parties. Many contracts (construction, professional services, etc.) are processed through the SAS administrative review and approved without showing evidence that the procurement process was done. The procurement process includes public advertisement (applicable to purchases of \$50,000 or greater), public notice and competitive bidding. These documents should be on file in the contract folder in Contract Administration & Purchasing Services Department. This was an audit finding for FY 2006, 2007 and 2008. For SAS documents that are signed by Contract Accounting Section of the Office of the Controller the following are not being checked:
  - 1. Business Unit Number (s)
  - 2. Dollar amount(s) to be encumbered
  - 3. Funds available in appropriate object code(s)
  - 4. Contract term

5. Procurement Rules & Regulations compliance (documents to evidence this should be included in SAS packet)
6. Debarment and Suspension Form Certificate
7. W-9 Forms

**VIII. FLOW CHART (Most recent / updated chart attached):**

A.



**IX. BUDGET STATISTICAL INFORMATION:**

A. DOCUMENTS PROCESSED: (Accounts Receivable, Cashiers, Office Services and General Accounting)

**Accounts Receivable:**

**Cancelled Checks Requested from:**

General Accounting 0

**SAS Packages:**

Logged In: 2  
 Logged Out: 2

**Voided Checks Requested from:**

General Accounting 0  
 Accounts Payable 0  
 NSF Checks Cashiers 0

**Council Delegate Advance:**  
 No# of Claim Forms 153  
 No# of CD payment processed 153  
 No# of Statements/Correspondences 0  
 Amount of Request 10,975.00  
 Amount of Payment 10,975.00

**APPROVAL**

**Memos (not including clearances):**

To Clients 127  
 To Department/Programs 19  
 To OOC Sections 5  
 To Others 26  
 177

**ICR:** 3  
 # Logged In: 3

**Request for Payments:**

RDPs Processed 4

<b>Procurement Clearance:</b>	<b>Number of Memos Received</b>	<b>Clearance Check for Individuals</b>	<b>Clearance Check for businesses</b>	<b>Memos Sent</b>
Economic Development	82	52	73	82
Navajo Housing Services	12	0	12	12
Veterans Office	2	48	0	2
Credit Services Department	92	1,141	0	92
Navajo Nation Shopping Ctr.	1	2	0	1
Dine College	2	2	0	2
Department of Justice	6	2	6	6
Project Development	5	4	5	5
Tribal Ranch - Agri	0	0	0	0
Others	35	8	21	35
	<u>237</u>	<u>1,259</u>	<u>117</u>	<u>237</u>

<b>Revenue:</b>	<b>Business Site Lease Payments (October to December)</b>	<b>Other</b>	<b>Amount Posted to Settlement</b>	<b>RU - BSL Mission Account</b>
Business Site Lease 1360				(343,444.29)
Business site Lease	(13,859.29)		(6,013.99)	
Fort Defiance	(67,346.98)			
Shiprock	(140,564.33)		(65,208.79)	
Chinle	(39,365.12)			
<b>Tuba City</b>	(48,113.79)			(100,848.56)
<b>Eastern</b>	(750.00)			(60,236.31)
<b>Aneth</b>	(6,749.97)			(3,840.17)
<b>Industrial Park</b>	0.00			(4,576.68)
<b>Kayenta Township</b>	(97,137.12)			
Whippoorwill	0.00			
	<u>(413,886.60)</u>	-	<u>(71,222.78)</u>	<u>(512,946.01)</u>

<b>Revenue:</b>	<b>Business Site Lease Payments (October to December)</b>
<b>ROW Revenue</b>	34,736,118.42)
<b>Land Rent</b>	<u>178,430.91</u>
	34,914,549.33

<b>A/R Automobile Sale</b>	<b>Council Delegate</b>
Beg. Balance:	119,300.82 Beg. Balance - Billing 1,002,966.33
Payment (Net DR & CR):	(42,021.01) Payment (Net DR & CR: 8,600.00
Outstanding Principal	<b>77,279.81</b> Outstanding Amount <b>1,011,566.33</b>

<b>Archaeology</b>	<b>Worker Compensation</b>
Beg Balance - Billing	448,775.65 Entity/Chapter Total 59,126.17
<b>Total Billing Amount:</b>	<u>19,355.18</u> Total Billing Amount: 42,560.66

Paid Amount:	(22,643.29)	Paid Amount:	(101,010.94)
Balance Due :	445,487.54	Balance Due	675.89
Outstanding Amount	<b>445,487.54</b>	Outstanding Amount -Both	<b>675.89</b>

Risk Management - Insurance Premium		Fleet Management (Work Orders)	
Entity Total	1,631,119.28	Beg Balance - Billing	(296.09)
Chapter Total	56,746.82	<b>Total Billing Amount:</b>	(296.09)
<b>Total Billing Amount:</b>	1,687,866.10	Paid Amount:	-
Paid Amount:	(1,589,774.40)	Balance Due :	(296.09)
Outstanding Amount	<b>98,091.70</b>	Outstanding Amount::	(296.09)

	ACCOUNTS	Invoices(RI)	Payments(RM)	Statements
7550.0208	Archaeology	0	0	0
7060.0202	Automobile Sales	0	357	299
107004.1360	Business Site Leases	0	114	16
10.0204.02 (FD)	Business Site Leases	2	38	24
10.0204.03 (SR)	Business Site Leases	10	43	31
10.0204.005 (CH)	Business Site Leases	3	52	60
10.0204.05 (TC)	Business Site Leases	7	8	0
10.0204.06 (EA)	Business Site Leases	0	3	9
10.0204.07 (AN)	Business Site Leases	0	10	15
10.0204.08 (WH)	Business Site Leases	0	1	0
10.0204.09 (IP)	Business Site Leases	1	0	0
10.0253	CD Salary Advance	142	478	0
7040.0202	Employee Benefit	2	3	3
7570.0206	Grazing Fees		92	6
		59		
7020.0210	Chapter Insurance Premiums	83	1	0
7020.0203	ENTITY Insurance Premiums	17	20	3
107004.1354	Land Rents	0	28	0
10.0205	Mission Sites	0	106	6
	Notes Receivable	0	0	0
10.0212	Northern Trust	3	2	0
N01185.1392	Raytheon	0	3	1
10.0392	Restitution	0	0	0
107004.1360	Rights-of-Way	0	28	0
	Scholarship Loans	0	0	0
7060.0202	Tribal Billings - 7060	0	0	0
	Tribal Investments	0	0	0
7030.0211	Workers Comp. Program	97	0	0
		426	1387	473

**Cashiers:**

Number of Cash Receipts issued for checks and cash for Oct. Nov. and Dec. FY'09

Date	Number of cash receipts	Total cash collected	Total checks	Total daily deposit
12/31/09	12,008	145,018.94	20,565,446.43	\$20,710,465.37
<b>TOTAL</b>	<b>12,008</b>	<b>145,018.94</b>	<b>20,565,446.43</b>	<b>\$20,710,465.37</b>

Number of Cash Receipt batches issued for checks and cash for Oct. Nov. and Dec. FY' 09

Date	Receipt Batches
12/31/09	2,223
<b>TOTAL</b>	<b>2,223</b>

Number of ACH Receipts issued for Incoming Wires & Misc. Deposits for Oct. Nov. and Dec. FY'09

Date	ACH Receipts	ACH Deposits
12/31/09	582	\$200,206,378.81
<b>TOTAL</b>	<b>582</b>	<b>\$200,206,378.81</b>

Date	Number of Cash Receipts	ACH Receipts	Total Receipts
12/31/09			
<b>TOTAL</b>	<b>12,008</b>	<b>582</b>	<b>12,590</b>

Date	Total Daily Deposit	Total ACH Deposits	Total Deposits
12/31/09			
<b>TOTAL</b>	<b>\$ 20,710,465.37</b>	<b>\$200,206,378.81</b>	<b>\$220,916,844.18</b>

TOTAL REVENUES FOR OCTOBER, NOVEMBER AND DECEMBER.

**OCTOBER FY' 2009**

Miscellaneous Revenue	\$	41,460,267.30
Contract Accounting Revenue		1,561,171.45
Commercial Deposit		12,609,351.42
Payroll Taxes 0617701886		0
External Contract Depository 2755351844		532,846.73
Tax Depository 2755351877		1,901,722.78
Pay Card 2755352099		0
General Assistance 4004201561		0
Lockbox Deposit 6008301569		2,891,818.42
TANF 7553041190		101,248.00
<b>TOTAL REVENUE</b>	<b>\$</b>	<b>61,058,426.10</b>

**NOVEMBER FY' 2009**

Miscellaneous Revenue	\$	22,632,150.31
Contract Accounting Revenue		12,189,223.19
Commercial Deposit		5,200,371.34
Payroll Taxes 0617701886		-
External Contract Depository 2755351844		1,206,188.75
Tax Depository 2755351877		3,072,191.26
Pay Card 2755352081		98.00
Pay Card 2755352099		47.00
Lockbox Deposit 6008301569		7,123,686.08
TANF 7553041190		150,795.00
<b>TOTAL REVENUE</b>	<b>\$</b>	<b>51,574,750.93</b>

**DECEMBER FY' 2009**

Miscellaneous Revenue	\$	4,983,410.82
Contract Accounting Revenue		13,364,547.44
Commercial Deposit		3,154,290.32
Payroll Taxes 0617701886		-
External Contract Depository 2755351844		125,707.52
Tax Depository 2755351877		352,421.87
Pay Card (Contract) 2755352081		-
Pay Card (Gen Fund) 2755352099		-
General Assistance 4004201561		-
Lockbox Deposit 6008301569		4,907,467.18
TANF 7553041190		214,058.00
<b>TOTAL REVENUE</b>	<b>\$</b>	<b>27,101,903.15</b>

Office Services:

	<u>October</u>	<u>November</u>	<u>December</u>
Xerox Copies Processed	22,650	15,567	14,944
Tribal Vehicle # 198062 Miles traveled O/S	444	241	200
Tribal Vehicle # 300306 Miles traveled M.G.	651	404	1,168
# of checks received in the mail	189	149	138
Mail Quantity Processed	16,315	18,652	13,984
Time Sheets from A to Y PPE	106	220	220
RDP TO CMRS-PD	14,484.40	14,616.88	11,053.43
RDP PITNEY BOWES Global	0	0	3,863.85
RDP TO KACHINA RENTAL	260.00	260.00	260.00
P-card charges	14,872.57	27,617.34	13,019.88
SSO Charges	0	2,931.27	1,804.00
Total mileage amount with tax	17.53	8.03	17.66
Vehicle # 198062	124.32	67.78	56.00
Vehicle # 300306	313.83	133.32	385.44

General Accounting:

	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
Journal Entries	4,762	4,937	275	9,974
Fleet Management Charges	1,364	1,448	153	2,965
Photocopy Charges	113	228	0	341
Overtime Request	436	388	525	1,690
Signature Approval Sheet	3	7	8	18
Inter-dept. Charge Req.	2,067	421	184	2,672
Request for Direct Payment	265	93	45	403

**Navajo Nation Financial Highlight Data**

Significant Financial Highlights of the Un-Audited Combined Financial Statements of the Navajo Nation Primary Government As of and for Two Months Ending November 30, 2009.

1. The Navajo Nation Primary Government has 65 different funds grouped into General Fund, Special Revenue Funds, Fiduciary Funds, and Proprietary Funds.
  - a. Total Assets for all Funds equate to \$2.6 billion.
  - b. Total Liabilities in all Funds equate to \$752.7 million.
  - c. Total Fund Balance/Fund Equity (i.e. Assets minus Liabilities) in all Funds equates to \$ 1.854 billion. The Navajo Nation General Fund Undesignated, Unreserved Fund Balance has a balance of -\$23,300,000.
  - d. Total Cash and Investments equating to \$1.933 billion represent 72.4% of \$2.6 billion of Total Assets.
  - e. Total Revenues in all funds equated to 162.6 million for Two Months Ending November 30, 2009.
  - f. Total Net Expenditures in all Funds equated to \$126.4 million for the Two Months Ending November 30, 2009.
2. The Navajo Nation's Un-audited Financial records indicate the following data for the Navajo Nation's General Fund:
  - a. \$71.545 million (36.98%) of the projected Fiscal Year 2010 Original Gross Revenue of \$193.49 has been received for the Two Months Ending November 30, 2009.
  - b. Net Expenditures (\$28.9 million) and encumbrances (\$9.45 million) totaling \$38.5 million (20.91%) have been applied to the General Fund **Operating Budget** of \$184.51 million, which includes supplemental appropriation and carryovers, for the Two Months Ending November 30, 2009.
  - c. Unexpended balance of Capital Improvement Project accounts equates to \$1.7 million.
  - d. Unreserved, Undesignated Fund Balance equated to -\$23,300,000 as of November 30, 2009.
3. The Navajo Nation's Un-audited Financial records indicate the following data for the Navajo Nation's External Contract and Grants:

External Contract and Grants for the Nine Months Ending May 31, 2005 has expended/encumbered \$ million with \$ million available budget balance.

**Laura Johnson-Nez, Accounting Manager for External Contracts and Grants is reporting the amounts.**

OFFICE OF THE  
FIRST LADY



VIKKI SHIRLEY  
FIRST LADY

FY 2010 - 1ST QUARTERLY REPORT

The Navajo Nation  
**OFFICE OF THE FIRST LADY**  
 First Quarterly Report – FY 2010  
 (October, November, December, 2009)

**I. PROGRAM INFORMATION**

First Lady: Vikki Shirley, First Lady  
 Telephone Number: 928-871-7919  
 Fax No: 928-871-7807

**II. OBJECTIVE**

Pursuant to GSCD-54-07, the approved Plan of Operations for the Office of the First Lady's purpose is to respond to correspondence received; to coordinate and schedule public events that the First Lady is required to attend and to assist in development of certain programs and projects in the best interest of the Navajo Nation and in which the First Lady is interested and involved.

The Office of the First Lady is authorized to seek grants, develop proposals and administer special projects and programs of the Office of the First Lady. Further, the Office of the First Lady is authorized to establish a non-profit organization to promote education, career, economic advancement and public awareness about domestic violence, alcohol and drug abuse. The Office is authorized to provide public relations functions as needed on behalf of the Navajo Nation in the capacity of First Lady.

**III. BUDGET/ PERFORMANCE INFORMATION**

**a. Funding & Expenditure**

Office	Funding Source	# of Personnel	# of Vacancies	# of Vehicles	FY 2010 Operating	% Used
First Lady	General Funds	2	1	2	\$199,683	24%

**b. Staffing:** One staff position was vacated and is pending an appointment during this reporting period.

**c. Program:** The Office of the First Lady is undergoing a program audit for FY 09 as requested by the oversight committee. Meetings have been held and initial discussions have transpired during this first quarter reporting period.

**IV. GRANTS**

**a. First Things First Regional Partnership Council –**

The First Lady continues to serve as a member of the Navajo Regional Partnership Council for First Things First (FTF), the governing body responsible for planning and improving early childhood development and health

outcomes for children pre-birth to age five throughout Arizona. The Navajo Regional Partnership Council is comprised of eleven individuals who represent parents, early care and education, health, education, the faith-based community, business, philanthropy, and tribal nations. The Navajo Nation Regional Partnership Council focus areas are:

- Improve the **QUALITY** of early childhood development and health programs;
- Increase the **ACCESS** to quality early childhood developmental and health programs;
- Increase access to **PREVENTATIVE HEALTH AND HEALTH SCREENINGS** for children age 0-5;
- Offer **PARENT AND FAMILY SUPPORT** and education on early childhood development and literacy;
- Provide **PROFESSIONAL DEVELOPMENT & TRAINING** for providers; and
- Increasing **COORDINATION** of early childhood development and health programs and provide **PUBLIC INFORMATION** about the importance of early childhood developmental and health.

In this FY2010 First Quarter reporting period, the Regional Partnership Council continued its work toward developing the 2010 Annual Funding Plan. The Funding Plan and the Overall Strategic Plan are governing documents for planning and implementation of strategies and to fund its prioritized needs. The Regional Partnership Council will continue to build on prior year efforts which include the following:

- **meeting the need for quality early care and education that is culturally responsive with native language; developing state of the art facilities, transportation, research based data and trained staff;**
- **meeting the need for well trained and appropriately qualified child-care workforce with additional technical assistance for child-care workers;**
- **meeting the need for family support education & outreach and to support and expand community awareness of the importance and impact of early care, education and health for children 0-5.**

During this reporting period, the First Lady has introduced the need to develop a funding strategy to address the prevention of diabetes and to develop awareness with parents and child care workers in early childhood education.

The First Lady will continue to promote the vision, and commitment to the development of an integrated system connecting services to children, and coordinate services within the Navajo Nation programs. The Office will maintain support for the family centered, community-based partnership linking state and local government. The Council seeks to create a system that builds and sustains a coordinated network of early childhood programs and services, the Office of the First Lady will continue to assist in development of the overall program.

#### **b. Mothers Against Drunk Driving (MADD)**

The Navajo MADD (Mothers Against Drunk Driving) Affiliate is a primary initiative of the Office of the First Lady. MADD funds are utilized for services to victims of Drunk driving accidents, purchases of educational and prevention material, training costs and travel costs for MADD related efforts. The Navajo MADD Affiliate seeks to sustain its own program in the future, which makes it necessary to raise funds, seek public/personal donations and pledges. It is also necessary to maintain managerial and administrative connections with the main MADD offices in NM and AZ. During this reporting period, the First Lady and the Office participated in the Annual Walk Like MADD fund-raiser in Albuquerque in late October. The Walk attracted volunteers throughout the state, including several Navajo victim's families. MADD support funds come through these fund-raisers so it is important to maintain support for all MADD Sponsored fund-raisers. The next fund-raiser is the Annual Valentine's Day bazaar which is upcoming in February 2010.

Other MADD related programs include support for Law Enforcement at sobriety check points. Which were held at three major checkpoint events to coincide with holiday activities to create awareness as family gatherings are

occurring for Halloween trick or treat activities; Thanksgiving holiday and related travel and for the Christmas and New Year gatherings and travel.

Current plans are underway for other MADD related events such as the Law Enforcement appreciation and recognition awards; continue to maintain communication on Court Monitoring; maintenance of a Speaker's Bureau, Youth initiatives and prevention of underage drinking, including Parent Initiatives.

Major annual MADD fund-raising programs include such events as MADD Matters Breakfast, Walk Like Mad (WLM) and a Paper Icon campaign. Follow-up is needed on all issues, and will be continued into the next reporting period.

## **V. PROJECT UPDATES**

### **A. Arizona Meth Project Advisory Board**

The First Lady continues to serve on the Arizona Meth Advisory Board, which guide the project through research based marketing campaign to communicate the risks of Meth use. The project has recently released changed management and now operates the fund raising campaign under a foundation to make more accessible for donors to use the non-profit tax exemption.

The Office of the First Lady continues to visit schools, agencies, youth groups, health fairs, etc. to discuss the dangers of meth use, show the ads and provide information for community and school outreach. The Office is currently participating and supporting the newly re-organized Navajo Meth prevention initiative, A Beautiful Path with Hope organization by attending monthly meetings and supporting educational forums for youth.

### **B. Arizona Early Education Project to Promote Literacy remains an on-going project**

The Arizona Early Education was established in the Arizona Community Foundation with funding partners to help Arizona communities build quality and capacity of early care and education programs for children from birth to kindergarten. The initiative was established with support of the then Governor Janet Napolitano and the Arizona State School Readiness Board. The First Lady continues to serve on the Early Education Fund Board of Directors; her role is to ensure young Navajo children have access to literacy.

Through this initiative, the Office of the First Lady has acquired books for children, toys and candy that were delivered at various sites during the 2009 Christmas and New Year Holiday period. Over 500 books were delivered through church organizations, head start sites and child care workers requesting for books and toys.

### **C. Arizona Governor Commission to Prevent Violence against Women -**

The Navajo Nation First Lady continued to serve as the Chair of the Commission to Prevent Violence Against Women during this reporting period. The Commission is tasked with developing legislative and policy recommendations on violence against women, as well as expanding successful prevention initiatives; and coordinating and expanding services for victims of domestic and sexual violence. The Commission seeks to unite and enhance statewide efforts to prevent and end domestic and sexual violence. It serves as a clearinghouse for domestic and sexual violence, and makes policy and legislative recommendations to the Arizona Governor. The First Lady chaired a Commission meeting on October 8, 2009, and is currently working with the Governor Brewer's staff on the Commission's annual report and recommendations for programs.

Members of the Commission represent a wide variety of disciplines, regions and cultural perspectives. Commissioners serve at the pleasure of the Governor, advise the Commission Chair and staff on critical issues across the state and apply their particular expertise to the issues at hand. Each Commissioner takes an active role in at least one subcommittee.

The Commission has six subcommittees, and these subcommittees develop recommendations for the State Plan. The six subcommittees are: Prevention/Early Intervention; Victim Services/Crisis Response; Criminal Justice; Offender Treatment and Accountability; Sexual Assault; and Data Collection. Specialized needs of child witnesses to domestic violence became a seventh area of focus for the State Plan. The subcommittees will be submitting recommendations to be compiled and submitted to the Governor beginning January 2010.

**D. Victims Assistance:** The Navajo Nation First Lady is authorized to provide assistance to Navajo women and families impacted by domestic violence. The goal of the Office of the First Lady is to assist Navajo women and families with temporary assistance to seek and acquire temporary emergency shelter from a domestic abusive situation.

During this reporting period, the Victim's Survivor Assistance proposal remains a standing proposal. If funded, it will allow a small sum of funding for victims to purchase gasoline to get to and from the shelters; as well as purchase food while en-route to and from the shelters. These basic costs are a constant struggle for the majority of Navajo victims seeking shelter from domestic violence. The Victim's Survivor Assistance proposal will be administered and monitored through the Office of the President and Vice-President, the Office of the First Lady in conjunction with the established battered women and families coalition throughout the Navajo Nation.

#### **F. Skills 2 Succeed – Certiport Training: On-Going Project**

Although very little activity was focused during this reporting period, the Certiport training program remains an important project for the Office of the First Lady. The program contains a software training program that allows for staff to attain certification, to train and certify others in basic computer skills and is a moving-on effort for victims of domestic violence.

This program has proven positive results for the Dilkon, Chinle and Shiprock communities. The plan is to expand the program and make it accessible to others. The Office of the First Lady continues efforts to establish a course in Window Rock. The beneficiaries are victims of domestic violence, it addresses self esteem issues as well as to re-establish direction in life for victims.

#### **G. The U. S. Department of Justice - Office of Violence Against Women (OVW)**

The First Lady continued to serve as member of the Task Force meeting established under the Section 904 Violence Against Women in Indian Country which is administered by the U.S. Department of Justice. The Task Force provides an opportunity to implement a program of research on violence against American Indian and Alaska Native women including domestic violence, dating violence, sexual assault, stalking and murder.

The Task Force met on November 30 and December 1, 2009 to provide advice and recommendations to the Office on Violence Against Women and the National Institute of Justice regarding the development and implementation of the program of research, as called for by legislation.

The Task Force has completed its work and the final report remains a single matter for final approval prior to its submission to congressional committees including the U.S. Office of the Attorney General. A follow-up report on the tribal consultation and Listening Session(s) is pending and will be reported when finalized.

#### **H. U.S.D. O. J - National Institute of Justice (NIJ) Site Visit**

The Navajo Nation First Lady invited members of the National Institute of Justice (NIJ) research team to visit the Navajo Nation to see first-hand the conditions related to domestic violence and issues discussed in the National Task Force Program of Research called for under provisions of the Violence Against Women Act (VAWA) law, Section 904 entitled, Violence Against Women in Indian Country.

The Research team leader headed by Director Angela Moore and two lead researchers Bethany Backes and Jaclyn Smith; and a grants monitor of Indian programs, made up the team visiting various sites on the Navajo Nation. The group arrived on Oct 18 and departed on October 23. The Navajo nation presided and hosted the team visit.

The first day, the National Institute of Justice (NIJ) research team was introduced to the Navajo Nation Council in its 2009 Fall Session then proceeded with meeting with the Navajo Chief Justice, the Navajo Nation Chief Prosecutor and the Navajo Nation President's staff. They also met with the Vice-President of the Dine College wherein a review of the college program was presented and sharing of information included the potential to include a women's protection program for college students that is available to all colleges across the country.

On the second day the NIJ team visit to the Chinle area. Program review and summaries were provided on the IHS Women's Health Clinic, the IHS Native Healing services and the Chine District Court and Peacemaker programs. Honorable Judge Benally was on hand to meet and greet the visitors.

The third day comprised of a site visit to the TohDeenesszhee (Kayenta) Shelter whose Director served as the host leader alongside the First Lady. Meetings were held with the Kayenta Township, the IHS community health representatives, the Navajo Women's Commission Representatives; and police officers from the Kayent District as well as other Navajo Nation Law Enforcement officials. The team toured the construction site of the new domestic violence shelter in Kayenta.

The final day of the group visit was to the Shiprock Home of Women and Families whose director served as host alongside the First Lady. The group met with the District Court administrator, the Office of the Prosecutor, and Navajo police officers and Law Enforcement officials. The groups also toured the construction site for the new shelter which was at the time 85% completed. The group also toured the current facility at which time, the offenders rehab program was presented.

Many issues were covered in the reviews and summaries provided by all parties from the Navajo Nation and the Indian Health Services. Processes and systems for prosecution, protection and data/case management were areas covered in all the sites visited. Other areas reviewed were the needs of the Navajo Nation to fully become a permanent Dine justice system; and integrated systems to accommodate information management as well as the dire need for adequate facilities for preventive and for rehabilitation purposes. The needs for a multi-disciplinary approach was one topic that resounded in all the discussions at each site

Pursuant to victims services and advocacy, the site reviews encompassed the services provided in reporting cases, coordinating with law enforcement agencies including the Federal Bureau of Investigations (FBI) and the health care services in the Navajo area. Health care services also included asexual assault cases, evidence collection and storage and prosecution of offenders. Aftercare for sexual assault victims were also covered in the meetings. Data systems and tracking of victims and related services were topics covered at each site visited. Regarding data, the reviews covered case management systems, type of data available, compatibility of data management for law enforcement, health care and adjudication were reviewed. Funding and shortage of professionally trained personnel were also a re-sounding stated needs at all the sites visits.

In a meeting with the Navajo Chief Justice, and the Navajo Nation Chief Prosecutor, each stated the need for federal support in which there is processing needs for prosecution, rehabilitation of prisoners, and development of tribal codes of protection. On October 23, the NIJ team departed for Washington, D.C. They stated their increase knowledge base of what is happening at the ground level of addressing domestic violence, as it pertains to their research work at the national level.

**I. Partnership to Address Sexual Assault: SART/SANE/SAFE:** The Office of the First Lady staff attended meetings of the Navajo-Hopi-Zuni Sexual Assault Response Alliance to develop a grant proposal which was funded by the U.S. Department of Justice, Office of Violence Against Women. Notification of award was received in Sept 2009 and began the start-up activities in October 2009. The partner to the Office of the First Lady is N-NURSE, Inc. (Navajoland Nurses United for Research, Service and Education), a nonprofit American Indian nurses'

organization. The collaborators are Ama Doo Alchini Bighan, Inc. (ADABI) of Chinle, AZ; the New Mexico Coalition of Sexual Assault Programs, Inc. of Albuquerque, New Mexico and the Navajo Nation Office of the First Lady. The grant is to serve rural designated areas of San Juan and McKinley counties in NM, and Apache, Navajo & Coconino counties in Arizona.

The Rural Program purposes are: 1) To identify, assess, and appropriately respond to adult victims of sexual assault, by encouraging collaboration among domestic violence (dating violence, sexual assault, and stalking) victim service providers; law enforcement agencies; prosecutors; courts; other criminal justice service providers; human and community service providers; educational institutions; and health care providers; and 2) To establish and expand nonprofit, nongovernmental, tribal and local government victim services in rural communities. This project's focus is to increase the number of collaborating partners in northern Arizona and New Mexico serving American Indian survivors (victims) of sexual assault, aged 16 years and older.

The Strategies addressed by the project are: 1) Implement, expand, and establish cooperative efforts and projects among law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence, dating violence, sexual assault, and stalking; and 2) Work in cooperation with the community to develop education and prevention strategies directed toward the aforementioned issues. 100% of this budget will be used for activities that meaningfully address building capacity through collaboration to improve accessible and available resources and services for victims of sexual assault in Indian communities in northern New Mexico and Arizona Indian Country that include the Navajo, Zuni and Hopi tribes.

This two-year grant will improve these situations through cooperative sustainable agreements among the Navajo, Hopi and Zuni Nations by the formation of a Regional Alliance Against Sexual Assault. The alliance will initiate and use culturally appropriate methods of response to sexual assault victims as well as health policy recommendations brought forward at the executive level to make necessary changes and bring this crime to public attention.

On the Navajo Nation there are only 5 SANE/SAFE trained professionals to serve the entire population of the Navajo Nation (over 170,000) which covers 27,000 square miles. This project will identify and minimize barriers for additional health professionals to acquire certification. This project will recruit one cohort of trainees a year and provide the necessary trainings to add 16 more health professionals to insure an increase of these professionals serving Indian people from this rural area.

An inventory of SANE/SAFE professionals accessible and available to the Hopi and Zuni Nations is currently being done including an assessment instrument called the GAP analysis. The Office of the First Lady participated in the start-up activities, including initial board meeting and selection of project staff. The Office of the First Lady serves as resource staff to begin the inter-tribal dialogue with the Hopi and Zuni Nations. During this reporting period monthly meetings have been held including one with the Hopi representative attending. Follow-up is needed and the Office will maintain support for this important project.

## **J. Navajo Nation Prevention of Domestic Violence:**

The Office of the First Lady provided technical assistance to the development and conduct of the 2009 Navajo Nation Domestic Violence Conference on October 28-29, 2009. The Office staff conducted a panel discussion on the needs for developing SARTs for the Navajo population. The panelist included representatives from the IHS Women's Health Clinics, N-NURSE, federal, tribal and state Victims Assistance/Advocates, the Federal Bureau of Investigations(FBI) representing Arizona and New Mexico U.S. Attorney's Offices, the Shiprock Home of Women and Families, the Navajo Nation Prosecutor's office and the Navajo Nation Police Dept.

In addition, various collaborative meetings were held with domestic violence work groups, committees and programs, one of which is the NNACADV Advisory Committee consisting of Office of Prosecutor, Department of Public Safety, Division of Social Services, Battered Families Program, and shelters serving the Navajo Nation. The

Navajo Nation First Lady continues to support the NNACADV mission and goals, including to advocate for the adoption of the Family Violence Act.

#### **K. Safe School/Healthy Student Initiative:**

The Office of the First Lady, in as much as can be done, incorporated the national concept of Safe Schools, Healthy Students Initiative as well as those of Healthy Communities. Through the Safe School/Healthy Student Initiative school volunteers are making adjustments in their school and community systems in an effort to better serve students and their families by building stronger relationship and partnership with the Navajo Nation systems. The initiative remains a priority project, however, there were no significant activities this reporting period.

#### **L. Prevention of Underage Drinking:**

The Office of the First Lady staff met with the Aztec Dormitory students to discuss Underage Drinking and prevention of it. The emphasis was to provide research-based information regarding the functions and malfunctions of the growing brain and the effects of alcohol use at early ages. Information and materials were disseminated in the reporting period to the Holbrook and Winslow Public schools prior to the student's 2009 Christmas holiday break as a matter of focus on prevention of underage alcohol use. An estimated total of 400 pamphlets and MADD ribbons were distributed.

#### **M. DWI INITIATIVES:**

**1. DWI Czar's Office:** The Office of the First Lady maintained regular communication with the New Mexico DWI Czar's Office to maintain the prevention of driving while intoxicated (DWI) strategies as a high priority. The NM DWI Czar held a town hall meeting in Gallup wherein the State DWI Task Force provided information on policy and legislative initiatives targeted to curb and deter drunk driving. Many questions were raised as to the methods and approaches being used to toughen the DWI penalties, processes for administrative and legislative venues, including monitoring of liquor licensing and liquor sales.

**2. New Mexico DWI Leadership Team Meeting(s):** The First Lady and Office staff continued to attend the monthly DUI Leadership Team meeting held by the NM DUI Czar's Office. The meetings are held to update all entities, departments and offices within the State of New Mexico to report progress on the Governor's DWI Initiative. The Navajo Nation First Lady is a partner member to the NM Leadership Team. Meetings are held the Thursday of each month in Santa Fe, New Mexico. Within this venue is the New Mexico/Tribal DUI Team meetings.

**3. NM/DUI Team Meetings:** The Office of the First Lady has been involved and attended the monthly with Indian Tribes of New Mexico to provide updates and share information using the Strategic Plan of 2008 which strives to strengthen tribal laws on DUI and related enforcement. One topic of focus is provide stringent criteria including revocation of state license of persons arrested for DUI; and to share data on drivers convicted under tribal law to be entered into the state database. No significant activities were held this first quarter, though regular meeting will resume in the next reporting period.

**4. Navajo Nation DUI Task Force:** The Office of the First Lady continued to work on the Navajo Nation DUI Initiatives forwarded by the Navajo Nation President in an effort to eliminate drunk driving. Under this initiative the Office of the First Lady works to enhance the capacity of the Navajo Nation police force, law enforcement, and the Selective Traffic Enforcement Program (STEP) with training, equipment and technology upgrades that will assist in arresting, convictions and prosecution of impaired and unsafe drivers.

**5. Support for the Navajo Nation Police:** In collaboration with the Indian Health Services (IHS) Injury Prevention initiatives, the Office of the First Lady worked with the Navajo Nation Division of Public Safety and Law Enforcement to develop training courses for the Navajo Nation police officers. The First Lady is promoting

law enforcement training to prevent drunk driving as well as to document arrests related to domestic violence, and to give overall support to the capacity building efforts for the Navajo Nation's finest.

**6. Enhancing STEP Team Capacity:** The Office of the First Lady develop and submitted another proposal entitled, "*Proposal to Prevent Injuries through Navajo Public Education and Enhance the Navajo Nation Selective Traffic Enforcement Program (STEP) Team's Capacity*" due January 15, 2010.

The President and the First Lady's goal is to provide an improved quality of life, to promote healthy behaviors, protect the young through elderly Navajo population and to strengthen the overall quality of life in each Navajo community. Thus, the Navajo Nation Office of the President implemented quality of life standards for health, including the development of the Navajo Nation Selective Traffic Enforcement Program (STEP) under the direction of the Office of the Navajo Nation First Lady.

The proposal is a collaboration with the Navajo Nation Law Enforcement, the Navajo Department of Highway Safety and the Navajo Nation Mothers Against Drunk Drinking (MADD) Affiliate. The goal is to increase public awareness and provide community outreach activities as a preventive and intervention measure to injury prevention, and elimination of impaired and distracted driving.

The STEP team is comprised of 8 Navajo Police officers from the seven police districts of the Navajo Nation. The STEP team goals and objectives remain to prevent impaired driving crashes by conducting sobriety checkpoints, increasing safety belt/car seat use, and garnering speed compliance on major roadways throughout the Navajo Nation. The proposal's program objectives include:

- Increase public Awareness on Injury Prevention targeting Navajo youth, elderly and Navajo Nation entities and employees as resources;
- Conduct sobriety checkpoint at selected sites.
- Increase safety belt use by five percent
- Increase speed compliance by ten percent
- Publicize law enforcement efforts
- Public Awareness for prevention of impaired driving;
- Community outreach using multi-media approach

The following strategies are included in the proposal:

- Publicize the STEP enforcement effort in local newspapers and radio stations prior to each event and campaign. The STEP team will conduct extensive media campaigns throughout the Navajo Nation using newspapers and radio stations that reach the 7 Districts of the Navajo Nation.
- The Office of the First Lady will develop Public Service Announcements for reservation high schools to inform the student drivers of the need to wear seat belts, use car seats, and the cost of a citation;
- The STEP team will make presentations to Chapter communities on STEP team activities.
- The STEP team will set up information booths in Chapter communities to hand out safety belt and child passenger safety restraint information to citizens during the media outreach phase of the enforcement campaigns.
- The Office of the First Lady will create an email distribution list, for Navajo Nation employees and major employers on the Navajo Nation whose employees have access to a computer with internet. The email distribution list will inform citizens of the Navajo Nation of upcoming enforcement activities. The email distribution list will also provide recipients with Public Service Announcements for reducing motor vehicle crash injuries and other injuries.

- “Click It or Ticket” campaign. Officers will focus on increasing the use of safety belts and car seats through saturation patrols in identified communities of the Navajo Nation where safety belts and car seat usage is low as identified through Indian Health Service, Department of Environmental Health Service quarterly seat belt and car seat surveys.
- “100 Days of Summer” campaign. STEP officers will focus on reducing the incidence of DUI on Navajo Nation roads during June 1, September 9, 2010 and again for the Winter holiday period up to January 2011, through saturation patrols and DUI checkpoints on identified Navajo Nation roadways where there is an increased incidence of DUI documented by motor vehicle crashes and prior data from DUI checkpoints.
- Deploy STEP patrols on major roadways through the Navajo Nation. STEP officers will enforce Navajo Nation safety belt and child safety seat laws in addition to laws regarding speed during saturation patrols.
- The Office of the First Lady will network with state and tribal resources to develop a Navajo language video series on prevention of impaired driving to be used as a community –based education network model.
- The Office of the First Lady will develop community information resources booklet and brochures for community education and school presentation purposes.
- The Office of the First Lady will network with the State and tribal agencies and funding sources to install six (6) large size billboards on the prevention of impaired driving to be stationed at strategically selected sites on the Navajo Nation roads and highways.
- Work with funding sources to add four (4) units of intoxilyzer instruments for Public Safety /Law Enforcement Officer’s use.

The Selective Traffic Enforcement Program (STEP) achievements during the funding period will be monitored for one year by the Office of the First Lady at monthly DUI Task Force meetings, through Office of the First Lady quarterly report to the Navajo Nation Council and at Mothers Against Drunk Driving meetings. A final report will be completed and submitted to Navajo Area Indian Health Service Injury Prevention Specialist.

## **VI. OUTREACH/ MEETINGS**

Outreach meeting and appearances for the First Lady comprises of community activities and events. The Office require invitations a month prior to the actual event; and are subject to change pursuant to the Navajo Nation President’s schedule. Short notices may be approved on a case-by-case basis.

Outreach Activities and Meetings for the Office of the Navajo Nation First Lady for the FY2010 First Quarter Reporting Period are as follows:

### **October 2009**

- OCT 1 – Domestic Violence walk in Burnside; Gov’t Services Comm. Meeting in TseDaKaan.
- OCT 3, Domestic Violence Candlelight vigil, Window Rock
- OCT 6 – DV workshop presentation – Navajo Nation Museum
- OCT13-Meting with Government Service Committee, Window Rock
- OCT 15 – NHZSARTA Meeting at Gallup PD Dispatch
- Oct 18 – National Institute of Justice (NIJ) team arrival
- OCT 19- NIJ team introduction to the Navajo Nation Council; Meeting with Navajo Chief Justice, Navajo Chief Prosecutor and President’s staff; site visit to the Dine College
- OCT 20 – NIJ team site visit to Chinle – IHS Women’s Health, Native Healing and Chine District Court and Peacemaker program

OCT21 – NIJ site visit to the TohDeenesszhee (Kayenta) Shelter ; Meeting with Kayenta Township, IHS, Navajo Women’s Commission Reps; and Navajo Nation Law Enforcement  
OCT 22 – NIJ site visit to the Shiprock Home of Women and Families, District Court and Prosecutor and Law Enforcement.  
OCT 23 – NIJ team departs for Washington, D.C.  
OCT 24 – Walk Like MADD in Albuquerque, NM  
OCT 26 – Navajo Nation Council Special Session  
OCT 27- OPVP Staff Meeting  
OCT 28 & 29– Panel Moderator -Navajo Nation Domestic Violence Conference, NN Museum  
OCT 29- New Mexico State DWI Leadership Meeting – Santa Fe, NM  
OCT 30 – Navajo Nation Domestic Violence Conference – NN Museum

## **November 2009**

Nov 3 – NN DUI Task Force Meeting  
Nov 10 – GSC meeting; Meeting with FTF Director  
Nov 12, DWI Town Hall in Gallup; Beautiful Life with Hope meeting; SART meeting at Hopi  
Nov 16 Suicide Prevention Conference – at Dine Education Center  
Nov 17 DUI Task Force meeting; DV conference at Fort Defiance Chapter House  
Nov 19 – SART Meeting at F/D HIS; FTF at TseHoTso; Christmas Tree Lighting  
Nov 23 – Beautiful Life with Hope; Turkey distribution to the Elderly  
Nov 24 – Report to the GSC  
Nov 30- US DOJ National Task Force meeting in Oklahoma City, OK  
Dec 2 – USDOJ National Task Force meeting in Oklahoma City, OK  
DEC 3 – N-NURSE: Gap Analysis meeting with Navajo practitioners, Window Rock, AZ  
DEC 4- Prepare for Christmas candy & toys pick up in Provo, UT from American Indian Services  
Dec 8 – FTF – Special Diabetes meeting, Window Rock; DUI Town Hall meeting @ UNMG  
Dec 10 – Holbrook schools –Underage drinking information dissemination  
Dec 11 – Winslow schools– Underage drinking information dissemination  
Dec 12 – Turkey distribution day; Sobriety Checkpoint results in a large drug bust !  
Dec 14 – Aztec Dorm – Underage Drinking presentation; toys, books & candy to Dalton Pass  
DEC 16 – DV Workshop presentation at the Fort Defiance Chapter House  
Dec 17 – DUI Leadership Team meeting in Santa Fe  
Dec 18 – Nashchitti Community Christmas – MADD information disseminated  
DEC 18 – Toys, books and candy delivery to Rincon Marcus and Whitehorse Lake Chapter  
Dec 20 – Klagetoh – MADD ribbons dissemination  
Dec 21 – FTF meeting – Special Diabetes strategy presented  
Dec 22 – KGAK Radio program from the Navajo Nation STEP Team/DUI Task Force  
Dec 23 – Telecom on federal grants from OVW; toys , books and candy to Sawmill  
DEC 24 – Toys, books and candy to Tuba City, St. Jude, and Luepp church groups  
Dec 30 – Navajo Nation DUI Task Force meeting.  
Dec 31 – HAPPY NEW YEAR & NEW DECADE !!!

OFFICE OF  
HEARINGS & APPEALS



KAREN BERNALLY  
INTERIM CHIEF HEARING OFFICER

FY 2010 - 1ST QUARTERLY REPORT

The Navajo Nation  
**OFFICE OF HEARINGS AND APPEALS**  
 First Quarterly Report – FY 2010  
 (October, November, December, 2009)

**I. Information**

Division Executive Director: Karen Bernally, Acting Chief Hearing Officer  
 Telephone No: 928-871-7836  
 Fax No: 928-871-7843

**II. Budget/Performance Information:**

A. Funding & Expenditure

Funding Source	No. of Personnel	No. of Vehicles	FY 09 Personnel	% Used	FY 09 Operating	% Used
GF	4	0	206,334	13	55,909	12

B. Accomplishments:

During this quarter, the Office of Hearings and Appeals (hereinafter the (OHA) received, reviewed, heard, and issued decisions for numerous child support enforcement and non-child support enforcement cases. The OHA heard seventy-two (72) child support enforcement cases and two (02) non child support enforcement cases; issued over one thousand (1,889) child support enforcement orders and twenty-three (23) non child support enforcement orders. In addition, OHA has numerous other responsibilities and activities it must tend to on a continuous basis. Listed below are some other activities the OHA was involved in this quarter.

On October 12<sup>th</sup> Karen Bernally met with Pierrette Baldwin-Gumbrecht, Leonard Watchman, and Shawna Quintana regarding issues related to the child support enforcement cases.

From October 26 – October 29, 2009, Nancy Bitah attended the Professional Excellence Business Communication Skills Seminar in Fort McDowell, Arizona.

C. Staffing:

In October, 2009 the Chief Hearing Officer, Marcella King, resigned. The Chief Hearing Officer position is being advertised and is expected to be filled soon. Ms. Bernally has been Acting Chief Hearing Officer since August 3<sup>rd</sup>. Since that time, office operations have continued. Cases are being set, heard, and decisions rendered in a timely manner.

**III. OHA Statistical Information**

**A. Child Support Enforcement Cases**

The OHA hears child support enforcement cases from seven (07) agencies/offices within the Navajo Nation, (and Gallup). Below is a chart which shows the number of cases received/cases heard/and cases in which Orders were

signed for child support for this quarter. OHA's goal is to hear these cases in a timely, fair, and efficient manner. Hearings have taken place in the months of August, September, October, November, and December. Hearings are also set for January 2010.

### Child Support Enforcement Cases

<b>AGENCY</b>	<b>Cases Received</b>	<b>Orders Signed</b>	<b># of Hearings</b>
<b>Kayenta</b>	13	242	6
<b>Tuba City</b>	29	375	12
<b>Chinle</b>	91	318	14
<b>Fort Defiance</b>	38	305	9
<b>Gallup</b>	16	20	6
<b>Crownpoint</b>	17	186	7
<b>Shiprock</b>	79	443	18
<b>TOTALS</b> (Oct./Nov./Dec.)	<b>283</b>	<b>1,889</b>	<b>72</b>

### B. Other Cases

In addition to child support enforcement cases the OHA handles a wide variety of cases, such cases include Program for Self-Reliance cases, DPM Grievance cases, Resource Use Dispute cases, Tax Commission cases, Business Regulatory cases, OSHA cases, Workers Compensation cases, Election Grievance cases, Deferred Compensation cases, EPA cases, Navajo Business Procurement cases, Credit Services cases, Auditor General cases and Navajo Nation court appointed cases.

<b>TYPE OF CASE</b>	<b>Cases at OHA</b>	<b>Cases Heard/Completed</b>	<b>Cases Continued/Rescheduled</b>
Personnel Grievance	4	1	3
Resource Use Dispute	7	0	7
NN Program for Self-Reliance	0	0	0
Tax/Business Regulatory	2	1	1
OSHA	1	0	0
Election	1	0	0
Gaming Regulatory	0	0	0
Court Appointed Cases	0	0	0
<b>TOTAL (Oct./Nov./Dec.)</b>	<b>15</b>	<b>2</b>	<b>11</b>

OFFICE OF  
MANAGEMENT & BUDGET



DOMINIC BEYAL  
EXECUTIVE DIRECTOR

FY 2010 - 1ST QUARTERLY REPORT

The Navajo Nation  
**OFFICE OF MANAGEMENT & BUDGET**  
 First Quarterly Report—Fiscal Year 2010  
 (October, November, December, 2009)

I. Program Information

Division Executive Director: Dominic Beyal  
 Telephone No.: 928-871-6570  
 Fax No: 928-871-7040  
 Web Address: [www.navajo.omb.org](http://www.navajo.omb.org)

Departments:

Budget Section Emmett Francis, Budge Officer  
 Management & Policy Section Arnold Jake, Management & Policy Section Manager  
 Contracts & Grants Section Cordell Shortey, Contracting Officer  
 Systems Section Erie Tsosie, Principal Programmer Analyst

II. Budget / Performance Information:

a. Funding and Expenditure:

Funding Source	No. of Personnel	No. of Vehicles	FY 10 Personnel	% Used	FY 10 Operating	% Used	Total % Used To Date
General	30	1	1,881,916	20%	148,509	29%	25%

Workload Indicators

	<u>Oct.</u>	<u>Nov.</u>	<u>Dec.</u>	<u>1st Qtr Total</u>	<u>FY 10 Total</u>
a. No. 164 Documents Received:	61	24	31	116	116
b. No. of Budget Transfer Requests (External Fund)	83	69	67	219	219
c. No. of Budget Transfer Requests (Navajo Fund)	53	47	65	165	165
	197	140	163	500	500

III. Accomplishments:

Management and Policy Section (MPS)

a. Issued three (3) Navajo Nation organization management reports (Conditions of Appropriation, Plans of Operation, Performance Assessments):

- FY 2009 fourth quarter Plans of Operation Report was completed on October 26, 2009, and disseminated to key officials, Branch Chiefs, division directors, budget liaisons, and standing committee chairpersons.
- FY 2009 fourth quarter Conditions of Appropriation (COA and Legislative Concerns (LC) Status Report was completed on October 29, 2009, and disseminated to key officials, Branch Chiefs, division directors, budget liaisons, and standing committee chairpersons. There are 30 COA's and 15 LC's for FY 2009.
- FY 2009 fourth quarter Program Performance Assessments Report (PAS) was completed for 277 Navajo Nation programs and the report disseminated on October 29, 2009. The PAS report was compiled using results provided by program managers on Budget Form 2 and graded by OMB Management Analysts. In the past, MPS only compiled and reported this information during the annual budget development deliberations. MPS will be completing this report each quarter.

• Workload Indicators (MPS) staff:

Number of Budget Revisions Requests Reviewed: 157

Number of Proposed Legislation (SAS) and Supplemental Request Reviewed: 15

b. Provided day-to-day assistance to OMB and Navajo Nation tribal employees on the use of the FMIS/JD Edwards electronic financial software in regards to budget administration, contracts/grants/project account set up and other related usage.

- c. Several meetings with OMB Executive Director and staff during the first quarter regarding funding and budget revisions for the Navajo Nation Special Election held on December 15, 2009. Despite OMB's efforts to meet with key officials to address various concerns, nothing was done to address the issues brought up by OMB.
- d. Completed the electronic upload of FY 2010 Comprehensive Budget for the Navajo Nation government from the budget development ledger onto the final budget ledger in the FMIS/JD Edwards, over \$176 million of tribal funds for approximately 400 business unit accounts for all three branches of the government and 110 chapters.
- e. Provided a report and findings to OMB managers regarding an analysis of the Navajo Nation's Revenue vs. Actual status. Using the FMIS/JD Edwards, we were able to compile a report which showed the actual revenue vs. the projection on a monthly basis for FY 2009.
- f. Met with the OMB Executive Director and the Budget Officer on November 24, 2009. The Management and Policy Section of OMB offered to assist the OMB Budget Section with the project account monitoring for Navajo Nation government. Despite MPS' willingness, knowledge and resources, the Budget Section declined the offer. The Budget Officer is working on monitoring activities and will have it completed by the end of FY 2010 2<sup>nd</sup> quarter.
- g. Tested the prototype environment for budget and account set up functions (scripts) of the new software tools installation in the FMIS/JD Edwards software. Go-live date is scheduled for January 11, 2010.
- h. The Management Analysts reviewed and completed their analysis write-up for the following legislations for the oversight committees' actions:
  1. OBI-1001: DPM Proposed Plan of Operation for the Office of Background Investigation.
  2. 0523-90: Hoosh Dooh Dii To Grant Request of \$200,975.
  3. SAS 23361: Hoosh Dooh Dii To Grant Request of \$286,000.
  4. 0636-09: Ft Defiance Indian Health Board Supplemental Request of \$500,000.
  5. 0022-09: Navajo Nation Gaming Revenues Fund Management Plan.
  6. 0598-09: Amending Title 2 and 11 to make the Attorney General position an Elected Position.
  7. CS-38-09: Enacting the Local Sales Tax Act of 2009, Amending 24 N.N.C. §§ 605 and 620.
  8. 0594-09: Repealing GSCO-83-95, Abolishing the Executive Protection Services Program.
  9. 0559-09: Enacting the Navajo Nation Solid Waste Fund Act of 2009.
  10. 0551-09: Abolishing the Office of the First Lady.
- i. Assisted the Division of Public Safety with their proposal to exchange or switch expenses between the tribal funding and the external funding sources. The proposal was approved by the Public Safety Committee.
- j. Worked on the fund management plan report for the proprietary fund accounts. Files have been created and copies of the resolutions are on file for the majority of the proprietary fund accounts.
- k. Updated the FY 2010 Navajo Nation Form 2 (Program Performance Report), the Budget Form 2 will include the resolution number for the plan of operation and/or fund management plan, this will alert the MPS reviewer to update any information necessary.
- l. Attended the Navajo Nation grants report meeting. The meeting was attended by the OMB Executive Director, Budget Officer, and the Administrative Services Officer (ASO). The ASO is the primary person assigned to tribal grant agreement monitoring for compliance. The report covered on-going and current grants during the period 2005 to 2009. It was agreed that the Navajo Nation Divisions will be contacted to ensure their oversight responsibilities to assist OMB in grant monitoring.

#### Contracts and Grants Section (CGS).

- a. P.L. 93-638 Bureau of Indian Affairs and Indian Health Service FY 2010 Funding Contracts.
  - BIA – 13 of 20 contract programs have received funding awards, the remaining seven are pending award. The total amount of funds committed by BIA is \$66,867,308.
  - IHS – The three prime contracts are pending award. The total amount of funds committed by IHS is \$34,178,552.

Activities that were undertaken on submission of funding proposals:

- Orientated Navajo Nation '638 contracted programs on procedures of funding proposal.
- Pre-negotiation meetings with '638 contracted programs, DOJ and CGS. These meetings are preparation meetings before contract negotiations with BIA and IHS.
- Contract negotiation meetings with BIA and IHS. The Navajo Nation group included the '638 contract programs, OCG and DOJ. The negotiations include scope of work that is commensurate with the funds, revised the funding proposal, if necessary; monitor execution of contracts and Annual Funding Agreement (AFA) and enter into the FMIS upon approval, and finally CGS authorization for implementation.

FY 2009 Contracts and Annual Funding Agreements. The BIA - Navajo Regional Office was informed in December, 2009 that the Nation will extend the December 31, 2009 ending date for P.L. 93-638 contracts/Annual Funding Agreements. This internal action is pursuant to authority entrusted the Nation as '638 contractor and to allow the '638 programs to expend carryover balances on FY 2009 contracts. This action involved nine out of 20 contracted programs with contract ending date of December 31, 2009. Implementation was supported by the Nation's Controller.

b. FY 2007 Indirect Cost Rate Proposal.

The *revised* proposal that was submitted to the National Business Center (NBC) on July 17, 2009, is pending approval. The IDC rate calculated at 18.09% is expected to be approved in January, 2010. NBC will contact the Nation on or about January 8, 2010 on result of their review of the Nation's latest justification on Navajo programs that are included in the IDC cost pool. NBC's feedback should include rate offer of 18.09% through IDC Negotiated Agreement. Based on 2 N.N.C. § 824 (b) (9), the agreement is subject to IGR Committee's acceptance and execution by the Navajo Nation President.

Achieving the end result on the IDC proposal took more than four months due to the following events:

- Several times NBC requested additional justification why certain Navajo programs are included in the IDC cost pool and to justify the amount of time (%) that these programs spend on contract and grant matters. The programs (IDC cost pool) questioned are Navajo Nation Council oversight committees and the Division of Community Development's administration section.
- Compiling and submission of justification why certain Navajo programs that are part of the "cost pool" takes time. Some information are readily available by the respective programs, and other records had to be researched to obtain specific information on FY 2004 audited expenditures – the records which supports the 2007 IDC proposal.
- NBC is backlogged on reviewing and clearing IDC proposals for approval. When they FY 2007 proposal was initially submitted in October, 2008, NBC had over 700 proposals in queue for review. The review is done in the order of receipt by NBC negotiators.

The Nation representatives who are diligently involved in the IDC rate proposal: Brandon Valentini of Moss Adams, consultant; Mary Modrich-Alvarado of DOJ, Dana Bobroff, contract attorney; Cordell Shorty and Rachael Arviso, OMB Contracts and Grants Section; Laura Johnson-Nez and Valerie Hubbard with the Office of the Controller.

c. Corrective Action Plans (CAP) on FY 2008 Single Audit Findings.

Navajo programs that are affected by the 21 findings were to have submitted their CAP by October 14, 2009, but this deadline was not met.

- Child Care Development Fund, CAP not fully implemented on two findings.
- Law Enforcement, Workforce Development and Behavioral Health each had two findings and one finding for Special Diabetes, OMB/OOC and Design and Engineering. CAPs have been submitted by these programs but review by CGS is pending.
- Food Distribution Program's report is insufficient.
- No reports from: Program for Self-Reliance (former TANF) and Welfare Assistance, both have one finding; Head Start, five findings; and Resource Enforcement, 2 findings.

The Corrective Action Plans are suppose to have been 100% completed by September 30, 2009. CGS will require these programs to submit their status reports by the 15<sup>th</sup> day after each quarter ends.

d. American Recover and Reinvestment Act (ARRA) Funded Projects and Activities.

The following is the summary of ARRA funds the Nation has applied for or and/or awarded, this is based on SAS documents received at CGS:

- 46 applications for total funding of \$457,294,253.
- 14 awards entered into FMIS for total funding of \$8,411,023.

e. Some non-routine issues/meetings that the Contracting Officer was involved in:

- October 9, 2009, Prayer Day hosted by Water Resources Department. This is an annual event which started about five years ago where the program managers extend appreciation to their staff and offer prayers. Meal was served. CGS/OMB received a plaque each for their services to the program. The activity was well attended and the atmosphere was very appropriate and good fellowship.
- October 9, 2009, met with Navajo Nation Archaeology Department (NNAD), DOJ and Office of the Controller. NNAD is reviving its effort to recover certain fees from BIA. This is '638 contract matter with Historic Preservation Department (HPD) where BIA funds pre-construction assessment on Navajo

Nation road projects. HPD uses the service of NNAD to implement the funding. NNAD contents their fee for service is not adequately funded.

- October 14, 2009. Consultation Forum at the National American Indian Training Center in Albuquerque, NM, on revision of the Department of Interior's Strategic Plan. Pursuant to GRPA of 1996, the first strategic plan was done in December, 2003, it was revised in December, 2006. The current update is in progress to complement President Obama administration initiatives.
- November 18, 2009. Indian Health Service P.L. 93-638 FY 2012 Budget Formulation Work Session at the Flagstaff Radisson Inn, Flagstaff, AZ. The FY 2010 and 2011 federal appropriation and budget request activities were reviewed; this served as the funding base to plan for FY 2012 in identifying budget priorities, amount of budget requests, etc.
- November 30, 2009. BIA-Navajo Regional Office's presentation on accessing property from federal government at Gallup, NM. This includes excess property from military bases, available BIA buildings for office spaces by Navajo Nation, GSA vehicles and pricing, budgeting for facility and operation, and maintenance for same.

#### Budget Section

- a. The FY 2009 encumbrance carryover was not processed timely into FY 2010 due to some discrepancies in some of the numbers. The encumbrance carryover list received from the Office of the Controller was different from those in the FMIS and some numbers did not appear in the FMIS. These discrepancies were finally resolved by the Office of the Controller late in the first quarter and the encumbrances were entered into FMIS the first part of December, 2009. The delay of entry of the encumbrance amounts caused deficits in some object codes for certain Navajo Nation programs.
- b. Reconciled the approved FY 2010 budget amounts against the FMIS amounts and no discrepancies were found. For the FY 2010 budget, however, the initial budget amounts entered in the FMIS include the additional funds from the anticipated lapse funds or the Permanent Fund Set-aside approved by the Budget and Finance Committee and Navajo Nation Council. The Navajo Nation should use caution in utilizing funds designated for other purpose for the regular budget because the funds are not recurring.
- c. The FY 2009 Year-end Expenditure Reports are partially completed pending the Office of the Controller's final, adjusted expenditure report. Some of the numbers in the FMIS, such as encumbrance carryovers, are being reviewed by the Office of the Controller to ensure that these are the final numbers.
- d. Several meetings took place with the Office of the Controller and Department of Personnel Management to discuss how to deal with step increases for all Navajo Nation employees, including those on external contracts and grants.

#### Systems Section

- a. On a daily basis, Systems Section provides technical assistance to the OMB staff and Navajo Nation Programs on hardware, software, network and peripherals. Assistance includes, but not limited to:
  1. Maintaining OMB DNS Server, DHCP Server, Active Directory, E-mail Server, File Server, Print Server, FileMaker Pro Server, Anti-Virus Services, Right Fax, and Local Area Network.
  2. Maintain the following software: Microsoft Office 2003/2007 (Word, Excel, Power Point, InfoPath, Outlook, Publisher), Symantec Anti-Virus, RightFax, ScanSoft PaperPort, Adobe Software, FileMaker 8.0, Canon iP90.
  3. Updates to OMB website with documents needing to be distributed to Navajo Nation Programs.
  4. Design and create OMB business cards for all OMB employees.
  5. Faxing/Scanning Assistance, Xerox machine assistance, printer assistance and Hardware/Software assistance.
- b. Provided 104 information technology support services to OMB and other Navajo Nation programs on budgets, hardware/software/network issues and programming.
- c. The Office of Management and Budget has warranty on all their client laptops. This quarter, there was one service calls to Dell Support to provide repair and maintenance.
- d. File Maker Pro contract date discrepancy has been resolved. The correct expiration date is September 18, 2010, to renew the contract.
- e. Receive 23 new laptops on November 20, 2009 and port replicators on December 21, 2009. Currently making preparation for installation and configuration of print services, file sharing, e-mail access, scanning services, database services, faxing services, wireless access and other necessary software for OMB staff.

- f. Web Filters still needs to be installed. Request has been made to Department of Information Technology on assisting OMB with installation of the Web Filter for OMB. This Web Filter will assist Systems Section with blocking certain sites on the internet. Other alternative to install the Web Filter may be pursued.

IV. Status of On-going Projects, Initiatives and Conditions of Appropriation

a. Systems Section:

- 1. Continue to work with Department of Information Technology to install a web filter on OMB network. This web filter will assist in blocking unsolicited sites on OMB network.
- 2. Continue to improve the OMB document tracking system, this will improve the current database, i.e., budget transfer, incoming mail, and § 164 document log.

b. Budget Section:

- 1. The FY 2009 Year End Budget Revision Reports are partially completed and these reports should be completed by the end of the first quarter
- 2. The Job Cost (N and C) Accounts Report is partially completed. The Budget Section is continuing to review all N and C accounts and some worksheets for analysis are ready and meetings have been scheduled to review the overall status of these accounts
- 3. Meetings are scheduled to review and evaluate the FY 2010 budget process to identify improvements and also to respond to the Budget and Finance Committee's request to revamp the budget process, especially as it relates to the revenue allocation. Budget Section staff met with DCD and RealTime Sites consultant on the Chapters' FY 2010 budget process done on automated system. Staff meetings are also being scheduled on developing a budget system based on continuing concerns and issues being raised on job cost budgets (including capital budgets).

c. Management and Policy Section:

- 1. Continue issuing new Company Numbers and Account Set-up verification using the Nation's FMIS/JD Edwards financial software for the Contracts and Grants Section of OMB.
- 2. The Parks and Recreation Department submitted a proposal to establish a "Special Events" department within the Parks and Recreation Department. Their proposal is under review and a recommendation will be provided during the second quarter.
- 3. Continue to provide daily assistance to OMB and Navajo Nation tribal employees on the use of the FMIS/JD Edwards electronic financial software regarding budget administration, contracts/grants/project account set up and other related usage.
- 4. The scheduled Go-live date for the new JDE Tools Release module is January 11, 2010. The OMB Power User will ensure that a smooth transition takes place and assist with any issues.

d. Contracts and Grants Section:

Continue to coordinate and provide technical assistance to all Branches, Divisions, and programs on external funded grant and contract matters.

V. Problems / Recommendations.

- a. The funding and agreement approved for the recent special election by use of funds from the Motor Vehicle Authority's FY 2010 budget contains discrepancies which need to be resolved before entry of the budget amounts into the FMIS and for the amounts to be made available for spending. The discrepancies are a result of the funding proposal (budget) or agreement not being reviewed by appropriate affected parties, including the Office of Management and Budget, before approval by the appropriate legislative bodies
- b. A continuing concern in the FY 2010 budget is the shortage of personnel funds for the Department of Justice (DOJ). The DOJ was appropriated funds to pay employees for only a portion of FY 2010 and most of the employees would have to be laid off by July, 2010, possibly resulting in closure of the office
- c. The Budget and Finance Committee requested, through Navajo Nation Council resolution CS- 29-09, the Branch Chiefs to submit unmet needs budgets for FY 2010, but with the general funds in deficit currently, it appears that this may have to wait until surplus general funds become available sometime, hopefully, in the near future.
- d. OMB Contracts and Grants Section (CGS) is having the most difficult time filling a Senior Contract Analyst position that has been vacant since June, 2009. It has been advertised several times by DPM but no referrals due to unqualified applicants. In addition, we had a recent retirement of a Senior Contract Analyst and two Contract Analyst positions abolished in FY 2010 budget, CGS is significantly under staff. Further, another problem is recirculation of disreputable applicants by DPM, yet other applicants (reputable and with degrees) that we are confident in and have proven to handle the job are considered unqualified and lacking experience by DPM.
- e. The Navajo Nation needs to look carefully at the general fund deficit for FY 2010 with revenues being short again for the FY 2011 budget. Strategies need to be considered and developed on how to deal with the possible shortage of revenue next fiscal year and in the development of the overall Navajo Nation FY 2011 budget.

- e The 2004 amendments to Title 2 requiring that legislation be drafted only by Legislative Branch, reviewed only by Legislative, heard only by Legislative, and enacted by Legislative is causing problems. OMB has the duty, by law, to conduct budget impact analyses of budget related legislation but proposed legislation is not sent to OMB at all. This same problem applies to other offices that have similar responsibilities, e.g., DOJ, Controller, Office of President, affected Divisions, etc. Consequently, the Navajo Nation Council and standing committees do not receive appropriate advice and analyses resulting in less than optimal decisions. Much of Navajo government business is not open to the public.
- e. There are no longer any control mechanisms that act to curb unnecessary appropriations by the Navajo Nation Council. Legislation is drafted with “waiver” language regularly. Supplemental funding legislation, for any purpose, is introduced and goes all the way to the Navajo Nation Council regardless of problems and deficiencies in the legislation or budget(s). Oversight committee recommendations are rarely considered. And then, at Navajo Nation Council, rider amendments for more appropriations are made. Budget purpose, costs, and object codes are not reviewed. This results in poor planning and funding for non-priorities. As long as this is allowed to continue, more and more programs and people will go directly to Navajo Nation Council and not follow processes and procedures of Navajo Nation law (Appropriations Act). Those programs who choose, commendably, to follow the laws and policies and procedures, are essentially denied proper consideration by these actions. Complying with the Navajo Nation laws and policies and procedures would correct this.

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# OFFICE OF MISS NAVAJO NATION



DINAH WAUNKA  
PROGRAM SUPERVISOR

FY 2010 - 1ST QUARTERLY REPORT

The Navajo Nation  
**OFFICE OF MISS NAVAJO NATION**  
 First Quarterly Report – FY 2010  
 (October, November, December, 2009)

**PROGRAM INFORMATION**

Miss Navajo Nation:	Tashina C. Nelson, Miss Navajo Nation (2009-2010)
Office Director:	Dinah D. Wauneka, Program Supervisor I
Telephone No:	928-871-6379
Fax No:	928-871-6385

**OBJECTIVE**

The Office of Miss Navajo Nation is established for the purpose of Miss Navajo Nation, the Goodwill Ambassador of the Navajo Nation. The Office of Miss Navajo Nation is established within the Office of the President and the Vice President under the Executive Branch of the Navajo Nation. Our office is to advocate on behalf of Miss Navajo Nation, who during her one year reign represents herself in the role of a “daughter, sister, aunt, mother, and a grandmother.” Miss Navajo Nation is to encourage all Navajo people to preserve our Navajo Culture, Traditions, and Language.

**ACCOMPLISHMENTS**

The Office of Miss Navajo Nation performed duties and responsibilities in promoting the Office of Miss Navajo Nation as well as promoting Tashina C. Nelson, Miss Navajo Nation 2009-10 by scheduling appearances at many schools, Navajo Nation program conferences, staff meetings, pageant meetings, fair meetings, Navajo Nation program meetings, social events, and planning the annual Miss Navajo Nation Pageant to accomplish goals set within the program.

Tashina C. Nelson, who is 19 years old from Round Rock, Arizona was selected as Miss Navajo Nation 2009-2010. She is of the Coyote Pass Clan, born for the Many Goats Clan. Her maternal grandfather’s clan is the Red House Clan and her paternal grandfather’s clan is Towering House Clan. Her parents are Sam and Kathleen Atene. She is a 2008 graduate of Many Farms High School. She has been serving in the capacity of Miss Navajo Nation for four months.

The Office of Miss Navajo Nation has fulfilled and exceeded the performance measurements for the first quarter in accordance to FY2010 Budget as follows:

<b>First Quarter</b>	Promote preservation of Navajo culture, language & tradition <b>1,000 participants per quarter</b>	Participate in Current activities with NN Div., Depts and NN Org. <b>15 events per quarter</b>	Promote education by visiting schools on/off reservation <b>15 schools per quarter</b>	Promote MNN through entertainment, public speaking& presentations <b>1,000 participants per quarter</b>	Conduct and coordinate meetings – staff, NN depts., pageant, etc. <b>12 meetings per quarter</b>
October 2009 Events Attended: 29	13,150	12	8	13,250	12
November 2009 Events Attended: 37	10,400	13	9	10,400	11
December 2009 Events Attended: 23	9,000	10	3	9,000	7
<b>TOTAL</b>	<b>32,550</b>	<b>35</b>	<b>20</b>	<b>32,650</b>	<b>30</b>

In the first quarter, Miss Navajo Nation attended a variety of events including annual fairs, meetings, conferences, veterans events, Thanksgiving/Christmas events and many schools. She has visited schools in all agencies including Moab Unified School District and promoted continued education to all students attending including adults. She continues to advocate for the preservation of the Navajo culture, language and tradition at all events attended.

Miss Navajo's visit to Moab, Utah was a first time event. The native children attending the school truly enjoyed Miss Navajo's words of wisdom. Here are some of our Navajo children in Moab, Utah.



As the duties of former Miss Navajos, Miss Nelson continues to join forces with other Navajo Nation programs to assist in Graffiti Clean Up, Meth Coalition, Suicide Prevention, etc. She has also maintained close working relations with the Navajo Nation Museum staff. She has assisted with the Keshmish Festival and will work with other museum staff on any upcoming projects.

This year, Miss Navajo assisted the Navajo Nation Police Department and the Native Toys for Tots program in distributing toys at the Window Rock High School Field House. She attended the banquet to thank all the volunteers involved in bringing many wonderful toys for our young ones.

Miss Navajo Nation is also working with the St. Michaels Special Ed. Staff to assist with fundraising for the students to travel to the 2010 Special Olympics hosted in Tempe, Arizona. Miss Navajo will assist by hosting a Tip-A-Royalty event on Saturday, February 6, 2010. We encourage everyone to join us at the Dine' Restaurant in Window Rock, Arizona and support our Navajo athletes by leaving a generous tip. The tips collected will benefit the Navajo Nation Special Olympics.

The Office of Miss Navajo Nation is in the process of selecting the 2010 Miss Navajo Nation pageant committee members. The pageant committee will start meeting once a month beginning in January 2010 and will finalize the pageant dates and pageant application as soon as possible.

For more information on upcoming events or to invite Miss Navajo Nation, please contact our office or send an email to [missnavajonation@yahoo.com](mailto:missnavajonation@yahoo.com). The Office of Miss Navajo Nation can be reach at (928) 871-6379. Our office is located at the Navajo Nation Museum, Window Rock, Arizona.

Ahe'hee.

OFFICE OF  
NAVAJO TAX COMMISSION



MARTIN ASHLEY  
EXECUTIVE DIRECTOR

FY 2010 - 1ST QUARTERLY REPORT

The Navajo Nation  
**OFFICE OF THE NAVAJO TAX COMMISSION**  
 First Quarterly Report – FY 2010  
 (October, November, December, 2009)

**I. Program Information**

Division Executive Director: Martin E. Ashley  
 Telephone Number: 928-871-6992  
 Fax No: 928-871-7608  
 Website Address: [www.navajotax.org](http://www.navajotax.org)

Departments:

Accounting Department Sue Bizade, Principal Accountant  
 Audit Department Lawrence Sorrell, Principal Tax Auditor  
 Compliance Department Larieta L. Tso, Senior Compliance Officer  
 Valuation Department Ethel O. House, Senior Mineral Assmt. Specialist

**II. FY 2010 Budget/Performance Information as of December 29, 2009**

	Original Budget	Actuals	Encumbrances	Budget Balance	Expensed
Revenues	(1,427,307.00)	-	-	(1,427,307.00)	
Expenses					
Personnel Exp	1,209,814.00	223,596.44	-	986,217.56	18%
Travel Exp	35,502.31	8,168.58	-	27,333.73	23%
Meeting Exp	8,500.00	-	-	8,500.00	0%
Supplies	6,699.00	1,430.05	-	5,268.95	21%
Building Lease	110,850.00	27,712.37	83,137.11	0.52	100%
Equipment Lease	9,236.00	1,498.70	7,493.50	243.80	97%
Comm & Utilities	10,542.00	1,711.33	6,650.00	2,180.67	79%
Contractual Serv	25,000.00	-	25,000.00	-	100%
Special Transact	190.69	190.69	-	-	100%
Media	990.00	-	-	990.00	0%
Trng/Registration	1,155.00	175.00	-	980.00	15%
Ins & Benefits	8,828.00	1,068.68	-	7,759.32	12%

Total Expenses	1,427,307.00	265,551.84	122,280.61	1,039,474.55	27%
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# of Staff: 17                      # of Vehicles: 0                      Personnel Balance: 82%  
# of Vacancies: 3                      # Positions Frozen: 0                      Operating Balance: 24%

- A. Staffing -  
The office has 3 vacancies: a Tax Auditor, a Tax Compliance Officer, and a Minerals Assessment Specialist. The Tax Auditor and Minerals Assessment Specialist Positions are budgeted at 50% in the FY 2010 budget due to limited funding received.
- B. Operational Budget -  
ONTC expended 18% of the personnel budget; this is less than 100% due to the one Pay Period Ending not being included and vacancies in three positions during the fiscal year. Overall ONTC expended 27% of the FY 2010 Budget.

### III. Accomplishments

- A. Prior Year Tax Revenue (FY 09)  
ONTC collected \$97 million in gross tax revenues for FY 2009, ending September 30, 2009 and exceeded the revenue projection of \$94.5 million by 4% overall. Of the \$97 million collected, \$70.9 million are General Fund revenues at a collection percentage of 99% of the General Fund revenue projection.
- B. FY 2010 Tax Revenue Collection as of December 29, 2009 of \$30.8 million is 37% of the \$82 million projection. The excess for the 1<sup>st</sup> quarter is due to the PIT being paid semi-annually and payments were received in November 2009.

	1st Qtr '10	2nd Qtr '10	3rd Qtr '10	4th Qtr '10	Total
Sales - Non Retail	5,581,338	-	-	-	5,581,338
TPT	5,174	-	-	-	5,174
PIT	15,021,496	-	-	-	15,021,496
SEV	1,797,291	-	-	-	1,797,291
BAT	2,642,157	-	-	-	2,642,157
FET	3,441,610	-	-	-	3,441,610
FET - Licenses	12,000	-	-	-	12,000
HOT	408,498	-	-	-	408,498
Sales - Retail	1,895,386	-	-	-	1,895,386
	<u>30,804,951</u>	-	-	-	<u>30,804,951</u>

- C. Liquor Regulation – This responsibility was given to the ONTC without any funding or appropriation and therefore is an unfunded mandate. ONTC is continuing to be the regulatory body regulating liquor sales since the only one is the Fire Rock Navajo Casino.
- D. Tax Compliance Activities – The Compliance Section performed 1,156 desk and office audits and issued 110 assessments for lack of clerical accuracy or failure to timely file or pay taxes due. Compliance Section mailed out Fuel Excise Tax License applications in November 2009 and 90% of those sent an application have applied for a license. Of those applying for a license 75% have been approved for license in 2010. The other 25% will need to come into compliance before a license is issued for 2010.
- E. Tax Compliance Activities – Three Compliance staff and one Accountant coordinated with participants from Arizona Department of Revenue, Arizona Department of Transportation, Navajo Nation Weights and Measures, Arizona Weights and Measures, and Utah Weights and Measures all participated in the Fuel Excise Tax (FET) inspections October 26-28, 2009. There were 41 FET retail sites and one refinery visited and documents collected for sales, inventories and deliveries.
- F. Tax Audits – issued 2 field audit assessments and one preliminary findings letter, and conducted 4 field audits. Audit staffs have prepared the audit plan and field audit selection schedules for FY 2010. The audit plan includes one hotel, five Fuel Excise Tax, three Business Activity Tax, one Severance Tax and twenty-two Sales Tax audits.
- G. Tax Valuations – appraised 182 Business Site Leases. Several ONTC staff attended a tour of the oil & gas operating units in southeast Utah sponsored by Resolute. Parameters researched for 2010.
- H. Tax Appeals – held conferences in 10 cases this quarter, opened 15 new appeals, closed 12, and currently have a total of 95 open appeals, although some of those simply remain open because the taxpayer is on a payment plan, and the appeals are kept open until the payments are completed.
- I. Sales Tax – The Navajo Nation Sales Tax was amended by the Navajo Nation Council during the Fall Session and signed into law by the Office of the President/Vice President. The amendment authorized governance-certified chapters to impose a local tax rate on top of the national 4% rate. This amendment also removed the allocation directly to certified chapters, instead depositing all revenue generated by on-reservation businesses into the Sales Tax Trust Fund for annual distribution under the 50/50 allocation.
- J. State Relations – ONTC Tax Attorney was involved the Native American Petroleum Coalition (NAPC) and the Tobacco Tax Advisory Committee (TTAC). Both groups are concerned with ensuring that the status quo in New Mexico is maintained regarding state taxation of fuel sales and tobacco sales within Indian country in New Mexico. New Mexico held a special legislative session recently, but did not take any action that impacted the tribal tax issues.
- K. Federal Issues – Federal legislation has been discussed over the past several years regarding the Streamlined Sales Tax Project. The States are beginning to seriously consider how to include tribes in the process. ONTC Tax Attorney attended a meeting in late September to discuss a draft document regarding tribal participation in the Streamlined Sales Tax Agreement. In addition, the Executive Director and Tax Attorney went to Washington, DC in November to meet with federal congressional staff regarding the federal bill language. Although no bill has been introduced, it is anticipated that in may happen in the next several months. The Navajo Nation has been given the opportunity to comment on the current draft.
- L. Navajo Tax Commission – The Commission did not meet this quarter since there were no pressing matters that required their attention. Mr. Scott Taylor's was re-appointed by Navajo Nation President to serve another five year term and was confirmed by the Government Services Committee.
- M. Pending/Proposed Legislation – ONTC is ready to move forward with the amendments to the Plan of Operation for the Office of the Navajo Tax Commission. ONTC will initiate an Administrative Review (SAS process) to take this legislation before the Government Services Committee. ONTC has also forwarded the Navajo Tax Commission's resolution regarding the Sales Tax Trust Fund Plan of Operation to the Office of Navajo Government Development and to the Chair of the Budget and Finance Committee. This resolution recommends a technical amendment to the Fund's Plan of Operation to correct an error or language correction regarding the calculation of the 50/50 allocation.
- N. Community Outreach – Our Compliance Section continued to inform the public about our Navajo taxes, through presentations requested by the Fire Rock Navajo Casino and Caribou Construction Company.
- O. ONTC staff Employee Performance Evaluations Forms (EPAF) were completed for those with an anniversary date of October 1, 2009. ONTC had to request for an extension to submit the EPAF due to the overlap in the Acting Executive Director and the Executive Director appointed in June 2009.
- P. Retirement – ONTC had one staff that took the retirement package offered by the Navajo Nation Retirement Program.

#### **IV. Status of on-going Projects, Initiatives, and COA's**

##### **A. Ongoing Projects –**

##### **1. Section Goals –**

- a. The Audit Section is continuing to audit taxpayers within the seven taxes. These field audits help to determine if additional tax, interest and penalties are due to the Navajo Nation. They also assist in ensuring that taxpayers voluntarily comply with the Navajo Nation tax code.
  - b. The Compliance Section is continuing to perform desk audit reviews of taxpayer's returns as they are submitted to the office. These desk audit reviews determine timely filing, timely payment and clerical accuracy of the return. Thus, taxpayers are made aware of issues in a timely manner. Furthermore, the section continues to provide presentations to the general public as requested.
  - c. The Accounting Section is working to improve the Tax Revenue database. This is vital information that is used to monitor tax collections and to extrapolate future tax revenue. This section also remits monthly reports and quarterly payments to the State of Arizona pursuant to our Fuel Excise Tax intergovernmental agreement.
  - d. The Valuations Section works to administer all aspects of the Possessory Interest Tax.
3. Intergovernmental Agreements – the current intergovernmental agreements with surrounding states provide very useful information to both the Office of the Navajo Tax Commission and the States.
  4. Federal Highway Grant “Promoting Fuel Tax Compliance in Indian Country” – ONTC continued our involvement in this grant. During this quarter, the site visits to determine compliance with the reporting and payment requirements of the Fuel Excise Tax were conducted. Staff from the participating state and tribal agencies participated as well.
  5. ONTC has consulted with external consultants in providing a review of the processes and procedures currently utilized. The preliminary review by consultants indicated that there is room for updated processes that could potentially bring in additional revenues, but will cost approximately \$30-40,000 for the review and recommendations. This investment could potentially bring in an additional \$500,000 to \$2 million. Need assistance in securing funding for consulting as ONTC does not have the means within the FY 2010 budget.
  6. Tax Administration System – the office continues to enter information on tax payments, fuel deliveries and assessment information into the system. With this information, the office can monitor critical data like fuel deliveries, sales tax collection and tax revenue collection.

##### **B. Initiatives -**

BUY NAVAJO - It is important to educate the Navajo consumers about the need to “Buy Navajo.” All the revenue from purchases made of Navajo goods and services will benefit the Navajo Nation and the businesses within the Navajo Nation. For every \$1 spent on the Nation, \$.04 comes back to the Nation to provide revenue for the Chapters, the Nation's General Fund, and the Judicial/Public Safety Facilities Fund. For every gallon purchased from Navajo Nation gas stations; \$.18 goes to the Nation's Road Maintenance Fund.

##### **C. COAs:**

There is one COA that impacts the Office of the Navajo Tax Commission. The COA pertaining to departments, programs doing away with telephone voice messaging. The voice messaging is effective for the ONTC staff as phone calls are returned in a timely manner.

#### **V. Status of Action Plan**

##### **A. Immediate plan**

1. Comprehensive assessment and plan for additional tax revenues – ONTC is continuing to review current tax statutes to provide recommendations on proposed changes for additional tax revenue generation.
2. Establish Navajo Nation Tax Policy – This is currently in place. It is the policy of the Navajo Nation to tax all transactions and not discriminate between Navajo, Indian and Non-Indian.
3. ONTC to continue coordination with other offices, agencies, or consultants to gain perspective on economic conditions of the Navajo Nation in regards to broadening our tax base for the future.

- B. Ensure that the current taxing system supports and promotes the business sector on the Navajo Nation – this is on-going.

**VI. Outstanding Program Issues**

- A. The Navajo Tax Commission and the ONTC strongly recommend that an Alcoholic Beverage Commission and corresponding Office be created as soon as possible to regulate liquor activity within the Navajo Nation. Every hour that the Office of the Navajo Tax Commission has to spend regulating liquor is an hour that is not dedicated to raising tax revenue within the Nation. Revenue collection is critical this year, as it is every year, and the Office of the Navajo Tax Commission needs to be able to devote all of its time to its primary purpose of administering and collecting the seven Navajo taxes, rather than regulating liquor activity.
- B. Due to the high volume of sales tax taxpayers, ONTC needs additional Tax Compliance Officers to better monitor and collect tax activity due the Navajo Nation.

**VII. Problems/Recommendations**

- A. ONTC is currently on a waiting list to obtain a tribal vehicle. ONTC has funds budgeted and have been approved by the Motor Vehicle Review Board, but have not yet been assigned a vehicle.
- B. ONTC has had difficulty in filling the vacant positions. Additionally, there are two positions that were placed on budget freeze for FY 2009 and the savings from those two positions were transferred or reallocated out of ONTC budget.
- C. ONTC had initiated a scanning project to scan files to be stored in the computer system. This project was put on hold pending clarification from the Department of Justice on the legality of using scanned documents for litigation purposes.
- D. ONTC was provided the FY 2010 budget allocation, this is the same amount as FY 2009 and due to the GWA and step increases for the prior year (increase in personnel cost) the operating budget was reduced by \$83,767.