



TRIBAL INFRASTRUCTURE

Tribal officials meet with staff from the New Mexico Indian Affairs Department to discuss the Tribal Infrastructure Funding to the Navajo Nation, cover page



BUDGET & FINANCE

Community Development goes before the Budget and Finance Committee of the 22nd Navajo Nation Council in the month of December 2011, page 10



CONSTRUCTION 101

Design and Engineering Services host Construction 101 training with professionals from Sacks Tierney and Phillip Coppola and Associates, Page 7

DIVISION OF COMMUNITY DEVELOPMENT

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Searching for the lobster's whiskers



Chavez John, program manager for the Community Housing and Infrastructure Department, speaks to representatives from the New Mexico Indian Affairs Department and Environment Department on Jan. 11 about the Navajo Nation's need for infrastructure development and capital outlay funding.

The Navajo Nation workgroup meeting took place on Jan. 11, at the Navajo Nation Museum and Library. Talks focused on the New Mexico Tribal Infrastructure Fund and the Navajo Nation's comprehensive capital improvement project listing.

Representatives from the Division of Community Development (DCD), Capital Improvement Office (CIO), NM Indian Affairs (IAD) and Environment Departments (NMED), Navajo Tribal Utility Authority (NTUA) and Resources and Development Committee (RDC) sat in a horseshoe formation and listened to talks on

infrastructure development.

Arthur Allison, cabinet secretary for IAD, said infrastructure development is a major goal at present time. Not only on Indian Country, but nationally as well, with President Obama's initiatives to revitalize the country. He said the infrastructure needs for N.M. are behind the times, in excess of \$1 billion.

"How do you address infrastructure when you're behind," Allison questioned. "This is just plain potable water, wastewater and electricity." He asked how many people knew of families that have no electrical or water services, although their houses were al-

ready wired and fitted with pipes.

Allison said the New Mexico Severance Bond was created with those considerations in mind. "Out of that bond, Native Americans get five percent," he said. Severance bonds are financial transactions that are set according to the stock market. Allison said it is a business instrument that creates capital and equity.

"We are estimating about \$13.5 million that's going to be allocated for the Native Americans in the State of New Mexico," Allison said. As a bond, the funds must be repaid, he added, noting that N.M. will repay the sum through SEE NM TIF on page 20

Joint meeting with Resources Development and Budget and Finance Committee

WINDOW ROCK-The Resources and Development Committee convened alongside the Budget and Finance Committee on Nov. 21, 2011, to discuss chapter audits at the Navajo Nation Council Chamber.

The joint session included presentations from the Division of Community Development (DCD), Office of the Auditor General (OAG), Office of the Legislative Counsel (OLC), Office of the Controller (OOC), Wells Fargo Bank, ITG New Mexico, Department of Justice (DOJ), and Ethics and Rules Office.

The full day of discussions was focused on finding solutions to the allegations of thievery and embezzlement at the chapter level. All participants gave their views on why the problem has persisted and policy revisions in the legislation that could put an end to it all.

Elizabeth Begay, acting auditor general, was the first to report. She said internal controls at the chapters are deficient, in addition to non-compliance with procurement regulations.

"Based on the audit of 16 chapters, we identified missing revenue and unauthorized, unsupported expenditures," Begay said.

The audits determined \$91,639 was un-deposited and considered as missing revenue. Additionally \$1,944,396 was found as unauthorized, un-supported expenditures. She said as auditors, they only do their work based on a sample of the financial accounting at the chapter.

The lack of documentation to support or validate check SEE B&F on page 8

DIRECTOR'S MESSAGE

Yá'át'ée'h!

Welcome to the sixth issue of our newsletter for the Navajo Nation Division of Community Development. We have plenty of news to share since our last issue in Oct. 2011.



Like our story on the power line extension for residents in the Church Rock

Chapter. They waited for over 36 years for funding and logistics to fall into place for this project to become a reality for residents in Sundance, Rehoboth, old Zuni Drive-In, and Peretti Canyon areas of the chapter. Read about their celebration in this month's issue.

While we're on the topic of infrastructure development, read about the significant accomplishments from our Community Development Block Grant program, which was nominated by the U.S. Department of Housing and Urban Development's Southwest Office of Native American Programs for the Most Valuable Partner Award. They were nominated for work completed during FY 2011. These waterline and power line developments improved the quality of life for many Navajo families.

We also have a story on the joint committee meeting with Budget and Finance and Resources and Development Committees regarding the protection of chapter assets and preventing financial mismanagement at the chapter level. We recently held public hearings for comments on proposed amendments to the Local Governance Act, the first of its kind since the legislation's enactment in 1998.

The Tuba City Chapter was recently closed down for a short period of time, as chapter staff was placed on administrative leave for their involvement in financial mismanagement of chapter funds. This was unprecedented and we agreed to the closure and transfer of oversight to the Western Navajo Agency Local Governance

Support Center until the legal issues are cleared. This is a firm stance to be certain and we are serious about preventing this type of fraud at our Navajo chapters. We will not tolerate this.

I spoke with chapters in all five agencies about the protection of chapter assets and taking measures at chapter planning meetings and monthly meetings to ensure all the funds are accounted for and tracked by the community service coordinators. By working together and employing new innovations like the view-only accessibility to chapter bank accounts, and Sage Accounting software, we will tighten down and prevent misuse of chapter funds in the future.

The Ft. Defiance Chapter has worked with community resources to construct a new home for a Navajo elder living in the remote areas of Blue Canyon. Read about how teamwork makes all the difference in the world.

Finally, it's been a long time coming, but the Tribally Designated Housing Entity Subcommittee has been established and convened in Nov. 2011 to discuss the future of the TDHE status, which currently resides with Navajo Housing Authority. We are exploring alternatives to this designation to better serve the housing needs of the Navajo people.

Thank you and continue to read about our communities in future issues of our newsletter. We have much news to share from our Navajo Nation communities.

Ahe'hee.

Arbin Mitchell, Director
NNDCD



NAVAJO NATION DIVISION OF COMMUNITY DEVELOPMENT

ADMINISTRATION

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Stanley Yazzie, Deputy Director
Norbert Nez, Computer Operations Manager
Gerri Harrison, Legislative Associate
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Sharon Blatchford, Office Assistant
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Margaret Begay, Accountant
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Denise Copeland, Principal Archaeologist
Harrison Todacheene, Program and Projects Specialist
Elmer Johnson, Program and Projects Specialist
Rhonda Francisco, Archaeologist
Olsen John, Senior Archaeologist
Leland Dayzie, Program and Projects Specialist

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Andy Thomas, Senior Engineering Technician
Sony Franklin, Senior Engineering Technician
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Harrison Martin, Principal Planner
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Wendell Murphy, Planner/Estimator
George C. Hubbard, Project Manager
Leonard Hardy, Electrical Inspector
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Shirley Lee, Senior Accountant
Cheryl Joe, Senior Office Specialist

SOLID WASTE MANAGEMENT PROGRAM

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Angeline Roan, Office Specialist
Norman Scott, Community Involvement Specialist
Wilson Laughter, Environmental Specialist
Jim Lattlesinger, Engineering Technician

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Bernita Nez, Senior Office Specialist
Raymond Jones, Housing Specialist
Alfreida Nez, Senior Accountant
Benson Dineyazhe, Planner/Estimator
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James Adakai, Program and Projects Specialist
Saraphina Curley, Office Assistant
Patrick R. Dalgai, Field Supervisor
Orlinda Cleveland, Accountant
Roger Morgan, Field Supervisor
Benjamin Cowboy, Construction Supervisor
Ronald Tsosie, Field Supervisor
Jimmy Francis, Utility Foreman

HOUSING IMPROVEMENT PROGRAM

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Darrell Jimson, ARRA Planner/Estimator
Harriet Mike, ARRA Accounting Technician
Elsie Jones, HIP Eligibility Technician
Marlene Johnson, HIP Eligibility Technician
Laverne Watchman, HIP Eligibility Technician
Emma Redfeather, HIP Eligibility Technician
Carol Davis, HIP Eligibility Technician

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Randy Yazzie, Lead Carpenter

ARRA WEATHERIZATION ASSISTANCE PROGRAM

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Myrtle Youvella, Administrative Assistant
Arthur Natonabah, Accountant
Christina Lewis, Program and Projects Specialist

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LOCAL GOVERNANCE SUPPORT CENTER

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We welcome your questions, comments and feedback. We also welcome submissions from Navajo chapters, communities, departments and programs. Please direct correspondence to rabasta@nndcd.org. We regret that we are unable to publish all submissions. The editor reserves the right to modify submissions to conform to editorial guidelines and space constraints.

The views expressed in newsletter articles, submissions and features are those of the authors and do not necessarily represent the views of Division of Community Development or the editor of Navajo Nation Division of Community Development. It is the purpose of this periodical to share a variety of viewpoints. Please visit our website at www.nndcd.org for further information.

National Incident Management System training for chapters



The National Incident Management System training was an introductory course (IS-700.a) for chapters. The agencies will again host the next level of training for NIMS on March 13 and 14 for the next level of training from the Public Health Emergency Preparedness Program and Inter-Tribal Council of Arizona. (Photo by Milton Manning)

Navajo Nation chapters in all five agencies recently participated in emergency preparedness training held in conjunction with Emergency Preparedness Week from Jan. 23-27, 2012, as proclaimed by President Ben Shelly. The Division of Community Development (DCD) collaborated with the Public Health Emergency Preparedness Program (PHEP) and the Inter-Tribal Council of Arizona (ITCA) for the two days of training across the Navajo Nation.

“Chapters need to be prepared in the face of emergencies that may arise in the form of blizzards, tornadoes, floods, or any other kind of disaster,” said Arbin Mitchell, director of Community Development. He noted that DCD’s Woven Integrated Navajo Data (WIND) System is instrumental in the event of an emergency, particularly the

use of the map of the Navajo Nation, which can be used to identify buildings and chapter assets.

The PHEP was formally known as the Bio-Terrorism Preparedness Program and was established in 2004 through an intergovernmental agreement between the Navajo Nation and the Arizona Department of Health. The program developed and implemented a reservation wide Public Health Emergency Preparedness and Response Plan in coordination with Indian Health Services, hospitals, clinics and Navajo Nation entities.

Priscilla Thomas, program and projects specialist for the PHEP said they provide public health emergency preparedness training and an organizational structure to the Navajo Nation. “Our program initiates response activities to ensure continuous awareness of the earliest possible warning of a pub-

lic health disaster or outbreak,” Thomas said. An active 24-hour, seven days a week emergency contact list is maintained by the program for emergency response, she said, adding that the PHEP is responsible for oversight of the incident command posts to address emergencies.

Introductory training to the National Incident Management System (NIMS) was provided to chapters on Jan. 25 and 26 in all five agencies on the components, concepts, principles and definition of preparedness. The IS-700.a training described preparedness as, “A continuous cycle of planning organizing, training, equipping, exercising, evaluating and taking corrective action in an effort to ensure effective coordination during incident response.”

An emergency occurred in Dec. 2011, when communities within

the Navajo Eastern Agency had to dig out from snowfall ranging from 10-inches to two-feet. The blizzard conditions were followed by muddy conditions from snow-melt, adding another dynamic to the emergency response. Tohajiilee, in the most eastern portion of the reservation in New Mexico, declared a state of emergency on Dec. 28 and coordinated with various entities to reach community members subsisting in the higher elevations. Distribution of supplies was coordinated and tribal officials assisted families with firewood and other basic necessities in the wake of the storm.

Thomas said, “(NIMS) also provides the foundation needed to ensure we can work together when our communities and the Nation needs us the most.” The training SEE NIMS on page 23 Continued from page 3

LEGISLATION

Public comments on LGA amendments echo community concerns



Arbin Mitchell, director of the Navajo Nation Division of Community Development, facilitated discussions on the proposed amendments to the Local Governance Act on Feb. 8 at the Navajo Nation Museum. Mitchell hosted the morning session's discussions on the proposed legislative changes to Title 26 of the Navajo Nation Code .



Katherine Benally, chairwoman for the Resources and Development Committee, said the committee directed Community Development to host public hearings on the proposed amendments to the Local Governance Act to get feedback from the chapters and community members on the legislation.



Above, Gloria Skeet de Cruz, Baahaalii Chapter Manager shares her views.



Below, Darryl Riggs voices opinions on the LGA.



Arbin Mitchell uses a laser pointer to highlight proposed changes to the Local Governance Act, 26 N.N.C.

Ft. Defiance Agency hosts public hearings on LGA amendments



Paulene McCabe of the Ft. Defiance Local Governance Support Center takes notes from the public hearing.

WINDOW ROCK—In early Feb., Division of Community Development hosted public hearings on the proposed amendments to the Local Governance Act in all five agencies of the Navajo Nation. The Ft. Defiance Agency held their hearing on Feb. 8 at the Navajo Nation Museum and Library, which brought in a crowd of perhaps 50 participants.

Arbin Mitchell, director of DCD, said the public hearings were the second round of discussions for public comments on the proposed amendments to Title 26 of the Navajo Nation Code (NNC), the LGA. “Title 26 specifically addresses the roles and responsibilities of chapter officials,” Mitchell said. He added that council delegates have their duties outlined in Title 2, N.N.C. and that grazing-farm-land board members are addressed in Title 13, N.N.C.

The most significant change to the legislation is in the name, which will now be called the Local Empowerment Act, reflecting the purpose of empowering local communities on the Navajo Nation. Mitchell said the amendments of Title 26 are to more effectively serve the Navajo people, protect the Navajo Nation and serve its best interests.

The audience participated in discussions on definitions listed in

the legislation changes, particularly the terms attendance, chapter membership, chapter officials and technical assistance. These changes to the act were outlined in 26 N.N.C. Section 2.

Raymond Smith, vice president of Tse Si Ani Chapter, said his understanding of technical assistance meant the central government helps chapters on technical matters but is not fully responsible for those duties of the chapter.

Mitchell said to better serve the needs of LGA certified chapters with concerns regarding technical assistance, DCD created an attorney position and is currently seeking applicants.

Vernita Tsosie, community services coordinator for Houck Chapter, said it is confusing at the community level when there is talk about policies and procedures that chapters must comply with under the LGA. “However, the law supersedes the policies and procedures,” Tsosie said.

Barbara Cummings, chapter coordinator for Greasewood Springs Chapter, had concerns about chapter membership from the perspective of registered voters. “Some people jump from one chapter to another just to receive services, especially when receiving chapter scholarships,” Cummings said.

Next for discussion were 26

standardized FMS.

Mitchell said, “The Five Management System policies and procedures have been adopted as a standard format by the Navajo Nation Department of Justice. You may adopt your own and this section speaks to the issue if you don’t want to adopt the standard model.”

Gloria Skeet de Cruz, chapter manager for Baahaalii, said it was a bad idea to add other chapters because the Navajo Nation already struggles with maintaining 110 chapters in the budget process. “We are faced with chapters not willing to partner with one another,” she said. “150 chapters are too many when we don’t have enough funds.”

Stinson Wauneka, a community member of Klagetoh Chapter, was in support of the language to add more chapters. “We have to think about other areas that may wish to create chapter membership, such as Phoenix and Albuquerque,” Wauneka said. He added there are large numbers of Navajo tribal members residing in urban areas.

Justin Johnson, vice president for Cornfields Chapter, questioned why a chapter would refuse to adopt the standardized FMS. “We worked on FMS for 10 years to adopt it and now there is one format. Leave it the way it is and

“Some people jump from one chapter to another just to receive services, especially when receiving chapter scholarships.”

N.N.C. Sections 3 and 4, general certification of existence as a chapter of the Navajo Nation Government and Local Empowerment Act certification and acknowledgement of a chapter’s enhanced authorities duties and responsibilities.

Section 3 noted there are presently 110 chapters but that there is a process to add other chapters. Section 4 outlined the process for adoption of the standard Five Management System (FMS) and if a chapter refused to adopt the stan-

change it at the local level,” Johnson said.

Next for discussion was perhaps one of the most important revisions to the legislation, 26 N.N.C. Section 5, LEA-certified chapters’ responsibilities and duties to the Navajo Nation’s fiscal management offices; Navajo Nation fiscal management offices’ responsibilities and authorities.

The new language covered requirements for financial statement audit after LEA certification, budgeting for the audit, the conse-

quences of failing to comply with audit, and the Navajo Nation’s authority to direct view access to chapter funds and accounts for monitoring.

Most of the concern regarded the potential for the central government to release anywhere from 15 to 30 percent of chapter funding when deficiencies are uncovered during the audit. Other concerns regarded the high cost of technical assistance for audits and the need to get all chapters with one bank – Wells Fargo – that provides the capability for online viewing.

Chapter government requirements under 26 N.N.C. Section 101 and 102 LEA certification and acknowledgement of a chapter’s authorities came up next for discussions. Section 101 states all chapters are required to adopt and operate under a FMS and adopt policies and procedures for the FMS; chapters must have Community Land Use Planning to administer land; and chapters shall comply with all Navajo Nation laws, rules, regulations and policies.

“The Navajo Nation determines what type of penalty or sanction it will impose when chapters are not in compliance,” said Lorenzo Curley, council delegate. “Non-compliant chapters trigger the auditor general to withhold funds.”

Ralph Nelson, vice president of Houck Chapter, was adamant about ending chapter fraud. “We’ve come a long way in establishing our communities. With the election coming up, put people in there that do not steal or do wrong,” Nelson said.



CDBG funds making a difference

Infrastructure need on Navajo Nation top \$850 million

Electrical power line extensions are a major consideration for annual project funding from the Indian Community Development Block Grant funds. The Community Development Block Grant program works with tribal, federal and private entities for the completion of these power line projects. (Photo by Roger Morgan)

In the vast 27,425 square mile expanse of the Navajo Nation, infrastructure development is perhaps the greatest challenge families face when it comes to improving their quality of life. The Community Development Block Grant (CDBG) has utilized funding from the U.S. Department of Housing and Urban Development (HUD) to address these needs head-on with the development of electrical power lines and waterlines to serve the basic needs of families.

Arbin Mitchell, director for the Navajo Nation Division of Community Development said infrastructure development has dramatically improved the lives of Navajo families that were the beneficiaries of waterline and electrical power line services. "We continue to promote viable communities through Navajo values," Mitchell said.

Funding from HUD's Indian Community Development Block Grant (ICDBG) has been intrinsic to addressing these needs and each year, the Navajo Nation works in tandem with federal, tribal and private agencies to secure the requirements of Navajo families. HUD's mission of creating strong, sustainable, inclusive communities and quality affordable homes for all has aided the Navajo Nation with enhancing the lives of many residents. Since 1976 the development of infrastructure needs has improved the quality of life for Navajo families, in line with HUD's mission. Moreover, the funding has improved the health conditions of the communities being served, especially with regard to waterline development.

James Adakai, program and projects specialist for CDBG said there are many families living in very remote areas of the Navajo Nation that wouldn't have waterline or power line services if it wasn't for the ICDBG funds. "This is the only program that I'm aware which provides funding for families residing outside growth centers, subdivisions, or communities," Adakai said.

For most people living in urban centers and even in the rural areas of America, infrastructure needs are usually taken for granted because of the given availability and stability. The country buzzes with opinion and concern when the occasional blackouts occur and cities grind to a halt. The lack of these basic necessities is reality for most Native American families, with particular regard to the rugged terrain of the Navajo Nation, where survival has been ingrained into the generations. Finding students doing homework under the dim light of the kerosene lantern isn't a tough endeavor, nor is finding a family that must haul water to subsist.

Adakai estimated the infrastructure needs of the Navajo Nation with some modest cost projections - \$600 million for waterline development and \$250 million for power line development - reflecting higher costs for waterline projects because of the extensive planning process. Waterlines typically involve a longer timeframe than power lines because of

the pre-engineering services, archaeology and water studies required.

In the past year, the CDBG has made significant strides toward addressing the existing disparities in nine communities on the Navajo Nation. Working in collaboration with the Capital Improvement Office (CIO), Indian Health Services (IHS) and Navajo Tribal Utility Authority (NTUA), CDBG saw the completion of eight power line projects and one waterline project. The total cost of these projects absorbed the maximum ceiling award to the Navajo Nation from ICDBG: \$5.5 million.

The communities of Chinle, Cornfields, Dennehotso, Inscription House, Kaibeto, Kinlichee, Shonto and Tonalea all received power line extensions that brought electrical services to 192 families. The total mileage of electrical line spanned 110.77 miles. CDBG funded \$4,515,899 for the projects, CIO chipped in \$177,803 for the developments, the chapters contributed \$512,545 toward the projects and NTUA contributed \$539,574 for a total power line cost of \$5,745,821.

The community of Ramah received a waterline extension that brought potable water and sewer services to 126 Navajo families. The total mileage of waterline stretched 20.8 miles. For the waterline development, CDBG contributed funding in the amount of \$1,484,500 and IHS contributed \$1,484,500 for a total project cost of \$2,969,000.

The grand total for both electrical power line and waterline developments was \$8,714,821 and clearly demonstrates that providing the basic necessities to Navajo families is a costly and time consuming endeavor.

Working for the CDBG program for 20 years, Adakai has seen the expansion of Navajo communities from ICDBG funding that increased from the \$2.3 million grant he was hired to apply for in 1992 to the \$5.5 million funding ceiling the Navajo Nation was fortunate to receive within the last few funding cycles. However, funding is quite competitive with 171 other tribes in the southwest region applying for ICDBG funding. The threshold requirements and rating factors require due diligence and persistence to meet the needs of families in dire need of quality of life improvements.

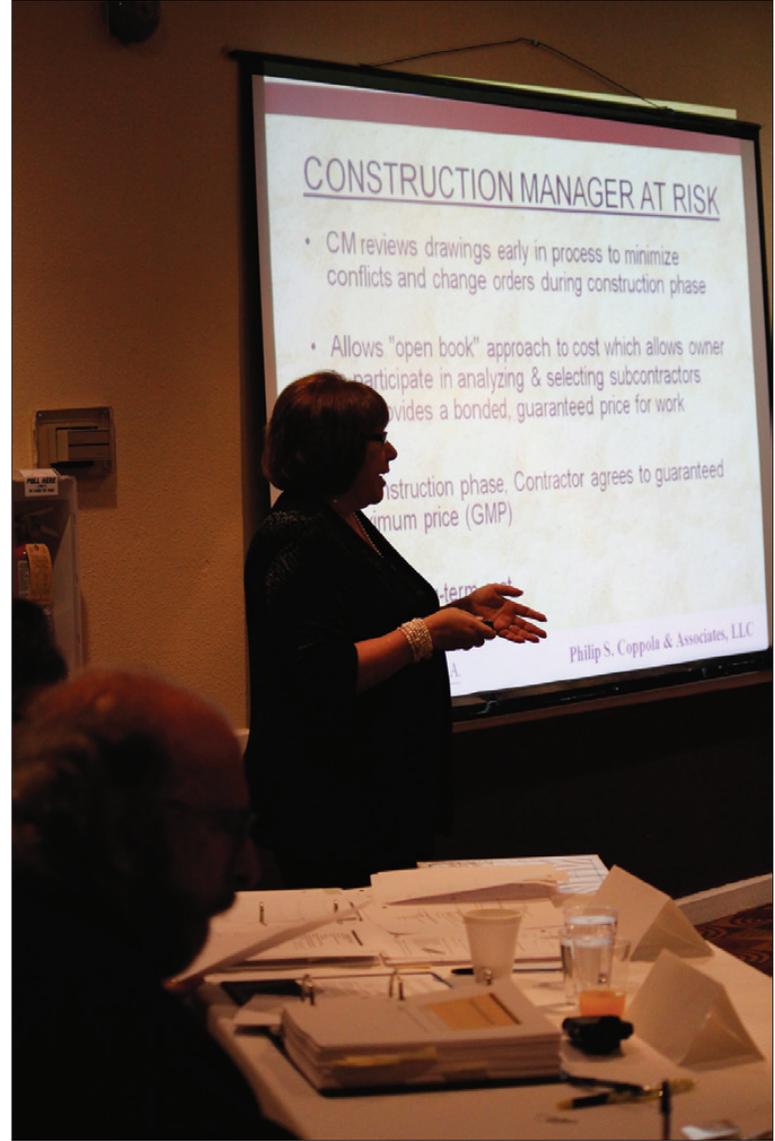
The Navajo Nation is appreciative of the ICDBG funding from HUD and Navajo families have benefited immensely from the simple pleasures of having indoor plumbing and electrical services to power refrigerators, heating systems and light to illuminate what was once veiled in dim obscurity. For these families with infrastructure development, their lives were improved tenfold.

The eight staff members of the CDBG program are assigned specific tasks in the application and implementation process. They are constantly reminded that the reward for a job well done is from knowing that families have enough water to meet their day-to-day needs or electricity to power their residential needs.

Design and Engineering Services host Construction 101 training



Jerrald Scott House, acting department manager for Design and Engineering Services, explained the purpose behind the training: to improve communications between project managers and administration staff.



Attorney Sharon Shively of Sacks Tierney provides information on the construction manager at risk methodology. Shively specializes in the areas of Construction Law, Civil Litigation, Arbitration and Mediation.



Judith Dworkin, managing partner with Sacks Tierney P.A., shares information on the morass of legal issues often confronted by construction contractors during the construction process.



Staff from the Division of Community Development, Design and Engineering Services, Capital Improvement Office, Community Housing and Infrastructure Development and Navajo Department of Transportation attended the two-day Construction 101 training in Gallup on Dec. 1-2, 2011.

B&F joint committee meeting with RDC examine protection of chapter assets

Continued from front page
disbursements resulted in a finding of un-supported expenditures. Unauthorized expenditures resulted from the lack of community approval and noncompliance with procurement rules and regulations.

The 16 chapters in question have been tracked since 2002 to date, Begay said, and were initially part of 40 chapters that were scheduled for corrective action plan follow-up reviews. From the 40 chapters, 26 were recommended for sanction.

“On our second visit, 13 chapters got out of sanction. On our third visit, five chapters got out of sanction, so that left eight chapters that are still sanctioned to date,” Begay said.

The eight chapters on sanction status are: Baca, Kaibeto, Red Valley, Rough Rock, Sawmill and Tonalea. Shiprock and Thoreau chapters are both fieldwork audits in progress.

IT auditor Bob Begay presented information on the benefits of continuous auditing and continuous monitoring. He said continuous auditing is favored by a vast majority of auditors across the nation.

While defining continuous auditing and continuous monitoring, he said there are challenges for the OAG.

Regulatory compliance and controls, internal audit value and independence, availability of skilled resources, determination of appropriate technology, and the need for timely on-going assistance of risk management and control systems were identified as roadblocks.

Begay said his office utilizes ACL auditing software that magnifies the areas of data analysis, fraud detection, data extraction, and continuous auditing. “ACL is used in more than 65 percent of all auditing operations,” he said.

Council delegate Leonard Tsosie said the mismanagement of monies is not limited to Navajos. Rather, it is a problem faced by organizations all over the world.

“Italy is falling and Greece is about to fall into the abyss, so I don’t want the media to think this is only a Navajo problem,” Tsosie said.

He pointed to the Local Governance Act (LGA) as the problem and said that it is not working. Because the built-in safeguards weren’t enough in preventing fraud and financial mismanagement, he suggested incorporating what he called “an automatic mode.”

According to Tsosie’s plan, after the auditors finish their report, the chapter would have 30 days implement a corrective action plan. If it is not done, they will automatically be sanctioned, without need for committee review. If implementation does not happen within a 60-day time frame, then staff would be removed from their positions.

“I think what we are seeing here is proof that LGA is not working,” Tsosie said. “Let’s change the way we’re doing it and go to a different method of local governance.”

He suggested giving authorization to the auditor general or controller to stop checks from being processed, especially if it is over a certain amount. Tsosie proposed initiating a two-year contract for tribal employees, which could curtail mediocre performance in the tribal government.

“Today, employees are somewhat permanent because of the Navajo Preference in Employment law. It promotes these types of problems,” Tsosie said.

Arbin Mitchell, director of DCD, presented next and said although there are chapters under sanction, there has been improvement over the years, thanks to the efforts of the Local Governance Support Centers (LGSC).

“We need to put a stop to all this taking monies from the chapters,” SEE Chapter on page 11

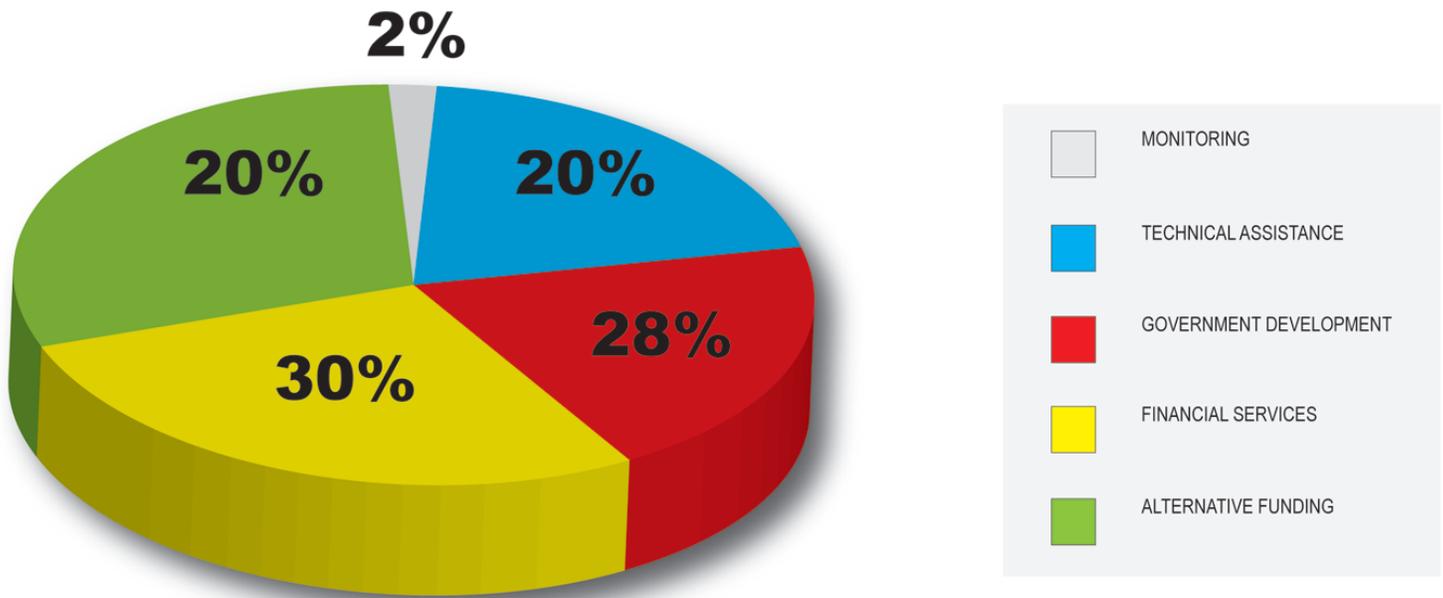
LGA CERTIFIED CHAPTERS

	<i>Chapter</i>	<i>Date Certified</i>
1.	Ojo Encino	03-06-12
2.	Upper Fruitland	02-28-12
3.	Pinon	02-21-12
4.	Dennehotso	02-14-12
5.	Mexican Water	02-07-12
6.	LeChee	01-31-12
7.	Beclabito	01-10-12
8.	TiisTsohSikaad	07-11-11
9.	Teesto	07-11-11
10.	Tsi'diito'ii	07-11-11
11.	Leupp	07-11-11
12.	Chilchinbeto	07-11-11
13.	Toadlena	01-10-11
14.	Kin Dah Li Chii	12-29-10
15.	Whiterock	12-21-10
16.	Greasewood Springs	12-21-10
17.	Dilkon	12-21-10
18.	Chinle	12-21-10
19.	Bodaway/Gap	12-02-10
20.	Tolikan	11-29-10
21.	Lupton	11-24-10
22.	Naschitti	11-22-10
23.	Kayenta	08-06-10
24.	Cornfields	07-14-10
25.	Baahaali	12-11-08
26.	Littlewater	11-15-07
27.	Sheep Springs	08-24-07
28.	Tse'Daa'kaan	06-21-07
29.	San Juan	03-07-07
30.	To'Na Ness Dizi	12-27-04
31.	Newcomb	06-18-04
32.	Steamboat	05-30-03
33.	Nahata Dziil	08-16-02
34.	Shonto	09-22-99

Local Governance Act certified chapters must demonstrate a capacity to operate on the Five Management System policies and procedures in the areas of fiscal management, personnel management, procurement management, records management, and property management.

The Office of the Auditor General reviews the chapter's FMS and recommends LGA certification to the Resources and Development Committee of the 22nd Navajo Nation Council for final approval. For more information visit: www.navajoauditor.org/PDFFolder/ProcessPDF/cvrpgtoclist01.pdf

LOCAL GOVERNANCE SUPPORT CENTERS



PURPOSE AND OBJECTIVES

MONITORING

Monitoring all chapter funds, including the Claim Trust Funds, Public Employment Program Funds and all other chapter allocations in accordance with applicable Navajo Nation, federal and state laws.

TECHNICAL ASSISTANCE

Providing administrative support and technical assistance to the chapter governments specifically relating to management, administrative development, comprehensive land use planning and rural addressing to support Enhanced 911.

GOVERNMENT DEVELOPMENT

Facilitating governmental development by assisting chapters with implementation of the Five Management System policies and procedures for fiscal, property, personnel, procurement and record keeping management, as required by the Local Governance Act, 26 Navajo Nation Code, Section 102.

FINANCIAL SERVICES

Providing financial and accounting services.

ALTERNATIVE FUNDING

Providing chapters with relevant data to obtain additional sources of funding.

Community Development convenes with B&F throughout December 2011



Stanley Yazzie, deputy director for Division of Community Development, addressed the Budget and Finance Committee on Dec. 20, 2011 about the corrective action plan follow up review of the Shiprock Chapter. The committee voted to sanction the chapter for failure to implement the CAP.



On Dec. 6, 2011, council delegate Danny Simpson (Becenti, Lake Valley, Nahodishgish, Standing Rock, Whiterock, Huerfano, Nageezi, Crownpoint) said sanctioning the Local Governance Support Centers is counter productive to their efforts to keep chapters fiscally responsible. Rather, Simpson said LGSC need to build capacity to monitor all 110 chapters.



Karen Briscoe, a senior auditor with the Office of the Auditor General, reads audit findings against the LGSC offices into the record on Dec. 6, 2011. The Budget and Finance Committee tabled the sanction of the LGSC and gave the offices 60 days to implement their corrective action plan.



Council delegate Jonathan Nez (Tsah Bii Kin, Navajo Mountain, Shonto, Oljato) said the CIO's hands are tied with imposed sanctions resulting from the predecessor of the program. Adding to the delay is the Navajo Nation Council's yo-yo effect from not approving the ICIP every year for nearly a decade.



Above, B&F Chairman LoRenzo Bates keeps the committee on track. Below, staff discuss the particulars of the LGSC efforts.



Above, the Shiprock Chapter request not to be audited. Below, legislative counsel Mariana Khan advises the B&F Committee.

Chapter assets focus of meeting

Continued from page 8
Mitchell said.

One initiative moving forward by DCD is online viewing, which will allow the LGSC, OOC and DCD to view online bank statements from the chapters for any discrepancies.

He said about 90 percent of the Navajo chapters bank with Wells Fargo, which has been working with Arizona chapters, LGSCs, and DCD for online viewing accessibility.

Mitchell also extolled the capabilities of Sage MIP, a fund accounting software currently being utilized by 87 of the 110 chapters for accounting. Sage MIP was designed by ITG New Mexico, an Albuquerque-based business providing technology products and services to businesses, governments and non-profit organizations.

The one-sheet uniform monitoring tool should also be mandatory at the chapter meetings to provide accountability, Mitchell said. The tool is basically a check-off list with questions like did you make the chapter deposit? What is the account balance?

"We really need to make this mandatory, that way, there's that question being asked of staff," Mitchell said.

He said another major area being addressed by DCD is the Navajo Nation Personnel and Policies manual, which currently doesn't address employees that have been terminated for theft for financial improprieties.

"It should be mandatory that the hiring person should speak to the last three employers," Mitchell said.

Building capacity at the LGSC level is the answer, he maintained, because it would provide the necessary staffing to address the technical assistance concerns at the chapters. Furthermore, it would also provide "more eyes" to view chapter account balances and purchases to curtail fraud and financial mismanagement.

B&F imposes sanctions on DCD and LGSC

WINDOW ROCK-The Budget and Finance Committee sanctioned the Division of Community Development on Mar. 6 by a vote of 3-2.

The vote was knotted with Danny Simpson (Becenti, Lake Valley, Nahodishgish, Standing Rock, Whiterock, Huerfano, Nageezi, Crownpoint) and Lorenzo Curley (Klagetoh, Wide Ruins, Houck, Lupton, Nahata Dziil) opposing sanction and Nelson Begaye (Lukachukai, Round Rock, Tsaile/Wheatfields, Tse Ch'izhi, Rock Point) and Mel Begay (Coyote Canyon, Mexican Springs, Naschitti, Tohatchi, Bahastl'a'a') in support of sanction.

Chairman LoReno Bates (T'iistoh Sikaad, Nenahnezad, Upper Fruitland, Tse' Daa' Kaan, Newcomb, San Juan) broke the tie with a green vote for sanctioning the Local Governance Support Centers and DCD for failure to implement their corrective action plan from a performance audit by the Office of the Auditor General.

Arbin Mitchell, director for DCD, likened the sanction to getting the "wrong ticket," because DCD requested for the audit of the LGSC offices in FY 2010, to determine why Local Governance Act certifications were taking such a long time to be conferred upon Navajo Nation chapters.

Instead, the OAG outsourced for a consultant who had no concept of the Navajo Nation government or the chapter system. This auditor's focus strayed from the original intent and instead investigated LGSC processes with DCD.

In that time, DCD has worked closely with available resources like the Department of Justice to craft a standardized Five Management System that was previously the responsibility of the chapters to produce.

The high consultant fees resulted in lengthy certification periods, because most chapters had limited funds and accounting expertise. Only 10 chapters achieved LGA certification in an 11-year period under the oversight of the OAG.

Once the uniform FMS manual was created, DCD took the certification process a step further, budgeting funds for outside auditors to provide performance audits of chapters moving toward LGA certification. This fast-track system resulted in tripling the certification rate in under two years.

The picture painted at the Mar. 6 Budget and Finance Committee meeting was a far cry from this reality, however.

Sponsoring delegate Dwight Witherspoon (Hard Rock, Forest Lake, Pinon, Black Mesa, Whip-poorwill) and acting auditor general Elizabeth Begay maintained DCD did not implement their corrective action plan approved by B&F on April 6, 2010.

Of the original 12 audit findings, OAG said five audit findings were not met.

The supplemental follow-up review of the LGSC corrective action measures was performed by senior auditor Karen Briscoe and auditor Daniel Colello. Briscoe said sufficient improvements were not made with providing services to chapters.

The first finding in the OAG report stated "The LGSC does not have a standardized management system that is uniform across all five offices in providing services to the chapters."

Mitchell disagreed this finding was unresolved because the FMS standardized by the Department of Justice is being utilized across the board at LGSC offices and chapters.

Furthermore, LGSC offices spend eight hours or more working with chapters directly, providing technical assistance.

The OAG's data gathering did not include all of the hours LGSC offices accumulated during work with chapters and instead utilized selective reasoning in their calculations.

The most glaring omission, perhaps, is the fact that LGSC offices have assisted and certified 24 chapters in receiving LGA certification within the time frame of 1.5 years, in comparison to the 10

chapter certifications completed by the OAG in 11 years.

The second finding stated, "The LGSC does not have a system of assuring technical expertise and continuous improvement in the LGSC employees in the FMS."

Again, Mitchell disagreed this finding was unresolved because staff at the LGSC are in fact subject matter experts and have been deemed qualified upon applying for employment by the Department of Personnel Management.

Finding three stated, "The LGSC is organized in a hierarchical model in which LGSC interacts with the chapters in an authoritative role."

This finding again, is unfounded. The agency offices were established in accordance with the LGA and the responsibilities of staff only grew since the enactment of Title 26, N.N.C.

Amendments to the LGA are currently being reviewed for codification, as are revisions to the LGSC plan of operation, reflecting added duties and responsibilities and mirroring the LGA amendments.

DCD has also allocated additional funds to build capacity at the LGSC offices.

"We nearly \$1 million at the central level and sent that money to the LGSC offices, along with staff," Mitchell said. The restructuring and reorganization will be reflected in the FY 2013 budget.

Finding five stated, "Dissatisfaction was expressed over the operation of LGSC due to the low number of certified chapters and the high number of sanctioned chapters."

The fact that 24 chapters became LGA certified in less than two years time is proof positive this finding has been resolved. Especially when contrasted against the 10 chapters previously certified by OAG in 11 years time.

Working with chapters requires diplomacy and expertise in accounting and technical assistance.

Information: www.nndcd.org

Church Rock residents receive power after 36 years of waiting



After 36 years of planning and development, Johnnie Henry, president of Church Rock Chapter, prepares to cut the ribbon for the electrical power line that will bring electricity to 126 families living in the remote areas of the chapter. The million dollar project funded by multiple sources was a godsend for residents.

The heavy-duty trucks from Continental Divide Electrical Cooperative pulled up to the cozy two-bedroom home of David Tacheny on Nov. 16, 2011. The truck backed up to the power line and the crane extended to allow the workers to connect the transformer to the utility meter loop on the side of the house. Switching the power on, the celebration of the Church Rock power line project officially began, as the microphone and sound system were fully powered.

The Church Rock Chapter, in collaboration with the Capital Improvement Office (CIO), Community Housing and Infrastructure Development (CHID), Navajo Abandoned Mine Lands (AML) and New Mexico Tribal Infrastructure Funds (TIF) provided funding for the \$1,022,000 project, which brought electrical services to 126 families in the chapter service areas of Sundance, Rehoboth, old Zuni Drive-in and Peretti Canyon.

Catering the celebration was the chef from Fire Rock Casino, which also funded a portion of the

power line. The start of the power line was at White Cliffs and extended to the casino and provided the gaming facility three-phase power. From the casino, the line was bored under the interstate and stretched for 27.5 miles through Sundance, Rehoboth, the old drive-in area and ending on the hogbacks of Peretti Canyon.

Jimmy Francis, program and projects specialist for CHID, said he became involved with the project in August 2009. He said the project was very challenging and the key to completion was working closely with all the entities involved. "There's going to be water out here, there's going to be Internet and telephone services. Once that happens, we just might get into our comfort zone," Francis said. He added that pooling money and resources together was crucial, as was working together toward a common goal.

New Mexico State Representative Sandra Jeff agreed and said the power line completion was "history in the making." She was incredulous that it took over 36

years for the project to become reality, especially since the resources are available. "We are survivors and we'll always be survivors," Jeff said. "I fight for you in Santa Fe. We need utilities for our grandmas and grandpas because it's hard for them to see at night."

Former senior planner Titus Nez said his humble beginnings working for Church Rock Chapter eventually led to him writing a proposal for the TIF in Jan. 2009. "They told me we only had two days to write the proposal. I didn't think we had a chance – I'm not a grant writer," Nez said. To his surprise, the chapter received a letter two months later, requesting they appear before the TIF Board. The chapter was selected for funding in the amount of \$300,000 and doubled that amount by receiving matching grant funds from AML. "Today, this is the outcome of everybody's collaboration. People used to spend \$10 to \$15 every night on their generators," Nez said. "They're going to have the basic human necessities now."

Deswood Tome, advisor for

President Ben Shelly, said the lack of infrastructure development on the Navajo Nation was appalling, especially given the fact the reservation is abundant in natural resources. "My goodness, it took 36 years for electricity to come here, yet the Navajo Nation sits on 106 years of natural gas, more than 20 years of coal, more than 72 percent of the uranium reserves in the United States, and an abundance of solar and wind power like you wouldn't believe," Tome said. "Yet we live in these conditions. This is going to change."

Chapter officials recognized the supporting cast of characters in the power line development with a recognition ceremony and provided plaques to the participants. Members of the power line task force received their awards at the front of the stage before the celebration was concluded with lunch from Fire Rock Casino. Residents enjoyed lunch together and spoke about the bright future ahead, with electricity powering the way.

Power to the people

ELECTRICITY



Jimmy Francis, program and projects specialist for Community Housing and Infrastructure Department, said to endeavor is to persevere and commended residents of the Church Rock Chapter for surviving the past 36 years without electrical services. The quality of life for residents increased exponentially with the activation of the power line on Nov. 16, 2011.



Despite the windy and cold conditions, a large contingent of people attended the power line celebration. The audience was treated to lunch provided by Fire Rock Casino, which had one of their chefs on site.



Workers from Continental Divide Electric Cooperative activate electricity to the home of David Tacheny. The Tacheny family hosted the Church Rock Chapter's celebration of the new power line activation.



Deswood Tome, advisor for President Ben Shelly, said the Navajo Nation sits on massive reserves of natural gas, coal and uranium. With the potential for wind and solar power, Tome said Navajo families waiting for electricity development is inexcusable in this day and age.



New Mexico Representative Sandra Jeff (D-Dist.5) said she lobbied the NM Tribal Infrastructure Fund Board to fund the Church Rock power line and other projects for the Navajo Nation. Jeff said the Church Rock chapter officials were vital in the lobbying process by attending meetings in Santa Fe.

COMMUNITY

To'Nanees'Dizi town hall meeting brings community together



Arbin Mitchell, director of the Division of Community Development, said the main concern for the division is to keep the To'Nanees'Dizi Chapter open for services to the community. Mitchell and Regina Allison of the Local Governance Support Center are currently the administrators of the chapter.

TUBA CITY-The town hall meeting on Feb. 17 regarding the To'Nanees'Dizi Chapter drew a large number of community members to hear the status of the chapter. Some people were seated and others stood, lining the walls of the chapter. Others still, stood outside the door and took note of the proceedings.

Joshua Butler, council delegate for To'Nanees'Dizi Chapter, began with introductions of staff members from the Local Governance Support Center (LGSC), Department of Justice (DOJ) and Division of Community Development (DCD). Arbin Mitchell, director of DCD, was joined on stage with Regina Allison of the western agency LGSC and attorney Brian Lewis of DOJ.

Butler said Allison and her staff were instrumental in guiding him through the process regarding the chapter closure and reopening. "We cannot go into full details because it is a personnel matter and it's confidential," Butler said.

He explained that four of the five chapter officials of To'Nanees'Dizi Chapter were removed by the Office of Hearings and Appeals – the result of a one-year investigation by the Ethics and Rules Office – which was initiated by chapter secretary-treasurer Charlene Nez, the last remaining chapter official. "During the months of Oct. to Nov., four of the officials were removed," Butler said. "We currently have two officials that have appealed and are filing grievances to the Navajo Nation Supreme Court."

The two officials from the Council of Naat'aanii appealing their removal are former president and vice president, Max Goldtooth and Robert Yazzie. As a result of their grievances, the chapter cannot hold an election for the two positions until clarification from DOJ allows the vote to take place. The other two officials, Helen Morez Herbert and Jimmy Holgate, remain out of office.

Nez agreed to repay \$20,000 back to the Navajo Nation through payroll deduction, at a rate of 25 percent of her paycheck. She will serve no more than 60 days in the interim, which is scheduled to end on April 7, or until the five officials are elected and seated into office by special election.

Butler said Nez would still serve as secretary-treasurer to keep the chapter operational in the interim. "I'm happy she's still here to get the chapter back on track. If it wasn't for her, we would have never known what's going on in our chapter," he said.

On Feb. 7, Nez served termination notices in Window Rock to execu-

tive manager Priscilla Littlefoot and executive assistant Noreen Parrish. The chapter was closed on the same day as a precaution by the LGSC, because of the risk of documents and equipment being removed from the chapter by the former employees.

The chapter reopened on Feb. 10 in a limited capacity, only issuing wood permits and sale of wood in the chapter yard. Presently, the western agency LGSC has administrative control over To'Nanees'Dizi Chapter.

Nez said she was elected in Nov. 2008 and grew up west of Tuba City on a six-acre farm with her grandparents. She served as an educator for over 30 years and is the mother of three sons. She said the Council of Naat'aanii brought negative attention to the chapter. "First of all, because of the bonuses that the chapter officials and I took," Nez said. "Being told it was fine to do so, although we knew this was wrong."

She said that was just the tip of the iceberg and it was her fiscal responsibility under the Five Management System (FMS) to take care of the records at the chapter. "I was not privy to the records, I was held back on a lot of things," Nez said. She photocopied two checks and took them to the Ethics and Rules Office, filing charges in June 2010. The Ethics and Rules Office did not complete their investigation until March 2011.

Funds channeled into the chapter include general funds, sales taxes, land claims, scholarships and the Local Governance Act (LGA) Trust Funds. "There's a lot of money coming in and we need to be held accountable for it," Nez said. As a certified chapter, To'Nanees'Dizi Chapter also has the authority to collect funds from their local sales tax and hotel occupancy tax, at six and eight percent.

Nez said the chapter's alternative form of government gave a lot of power to just five individuals on the Council of Naat'aanii. "Too much power that we took too much from you all," she added. "We are still finding out more information and it's real scary."

Arbin Mitchell addressed the chapter audience about DCD's role as oversight of all 110 chapters and the agency LGSC offices. Providing his presentation in Navajo out of respect for the many elders in attendance, Mitchell said DCD works chapters through the LGSCs. He said upon LGA certification, chapters are granted authority over their chapter finances.

However, they are still accountable as any other tribal department, to provide accountability for how the funds are utilized. "We kept requesting for financial reports from the chapter," Mitchell said. "We have to provide those reports to the Controller and the Office of Management and Budget, who monitor these funds." He said DCD struggled to get this information through the LGSC, which made countless requests to To'Nanees'Dizi Chapter to provide financial records.

Mitchell spoke about the enactment of the LGA in 1998 as Title 26 and the FMS that is utilized by chapters that achieve LGA certification. Fiscal accountability, records management, personnel supervision, property protection and procurement policies are what comprise the FMS, he explained.

As a certified chapter, To'Nanees'Dizi conducted public hearings for approval of their FMS, Community Land Use Planning Committee and alternative form of government, the Council of Naat'aanii. That was your opportunity to speak out, he said.

"LGA recognizes governments at the local level, the chapter level," Mitchell said. "With respect to Navajo law, with respect to Navajo customs and traditions. LGA certification was designed to empower communities at the local level, he said, to take their destinies in their own hands and determine where best to utilize funds to the benefit of their chapter. Mitchell clarified the purpose of the funds for the chapter and SEE Tuba City on page 20

Tuba City residents listen to plans for the future of To’Nanees’Dizi Chapter



Tuba City resident Mary Martin-Saganey said she served as secretary-treasurer for Bodaway Chapter in 1952 and didn't once think of stealing money from chapter residents. She said officials must realize that chapter members vote for them in confidence, with the belief they have their best interests in mind. Saganey said what is happening now is embarrassing.



Department of Justice Attorney Brian Lewis said he represents the Navajo Nation as a whole, which brought complications to the case with To’Nanees’Dizi Chapter. He said legislators crafting the LGA could have never foreseen such a situation taking place when the law was enacted.



Above, Charlene Nez, secretary-treasurer for the To’Nanees’Dizi Council of Naa’taanii, said too much power to the council led to their thievery of chapter funds. Below, Tuba City residents filled the chapter house for the town hall, with many lining the wall and standing outside the door to listen to the proceedings.



TDHE status update

New committee plans where to place the designation for the benefit of the Navajo Nation



Council delegate Leonard Tsosie (Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor) questioned if the current designation with Navajo Housing Authority was working. He noted that there is no communication between NHA and Navajo people applying for housing, as their applications get stuck in limbo for years.



Above, David Nez, department manager for Dept of Veterans Affairs, said the TDHE needs to consider the needs of Navajo veterans. Below, Chavez John, department manager for CHID, puts his thoughts on the new TDHE on the board for the committee to review.



Above, delegate Katherine Benally draws a diagram for the new TDHE to monitor NAHASDA funds for the Navajo Nation. Below, the TDHE subcommittee discuss potential entities to house the designation for the distribution of NAHASDA funding across the Navajo Nation.



Aneva Yazzie, Navajo Housing Authority Chief Executive Officer, said the tribally designated housing entity should continue to reside with NHA and that all housing providers on the Navajo Nation be moved under their umbrella, to better provide housing services for Navajo families ranging from low income, veterans housing, home mortgages and homes for domestic violence victims.

Building new homes for Navajo families the topic of TDHE designation

Placement of the Tribally Designated Housing Entity (TDHE) status was the topic of discussion for a newly formed subcommittee that convened on Nov. 21, 2011, at the Navajo Nation Council Chamber. The dialogue focused on the prospect of moving the designation from Navajo Housing Authority (NHA) back to the Navajo Nation. Funds from the Native American Housing and Self Determination Act (NAHASDA) currently funnel into NHA on average of \$90 million annually.

The TDHE Subcommittee included two ranking members of the Resources and Development Committee, Katherine Benally and Leonard Tsosie; Arbin Mitchell and Chavez John from the Division of Community Development and Community Housing and Infrastructure Department; David Nez from the Department of Veterans Affairs; and Aneva Yazzie and Roberta Roberts of Navajo Housing Authority.

Public outcry for housing prompted the formation of the committee to address the housing shortage on the Navajo Nation and the lack of housing construction from the NHA over the past few years from a self-imposed moratorium to address audit findings from the Office of the Inspector General. In light of the contentious nature of the discussions, presiding committee chairwoman Benally encouraged members to “have an open mind” during discussions.

Tsosie was direct and said the TDHE was doomed for failure if the committee didn't look at other housing programs to determine what's working and not working. He was particularly distressed at attending a conference hosted by the National American Indian Housing Council and seeing NHA employees leave before the end of the sessions. “Navajo people have a serious need for housing. If we have staff that don't care about housing, they should tender their resignations,” Tsosie said.

Yazzie said NHA takes the objectives of the subcommittee seriously and mentioned the TDHE designation has been a source of contention since her ascension to CEO of the entity in 2007. “I believe any mechanism for housing should reside with the TDHE and not fragmented as it is currently situated within our government,” Yazzie said. Benally said she wanted to host public comments on the TDHE placement and open up the floor to housing providers that have ideas on the use of NAHASDA funds to build homes for Navajo families. She underscored that placement of the TDHE was purely a legislative decision.

“We are the legislators. We shouldn't have the lawyers tell us how to legislate. I choose

to make the law myself,” Benally said. Tsosie agreed and said, “Policy issues are within the realms of the policymaker. Where does (the TDHE) belong is not a legal issue, it's a policy issue,” Tsosie said.

Providing a PowerPoint presentation, Yazzie gave the first report, on the history of the TDHE designation with NHA. She said the U.S. Housing Act of 1937 was initially the program that governed the assistance to tribes for subsidized housing. “NAHASDA came into play in 1996 and has been amended four times since its inception,” Yazzie said. Presently, NHA maintains a housing stock of 8,587 units, 29 administrative offices in Ariz., N.M. and Utah, 15 field offices and workforce of 375 people. The sub-recipient program was instituted in 1998 and there are currently 50 sub-recipients providing housing services on the Navajo Nation.

On Oct. 1, 1997, NAHASDA was physically implemented by NHA, which began drafting five-year housing plans to determine how the funds would be spent. “Historically, (the housing plan) has been generated locally with the NHA,” Yazzie said. She noted recent policy revisions to NAHASDA has dissolved the five-year housing plan requirement and instead, only a one-year housing plan is required from the federal government. “It also eliminates the two-year obligation requirement,” Yazzie said.

In June 2007, a scathing audit report from the Office of the Inspector General came to light, sighting lack of internal controls and inappropriate spending of NAHASDA funds. Subsequently, Yazzie said NHA agreed to a three-year moratorium on the sub-recipient program. “There was no due diligence instrument to ensure the viability of some of the entities that created themselves to attain these funds,” Yazzie said. In Aug. 2007, a warning letter from HUD outlined 31 findings or regulatory violations from the TDHE by an independent fiscal auditor.

A team of 20 people from the HUD Office of Fair Housing and Equal Opportunity visited NHA to review homes in accordance with Section 504 Rehabilitation Act of 1973. Section 504 was designed to provide accessibility standards to disabled persons with regard to housing. “A deficiency report was issued to us in Aug. 2009. “We engaged in a seven-year voluntary compliance agreement and we are in the process of resolving those deficiencies,” Yazzie said.

She added that in Oct. 2011, NHA had issues with the Southwest Office of Native American Programs and subsequently transferred under the oversight of the Northern Plains Office of

Native American Programs in Denver. “We are totally compliant in all respects to HUD program reviews, OIG and independent fiscal audits,” Yazzie said. “We've also moved to a new competency based management system.”

Upon approval of receiving the report from NHA, Tsosie voiced concerns regarding the Navajo Nation's current TDHE. He requested information on the housing needs assessment conducted by NHA in 2010 and said information on evictions would be needed for subcommittee members. “At Ojo Encino, they're telling me that those NHA homes are just boarded up because of the legal dilemmas and some of them are turning into graffiti buildings,” Tsosie said. He requested a comparison of other Native American housing programs that are working and not working to provide some depth in contrast to NHA's efforts. “As we place this TDHE, I think we need to guard against bad placement,” Tsosie said.

Mitchell said an outline of the planning, approval and implementation process would be a good starting point for the TDHE designation. He said the same planning, approval and implementation process for the Navajo Nation also needs to be provided, to compare processes and identify potential barriers. Currently, \$7.5 million was budgeted for the FY 2011 budget for the 110 chapters to conduct community land use planning activities for their communities. Mitchell said, “People are out there asking for housing and we can't respond. They always ask, ‘How do we get on the list?’”

John nodded in agreement and said the details of the NHA audit findings should be shared with the subcommittee to address the issues and recommend possible policy changes or housing codes. He said the funding distribution should also be shared, particularly a breakdown between 1937 Housing Act units and homes constructed with NAHASDA dollars. “What is the program income? How many homes are ready to be conveyed?” John asked.

Mitchell said the Navajo Nation housing program used to receive \$5 to \$6 million for home construction. Rewind to six years ago, when former council delegate Lesley Deal introduced legislation to redistribute the funding at the chapter level. “Those monies became the housing discretionary funds,” Mitchell said. “Currently for the Housing Improvement Program, the monies we get from general funds that go toward housing is only about \$400,000 a year. That's it.”

John distributed information to the subcommittee on the transfer of the TDHE oversight to the Denver region, development in the former SEE Tribal on page 23

INNOVATION

Community Development employs new innovations to monitor chapters

WINDOW ROCK—During the joint committee meeting on Nov. 20, 2011 with the Resources and Development Committee and Budget and Finance Committee convening at the Navajo Nation Council Chamber, two businessmen spoke about groundbreaking methodologies to monitor chapter funds with the hope of preventing financial mismanagement.

Craig Snyder, senior business relationship manager with Wells Fargo Bank, said helping chapters have the proper security procedures is the most important thing he can do for the Navajo Nation. Snyder has over 25 years of experience in the banking industry and has been working with the chapters for the past four years, developing online viewing accessibility to chapter bank accounts.

The Commercial Electronic Office (CEO) Portal of Wells Fargo allows for online banking capabilities and is more sophisticated than general online banking. “The key idea behind what we’ve done with the structure of CEO, is that it is setup at the chapter level, so that it is strictly view-only,” Snyder said.

The view-only access was developed with recommendations from the Office of the Auditor General, Local Governance Support Centers in Arizona and chapters. Snyder said the idea is to eliminate the potential for money to be misdirected to other locations or for funds to be transferred between accounts unless there are two signatories. “It’s just like going into a bank and signing two signatures,” Snyder said.

One particular function chapters may find advantageous is making deposits online. Snyder said Wells Fargo has the capability of handling all the maintenance, deposits and anything else for a remote location, regardless of where the nearest bank is located. There are also preventative measures built in. “The online banking system does not permit, the way it’s setup, for anybody to move any money around, but they

can see the account balances,” Snyder said.

The online banking portal also allows for detailed reporting of specific activities, allowing the LGSC or other oversight to set a range of history and monitor banking transactions. This functionality would even allow chapter officials to view copies of the checks that have been drawn on the account for transparency, he added.

“We’ve recommended to setup at least two chapter officials with the same type of view-only access,” Snyder said. Currently, the Chinle Agency has all of their chapters setup with the CEO Portal for online banking and view-only accessibility at the LGSC level. Ft. Defiance and Tuba City have followed suit and are working on getting all of their chapters on board.

“Incidentally, each chapter has its own unique company ID and each individual has their user ID and unique password,” Snyder explained. “We stress no sharing of passwords.” Chapter officials or LGSC staff is able to view full bank statements, check balances and any other activities going through the account. Tax payments can even be completed from the chapter with the online banking functions available with the CEO Portal.

The other innovation utilized by the LGSC offices and chapters at the agency level is the use of Sage Fund Accounting software, formerly known as MIP. Bill Jimenez, president of ITG New Mexico, said he has worked with chapters for the past 12 years to develop and customize the software to meet their needs as a non-profit organization.

“MIP is what we call fund accounting software. It’s specifically designed to perform fund accounting,” Jimenez told the joint committee. He explained there are fundamental differences between fund accounting and business accounting, namely the accounting standards and princi-

pals recognized by MIP.

The performance available through MIP provides auditors with standardization across the board, because there are reports built into the system to specifically provide information during the audit. “So an auditor can go from one chapter to the other and see the exact same reports,” Jimenez said.

The reports specifically reflect funds utilized daily by chapters, like general funds and land claims. The reports show if chapters have gone over budget and how much money is available in any particular fund or budget. This allows LGSC staff to know exactly where a chapter stands financially, at any given moment.

Jimenez said this ability to use the exact same accounting system across the board for chapters is what distinguishes Sage Fund Accounting software from all others. Logging onto the MIP System, he showed the joint committee cash receipts from a chapter drawer, with receipt numbers for verification. “That is the end goal, to ensure accountability and reporting,” he said.

Additionally, the software has custom utility built in, which reviews each chapter’s database for automatic reporting. The system will look at each chapter and determine what hasn’t been completed and will pop up warnings on the screen, notifying the end user for the need to update. MIP does not even need to be on for these warnings to appear.

“Whether MIP is on or off, it doesn’t even matter. These messages are being generated five to eight times a day,” Jimenez said. “It’s very difficult to ignore

them.” The notices can vary from warnings about not paying payroll taxes to messages on the need to pay Navajo Nation taxes. In sum, the Sage Fund Accounting provides thorough, accurate reporting in a timely fashion.

The use of Microsoft Excel is absolutely discouraged, Jimenez said, because those types of spreadsheets can easily be manipulated. Whereas MIP has a complete record of everything that was done: checks that were cut, vendor accounts entered into the database and copies of every report that was created. The software drills down further and provides information on who created the report and when it was created, making the work of an auditor that much easier.

“That audit trail – weeks, months, years later – is what really establishes an accounting system as much more secure, much better accounting controls than a spreadsheet,” Jimenez explained. “You have no such kind of reporting in a spreadsheet at all.” MIP was designed from the very beginning with chapters in mind, he noted, with the participation of the OAG and LGSC.

Many chapters have complained about the high costs associated with the software, but they must realize that it is an investment, said Arbin Mitchell, director of Community Development. “It’s almost the same as online banking, there’s a lot more that you can track from the LGSC,” Mitchell said.

Currently, 87 of the 110 chapters are utilizing Sage Fund Accounting software.



Joint committee meeting focuses on protecting chapter assets



On Nov. 20, 2011, the joint committee of the Resources and Development Committee and Budget and Finance Committee met inside the Navajo Nation Council Chamber to discuss the chapter financial mismanagement plaguing the Navajo Nation. Also in attendance was the Division of Community Development, Local Governance Support Centers, Office of the Auditor General, Office of the Controller, and the Ethics and Rules Office.



Craig Snyder, senior business relationship manager for Wells Fargo, presented information on the Commerical Electronic Office Portal currently being utilized by chapters and Local Governance Support Centers in Arizona, to provide view-only access for chapter banking accounts.



Bill Jimenez, president of ITG New Mexico, said Sage Fund Accounting software was developed by his company specifically for Navajo Nation chapters, with the help of the Office of the Auditor General, Local Governance Support Centers and chapters.

New Mexico Tribal Infrastructure Fund making a difference

Continued from front page revenues generated, money from leases, and other sources.

Executive briefs were requested by the state for prospective projects. Of the 22 tribes and pueblos in New Mexico, 86 projects were submitted, totaling needs over \$60 million. "All of you know that \$13 million could be our seed money, our leverage, to stretch that dollar as far as we can, to get \$60 million worth of projects done," Allison said.

He said N.M. Governor Susana Martinez plans to use the severance bond as a stimulus for jobs in the state. "We're going to be stimulating jobs and economies," Allison said. The potential to complete \$60 million in projects is plausible, he added, especially considering other funding sources like the U.S. Housing and Urban and Development and the U.S. Department of Agriculture funding streams.

Feedback from the tribal governments, especially at the grassroots level is intrinsic to bring the plan to fruition. "Our legislators wanted to hear proposals from the

local people, that's who we represent," Allison said. Project listings from DCD, Indian Health Services (IHS), NTUA and Navajo Engineering and Construction Authority (NECA) need to be filtered to get the most needed projects identified for construction.

Dr. Graham Knowles from the NMED spoke next, sharing information on the 2012 Tribal Resource Guide, a 46-page document of funding source listings. He said his department recently held a two-day training session on funding sources for N.M. tribes and pueblos.

Knowles said the purpose of the workshop was to determine the readiness to proceed on chapter projects submitted to the TIF Board. Determination of eligibility is based on availability of funds, the ability to leverage funds, and how critical the need is for the project in the community.

"All those (criteria) will contribute ultimately, to the project review team's decision making," Knowles said. He said the tricky part of the whole process is matching up the needs of the people at

the chapter level to the needs of the Navajo Nation at large, so legislators and community members are in unison with their goals.

Decisions must be made on the most crucial infrastructure needs, from the cauldron of waterline, electrical line and wastewater developments. Added into the mix are projects for youth centers and wellness centers.

"Our goal is to help you have the optimum amount of information about every conceivable, viable program for which you might be able to be considered for funding," Knowles said. Projects that are able to link up with match funding take a step forward toward getting funded by the TIF Board, he noted.

Funding sources revealed in the tribal resource guide include funding programs specific to the State of New Mexico, state grants, loan programs, and federal funding programs administered by the state. Each funding source has unique funding cycles and programmatic criteria that differ in scope.

Because of this, planning must be thorough, Knowles advised.

"Secretary (Allison) wants us to plan ahead better, to be diligent as we plan, and to organize our planning and time our planning, so that it lines up with these funding streams," he said.

Getting additional funding to supplement the TIF dollars is akin to lobster fishing, Knowles said. Navajo Nation chapters and entities must look for the lobster's whiskers when searching for funding in the sea of financial possibilities.

"When you find the lobster's whiskers, you're sure of one thing: there's a lobster under the rocks," Knowles said. The \$13.2 million from NM TIF can be leveraged to optimize the chances of completing projects, he underscored.

Information:

<http://www.iad.state.nm.us/>



Tuba City residents attend town hall meeting

Continued from page 14 the requirements to report back to the LGSC.

Because of the potential for financial mismanagement, he said DCD is currently amending the LGA, or Title 26, so there are more penalties in the legislation to deal with financial malfeasance, misfeasance and nonfeasance. The proposed amendments are the first of its kind since the legislation was enacted in 1998. DCD recently completed public hearings in all five agencies of the Navajo Nation regarding these proposed amendments.

New developments in the amendments include view-only access for chapter bank accounts for the LGSC offices and the Office of the Controller, plus a one-page monitoring tool that lists questions to be asked at the chapter planning meetings, with regard to chapter funds. Also included in

the amendments is mandatory use of Sage accounting software.

"The law says to work with the people," Mitchell said. "When something like this happens, I ask, 'Where were the people?'" He said the chapter members must participate and know what their chapter officials and staff are doing with their chapter funds.

DOJ attorney Brian Lewis said he represents the Navajo Nation as a whole, which makes interpreting the legalities of this case particularly challenging. "Here, this involves trying to balance what the chapter's interests are against DCD's interests and everyone else between the central government and the local government," he said. "To be quite frank, the law's not quite clear here."

He said DOJ's involvement came late in the game and that DOJ decided to act because of the complex web of politics, per-

sonal relationships, criminal and civil matters involved. "The only thing I saw was there was a lack of transparency in information flowing out to the people and the government agencies," Lewis said. He noted that To'Nanees'Dizi Chapter did well financially, and received millions of dollars from taxes and business site revenues coupled with federal, state and tribal funding.

"The first action that I brought was only to open up the chapter's availability to the chapter's records and information, that's it," Lewis said. "The court issued a permanent injunction enjoining two persons from simply getting in the way, blocking information, or hiding it." He said when Title 26 was enacted, there was no way legislators could have foreseen what's transpired and incorporate language into the law.

DCD will work with the

western agency LGSC to reconcile financial records like the To'Nanees'Dizi Chapter bank statements and other supporting documents. An inventory of chapter property will be conducted, along with development of a new budget and chapter operation payments.

"We will provide public information on the policy changes and laws from the LGA amendments," Mitchell said. "We will share information from the budget instruction manual and the DCD reorganization to provide more resources to the LGSC offices."

Information: www.nndcd.org

Capital Improvement Office hosts TIF meeting

New Mexico Indian Affairs and Environment Departments offer advice on stretching dollars



Casey Begay, program manger for the Capital Improvement Office, said the Infrastructure Capital Improvement Project listing still needs to be approved by the Resources and Development Committee and the Navajo Nation Council for implementation. Projects from all 110 chapters have been compiled and bound in two binders about a foot in height. Begay works closely with the New Mexico Indian Affairs Department for Tribal Infrastructure Fund dollars.



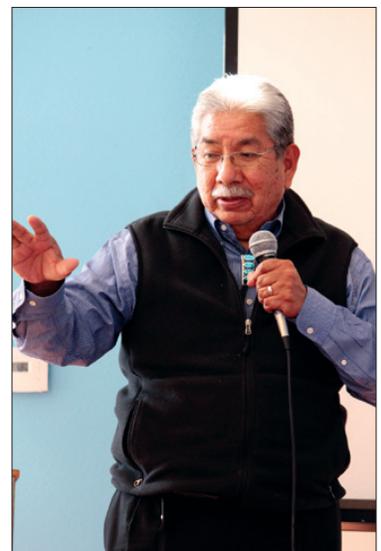
Katherine Benally said the chapters use NM TIF dollars to improve the quality of life in their communities.



Dr. Graham Knowles used the analogy of searching for the lobster's whiskers when searching for funding to complete projects.



The Navajo-Gallup Waterline Project update was provided by Jason John, acting department manager for Water Resources.



Arthur Allison, cabinet secretary for the NM Indian Affairs Dept, said TIF dollars can be leveraged to complete projects.

Blue Canyon elder receives new home from Ft. Defiance Chapter



Officials from DCD and Ft. Defiance Chapter discuss the construction process for Yvondra Wauneka's new home. Community Development worked with the chapter to complete the house.



The new home has a direct view of Wauneka's sheep corral from the bedroom window.



The home came with a woodburning stove for heating purposes. Southwest Indian Foundation assisted with the home, along with IHS, DCD and Navajo Oil and Gas.



Wauneka's new home was constructed by the Ft. Defiance Chapter. Wauneka lived in substandard housing conditions for years before her new one-bedroom, one-bathroom home was completed in early 2012.

FT. DEFIANCE-Navajo elder Yvondra Wauneka has a new home, thanks to the efforts of the Ft. Defiance Chapter. Wauneka's home site is in the remote areas of the chapter boundaries, high in the hills of the Blue Canyon area.

A retired nurse, Wauneka has been living in substandard housing for many years, which was sensationalized in a front-page story in the local daily paper. A picture of her dilapidated home crowned the story, but no mention was ever made about the construction of the new home taking place right next door to the house, which is where she will be living.

Stanley Yazzie, deputy director for Division of Community Development, said the joint efforts of the chapter, Indian Health Services, Southwest Indian Foundation and DCD have made the new home possible. "The chapter coordinator Dorothy Upshaw played a key role in making sure the house was built," Yazzie said. "It is now 90 percent completed."

Community Development worked to ensure the chapter was purchasing materials and providing manpower for the construction. Carpenters from the chapter's Personal Employment Program completed the construction, including activation of the waterline in the home. Currently, the home just needs connection for electricity to the one-bedroom, one-bathroom home.

Dr. Luisa Alvarez, an optometrist with Tsehootsooi Medical Center, has worked in the community for the past five years. During her time with IHS, Alvarez said she's worked during off-duty hours with stray animals and eventually began working with community members, as well, first coming in contact with Wauneka in 2008 at the eye clinic.

"On one particular day Ms. Wauneka began to cry uncontrollably in my office and I asked her to explain what the problem was," Alvarez said. "She told me that she

had too many animals and that one was hurt recently and she didn't know what to do with them."

Alvarez volunteered to come and help, finding seven dogs and six cats under the care of Wauneka. One dog had a deep laceration on its upper leg and Alvarez transported all of the animals to the Coconino Animal Shelter in Flagstaff.

"I witnessed firsthand what a dilapidated house she was living in. It was at this point that I knew she needed help," Alvarez said. Going beyond normal duty hours to help the Navajo elder, Alvarez said Wauneka was lonely and distressed because she didn't communicate with many members of her family.

Alvarez made flyers for donations and posted them in the local community. She also spread the message through email and accepted the offer from the Gallup Independent to do a story on Wauneka's plight.

Donations from employees at TMC, Navajo Oil and Gas, Frontier Communications and a Ft. Defiance church group made a significant impact. "We are grateful to these generous individuals," Alvarez said. Wauneka's new home is still in need of a refrigerator, three rugs and a dresser.

Growing up in a household where her mother stressed helping

"We are put here on this earth to help each other and that is our main purpose."

others, Alvarez didn't have any qualms about lending a helping hand. "I truly believe that Ms. Wauneka

is a lesson for the community and for me personally," Alvarez said. "We are all put here on this earth to help each other and that is our main purpose.

"Every human being is sacred and we all have more in common than we sometimes realize," she added.

NIMS training teaches chapters how to deal with emergencies

provided on NIMS ensures chapters as the local government entity are prepared for any and all emergencies. The trainings provided by the PHEP focused on the implementation of an Incident Command System and the inventory of resources to expedite emergency response time.

Currently, the Navajo Nation is the only tribe throughout Indian Country to have a Strategic National Stockpile and Receiving, Staging and Storage Site (SNS/RSS), which is also a model for the Center for Disease Control. "We have a central location where all vaccine and medical supplies can be stored for immediate distribution to the identified point of distribution sites in chapter communities," Thomas said. "This is where trained chapter personnel would be very important."

The last major emergency for the Navajo Nation was Operation Snow Fall in 2010, when seven Incident Command Posts were established for the distribution of supplies – food, wood, coal – and equipment. She said the coordina-

tion went smoothly for the most part, although there were some speed bumps along the way. Regarding the current training with chapters Thomas said, "I'm hoping all participants will learn there is a way to respond to an emergency and that it is not difficult to get all the relevant paperwork in."

The single most important aspect of the job is communication, Thomas said, who also serves as the liaison for the Incident Command Structure. In Jan. 2012, the PHEP participated in a statewide drill executing an Emergency Operations Center (EOC) for Arizona tribes, health departments, emergency management departments and various other entities. "(The Navajo Nation) scored an 'A' or '100 percent.' At the state level, we are tops of all the tribes in Ariz., N.M. and Utah," Thomas

said.

She encouraged chapters to plan and be prepared, especially for the winter season. Other considerations include the rainy season resulting in floods and muddy

conditions. Forest fires are also another emergency that occurs during the summer months. The creation of a Community Emergency Response Team (CERT) is crucial,

to educate members and train them in basic disaster response skills.

"When that terrible event happened on 9-11, it showed the flaws of emergency response, lack of interoperability, lack of space in hospitals and no alternate sites for treating victims," Thomas said. "The list goes on." Through establishing communications with the Department of Public Safety and the EOC, a community member

"The Navajo Nation scored an 'A,' or 100 percent. At the state level, we are tops of all the tribes in Ariz., N.M. and Utah."

trained in NIMS or CERT can get entities involved, alleviate miscommunication, implement a public warning system and account for community members. NIMS training for chapters will continue again with the next level of education.

For people who missed the NIMS training at the agencies the first time around, training will be provided on Mar. 6 at the Navajo Nation Museum from 8 a.m. to 5 p.m. On Mar. 13 and 14, the next level of training will be provided to chapters, departments and programs at all five agencies.

Contact your LGSC for more information on the training. The first round of training at the agencies netted over 400 people.



Tribal housing in desperate need of a complete overhaul

Continued from page 17

Bennett Freeze area, burnout units, veterans housing, and a feasibility study of the TDHE by JJ Clacs of Ft. Wingate, N.M. Included in the handout was a housing plan devised by CHID and submitted to NHA and SWONAP in 2008. "We were able to contract JJ Clacs to do a feasibility study on the TDHE. The former Transportation and Community Development Committee did not have the chance to thoroughly go through the review, I guess time just ran out on them," John said.

Tsosie was dubious about the housing discretionary funding, noting that giving out \$500 at the chapter level doesn't equate to building a house. "I'm aware the veterans did a similar thing, where they were given \$2,000 and they classified that as a finished project," Tsosie said. "You can't build a house with \$2,000. It's not fair to the Navajo people." He was

particularly perturbed that tribal members never hear back regarding their housing applications from the current TDHE.

David Nez, director of Navajo Nation Department of Veterans Affairs, reported that DVA received a sub-recipient contract from NHA to construct 58 homes in 2000. However, the two-year obligation period was in effect at that time and the sub-grant agreement expired without any funding obligations, resulting in recaptured funding by NHA. "Instead of redistributing the funds, NHA decided to go ahead and build those homes," Nez said.

DVA executed a memorandum of agreement with NHA, which currently accepts applications forwarded from DVA to be reviewed by NHA eligibility technicians. Staff hired by DVA to conduct intake and assessments were terminated after funds were recaptured. "We've just been operat-

ing through a referral process and send applications over to NHA," Nez said. "NHA's resident intake officer makes the determination and qualifies them."

Since 2000, Nez reported a total of 62 homes that were funded and are in various stages of the construction process, from completion to planning to under construction. Other veterans are still on the waiting list at the agency level. "Putting all of the housing programs under one entity is an idea I perceive as good because when we're separate, we fall short in a lot of areas," Nez said. "People get treated differently in each one of these programs.

"If we take the TDHE back to the Navajo Nation, then what I envision is that NHA would become a sub-recipient," Tsosie said. He brought up the possibility of creating housing zones.

Yazzie explained that NHA has plans to pursue Veterans Affairs

home loan dollars, a program that is not utilized. "It's underutilized we believe, because our veterans don't have employment and therefore can't seek any type of capital," Yazzie said.

Benally directed the committee to develop a plan of action with the goal to put the designation where it would be accessible by all.

Yazzie disagreed and made her argument for keeping the designation with NHA. "I do know two of the seven tribes that attempted to bring the TDHE withing their government nation. It has not worked," she said. "Simply because it is a very complex and technical program."

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