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 already 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 the severance bond.

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Yá’át'ééh! 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 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 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 public 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 snowmelt, 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
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.

Public comments on LGA amendments echo community concerns.

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

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, NNC. and that grazing-farm-land board members are addressed in Title 13, NNC.

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.

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 won and this section speaks to the issue if you don’t want to adopt the standard model.”

Gloria Skeet de Cruz, chapter manager for Baahaali, 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 consequences 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 NNC 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 adamantly 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.

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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 standard FMS.

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

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.

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.

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.
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, 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.

“Their 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,” Tsosie said.
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.
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.

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.

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.
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 state-
ments 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 ac-
cessibility.
Mitchell also extolled the ca-
Pabilities of Sage MIP, a fund ac-
counting software currently being
utilized by 87 of the 110 chapters
for accounting. Sage MIP was de-
signed by ITG New Mexico, an
Albuquerque-based business pro-
viding technology products and
services to businesses, govern-
ments and non-profit organiza-
tions.
The one-sheet uniform moni-
toring 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 be-
ing addressed by DCD is the Na-
vajo 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 nec-
essary staffing to address the tech-
nical assistance concerns at the
chapters. Furthermore, it would
also provide “more eyes” to view
chapter account balances and pur-
chasess to curtail fraud and finan-
cial mismanagement.

B&F imposes sanctions on DCD and LGSC

WINDOW ROCK—The Budget
and Finance Committee sanc-
tioned the Division of Commu-
nity Development on Mar. 6 by
a vote of 3-2.
The vote was knotted with
Danny Simpson (Becenti, Lake
Valley, Nahodishgish, Standing
Rock, Whitoker, Huerfano, Na-
geezii, Crownpoint) and Lorenzo
Curley (Klagetoh, Wide Ruins,
Houck, Lupton, Nahata Dziil)
opposing sanction and Nelson Be-
gay (Lukachukai, Round Rock,
Tsaiie/Weatfields, Tse Ch’izhi,
Rock Point) and Mel Begay (Coy-
ote Canyon, Mexican Springs,
Naschitti, Tohatchi, Bahast’a’a’)
in support of sanction.
Chairman LoRenzo Bates
(T’ishtoh Sikaad, Nenahnezad,
Upper FruitaLand, 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 get-
ing 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 con-
cept of the Navajo Nation govern-
ment or the chapter system. This
auditor’s focus strayed from the
original intent and instead investi-
gated LGSC processes with DCD.
In that time, DCD has worked
closely with available resources
like the Department of Justice to
craft a standardized Five Man-
agement 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 account-
ing expertise. Only 10 chapters
achieved LGA certification in an
11-year period under the over-
sight of the OAG.
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 find-
ing 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 work-
ing with chapters directly, provid-
ing technical assistance.
The OAG’s data gathering did
not include all of the hours LGSC
offices accumulated during work
with chapters and instead uti-
lized 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 cer-
tification 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 sys-
tem of assuring technical expert-
tise 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 sub-
ject matter experts and have been
dean qualified upon applying for
employment by the Department
of Personnel Management.
Finding three stated, “The
LGSC is organized in a hierar-
chical model in which LGSC
interacts with the chapters in an
authoritative role.”
This finding again, is un-
found. The agency offices were
established in accordance with the
LGA and the responsibilities of
staff only grew since the enact-
ment 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, re-
fecting added duties and respon-
sibilities and mirroring the LGA
amendments.
DCD has also allocated ad-
ditional 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 restruc-
turing and reorganization will be
reflected in the FY 2013 budget.
Finding five stated, “Dissat-
sisfaction 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 certi-
fied by OAG in 11 years time.
Working with chapters re-
quires diplomacy and expertise in
accounting and technical assis-
tance.
Information: www.nndcd.org
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.

Church Rock residents receive power after 36 years of waiting

The heavy-duty trucks from Continental Divide Electric 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.
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.

Desmond 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.
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 as a 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 executive 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
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 Net, secretary-treasurer for the To’Nanees’Dizi Council of Naa’taanii, said too much power to the council led to their theft 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.
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.

TDHE status update
New committee plans where to place the designation for the benefit of the Navajo Nation
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 “We are the legislators. We shouldn’t have a legislative decision.”

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.
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 the 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 remote locations, 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 monitoring 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 set up 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 principles 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 very 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.
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 Commercial 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 Development and the U.S. Department of Agriculture fund- 
ing streams.

Feedback from the tribal govern- 
ent, especially at the grass-roots level is intrinsic to bring the plan to fruition. “Our legislators wanted to hear proposals from the local people, that’s who we rep- resent,” Allison said. Project listings from DCD, Indian Health Services (IHS), NTUA and Navajo Engineer- ing 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 eligi- bility 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 con- tribute 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 legis- lators 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 de- velopments. Added into the mix are projects for youth centers and wellness centers.

“Our goal is to help you have the optimum amount of informa- tion about every conceivable, viable program for which you might be able to be considered for funding,” Knowles said. Proj- ects 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 fund- ing programs specific to the State of New Mexico, state grants, loan programs, and federal funding pro- grams 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 enti- ties must look for the lobster’s whiskers when searching for fund- ing in the sea of financial possi- bilities.

“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 complet- ing 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 fi- nancial 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 amend- 
ments.

New developments in the amend- ments include view-only access for chapter bank accounts for the LGSC offices and the Of- fice 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 interpret- ing the legalities of this case par- ticularly 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 govern- ment 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 re- oounce financial records like the To’Nanees’Dizi Chapter bank statements and other supporting documents. An inventory of chap- ter property will be conducted, along with development of a new budget and chapter operation pay- ments.

“We will provide public infor- mation on the policy changes and laws from the LGA amendments,” Mitchell said. “We will share infor- mation from the budget instruc- tion manual and the DCD reorga- nization to provide more resources to the LGSC offices.”

Information: www.nndcd.org
Casey Begay, program manager 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.
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.

“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 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.”

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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 coordination 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 at 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.

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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 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

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Benjamin 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 recapitulated 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 recapitulated. “We’ve just been operating 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 expalined 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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