Speaker’s Report
October 19, 2020
HONORABLE SETH DAMON, SPEAKER OF THE NAVAJO NATION
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Speaker's Message

To my Honorable Colleagues of the 24th Navajo Nation Council,

Contained within this report is a survey of the Fourth Quarter of Fiscal Year 2020 of the Navajo Nation Legislative Branch. It is presented to you with great humility as we continue to face the coronavirus pandemic and the great tasks ahead of us.

These past three months, we have seen many delegates and local leaders rise to the challenge of ensuring their communities are protected in whatever way they can. The Office of the Speaker has seen these efforts produce hopeful outcomes for families and communities across the Navajo Nation. We have been honored to be a part of that activity through the wide range of coordination and collaboration activities that we have been entrusted to facilitate.

As we look back and assess the state of the Navajo Nation, we see many local heroes coming forward. We also see those who are no longer with us today, and we grieve together and pray that our Nation becomes stronger together.

The Office of the Speaker has embarked on a great effort to support the initiatives of the committees and members of the 24th Navajo Nation Council, both those related to the pandemic and those that existed before the coronavirus. At the same time, our team members continue to go above and beyond to ensure lines of partnership and constructive dialogue stay open. I hope you will join me in commending their dedication to the people of the Great Navajo Nation, and our relatives and colleagues in public service.

During this pandemic, we stay looking to our front-line heroes who have committed a great deal of their lives to our safety and health. Change continues to approach us, and we are blessed to have these protectors, educators, healers, investigators and many others who risk much for our People.

Please join me in expressing a deep appreciation for the collective efforts of our Nation to remain helpful and hopeful. We look beyond the current moment and see a great task in delivering the help and assistance that the Navajo People need.

I am honored and humbled to be your Speaker during this time. It is my prayer that our Nation heals, as we heal, and that we support the lasting good works that will carry us through.

Sincerely,

Seth Damon, Speaker
24TH NAVAJO NATION COUNCIL
Legislative Branch response to the coronavirus pandemic

The Office of the Speaker, in partnership with and on behalf of the 24th Navajo Nation Council, has facilitated and coordinated a well-rounded response to the risk of exposure to the coronavirus. We immediately began identifying program funds to allow our facilities maintenance staff to procure and install protective barriers in public-interfacing places in Legislative Branch offices.

An automatic closure of Legislative Branch offices and buildings has been implemented if and, at times, when, notice of potential exposure was disclosed to the administration. This helped ensure our essential staff maintained access to office resources with confidence that safe facilities were available. In the next implementation of preventative measures, the Office of the Speaker initiated a deep cleaning of Legislative Branch buildings and public spaces and further mandated programs to establish remote work plans for employees.

This arrangement allowed coordination and facilitation functions to continue even throughout the extended closure of the Legislative Branch. Through the collective efforts of staff, further screening measures were implemented and temperature checks became mandatory once the equipment was procured.

With those basic measures in place and with an investment in teleconferencing services and video streaming tools, meetings were facilitated in relative safety from remote locations with minimal staff required on-site.

With the approval of teleconferencing for official meetings by the 24th Navajo Nation Council, the Office of the Speaker has made full use of this opportunity to expand public access to Legislative Branch discussions, actions, votes and more.

The Office of the Speaker became a prime facilitator of disseminating time-sensitive information and exchanges with local, state and federal leaders and administrators throughout the Navajo Nation and abroad. Through our weekly teleconference discussions with each of the five Navajo Agencies, local Chapter leaders and their constituents were able to reliably ask questions of their public servants.

This dedication to supporting local leaders and community voices is a reflection of the Navajo Nation Council’s persistent presence within the communities we represent. Though council delegates may not find themselves engaging in debate and discussion within the Navajo Nation Council Chamber, their voices are still counted and honored because they hail from all corners of Dine Bé’iáyah.

We will continue to refine our preventive measures and reintegration plans in order to prepare for the eventual safe return of our colleagues and coworkers.

Tribal Consultation: Navajo resources planning during the pandemic

On October 1, 2020, the Navajo Nation Council
passed emergency legislation (Resolution No. CS-75-20) sponsored by Delegate Daniel Tso, requesting the Bureau of Land Management and the Bureau of Indian Affairs to immediately and indefinitely suspend planning activities for an amended resources management plan. The RMPA and associated Programmatic Agreement are two separate documents to which have subsequent results. The RMPA will be utilized as a managing tool that will be implemented if and when it is approved through a record of decision from the BLM and BIA as they are co-lead agencies for this management planning process. A programmatic agreement is an agreement document that confirms there are effects to natural and cultural resources to a proposed management planning area.

The Navajo Nation Council affirmed the position that Navajo communities affected by the federal government’s management decisions continue to face severe challenges in holding meaningful discussions to areas that will be affected by this plan. Although the Navajo Nation Heritage and Historic Preservation stated they have been working on a PA with the BIA and BLM regarding affects to Navajo Nations natural and cultural resources within the proposed RMPA affected areas (Northwest New Mexico), the leadership within the 24th Navajo Nation Council confirmed otherwise with the passage of CS75-20. The Navajo Nation has direct interest in this proposed management plan as it serves as a signatory on the PA for affects to Navajo resources within the proposed area of the RMPA. Within the federal guidelines in the National Historic Preservation Act (NHPA)-provides guidance that any decision for federal action within or aboriginal territory of tribal nations consult with the tribes or nations within the proposed area. With planning still continuing with the BLM and the BIA, the Navajo Nation Council is now demanding a meeting with both the Department of Interior, Navajo Nation Council, Navajo Nation Office of the President and Vice-President, Navajo allottees, and both the BIA and BLM to further address issues of jurisdiction, and the
affects to Navajo Nation of this management plan.

**Quadrilateral Agreement: Promoting community involvement in renegotiations**

Navajo Nation Council Resolution No. CS-70-20 to request for an extension to the termination of a 50-year-old Quadrilateral Agreement put in place in 1970. The council resolution was unanimously approved on Friday, September 4, 2020, which was sponsored by Delegate Paul Begay. Throughout most of 2020, the Office of the Speaker and western agency delegates have been in teleconference meetings with local chapters and western agency council members. The agreement outlines the preservation of Navajo Nation’s rights, privileges, and remedies available by law with respect to co-management of the Glen Canyon National Recreation Area. It also entails opportunities of economic development within Antelope Point Marina, and the Rainbow Bridge Concession Area. Council Delegate Paul Begay stated, “This legislation is critical for economic development in the western Navajo region.” The region includes traditional Navajo homelands which draw millions of visitors and tourists annually from around the world.

In 2003, the Navajo Nation and NPS further entered into a Bridge Agreement based on the Quadrilateral Agreement, the MOU and the execution of the Concession Contract and Business Site Lease. The imperativeness of the extension request and is to maintain consistency, and to make sure that the Navajo Nation continues to have adequate input and provide technical assistance to the local chapters and communities that are impacted by this agreement.

In continuing to be pro-active on this initiative, a subsequent task force has been introduced into legislation sponsored by Speaker Seth Damon, with ongoing consultation and input from western delegates and local communities.

**Cultivating Understanding: Legislative response to hemp production**
The Bureau of Indian Affairs reported to the Resources and Development Committee on Wednesday, September 2, 2020. The report was an overview of the ramifications of cultivating HEMP on the Navajo Nation and on Navajo farmlands. The information provided was geared to ensure the communities along the San Juan River are well-informed on these ramifications of cultivating as it pertains to the cancellations of permits and subleasing outlined within the federal laws related to HEMP on tribal lands.

Thereafter, on September 11, 2020, a radio forum was conducted with collaboration with the Resources and Development Committee to discuss the Navajo Nation’s current policies and procedures on Hemp production, which included a partnership with the New Mexico State University, for research purposes of the allocated plot within the Navajo Products Industry Enterprise. The Bureau of Indian Affairs presented on types of land use permits, for dry land farming, application processes and irrigated farming plot procedures and policies. Further, the RDC and BIA discussed the cancellation of these agriculture land use permits within farming areas as it pertains to authority, probate and what the court proceedings are pending cancellation of permits. The forum concluded with both the RDC and BIA outlining the Navajo Nation codes and laws that are currently in place for regulating farmland and agriculture dry land farming permits.

**Relocation: Preserving funding and promoting rehabilitation**

In partnership with the Navajo-Hopi-Land Commission, the Office of the Speaker successfully initiated and established contact with Senator Tom Udall on September 17, 2020 regarding the Navajo-Hopi Settlement Act of 1974 (“Relocation Act”, Pub. L. 93-531, as amended), the predecessor of the Office of Navajo and Hopi Indian Relocation (ONHIR) was established to implement a mandatory program of relocation of Navajo and Hopi families from land they had lived on for generations. The discussion was to request immediate transfer of not less than $15 million in “excess” funds held by ONHIR to the Navajo Rehabilitation Trust Fund (NRTF) to address current needs of relocatees and relocation communities, and that ONHIR should remain open for a set period of ten years to oversee a multi-agency program to redress adverse impacts of relocation. Other items addressed were that there should also be a program to rehabilitate areas where development has been frozen for many years. ONHIR, along with the Navajo Nation and the following federal agencies, should develop a multi-agency rehabilitation plan to benefit the relocatees: Interior, Housing and Urban Development; Agriculture; Transportation; Environmental Protection Agency; and Commerce Department. ONHIR and each other agency would be allocated an average of $4 million/year over ten years to implement this plan.
bringing the total cost to $280 million. Finally, it was requested OHNIR work in an organized and coordinated manner to prepare for closure and transition of continuing functions including trust asset management.

**Communication: Agency update teleconferences during the pandemic**

During the coronavirus pandemic, the Office of the Speaker continues to identify and implement alternative measures to keep every portion of the Navajo Nation government operating from the 24th Navajo Nation Council to the chapter and community level. The Speaker’s office has responded to community concerns predominantly by listening to Covid-19 updates with local chapter leadership, which has fostered a positive working relationship in battling this pandemic.

These weekly meetings allowed for dialogue about the challenges faced by each community facilitated by local leadership and community members.

Topics covered by these weekly meetings have included local perspectives and reports from the following entities: the Health Care Command Center, the Navajo Department of Health, Indian Health Services, the Navajo Census, the Navajo Government Election Office, the Department of Dine’ Education, the
Division of Community Development, the Division of Economic Development, state government updates from Arizona, Utah and New Mexico representatives, Federal government updates, the Division of Public Safety and other Navajo enterprises and organizations. As the Covid-19 national pandemic continues, the Speaker’s Office will continue to partner with our divisions and chapter leadership, in getting out the most up-to-date information concerning the welfare of our Navajo Nation.

The Office of the Speaker encourages the Navajo public to contact their respective Agency legislative representative by calling the Office of the Speaker at (928) 871-7160.

**Situational Awareness: Continuing daily pandemic response reports for leadership**

Office of the Speaker staff have issued more than 200 daily updates with council delegates and other branch leaders through participation in the daily debriefing meetings held by the Health Command Operations Center personnel. These updates provide leadership with critical decision making information with respect to the coronavirus pandemic. They also offer a glimpse into the way the HCOC is functioning under the command structure.

This degree of situational awareness has also propped up internal information processes and practices. On the recommendation of HCOC staff, Office of the Speaker staff have initiated and completed ICS-100 and -700 level courses through the Federal Emergency Management Agency (FEMA).

These daily updates have become an invaluable source of factual information and assurance. Going forward, we will continue to deliver these updates until the command center dissolves.

**Food Distribution: Partnership with Saint Mary’s Food Bank**

The Office of the Speaker has explored methods of building connections with industry partners, like the Saint Mary’s Food Bank, to ensure food products are delivered to Navajo residents while promoting Covid-19 safety practices. During the Covid-19 pandemic, the Navajo Nation has experienced an immense need for food, water and other necessities, causing the St. Mary’s food distribution one of the most important services offered to our Navajo communities. With the Navajo Nation’s “shelter at home” orders still in effect, it is our priority to promote sustainable options to ensure our safe and healthy throughout the process. The Office of the Speaker has assisted on food distribution assisted with St. Mary’s food distribution, including one in Window Rock held Sept. 30. This particular distribution served an estimated amount 1,000 boxes full of canned foods, rice, pasta, beans, packaged meat, frozen meat, and milk to Navajo families.

**2020 Census: September outreach and staff deployment**
During the distribution process, the Office of the Speaker has also partnered with the Navajo Area Census Office to ensure that every Navajo citizen is counted in the 2020 Census. Our initiatives included weekly advertisements in the Navajo Times and Gallup Independent that typically included the current Navajo Nation self-response rate, information on how to complete the 2020 Census, and an encouragement to complete the Census by the 2020 deadline. As part of our initiatives to encourage self-response from the public, the Office of the Speaker has also sponsored 2-minute radio advertisements on the KTNN, KNDN, and KGAK. Each advertisement was performed by a different delegate who was recorded in our office and provided both Navajo and English messages to Navajo residents throughout Arizona, New Mexico and Utah. The Office of the Speaker also assisted the Navajo Census Office with the implementation and advertising of Mobile Questionnaire Assistance Units in all 5 Navajo Agencies where citizens could efficiently complete a digital self-response questionnaire.

As part of a final initiative to improve self-response rates, the Office of the Speaker imitated a call for all Navajo Government, education, enterprise and affiliated organizations to allot a one-hour break in order for all employees to fill out the 2020 Census. It was a challenging task, but we are proud of the 6.5% increase in self-response rate that we identified from our first 2020 Census advertisement in the Navajo Times.

**Veterans: Focusing on helping hands and fiscal transparency**

It has been important, especially during the pandemic for the Office of Speaker, on behalf of the Council, to maintain its outreach with our Navajo veterans. Our veterans have sacrificed for their Nation proudly and continue to lead Covid-19 relief efforts so it has been important for us to support them by ensuring they have all the resources they need.

As part of our service to veterans, we are grateful to the combined efforts with veteran service organizations like Fort Veteran, the Mission Flyers, and the Goldwater Foundation, who have also been providing helping hands to our veterans on the Navajo Nation. These organizations, as well as the other non-profit partners in our network, serve veterans at the state and federal level.

Over the past quarter, the Council’s intention has mainly been to make sure there is transparency with the Veterans Trust Fund through equitable funding management.
and supplemental resource provisions.

The Office of the Speaker has also worked tirelessly with the Resources and Development to assist Navajo veterans, their spouses, children and widows in securing federal benefits.

We also value utilizing our role as the governing body of the Navajo Nation to keep our veterans informed on any legislative activity that may affect them.

Part of our support also involves working with the Navajo Area Indian Health Service and the U.S. Veterans Administration to coordinate health care services for veterans and collect the necessary data to strengthen our advocacy efforts.

More specifically, our office supports and commends the efforts of Council Delegate Kee Allen Begay, Jr. and his determination to bring health care for veterans to the Navajo Nation. We also appreciate the dedicated support and advocacy of Council Delegates in the Health and Human services committees including Chairman Daniel Tso, Vice-Chairman Carl Slater, Paul Begay, Pernell Halona, Charlaine Tso, and Edison Wauneka. We feel it is important to honor our veterans and to support their advocacy for increased and improved services for them and their families.

**Sexual Assault**

**Prevention: Creating pathways for victims and families**

The Office of the Speaker has worked with Council Delegates in the Sexual Assault Prevention (SAP) Subcommittee to provide them support to continue their work to prevent sexual violence during the coronavirus pandemic. Namely, our office has coordinated strategic planning sessions, provided mechanisms to convene with national partners, and developed resources for the SAP Subcommittee to save our children and heal our Nation from trauma. The Covid-19 pandemic has created additional challenges and sexual assault has increased with the stay at home order compelling SAP Subcommittee operations essential.

The SAP Subcommittee includes Chairwoman Amber Crotty, Vice Chairman Nathaniel Brown, and members Paul Begay, Eugene Tso, Vince James, and Wilson Stewart Jr. met periodically during the pandemic via teleconference to continue operations.

Initiatives under the SAP Subcommittee are aimed at building resources for victims of all ages and their families is a key component in healing our Nation and will remain a priority for the Office of the Speaker and the SAP Subcommittee into the next quarter.

Locally, the SAP Subcommittee works with the criminal justice system to help provide welfare checks, multi-disciplinary teams and child protective teams to provide trauma informed care. The SAP subcommittee is also taking steps to bring tribal, state, and federal agencies together to make sure our youngest victims are properly cared for while they are in school.

Chairwoman Crotty will
continue working with the Office of the Speaker to seek funding for a child advocacy center that would provide trauma informed care wrap around services to any family or victim of crime who may require service.

Diné Relatives: A commitment to those missing and murdered

The Office of the Speaker continues to partner with Council Delegate Amber Kanazbah Crotty in her efforts to help families of Missing and Murdered Diné Relatives. Our Office has helped advocate to both Congress and the White House over the past couple of years while working directly with families impacted by a loved one who is either missing or has been murdered. She has recently been working on a monthly basis with families of missing persons to improve and expand the Navajo Nation Amber Alert system. This system will also provide a tool for law enforcement entities to track and analyze information by creating a data institute, establishing local protocols for search efforts, providing guidance to the Navajo Nation justice system. As such, we hope to continue to facilitate meetings with the Operation Lady Justice task force to give recommendations for our federal partners for better coordinated response system for generations to come. The Speaker’s Office commends Delegate Crotty for her efforts in identifying resources and developing mechanisms to help families find their loved ones.

New Mexico: General obligation bond needs Navajo votes

General Obligation bonds (“GOB”) come before the voters of New Mexico every two years. There are no tax increases associated with GOB. GOB is a proven and accepted method of funding bricks and mortar projects throughout the state. Through successful lobbying efforts by the Office of the Speaker, voters will have an opportunity to vote for several capital improvement projects that will benefit the citizens of the Navajo Nation. Among other projects throughout the state, the following projects on the Nation have been specifically designated for funding by the sale of Bond Issue A, if passed by the voters:

- Alamo Senior Center - Vehicles $76,000
- Alamo Senior Center - Equipment $36,503
- Baahaali CHP Senior Center - Renovation $810,000
- Baca CHP Senior Center - Improvement for Code $22,000
- Chichiltah CHP Senior Ctr - Improvements for Code $950,000
- Crownpoint CHP Sr Ctr - Improvement for Code
**$880,000**
- Crownpoint CHP Senior Center - Renovation $101,100
- Crystal CHP Senior Center - Vehicles $50,000
- Manuelito CHP Senior Center - Planning $110,000
- Mariano Lake CHP Senior Center - Construction $1,614,293
- Mexican Springs CHP Senior Center - Improvement for Code $213,000
- Nageezi Senior Center - Planning $338,710

**$2,800,000**
- Pueblo Pintado CHP Senior Center - Construction
- Ramah CHP Senior Center - Construction $380,000
- Red Rock CHP Senior Center - Construction - $1,420,000
- Smith Lake CHP Senior Center - Renovation $800,000
- Thoreau CHP Senior Center - Improvement for Code $1,000,000
- Tohatchi CHP Senior Center - Planning $350,000

*Total: $11,951,606.00.*

If passed, Bond Issue C on the ballot will fund Diné College Shiprock Agricultural Multipurpose Center - Construction for $1,300,000 and Navajo Tech Univ Science & Trades Building Renovation for $1,400,000, for a total of $2,700,000.00.

Please encourage your New Mexico constituents to vote YES on the bond questions in this year’s ballot.

**Branch Technology: Identifying opportunities for advancement**

The Legislative Branch computer network

The purpose and goal of the Information Technology Section is to increase use of technology within the legislative branch and to help make the legislative process more efficient and effective for the Navajo Nation Council and to the public. The IT Section is responsible for technical support to the voting system used in the council chambers. The voting system is used for Naabik’íyáti’ Committee meetings and Navajo Nation Council regular and special sessions. The microphone system is used for Navajo Nation Council sessions, Naabik’íyáti’ Committee meetings and committee meetings that are held in the council chambers. We also have a portable microphone.
system and a portable PA system used for Naabik’íyáti’ Committee meetings and Navajo Nation Council sessions that are held off-site. The web streaming of the Navajo Nation Council regular and special sessions and Naabik’íyáti’ Committee meetings has been brought in-house. The streaming is now taking place on Vimeo, YouTube and Facebook.

Support to the Navajo Nation Council, Naabik’íyáti and Standing Committees

The IT staff is responsible for technical support to the Navajo Nation Council, Naabik’íyáti’ Committee and the other committees. We also digitally record the Council and Naabik’íyáti’ sessions for archive purposes. We also assist with the equipment for interpreting the meetings from Navajo to English. The IT Section has been providing technical support for the Council, Naabik’íyáti’ Committee and the committees during the Covid-19 crisis. This includes setting up teleconferencing and video conferencing meetings from various remote locations.

Legislative network maintenance

Other IT duties handled by the IT Section staff include day-to-day maintenance and support of our servers, various printers, wireless networks and access points, posting of meeting notices and agendas, press releases and legislation onto the Navajo Nation Council website and daily computer support for network users.

Legislative network support

The IT Section also provides technical support to legislative staff, which includes the various programs within the legislative branch. We also assist in the backup and retrieval of documents after employees leave and transfer of documents from prior laptops to new laptops. Assistance has been provided for teleconference calls and video conference calls to various offices and for committee, sub-committee and other meetings during the Covid-19 pandemic crisis. The Legislative IT staff have been working both from the office and remotely during the Covid-19 office shutdown. We have been replacing the
laptops within the Office of the Speaker and the Office of Legislative Services, including the Administration, Legislative Tracking, Legislative Process, Quality Control/Research and the Council Delegates’ Office. The new laptops have the Windows 10 operating system and Microsoft Office 2019 Professional as well as Symantec EndPoint Protection anti-virus software installed on them. Laptops, workstations and printers have been setup as new employees are hired in the various legislative programs and as older equipment is replaced. Training on cybersecurity will resume to Legislative Branch programs once the Stay at Home order is lifted.

Legislative Branch website

During the 4th quarter of FY 2020, the IT Section has been busy keeping the website for the 24th Navajo Nation Council (www.navajonationcouncil.org) updated. The IT Section is responsible for updating and maintaining press releases, meeting agendas, committee information and current legislation that are undergoing the 5-day comment period as mandated by Title 2. We are currently expecting to update the appearance of the website with the assistance of the Public Information Section. A website redesign project has begun and is still in progress.

Virtual Tribute: The 2020 National Navajo Code Talker Day collaborative effort

The Office of the Speaker observed the Navajo Nation Council’s first-ever virtual National Navajo Code Talker’s Day on Aug. 14, 2020. The Navajo Nation has observed Navajo Nation Code Talker Day every year since 2005, which typically features activities, guest speakers, and honorary events for the more than 400 Navajo men who served as Code Talkers across the Pacific during World War II.

However, the event was moved to a virtual platform that included the Navajo Nation Council’s Facebook, Youtube, Vimeo, and other social media platforms. The event featured 29 videos from Council Delegates, Congressional Delegation, military personnel, and other guests who voiced their appreciation for the sacrifices of the Navajo Code Talkers.

The videos compiled on the Navajo Nation Council’s media platforms reached as many as 94 thousand viewers and greatly increased the
Navajo Nation Council’s social media following by over 2,000 followers.

**Wildfire Response: Quick action aids in coordination and communication**

The Woodsprings 2 fire required a fluid and coordinated response at a local level. Office of the Speaker staff immediately began drawing on local connections to:

- Identify an incident command center at Ganado and Window Rock;
- Coordinated with Delegate Vince James and Wilson Stewart to keep communities informed of the fire status;
- Worked directly with BIA Tribal Liaison Cheryl Curley on fire updates and coordination;
- Partnered with the BIA to disseminate critical information quickly.

Notably, Delegate James and Delegate Wilson coordinated water donations for those affected or displaced.

The Office of the Speaker thanks our staff for providing these functions in addition to the demands of their day-to-day roles within the Legislative Branch.

We also recognize and honor the Southwest Area Incident Management Team 5, BIA Wildland Fire and Aviation Management, Navajo Regional Fire Dispatch and local community leaders for rendering their skills and service to keep our communities safe from fire.

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Program Reports

OFFICE OF LEGISLATIVE COUNSEL

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To provide legal advice and legislative services to the Navajo Nation Council, standing committees, commissions, and boards of the Navajo Nation Council. To provide legal advice and representation to all Legislative Branch programs, including Office of the Speaker, Auditor General, Government Development, Human Rights Commission, Ethics and Rules Office and Office of Legislative Services.

SIGNIFICANT ACCOMPLISHMENTS FOR 4th QUARTER – FY 2020

The primary statutory responsibilities for the Office of Legislative Counsel are to:

Provide legal advice and legislative services to the Navajo Nation Council, standing committees, commissions, and boards of the Navajo Nation Council.

Provide legal advice and representation to all Legislative Branch programs, including Office of the Speaker, Auditor General, Government Development, Human Rights Commission, Ethics and Rules Office and Office of Legislative Services.

This quarter the major legislative concerns included Care Funds legislations, the Navajo Nation budget process and the enactment of the Fiscal Year 2021 Navajo Nation Comprehensive Budget; and the effect of the Navajo Nation President’s Line Veto.

This quarter the Office of Legislative Counsel with the Navajo Nation Council and its Standing Committee included priorities of the Navajo Nation Government established by the three branch agreement aimed at strengthening and fostering the Navajo Nation Care Act laws, policies and enduring relationships to better meet the needs of the Navajo people and between the three branch government.

The Office of Legislative Counsel staff attorneys all took the lead on the Conditions of Appropriation representations in a number of areas of Committee oversight.

Office of Legislative Counsel continued to provide legal guidance and advice to various Legislative Branch Sub-Committees, boards, task forces, commissions and offices at various teleconference meeting as requested. As such the Title 2 Reform, Navajo Sexual Assault
During this quarter, Office of Legislative Counsel continued to address all issues concerning the drafting of legislation, attend all NNC regular and special meetings. This quarter the staff attended fourteen (14) of the Naabik’íyáti’ Committee regular/special meetings and five (5) NNC special meeting, three (3) days summer session on 7/20,7/21 & 7/22, eight (8) Budget Hearing and three (3) Navajo Nation Council budget session.

Meetings are assigned among the staff for better
Answer the 2020 Census by the September 30 deadline!

NAVAJO NATION CARES FUND
Hardship Assistance Program

PRE-ANNOUNCEMENT

The Navajo Nation CARES Fund Hardship Assistance Program, as established by the Navajo Nation Council (C17-17-20), provides direct emergency financial support to enrolled Navajo tribal members of the Navajo Nation who have experienced hardship as a result of the coronavirus pandemic. Hardship assistance will be available to those who meet the criteria under a self-certification process and who meet the criteria under a self-certification process.

GENERAL INFORMATION

Each applicant must:
1. Present a valid Navajo tribal enrollment document, Certification of Indian Blood (CIB), induction card or membership in the Office of Vital Records and Information (https://www.navajo-nsn.gov/)
2. Complete a hardship assistance application. Applications will be reviewed by the Office of Legislative Counsel to verify eligibility and to provide fraud reduction
3. Provide accurate contact information. Assistance will be delivered primarily through direct mail, email, or phone, to avoid duplication of work and fraud. Assistance will be delivered primarily through direct mail, email, or phone, to avoid duplication of work and fraud.

Expected application open date: November 3, 2020

Have you answered the 2020 Census?

3 easy ways to self-respond:

By Phone
844-330-2020

Online
my2020census.gov

By Mail
Fill out and mail the paper questionnaire in the return envelope left at your home

RESPOND BY THE SEPTEMBER 30 DEADLINE!

NAVAJO NATION SELF-RESPONSE RATE 18.9%
NATIONAL SELF-RESPONSE RATE 65.9%

*As of 09/21/2020

Time is running out to answer the 2020 Census!

The Office of Legislative Counsel efforts to assist clients in identifying and resolving inefficiencies that adversely affect Office of Legislative Counsel efforts to provide services.

The Office of Legislative Counsel led the way in working

coordination within Office of Legislative Counsel to allow the Chief Legislative Counsel and attorney staff an opportunity to weigh in on important issues.

Coordinate with the Department of Justice to avoid duplication of work and conflicting legal advice and opinion.

Perform all duties and responsibilities in accordance with the highest standards of legal ethics.

Attached is a numerical breakdown of the Office of Legislative Counsel's services to the Navajo Nation Council, standing committees, subcommittees, commissions and boards of the Navajo Nation Council, as well as to the Legislative Branch programs.

The Office of Legislative Counsel filled two positions this quarter for the Principal Tribal Court Advocate and Senior Tribal Court Advocate and interviewed for the Office Assistant position. OLC continues to provide services include drafting legislations, researching legal issues and teleconference call for Council Sessions, standing committee meetings and work sessions. The Chief Legislative Counsel has participated in two of staff meeting conducted by the Office of the Speaker. As such most of the discussion was preparing for the budget session, review of the Navajo Nation Summer Session.

OLC GOALS AND PRIORITIES FOR 4th QUARTER – FY 2020

Hired two positions for Principal Tribal Court Attorney and Senior Tribal Court Attorney during this quarter.

Continue efforts to assist clients in identifying and resolving inefficiencies that adversely affect Office of Legislative Counsel efforts to provide services.

The Office of Legislative Counsel led the way in working
through the legal effects of the Care Act funds. This has been an incredible period of time.

The Office of Legislative Counsel staff attorneys continue to participate in all of the teleconference meetings.

Chief Legislative Counsel and staff attorneys continue to provide legal assistance to Navajo Nation Council during its Summer Session held on July 20, 21 & 22, 2020. Five (5) special sessions were held this quarter.

Other related action was approving the comprehensive budget for FY 2021.

Effort was taken to get continued resolution in place. These are just some highlights of the major issues the Navajo Nation Council dealt with.

ISSUES AND RECOMMENDATIONS

The most challenging issues facing Office of Legislative Counsel are the increase in meetings, e.g., leadership meetings, and the increase in legislations requests caused by the introduction of on-line filing.

Work session to Navajo Nation Council, its standing committee, legislative branch employees on the recently funding of the Navajo Nation Care Act funds expenditure approved by the Navajo Nation Council.

The Office of Legislative Council attorneys have drafted numerous resolutions concerning legislative administrative matters under the supervision and direction of the Speaker of the Navajo Nation Council.

Attend legislative strategy meeting with Office of the Speaker staff to provide legal advice and guidance relative to setting administrative objectives and legislative requirement.

The Office of Legislative Counsel will be developing recommendation for the implementation of the comprehensive budget to be considered during the 2020 Summer Session of the 24th Navajo Nation Council.

OFFICE OF NAVAJO NATION HUMAN RIGHTS COMMISSION

Leonard Gorman
Executive Director
leonardgorman@navajo-nsn.gov
(928) 871-7436
https://www.nnhrc.navajo-nsn.gov/

2 N.N.C. § 920 and § 921. The Navajo Nation Human Rights Commission is established within the Legislative Branch to operate as a clearinghouse entity to administratively address discriminatory actions against citizens of the Navajo Nation, and to interface with human rights organizations.

• Dr. Jennifer Denetdale, Commissioner (Education sector)
• Steven A. Darden, Waiting Confirmation (Business sector)
• VACANT, Commissioner (Law Enforcement sector)
• Cora Maxx-Phillips, Waiting Confirmation (Social Service sector)
• VACANT, Commissioner (At-Large sector)

Section One: Accomplishments from 4th Quarter

Reviewed Citizen Complaints: The Office of Navajo Nation Human Rights Commission (“Office”) continues to receive new complaints during the fourth quarter. However, due to Covid-19 on the Navajo Nation, a majority of the intake meetings were conducted by teleconference and the complaints were staffed for investigation.

Public Hearing on the Mistreatment of Navajo and Native American Students On the Navajo Nation: The Navajo Nation Human Rights Commission and Navajo Nation Department of Education (DODE) held one (1) zoom public hearings, due to Covid-19, to address the mistreatment of Navajo and Native American students on the Navajo Nation according to Naabik’íyáti’ Committee Resolution No. NABI-87-18.

Personal Protective Equipment: Due to Covid-19,
the Office purchased personal protective equipment (“PPE”) during the fourth quarter in preparation for the reopening of the Navajo Nation government. Several PPEs are on back order. The Office anticipates the PPE should be ready for delivery/pick-up by December 2020.

2020 Census Fair: The Rural Utah Project, Navajo Utah Commission and Commission held a 2020 U.S. Census Fair and invited San Juan County, Utah Navajo Residents to complete their questionnaire online in targeted community areas on the Navajo Nation in Utah.

**Voting Rights Issues**

The Office continues to work on voting rights issues in Utah’s San Juan County and New Mexico. The Office continues to communicate with the County Clerk’s Offices on the importance of protecting and advancing Navajo voting rights such as language assistance that is provided by law under Section 203 of the Voting Rights Act of 1964.

**Section Two: Goals for 1st Quarter**

Continue to Receive Complaints: This Office will continue to assess and investigate filed complaint by Navajos on or about discrimination and human rights violations off the Navajo Nation.

Conduct Public Hearing on Law Enforcement: This Office will reassess the border town policing in light of the national concern on police reform. Due to COVID-19, the Office will be examining the best method to conduct the public hearing to ensure the safety of public.

Covid-19 Impacts: This Office will assess the financial impacts on border towns due to the pandemic lockdowns imposed by the Navajo Nation government. In addition, this Office will communicate and coordinate with State, Federal and United Nation bodies on assessing racism post Covid-19.

**Section Three: Issues/Recommendations**

6B Rollout: With the move towards full implementation of the FMIS system, this Office has not met the requirements to begin submitting personnel and budgetary/fiscal expenses online. Currently, only one person in the Office has completed all the online trainings that are required to be 6B Rollout Certified. The remaining staff of the Office still has several more trainings to complete.

**OFFICE OF THE AUDITOR GENERAL**

Helen Brown, CFE  
Principal Auditor/Delegated Auditor General  
auditorgeneral@navajo-nsn.gov  
(928) 871-6303  
www.navajoauditor.org

The Office of the Auditor General conducts internal audits of Navajo Nation programs, departments, chapters, entities and vendors.

**SUMMARY**

**Accomplishments from FY2020 Fourth Quarter: 7 reports**

- Program/Chapter audits/Investigations – 3  
- Indian Wells Chapter Special Review  
- Tohatchi Chapter Special Review  
- Fraud Examination of the Facilities Maintenance Department (CONFIDENTIAL)

Follow-up on Corrective Action Plan Implementation – 4  
- Whitecone Chapter 2nd Corrective Action Plan Follow-up Review (Sanction Revisit)  
- Teec Nos Pos Chapter 2nd Corrective Action Plan Follow-up Review (Sanction Revisit)  
- Hardrock Chapter Corrective Action Plan Follow-up Review

Department of Water Resources Corrective Action Plan Follow-up Review

**Goals for FY2021 First Quarter (planned/ongoing projects and activities)**

- Navajo Head Start Performance Audit  
- Department of Fish and Wildlife Performance Audit  
- Department of Fleet
Management Internal Audit  
Office of the Controller  
FMIS Address Book/Accounts  
Payable Duplicate Payment Follow-ups  
Internal Audits of Counselor, Red Rock, Torreon/Star Lake and Tolani Lake Chapters  
Revisits of sanctioned chapters: Ramah Navajo, Sawmill and Leupp Chapters  
Tohajiilee Chapter  
Corrective Action Plan Follow-up Review  
Available Fund Balances for 110 Chapters as of June 30, 2020  
Outsource more chapter audits and performance audits of Navajo Nation depts/programs; will need to issue various request for proposals to utilize consulting budget

Issues/Recommendations

Filled vacant Associate Auditor positions (2), new employees started Oct. 2020; only Auditor General position is vacant, one applicant and will need to coordinate with the Office of the Speaker to convene interview panel.

Submission of MIP backups by some Navajo Nation Chapters are taking too long; some chapters have not consistently provided backups in the required format for several reporting periods.

Replacement of dated desktops is in progress; the slow process hindered the issuance of the Chapter available funds quarterly reports, and curtailed our ability to meet requests for chapter information or other consulting services. Requested for new laptops from the Department of Information Technology as part of the CARES Act initiatives; laptops are for telecommuting staff.

Continue to assist the Administrative Service Centers on chapter matters; make recommendations for subject matter experts on MIP systems and how to enhance internal controls.

Working with challenges presented by the Covid-19 pandemic and the Navajo Nation’s priorities involving the CARES Act funds; most programs and chapters are part of these priorities and thus unavailable for audit purposes.

PURPOSE OF THE OFFICE

The purpose of the Office of the Auditor General is to examine and evaluate the adequacy of management and accounting systems, procedures, business practices and internal controls including but not limited to: 1) conducting financial related audits of Navajo Nation Chapters, entities and contractors in accordance with Government Auditing Standards; 2) conducting performance audits and reviews of Navajo Nation government programs, departments, and entities in accordance with Government Auditing Standards; 3) providing a wide variety of consulting services to the Navajo Nation; and 4) performing special reviews and investigations.

Audit concerns, findings and recommendations are individually presented in the audit reports and made available to the audited programs’ management, oversight committees and the Budget and Finance Committee of the Navajo Nation Council for appropriate action. The Office of the Auditor General conducts post audit follow-up reviews to ensure that management has implemented corrective actions to address reported audit findings. Unless restricted by law or regulation, copies of audit reports are available for public inspection.

PROGRAM ACCOMPLISHMENTS

Audits and Reviews of Programs/Navajo Nation Chapters

Our audit work in the program performance area includes full scope performance audits, limited scope performance audits, special reviews/investigations and corrective action plan (CAP) follow-up reviews.

Our audit work in the chapter area includes full scope and/or limited scope financial related audits, special investigations, CAP follow-up reviews, LGA certification reviews and continuous monitoring and continuous auditing of chapters’ accounting systems and bank accounts.
**Completed Audits/Reviews**

**Audits:**
- Indian Wells Chapter Special Review Report no. 20-10 issued Sept. 2020
- Tohatchi Chapter Special Review Report no. 20-16 issued Sept 2020
- CAP Follow-Up Reviews:
  - Whitecone Chapter 2nd Follow-up Review Report no. 20-11 issued Sept 2020
  - Teec Nos Pos Chapter 2nd Follow-up Review Report no. 20-12 issued Sept 2020
  - Hardrock Chapter Follow-up Review Report no. 20-14 issued Sept 2020
- Department of Water Resources Follow-up Review Report no. 20-15 issued Sept 2020

**Investigations (Confidential reports):**
- Fraud examination of Facilities Maintenance Dept. Report no. 20-13 issued Sept. 2020
- Accounting and Management Related Non-Audit Services

In addition to conducting audits, we provide non-audit services to the Navajo Nation Council committees, executive management, and chapters. During this quarter, the Office of the Auditor General staff was limited in participating in meetings due to the Covid-19 pandemic. Meetings were conducted with clients (chapters and programs) to resume applicable audits after the Navajo Nation government reopened. The Delegated Auditor General participated in various meetings via teleconference calls to address chapter-related matters, provide status reports on pending audits/corrective actions plans, to share audit-related information, and to answer questions.

**UPCOMING PLANS/INITIATIVES**

- Planned and Ongoing Audits/Investigations of Programs/Chapters

**Audits:**
- Navajo Head Start Performance Audit Report pending completion
- Department of Fish and Wildlife Performance Audit Report pending completion
- Department of Fleet Management Performance Audit Planning phase in progress
- Counselor Chapter Internal Audit Planning phase in progress
- Red Rock Chapter Internal Audit Planning phase in progress
- Torreon/Star Lake Chapter Internal Audit Planning phase in progress
- Tolani Lake Chapter Internal Audit Planning phase in progress

**CAP Follow-Up Reviews:**
- Office of the Controller/ Duplicate Payment CAP follow-up Report pending completion
- Ramah Navajo Chapter 2nd CAP follow-up review/sanction revisit Planning phase in progress
- Sawmill Chapter 4th CAP follow-up review/sanction revisit Fieldwork phase in progress
- Leupp Chapter 3rd CAP follow-up review/sanction revisit Planning phase in progress
- Tohajiilee Chapter CAP follow-up review Planning phase in progress

**Other:**
- FY2020 3rd quarter Chapter Available Funds report Planning phase in progress

**Proposed Corrective Action Plans under Review**

**CHAPTERS: PROGRAMS:**
- Baca Prewitt Chapter
- Department of Family Services
- Round Rock Chapter
- Navajo Transit System
- Red Mesa Chapter Facilities
- Maintenance Department
- Lukachukai Chapter
- Food Distribution Program
- Standing Rock Chapter
- Nahata Dziil Chapter
- Shonto Chapter

**STAFFING AND VACANCIES**

The Office of the Auditor General has a budget for 15 employees. There are two administrative staff members, the Auditor General and twelve...
auditors. As of the 4th quarter, there is only one vacant position which is the Auditor General. Two Associate Auditor positions were filled during this quarter with one new employee starting on October 1, 2020 and the remaining employee scheduled to start as of October 26, 2020 pending approval by the Department of Personnel Management.

CHALLENGES/ADAPTATIONS DUE TO Covid-19 PANDEMIC

Like many other Navajo Nation departments and programs, our office has been impacted by the Covid-19 pandemic. We continue to experience various challenges since the Navajo Nation government re-opened and the need to adapt on how we perform audits/reviews as a result of these challenges.

Challenges:
Inability to meet program performance measures when we cannot conduct audits due to government closure.

All audit clients are within the Executive Branch and staff were placed on administrative leave during the closure so our office was informed no one was available to assist with the audits. Consequently, our office did not meet established performance measures.

Trying to complete audits that were left unfinished when the government closed and working with chapters and programs who have other priorities. Responses to our request for records, inquiries and meetings are taking longer which delays the audits.

Management not available to address audit issues due to other priorities and commitments. For example, we have two follow-up reviews for the Office of the Controller but the Controller has been very busy with other priorities such as administering the CARES Act funding.

Working in a contact-less environment with clients; we are more dependent on emails, teleconference calls, and other digital means of obtaining information for audits but internet connectivity can be problematic for some chapters. Some chapters also do not have equipment such as scanners to provide records in electronic format.

Telecommuting and reintegration plans have added more protocols, procedures for staff to adhere to for everyone’s safety while at the office. The additional procedures have to become a new normal.

Audits are conducted in teams so with staff all working remotely, team members have to share multiple copies of the same files in order to share their audit work; it becomes a tedious process to consolidate the duplicate files once the project is completed.

Some staff experienced laptop issues and our office had to rely on the Legislative Branch IT staff to help address these issues.

Additional procedures had to be established to protect office laptops from computer viruses due to staff using unsecured home Wi-Fi networks.

Hiring and training new employees while staff are telecommuting.

Staff with health issues or
have family members with health issues still have some hesitation to returning to the office full-time.

**Adaptations:**

Adherence to new office protocol required by the CDC guidelines to ensure everyone’s safety with regards to the Covid-19 pandemic has been time-consuming and stressful at times. Staff understands that new procedures add time to their daily tasks but necessary.

Staff were assigned to two teams to work alternating schedules and adapted to work both in the office and at home.

Audit work is being performed remotely so that requires staff to obtain information/records in electronic format; these files have to be scanned to ensure they are free of potential computer viruses and to protect laptops.

Staff communication with the office is mostly done with emails; staff had to learn and implement a time reporting process via emails to report their clock in/out times.

The office had to acquire a conference line with an access code to allow auditors to communicate with each other as team members and with clients.

The office is exploring the option of acquiring a Drop-Box service to allow audit clients to upload their files for audit purposes via a website; this would eliminate the need for clients to email their records over unsecured internet connections.

The staff are using other options such as Facetime or Zoom to communicate with colleagues and clients.

Other ongoing challenges have been: a) the lack of a permanent Auditor General is requiring the Delegated Auditor General to continue to split duties between completing/supervising program audits and overseeing operations of the department, and b) the process to replace dated laptops was slow and lengthy only to be denied by the Office of the Controller due to insufficient funding at the end of the fiscal year; as an alternative solution, we submitted a request for laptops to the Department of Information Technology as part of the CARES Act initiatives for telecommuting Navajo Nation employees.

**MAJOR ISSUES AND RECOMMENDATIONS**

The Budget and Finance Committee Resolution BFJA-05-12 directed all chapters to grant the Office of the Auditor General read-only or view-only access to their financial accounting systems and related bank accounts. The view-only access will facilitate the continuous monitoring and auditing of the chapters’ financial resources. Continuous monitoring and auditing will better enable the Office of the Auditor General to prevent and mitigate fraud, waste and abuse of the Navajo Nation financial resources.

To implement the Budget and Finance Committee resolution, the chapters were directed to submit the back-up of their accounting data on or by the 15th of the month following the end of the quarter. However, several chapters are consistently late in submitting their accounting data. To address the untimely submission, we recommend two options:

All chapters to use the private cloud service for their financial accounting systems. The cloud service will better safeguard the chapters accounting system and facilitate the timely access of the chapters accounting data. However, the cloud service is contingent upon sufficient internet connectivity at the chapter houses but due to poor information technology infrastructure, this would be a long-term solution.

Remote access connection between the Office of the Auditor General and the Navajo Nation chapters via their MIP accounting systems. The connection would require establishing a process for accessing the remote systems, an agreement between the Auditor General and chapters to permit the remote access, sufficient internet connectivity, and availability of the remote systems to be accessed at the scheduled times.

In addition, the preparation
of the quarterly reports of the 110 chapters available fund balances is a tedious and time-consuming process that currently involves three auditors. The numbers of hours spent on compiling these reports makes up one-fourth of the total annual budgeted hours for the assigned auditors; in other words, these hours are not spent directly on conducting audits. We offer the following recommendations to facilitate more efficient reporting:

As of this report, we understand all 110 chapters will eventually be using the MIP accounting system. If so, we recommend that all 110 chapters be required to use a standard chart of accounts for their accounting systems. By standardizing the chart of accounts, our office would be more efficient in compiling the Chapter fund balances for our quarterly reporting. Currently, there are several chapters that use different charts and as a result, we have to manually convert their financial data to make it consistent with the other chapters. This conversion is tedious but necessary in order to provide reliable reports.

In addition, with all 110 Navajo Nation chapters using the MIP accounting system, we recommend that the Division of Community Development invest resources in creating Subject Matter Experts on the MIP accounting software within the Administrative Service Centers in order to provide technical assistance to the chapters. This would alleviate the need for chapters to seek assistance from outside consultants which can become costly.

Lastly, our office is working with the Wells Fargo Bank to address our chapter bank account access credentials; they have not been restored after the cyber-attack on our computer network in November 2019. Wells Fargo Bank manages the bank accounts for a majority of the Navajo Nation Chapters. There is also an issue of bank service fees incurred by our office for our monthly retrieval of bank statements and canceled checks; these fees are being subsidized by some chapters, as Office of the Auditor General discovered. We are working with Wells Fargo Bank to address this issue and may result in reimbursement to the chapters.

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Section One: Accomplishments from 4th Quarter:
The Commission passed Resolution No. CNGD-0701-20: an action to support Navajo Nation Council Legislation 0153-20: an action relating to Budget and Finance, Law and Order, Naabik’íyáti’k’i’yáti’ Committee and Navajo Nation Council; amending 2 N.N.C § 164(a)(17) to include the budget line-item veto authority language approved by Navajo voters through initiative election in 2009

The Commission passed Resolution No. CNGD-0702-20: an action to direct the office of Navajo Government Development to prudently research the Navajo Nation President and Vice-President salary pursuant to 2 N.N.C § 1008 for possible salary increase consideration via a referendum measure and report research findings to the Commission within 30 days

The Commission passed Resolution No. CNGD-0205-20: an action to approve amendments to the Rules of Procedure for the Commission on Navajo Government Development

The Commission passed Resolution No. CNGD-0802-20: an action to recommend to the Navajo Nation Council and the Navajo Board of Election Supervisors to approve and authorize a referendum measure at the Navajo Nation General Election on whether the Navajo Chapter
Government should be subject to reform
The Commission passed Resolution No. CNGD-0902-20: an action to recommend to the 24th Navajo Nation Council and the Navajo Board of Election Supervisors to approve and authorize a referendum ballot measure to the Navajo people to approve a salary adjustment for the Navajo Nation President and Vice-President during the 2020 Navajo Nation General Election.

The Office did not directly interact with the public during the Covid-19 pandemic government closure and there were also no direct services to chapter officials, delegates, and other elected officials.

Section Two: Goals for 1st Quarter in FY2021:
The Commission and Office will continue to work with Honorable Delegate Eugene Tso in his effort to explore Navajo central government reform establishing the Naabik’íyáti’ Committee of One; except for Naabik’íyáti’ Committee authorizes, waiving standing committee authorities in the Navajo Nation Code, including committee authorities at 2 N.N.C. §§ 102, 106, 164, 167, 169, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 222, 285.(b)(6), 300 – 302, 400 – 403, 505-503, 600 – 603
The Commission may have to consider an action to request for a 2021 Special Election to move forward with government reform referendums.

Section Three: Issues/Recommendations:
The Office and Commission are concerned to find four government reform resolutions recommending referendum questions that were submitted to the Office of Legislative Counsel were not introduced as legislation in time for the November 3, 2020 General Election.

The Commissioner and Office is to review and evaluate all aspects of existing government structure of the Navajo Nation including laws, rules and regulations, practices, functions, goals and objectives of the central government; and to develop recommendations and proposals for alternative forms of government, including chapter governments for consideration and possible adoption by the Navajo People through a referendum vote.

The Office of Government Development (ONGD) was established for the purpose
of assisting the Commission on Navajo Government Development by making recommendations for reform that are necessary to ensure an accountable and responsible government and conduct long range comprehensive planning, evaluation, and development of goals to enhance a government that accommodates the Navajo People. It is charged with encouraging the Navajo People's involvement promoting their general welfare, ensuring government accountability, integrity, justice and domestic order. It also charged with developing proposals for alternative forms of chapter government and empowerment.

**History**

**CD–68-89: Title 2 of the Navajo Nation Code**

In 1989, the Navajo Nation Council passed Title 2 amendments creating the Commission on Navajo Government Development and the Office of Navajo Government Development with quasi-independent authority to accomplish the Council's project of instituting reforms necessary to ensure an accountable and responsible government.

**CJY-65-94: Amending Plan of Operation for the Commission on Navajo Government Development in Title 2.**

July 22, 1994, the Navajo Nation Council passed legislation to amend the 1989 Title 2 Amendments pertaining to the Commission on Navajo Government Development. The proposed amendments changed the membership of the Commission by replacing the ONGD Director with a representative from the N.N. Women's Commission.

The 1994 amendments titled “Plan of Operation” also changed the scope of work for the Commission to focus on working with the local chapter governments and local communities as a community empowerment initiative to explore alternative forms of chapter governments.

**CO-37-07: Navajo Government Development Act of 2007**

October 17, 2007, the Navajo Nation Council passed legislation to abolish the Commission on Navajo Government Development and to place the Office of Navajo Government Development under the supervision of the Navajo Nation Council Speakers office. President Joe Shirley Jr., vetoed this legislation.

December 19, 2007, the Navajo Nation Council through a special council session voted on resolution CD-47-07 to override President Shirley's veto of the Navajo Government Development Act of 2007. The override was successful and therefore, the Commission on Navajo Government Development was abolished.

**SC-CV-02-10: Shirley v. Morgan**

July 16, 2010, the Navajo Nation Supreme Court issued an Opinion and Order to invalidate the Navajo Nation Council’s legislation on the Navajo Government Development Act of 2007, which abolished the Commission on Navajo Government Development.

The Court stated the following: “The Commission on Government Development (“Commission”) and the Office of Navajo Government Development (“Office”) are the sole entities established according to the wishes of the People... Therefore, the dissolution of the Commission and changes made to the powers of the Office by enactment of CO-37-07 (Navajo Government Development Act of 2007) on October 17, 2007 cannot stand.

The Court made it clear to the Navajo Nation Council for them to immediately restore the Commission and Office according to the original terms in the Title 2 Amendments of 1989, along with proper funding. The power of government reform and their choice of government are up to the People to decide through the Commission and Office.

At the initial meeting of the three Branch Chiefs during the
FY 2012 Budget development process, Speaker Johnny Naize requested a substantial budget to fully fund the Commission on Navajo Government Development and the Office on Navajo Government Development as stated and in accordance with the Supreme Court Order. President Ben Shelley supported this by not line item vetoing this budget request in an amount of $998,661.

Reconvening of the Commission on Navajo Government Development

On November 9, 2011, the Commission on Navajo Government Development held a historic meeting by reconvening a quorum and calling an official meeting to order. The Commission reaffirmed Ms. Bessie Tsoosie as the Chairperson with Ms. Mae Horseman as the Vice-Chairperson.

Office of Navajo Government Development Staff

The ONGD has attempted to fill the Senior Planner position but there were few applicants and after conducting interviews there was no selection. This position will be reclassified pursuant to Navajo Nation Personnel Policies and Procedures due to a material and permanent change in the duties and responsibilities of the position.

Edward K. Dee
E.J. John
DeWayne Crank

Accomplishments

In addition to the on-going research and daily tasks of the ONGD operation, the following is an outline of the most current accomplishments for the Fourth Quarter of FY 2020:

Program Performance Criteria Goal Statements

Sustainability Initiatives in 12 Domains

Goal: 2  Actual: 2

The CNGD worked with Council Delegate Jamie Henio to develop legislation to incorporate Sustainability principles and guidelines in Navajo Nation government. Proposed legislation is under legal review.

The CNGD passed resolution CNGD-0301-20 to promote Navajo Cultural Sustainability. The resolution specifically requests Navajo spiritual consideration and intervention in the wake of the Covid-19 pandemic.

Technical Assistance and Empowerment

Goal: 5  Actual: 6

7/15/20 – Assisted Chichiltah Chapter to update community GIS data for the District 6 Master land Use Initiative.

7/15/20 – Assisted Baahaali Chapter to update community GIS data for the District 6 Master land Use Initiative.

7/16/20 – Assisted Tse Lichii Chapter to update community GIS data for the District 6 Master land Use Initiative.

7/16/20 – Assisted Manuelito Chapter to update community GIS data for the District 6 Master land Use Initiative.

7/20/20 – Assisted ASU GIS Master’s program with presentation on the District 6 Master Land Use Initiative and Navajo Land status.

8/6/20 – Assisted Manuelito Chapter with printing maps of areas identified for economic development using data from the District 6 Master Land Use Initiative.

Government Reform Initiatives

Goal: 2  Actual: 3

The CNGD is working with Council Delegate Jamie Henio to amend 11 N.N.C. § 404, initiatives by petition of registered voters. The current language requires that petition initiatives require signatures equal to 15% of all registered Navajo voters at the time the petition is filed. The Commission would like to change this requirement to 15% of voters in the last general election to give petition
initiatives a better chance to reach Navajo voters. Proposed legislation is undergoing legal review.

The CNGD submitted a recommendation to the 24th Navajo Nation Council and the Navajo Board of Election Supervisors to approve a referendum question asking the Navajo People if they wish to see major Chapter and local government reform.

The CNGD submitted a recommendation to the 24th Navajo Nation Council and the Navajo Board of Election Supervisors to approve a referendum question asking the Navajo People to approve a salary increase for the Navajo Nation President and Vice-President according to Inflation rates based on the National Consumer Price Index.

**Public Outreach**

Goal: 4  
Actual: 2

There have been no in-person presentations to the public due to the Covid-19 pandemic and branch closure; however, ONGD Commissioners and staff have called in on Agency Council teleconferences.

A total of 7 calls were made to Eastern Navajo Agency, Northern Navajo Agency, and Western Navajo Agency.

**Partnership and Collaboration**

Goal: 1  
Actual: 4

The ONGD is currently collaborating on the following projects:

- Genetics Policy Development Working Group to develop a Navajo Nation genetic research policy.
- Arizona State University and District 6 Chapters to develop a District 6 Regional Land Use Initiative.
- Arizona State University to study the effects of establishing utility scale renewable energy projects on the Navajo Nation.
- Developing Navajo Government reform referendum initiatives along with the Navajo Election Administration and Board of Election Supervisors.

**Other Meetings**

Navajo Nation Council and Committee Meetings
- 7/1/20 – Navajo Nation Council special session in Window Rock, AZ via teleconference.
- 7/8/20 – Resources & Development Committee regular meeting in Window Rock, AZ via teleconference.
- 7/9/20 – Budget & Finance Committee special meeting in Window Rock, AZ via teleconference.
- 7/16/20 – Naabik’íyáti’ík’iyáti’í Committee special meeting in Window Rock, AZ via teleconference.
- 7/18/20 – Naabik’íyáti’ík’iyáti’í Committee special meeting in Window Rock, AZ via teleconference.
- 7/19/20 – Naabik’íyáti’ík’iyáti’í Committee special meeting in Window Rock, AZ via teleconference.
- 7/24/20 – Budget & Finance Committee special meeting in Window Rock, AZ via teleconference.
- 7/28/20 – Navajo Nation Council special session in Window Rock, AZ via teleconference.
- 7/30/20 – Navajo Nation Council special session in Window Rock, AZ via teleconference.
- 8/5/20 – Resources & Development Committee regular meeting in Window Rock, AZ via teleconference.
- 8/13/20 – Naabik’íyáti’ík’iyáti’í Committee regular meeting in Window Rock, AZ via teleconference.
- 8/17/20 – Title II Reform Subcommittee Special Meeting in Window Rock, AZ via teleconference.
- 8/18/20 – Budget & Finance Committee regular meeting in Window Rock, AZ via teleconference.
- 8/24/20 – 8/28/20 – Budget oversight hearings in Window Rock, AZ via teleconference.
Rock, AZ via teleconference.

8/31/20 – Naabik’íyáti’k’iyati’ Committee budget oversight hearing in Window Rock, AZ via teleconference.


9/16/20 – Health, Education and Human Services Committee regular meeting in Window Rock, AZ via teleconference.

9/17/20 – Budget & Finance Committee special meeting in Window Rock, AZ via teleconference.

9/17/20 – Naabik’íyáti’k’iyati’ Committee special meeting in Window Rock, AZ via teleconference.

9/18/20 – Naabik’íyáti’k’iyati’ Committee special meeting in Window Rock, AZ via teleconference.

9/21/20 – Naabik’íyáti’k’iyati’ Committee special meeting in Window Rock, AZ via teleconference.


9/24/20 – Naabik’íyáti’k’iyati’ Committee special meeting in Window Rock, AZ via teleconference.

9/25/20 – Navajo Nation Council budget session in Window Rock, AZ via teleconference.

9/30/20 – Navajo Nation Council special session in Window Rock, AZ via teleconference.

Administrative Meetings/ Work Sessions/Trainings

- 7/6/20 – Legislative Branch manager’s meeting in Window Rock, AZ via teleconference.
- 6/29/20 – ONGD property fencing meeting, AZ via teleconference.
- 9/10/20 – Meeting with Navajo Board of Election Supervisors in Window Rock, AZ via teleconference.
- 9/25/20 – District 6 Master Land Use Initiative Project meeting in Window Rock, AZ via teleconference.

Commission Membership

Agency Representatives
JoAnn Dedman, CENTRAL AGENCY
Anselm Morgan , EASTERN AGENCY
Shawnevan Dale, FT. DEFIANCE AGENCY
Kenneth Maryboy, NORTHERN AGENCY
Emmett Kerley, WESTERN NAVAJO AGENCY

Navajo Nation Government - Branch Representatives
VACANT, EXECUTIVE BRANCH
VACANT, JUDICIAL BRANCH
Larry Rodgers, LEGISLATIVE BRANCH

Other Representatives
(Pursuant to 2 N.N.C. § 972)
Philmer Bluehouse, PRACTORNER OF NATIVE HEALING ARTS
Ramona Begay, WOMEN’S COMMISSION
Lorencita Willie, DINE COLLEGE
Crystal Cree, HEALTH, EDUCATION & HUMAN SERVICES COMMITTEE

The Commission and Office are working with the Navajo Nation Office of the President and Vice-President to seek a new nominee to serve on the Commission as the Executive Branch representative.

The Office of the Chief Justice of the Navajo Nation has nominated Harrison Tsosie as their representative to the Commission through Legislation No. 0231-20 and is sponsored by Delegate Otto Tso (To’ Nanees Dizi.) This legislation is scheduled to be heard in the Naa’bik’íyáti’ Committee on Thursday, October 10, 2020.

FY 2020 Fourth Quarter Budget Information

The following table illustrates the approved FY 2020 budget and the FY 2020 fourth quarter actual expenditures, revised budget, remaining budget available and percentage of budget used:

<table>
<thead>
<tr>
<th>Account</th>
<th>Original Budget</th>
<th>Revised Budget</th>
<th>Actuals</th>
<th>Budget Available</th>
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NAVAJO NATION | LEGISLATIVE BRANCH | 24TH NAVAJO NATION COUNCIL | SPEAKER’S REPORT | FALL SESSION, OCTOBER 20, 2020 | 29
Projected Expended %

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<th>3500 Meeting Expenses</th>
<th>4000 Supplies</th>
<th>5000 Lease and Rental</th>
<th>5500 Communications and Utilities</th>
<th>6000 Repairs and Maintenance</th>
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<td>14,389</td>
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2001 Personnel Expenses: $468,449, 3000 Travel Expenses: $30,901, 3500 Meeting Expenses: $16,000, 4000 Supplies: $14,389, 5000 Lease and Rental: $30,073, 5500 Communications and Utilities: $17,000, 6000 Repairs and Maintenance: $605, 6500 Contractual Services: $6,000, 7000 Special Transaction: $15,375, 9000 Capital Outlay: $17,000, Total Expenses: $625,306

2020 Proposed Government Reform Referendum Measures

The Commission took action to suspend reform initiatives on the formal adoption of three-branch government, and the Navajo Nation Constitution. This decision was made in light of the ongoing Covid-19 pandemic which severely limits the ONGD’s ability to carry-out major reform initiatives. These initiatives will be re-visited when government operations are restored to full capacity.

However, four reform referendum question recommendations have been submitted to the Navajo Nation Council and the Navajo Board of Election Supervisors for their approval. The first is a referendum question asking the Navajo People if they want their Chapters and local government to undergo major reform or remain in their current form. The second question asks the Navajo People to approve a salary increase for the Navajo Nation President and Vice-President. The Commission recommends a new salary of $108,560 per year for the Navajo Nation President and $88,620 for the Navajo Nation Vice-President based on inflation rates from 1989 when the current salaries were determined. The third is a referendum question to increase the Navajo Nation Council from 24 to 48 members. The fourth is a referendum question whether the 2009 Initiative Petition that authorized the Navajo Nation president line item veto should be amended.

Commission Resolutions

Resolution No. CNGD-0701-20: AN ACTION TO SUPPORT NAVAJO NATION COUNCIL LEGISLATION

Resolution No. CNGD-0702-20: AN ACTION TO DIRECT THE OFFICE OF NAVAJO GOVERNMENT DEVELOPMENT TO PRUDENTLY RESEARCH THE NAVAJO NATION PRESIDENT AND VICE-PRESIDENT SALARY PURSUANT TO 2 N.N.C § 1008 FOR POSSIBLE SALARY INCREASE CONSIDERATION VIA A REFERENDUM MEASURE AND REPORT RESEARCH FINDINGS TO THE COMMISSION WITHIN 30 DAYS

Resolution No. CNGD-0801-20: AN ACTION TO RESCIND RESOLUTION NO. CNGD-0203-20: AN ACTION TO RECOMMEND TO THE NAVAJO NATION COUNCIL AND THE NAVAJO BOARD OF ELECTION SUPERVISORS TO APPROVE AND AUTHORIZATE A REFERENDUM MEASURE AT THE NAVAJO NATION PRIMARY ELECTION ON WHETHER THE NAVAJO CHAPTER GOVERNMENT SHOULD BE SUBJECT TO REFORM
Resolution No. CNGD-0802-20: AN ACTION TO RECOMMEND TO THE NAVAJO NATION COUNCIL AND THE NAVAJO BOARD OF ELECTION SUPERVISORS TO APPROVE AND AUTHORIZE A REFERENDUM MEASURE AT THE NAVAJO NATION GENERAL ELECTION ON WHETHER THE NAVAJO CHAPTER GOVERNMENT SHOULD BE SUBJECT TO REFORM

Resolution No. CNGD-0803-20: AN ACTION TO SUSPEND EFFORTS TO ENACT GOVERNMENT REFORM INITIATIVES IN COMMISSION RESOLUTION(S) CNGD-0902-19, CNGD-0102-20, CNGD-0202-20 UNTIL THE NEGATIVE IMPACTS OF THE Covid-19 PANDEMIC SUBSIDE TO ALLOW FOR NORMAL NAVAJO NATION GOVERNMENT OPERATION

Resolution No. CNGD-0205-20: AN ACTION TO APPROVE AMENDMENTS TO THE RULES OF PROCEDURE FOR THE COMMISSION ON NAVAJO GOVERNMENT DEVELOPMENT

Resolution No. CNGD-0902-20: AN ACTION TO RECOMMEND TO THE 24th NAVAJO NATION COUNCIL AND THE NAVAJO BOARD OF ELECTION SUPERVISORS TO APPROVE AND AUTHORIZE A REFERENDUM BALLOT MEASURE TO THE NAVAJO PEOPLE TO APPROVE A SALARY ADJUSTMENT FOR THE NAVAJO NATION PRESIDENT AND VICE-PRESIDENT DURING THE 2020 NAVAJO NATION GENERAL ELECTION

Future Activities

- Continue meeting FY 2020 Form 2 Performance Criteria Goals.
- The ONGD will be working with the Division of Community Development and Administrative Service Center to explore a more hand-on assistance to Navajo chapters while also exploring government reform.
- Pursuant to the Commission 1994 Plan of Operation amendments, provide technical assistance to the 110 local governments on local governance issues, i.e., quorum requirement, AFOG, ordinances, LGA certification, Community land use plan.
- The CNGD will continue to develop recommendations for reform at all levels of government in order to develop a comprehensive system of government for the Navajo People.
- The ONGD will continue to work with our partners as well as form new partnerships to pursue government reform initiatives to benefit the Navajo People.
- The ONGD will continue to provide the support the CNGD and work to fulfill and maintain a full commission membership in order to ensure that the Commission continues to operate at full capacity.

The next regularly scheduled meeting of the Commission on Navajo Government Development will take place on Friday October 16, 2020 at 1:00 PM via teleconference, and; the post-Navajo Nation Council Fall Session next meeting for the Commission on Navajo Government Development is scheduled for Friday, November 20, 2020 at 1:00 PM, via teleconference.

**NAVajo Election Administration**

Rodriquez Morris, Interim Executive Director
rmorris@navajo-nsn.gov
(928) 871-6367

**Section One:**
Accomplishments during 4th Quarter in FY’2020

The Navajo Election Administration (NEA) continued to operate with minimal staffing since April 19, 2020 when Mr. Rodriquez Morris, Legislative Staff Assistant/Interim Executive Director was temporarily assigned to the NEA from the Navajo Nation Office of the Speaker.

- Election Board members conducted five (5) regular telephonic meetings
- There are 113,631 registered Navajo voters within the five (5) Navajo Nation Agencies.
The NEA completed open filing for candidates from July 28, 2020 to August 10, 2020 and for the 2nd time from August 26, 2020 to August 31, 2020.

The NEA collected approximately $171,200.00 in filing fees from candidates for the 2020 Chapter Election.

The NEA computer system upgrade is ongoing and plans to initiate upgrade the Voter Registration Data Base in the 1st Quarter of FY2021 and through the 4th Quarter of FY2021.

Section Two: Goals for 1st Quarter in FY’2021

Will see that 2020 Election proceed on November 3, 2020.

To ensure that the 2020 Chapter Election be completed safely with the deployment of Personal Protective Equipment in response to the COVID19.

Initiate amendments to the Navajo Election Code and Rules & Regulations for the Elections Administration via NBOES work sessions.

The NEA will continue collaborate with the States of New Mexico, Arizona and Utah for the 2020 Election to ensure that polling sites are available for Navajo voters, that Navajo Tribal Members have access to voter registration sites.

Assist the Department of Dine Education (DODE) to amend the Election Code for School Board Background Checks by initiating NBOES work session in the 1st Quarter of FY2021.

Section Three: Issues/Recommendations

Continue work to upgrade all computer system and launch new voter registration data base by the 2nd and 3rd Quarter FY2021.

Fill all open vacant positions by the end of 1st Quarter FY2021.

To complete an after action report on the 2020 Chapter Election for the NBOES and for the Office of the Speaker to improve planning for the next election cycle.

Navajo Election Administration & Navajo Election Administration

Purpose of the Office

The Navajo Election Administration (NEA) provides election-related services to the Navajo People on and off the Navajo Nation. It conducts primary, general elections every two years, for both the Presidential and Chapter Elections. It also conducts special, recall and referendum elections.

The NEA declares vacancies occurring between major elections, conducts special elections or arranges appointments for such vacancies; it further certifies candidates and schedules the administration of oaths of office.

The NEA, with the support, guidance and direction of the Navajo Board of Election Supervisors (NBOES), provides public information about the tribal election process and coordinates voter registration drives.

The NEA coordinates election activities with counties, states and the federal government, particularly in areas having significant Navajo residents.

The NEA provides staff support to the Navajo Board of Election Supervisors in its rule-making functions and the development of policy recommendations regarding elections.

The NEA provides voter education and assistance to other entities as requested, such as schools, boards, commissions and organizations whose goals may include policy changes for voters.

The Election Board members consist of the following members:

- Melvin Harrison, Fort Defiance Agency, Chairperson
- Raymond Maxx, Western Agency, Vice Chairperson
- Shirlee A. Bedonie, Western Agency, Member
- Jackie Burbank, Chinle Agency, Member
- Mae Gilene Begay, Chinle Agency, Member
- Alberto Peshlakai, Fort Defiance Agency, Member
- Watona Kellywood, Shiprock Agency, Member
- Wilbert Foster, Shiprock
Summary of Significant Accomplishments in the Fourth Quarter of Fiscal Year 2020

Navajo Board of Election Supervisors Meetings

The Navajo Board of Election Supervisors has two (2) regular meetings a month. The meetings are held on the second and fourth Thursday of each month. The meetings are normally conducted at the Navajo Nation Quality Inn Business Complex Conference Room 107, however due to the COVID19 pandemic the NBOES has been meeting via teleconference. The Election Board also convened special meetings in this 4th Quarter to address election matters affected by the COVID19 pandemic. All meetings are open to the public and the agendas for the meetings are made available to the general public via mass email and the Legislative Branch Website. The meetings are advertised in the local radio station for the general public.

During this reporting period, the Election Board held the following duly called meetings:
1. NBOES Regular Meeting: July 9, 2020
2. NBOES Regular Meeting: August 13, 2020
3. NBOES Regular Meeting: August 24, 2020
4. NBOES Regular Meeting: September 10, 2020
5. NBOES Regular Meeting: September 23, 2020

Navajo Board of Election Supervisors Resolutions

During this reporting period, the following five (5) resolutions were considered and passed by the Navajo Board of Election Supervisors:

<table>
<thead>
<tr>
<th>Resolution No:</th>
<th>Date:</th>
<th>Resolution Title/Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Navajo Nation Chapter positions that are vacant. The Navajo Election Administration does not receive funding from the Navajo Nation Council for conducting special elections.</td>
</tr>
</tbody>
</table>

Vacant Positions

Following is the list of Navajo Nation Chapter positions that are vacant. The Navajo Election Administration does not receive funding from the Navajo Nation Council for conducting special elections.

CHINLE AGENCY

Many Farms
2-Farm Board Member

Hardrock
1-Rocky Ridge Boarding School Board

EASTERN NAVAJO AGENCY

Alamo
1-Alamo Community School Board
Crownpoint
1-Crownpoint Community School Board
Nahodishgish
1-Secretary/Treasurer

FORT DEFIANCE AGENCY

Fort Defiance Agency Chapters
1-Rough Rock Community School Board

Nahata Dziil
1-Pine Springs Day School Board

Tohatchi
1-Ch’ooshgai Community School Board

Oak Springs
1-District Grazing Committee Member

Crystal
1-Chapter President

NORTHERN AGENCY

Aneth
1-Farm Board

WESTERN NAVAJO AGENCY

To Nanees Dizi Local Government
1-Kinlani Bordertown Dormitory, School Board

County/State Activities

The Navajo Election Administration continues to work with counties and states within the jurisdiction of the Navajo Nation in ensuring participation of Navajo voters. The Election Administration works with 11 counties and 3 states to provide election related services to the Navajo
people. The primary barrier is the COVID19 pandemic which affected communication to ensure that polling sites would be open and reduction in recruitment of poll workers due to fears of the COVID19 virus. The NEA, the Navajo Nation Department of Justice and the Division Community Development have been collaborating with NM, AZ and UT state officials to make contacts with the local governments to open poll sites and to recruit for poll workers. We also have been looking at alternative venues for some communities and alternative methods of voting for the Navajo Nation membership for the 2020 Election.

UT San Juan County

This case with San Juan County is ongoing as in correcting the San Juan County Utah Office to work better with the Navajo People in San Juan County Utah.

AZ Counties

Apache, Navajo, and Coconino County are working with Arizona Navajo Chapters in making all chapters are adequately supplied and prepared for voting with PPEs, barriers and safety measures for the 2020 Election. We have biweekly meetings with the Navajo Nation Department of Justice, the Division of Community Development and State County Election Offices to prepare for the 2020 General Election.

Voter Registration

The Election Administration is continuously training voter registrars and conducting voter registration. Many Navajo voters obtain voter registration for reasons other than for voting purposes. Some register to vote to seek some type of assistance, i.e. scholarships through the chapter or veterans programs. A recommendation is to have employees or officials at the chapter level become certified voter registrars to accommodate the registration requests. Voter registration at the chapter level will provide local members a service closer to home rather than traveling to the Agency or Central government locations for such services.

Navajo Nation Voter Registration Totals Summary as of August 3, 2020

- Chinle Agency: 15,395
- Eastern Agency: 27,645
- Ft. Defiance Agency: 27,469
- Northern Agency: 22,837
- Western Agency: 20,285
- Total: 113,631

Navajo Nation Voter Registration Database (VRDB)

The Voter Registration Data Base software is outdated and running in Window2003 and is thus vulnerable to online viruses and may be easily compromised. To protect the data base directives have been made to move the database offline and to procure a new data base within the 1st and 2nd Quarter of FY2021. The NEA is working with the Automated Election Services, a longstanding partner of the NEA, to preserve the voter data base and possibly archive and move the data base into Window2010. The office computer systems are being upgraded to make this transition possible and to acquire and deploy a new voter registration data base. This project will proceed into FY2021.

Election’s Equipment upgrade
Navajo Election Administration needs to upgrade its computers and office equipment. The administration will launch new computer workstation to achieve optimum operation levels. The NEA will seek out funding from the COVID19 emergency funding to achieve this goal.

**Budget**

The budget for FY21 has not been approved and the NEA and NBOES continues to operate on a continuing resolution for the 1st Quarter of FY202. Budget projection for allocation were made from prior allocations which were not adequate and realistic to cover the administration operation, elections and for equipment upgrades.

**Concerns and Recommendations**

**Navajo Nation Voter Registration Database (VRDB)**

Needs to be updated to accommodate the needs for election services for the Navajo Nation. Will seek additional fund via the COVID19 emergency fund to accomplish this goal. May also look for state and federal grants for FY2021.

**NEA and NBOES Funding**

The Navajo Election Administration is not funded adequately.

The Navajo Election Administration annual allocations need to be addressed to allow for funding to cover all operational expense to include equipment and data base maintenance and upgrades annually for maintain optimum operation levels from year to year and election cycle to election cycle.

The primary and general elections, referendums, are special elections are not are part of annual allocations for NEA and thus requires for supplement budget requests to the Navajo Nation Council at each special election or regular election cycle.

The total underfunding for the NEA from FY2014 to FY2019 was $1,522,301.90 which caused the NEA to have limited budgets that only covered operations expenses and election expenses. There was inadequate funding to maintain office equipment and the voter registration data base. The upgrades will ensure that the Navajo Nation is able to continue its services for the Navajo Nation Tribal Members and will also ensure that the Navajo Nation will be enable secure and voting platforms similar to State and National election processes.

**Voting Equipment**

The Navajo Election Administration purchased the Optech IIIP optical scan voting equipment in 1987. Then in 1994, the Election Administration has upgraded the voting equipment to the second generation voting machines by purchasing Optech IIIP Eagle. The Optech IIIP Eagles are now over 25 years old and the Election Administration looking to enter into a new agreement to sell the current voting machines in use and enter into a rental agreement to rent voting machines as renting machines would be cost effective for the Navajo Nation as opposed to owning machines. The cost to own, maintain and repair voting machines is costly and thus also does not provide the Navajo Nation with the latest in voting platforms available to the states. The current machines have obsolete parts and software which have been discontinued and is becoming more expensive to replace and/or service. All options for renting/lease agreements will be considered and thus a should be completed by FY2021 3rd Quarter.

The Interim Executive Director has been assigned to the NEA since April 19, 2020 and is tasked with ensuring that the 2020 Election occurs in accordance with Navajo Nation law and that consideration are made to ensure that the all safety measures, policies and procedures are adhered to for NEA staff, volunteers and the general public safety during
the COVID19 pandemic. Operations assessments have been completed and recommendations and plans have been implemented as of June 30, 2020 and will continue for this election cycle. The Interim Executive Director will continue to work the NEA staff, the NBOES, the Office of the Speaker and all Navajo Nation Departments on behalf of the Navajo Nation.

**Office Contact Information**
- Navajo Election Administration
- Navajo Nation Quality Inn Business Complex Suite 212
- PO Box 3449
- Window Rock, AZ 86515
- Telephone Number: 928/871-6367
- Facsimile Number: 928/871-7344
- Email Address: navajoelections@navajo-nsn.gov
- Website Address: www.navajoelections.navajo-nsn.gov

**FORT DEFIANCE AGENCY ELECTION OFFICE**
Navajo Nation Quality Inn Business Complex Suite 202
Window Rock, Arizona 86515
Tele: 928/871-6881
Fax: 928-871-7344
Toll Free: 1-866-800-4988

**EASTERN AGENCY ELECTION OFFICE**
Old Crownpoint Public Safety Building
Building Number 2652

**PO Box 1925, Crownpoint, New Mexico 87313**
- Tele: 505/786-2263
- Fax: 505/786-2364
- Toll Free: 1-888-508-6870

**CHINLE AGENCY ELECTION OFFICE**
Double Wide Mobile Office Southwest of the Chinle Chapter House
PO Box 649, Chinle, Arizona 86505
- Tele: 928/674-2551
- Fax: 928/674-2552
- Toll Free: 1-866-387-9352

**NORTHERN AGENCY ELECTION OFFICE**
Navajo Nation Office Building #80
South of East 7-2-11 Store
PO Box 4050, Shiprock, New Mexico 87420
- Tele: 505/368-1332
- Fax: 505/368-1510
- Toll Free: 1-866-659-5842

**WESTERN AGENCY ELECTION OFFICE**
Navajo Nation Building TD 15-074
Southeast of the Tuba City Community Center
4 Trailers East of the Industrial Laundry
PO Box 1596, Tuba City, Arizona 86504
- Tele: 928/283-3220
- Fax: 928/283-3219
- Toll Free: 1-888-508-4970

**NAVAJO NATION ETHICS AND RULES OFFICE**
Kandis Martine, Executive Director
kandismartine@navajo-nsn.gov
P: (928) 871-6369
www.nnethicsrules.navajo-nsn.gov

LOCJA-02-13. Monitor and enforce compliance with the Navajo Nation Ethics in Government Law and other applicable Laws of the Navajo Nation.

**Accomplishments – 4th Quarter**

The vacant Ethics Investigator position was filled and an individual started working in September. The Presenting Officer position is still vacant but being advertised as open until filled. Director and investigators have been assisting with orientating the new investigator.

The Ethics Investigators were reassessed to determine qualifications based on reclassification of position last quarter. All were deemed qualified and are now at a higher pay grade.

This quarter implemented Phase I of ERO’s Reintegration Plan, which has included staff returning to the office on a part time basis, as well as, having the office open to the public on certain days.

A lot of the quarter was devoted to reviewing
adjudicated ERO cases, staffing with Investigators and deciding which cases to initiate order to show causes or other steps to enforce the judgement.

ERO staff completed a number of ethics clearances.

**Goals for 1st Quarter, FY2021**

Continue to take Ethics Intakes on elected and appointed officials and employees of the Navajo Nation and complete Ethics Clearances for candidacies, business loans, veteran’s loans and the Navajo Nation Office of Background Investigations.

Continue to review adjudicated ethics complaints to file Orders to Show Cause with OHA and eligible cases for garnishment pursuant to 2 N.N.C. § 3800 et seq. in the Window Rock District Court.

Continue working on clearing out old files because they are taking up so much space in the office.

Continue Ethics in Government Law/Standards of Conduct training for Chapters, School Boards, and other NN Departments, when able.

**Issues/Recommendations**

Currently having issues with being able to make contact with individuals concerning investigations and for restitution payments due to the pandemic. Fieldwork is still hampered by the pandemic but investigators are beginning to venture out in the field more, which right now is limited to within the reservation boundaries. Will continue to use available resources.

Not sure if it’s because of the pandemic but very few requests for ethics presentations at this time. We have offered to provide the presentation remotely and will continue to make that offer.

**CONTACT INFORMATION**

Navajo Nation Ethics and Rules Office, Dept. #85
P.O. Box 5490
SW Morgan Blvd (Building #2526)
Window Rock, Arizona 86515
Phone (928) 871-6369
Fax (928) 871-7168

**OFFICE STAFF**

- Kandis Martine, Executive Director
- VACANT, Ethics Presenting Officer
- Lewnell Harrison, Ethics Investigator
- Mona Waquiu, Ethics Investigator
- Geneva Benally, Ethics Investigator
- Dempsey Harvey, Ethics Investigator
- Henrietta Wauneka, Senior Office Specialist
- Amber Sandoval, Office Aide

**PURPOSE**

The Navajo Nation Ethics and Rules Office was established to enforce the Ethics in Government Law, 2 N.N.C. §§ 3741-3793, and to educate and inform the public officials and employees of the Navajo Nation to comply with the highest standards of ethical conduct to sustain the authority vested in them as a matter of public trust and policy. The office was created under the Ethics in Government Law and was expanded to incorporate the Standards of Conduct for Navajo Elected Officials, ERC-08-001. Further, in 2005, the Council passed the Garnishment Act and the Navajo Nation Supreme Court followed in June 2013 to adopt the Garnishment Rules to implement the 2005 Garnishment Law in the Navajo Nation District Courts. This allows for the Navajo Nation to implement the process as a remedy for the collection of judgments issued by the Office of Hearing and Appeals and the former judgments issued by the Ethics and Rules Committee. These laws were enacted to protect the Navajo Nation people from wrongful governmental decisions, including conduct and action resulting from undue influence or conflicts of interest. The Ethics in Government Law defines the standards of ethical conduct for Navajo elected officials, appointees and employees by authorizing the enforcement of the Government in Ethics Law and the Standards of Conduct as enacted by the Navajo Nation Council.

**SIGNIFICANT ACTIVITIES**
AND ACCOMPLISHMENTS

The vacant Ethics Investigator position was filled and an individual started working in September. The Presenting Officer position is still vacant but being advertised as open until filled.

The Director and investigators have been assisting the new investigator with how the office functions and with investigating ethics intakes.

The Ethics Investigators were reassessed to determine qualifications based on reclassification of position last quarter. All were deemed qualified and are now at a higher pay grade.

This quarter implemented Phase I of ERO’s Reintegration Plan, which has included staff returning to the office on a part time basis, as well as, having the office open to the public on certain days.

A lot of the quarter was devoted to reviewing adjudicated ERO cases, staffing with Investigators and deciding which cases to initiate order to show causes or other steps to enforce the judgment. ERO staff completed a number of ethics clearances.

Meetings/Investigative Field Work/Investigations

Field work was limited this quarter due to Covid-19 and staff have been working remotely. The investigators have been doing their best contacting individuals either by phone or email but have been slowly returning to the field, which is limited to the reservation boundaries. Some of the activity:

Investigator – Geneva Benally:

Jul. 6, 2020, reviewed case files at home. Attempted to contact respondents/complainants and parties involved in cases; no response was received. Worked on 3rd Quarterly report.

Jul. 7, 2020, reviewed case ERO-09-20 at home.

Jul. 20, 2020, attempted to contact complaining party regarding ERO-09-20. Left voice message for CP to contact ERO.

Jul. 24, 2020, contacted and spoke to complaining party regarding ERO-09-20.

Aug. 10, 2020, attended ERO staff meeting. Phase I return to office on limited basis.


Aug. 20, 2020, attended case staffing with Director Martine at ERO conference room.

Aug. 30, 2020, conducted a telephonic interview with complaining party regarding ERO-09-20.


Sept. 21, 2020, traveled to Indian Wells, AZ along with Investigator Harvey regarding ERO-74-2019, contact was made with respondent.

Sept. 22, 2020, traveled to Shiprock along with Investigators Harrison and Harvey regarding ERO-03-2020.


Sept. 25, 2020, attended Privacy Act mandatory training at ERO Office.

Investigator – Mona Waqiu:

Aug. 10, 2020, ERO Staff Meeting. Phase I return to office on limited basis.


Aug. 20, 2020, ERO Case Staffing.

Aug. 20, 2020, attended case staffing with Director Martine at ERO conference room.

Aug. 20, 2020, attended case staffing with Director Martine at ERO conference room.

Aug. 20, 2020, attended case staffing with Director Martine at ERO conference room.

Aug. 20, 2020, attended case staffing with Director Martine at ERO conference room.

Aug. 30, 2020, conducted a telephonic interview with complaining party regarding ERO-09-20.

Sept. 04, 2020, completed 1 in person investigative interview at ERO Conference Room regarding ERO-10-2020.


Investigator – Lewnell Harrison:

Jul. 22, 2020, Ethics Presentation for Telecommunication Regulatory
Commission via WebEx.  
Aug. 10, 2020, First day back at Ethics and Rules Office.  
Aug. 20, 2020, Case staffing.  
Aug. 21, 2020, Interview with E. Grey regarding OHA-ERO-17-18 via telephone.  
Sept. 14, 2020, New Investigator, Dempsey Harvey first day with ERO.  
Sept. 29, 2020, Meeting with the Department of Agriculture regarding ERO-030-2020.

**Investigator – Dempsey Harvey:**

Sept. 17, 2020 – Received two folders to review from Investigator Benally, examples.  
Sept. 18, 2020 – Received binder to review from Investigator Waquiu. Review information on a Respondent. Received ERO-074-2019 to review.  
Sept. 25, 2020 – Attend Privacy Act Training.  

**Ethics Clearances**

**July 2020:** 124  
**August 2020:** 305  
**September 2020:** 147  
**Total:** 576 clearances

**Ethics Intakes & Case Management**

**New Intakes:** 19  
**Cases closed:** 14

**Restitution collected**

**July 2020:** $625  
**August 2020:** $1,635  
**September 2020:** $550  
**Total:** $2,810

**Office Consults:** 3 consults  
**Telephonic Consults:** 11 consults

**Investigations**

**Interview/Consults**

Lewnell Harrison: 2  
Mona Waquiu: 1  
Geneva Benally: -  
Dempsey Harvey: -

**Cases assigned**

Lewnell Harrison: 2  
Mona Waquiu: 4  
Geneva Benally: 1  
Dempsey Harvey: 2

**ERO PRESENTATIONS**

One Presentation for Telecommunication Regulatory Commission via WebEx.

**PLANS FOR FY2021 1st QUARTER**

- Hire for vacant Presenting Officer position.  
- Continue working towards establishing a more efficient office procedure regarding case management, including appropriate retention timelines.  
- Recommence working and
collaborating with the Division of Community Development, Administrative Services Centers, Navajo Nation Department of Justice, Navajo Elections Administration, and Office of Government Development in providing consultations for local governments (110 chapters).

When able, recommence the Ethics in Government Law/Standards of Conduct training for Chapters, School Boards, and other NN Departments, including monthly training for newly hired employees with the NN Staff Development and Training Center.

Work cooperatively with other NN departments, the Public Integrity Task Force, FBI, Office of Inspector General and Internal Revenue Service on various task forces and workgroups that concern the public trust to more effectively hold individuals accountable for violations of the Ethics in Government Law.

Continue to take Ethics intakes on elected and appointed officials and employees of the Navajo Nation and complete Ethics Clearances for candidacies, business loans, veteran’s loans and the Navajo Nation Office of Background Investigations.

File Order to Show Causes with OHA and eligible cases for garnishment pursuant to 2 N.N.C. § 3800 et seq. in the Window Rock District Court.

Covid-19

The biggest impact Covid-19 has had on ERO is the inability of the investigators to do fieldwork. Since investigators were not able to physically meet with people a lot of the fieldwork changed to interacting with people over the phone and/or email. However, for investigative work interacting remotely is not ideal because observing a person’s facial expressions or physical behavior is part of the interview. In addition, if a person doesn’t want to talk, they can just ignore the call or hang up. With the offices reopening, the investigators are beginning to conduct more fieldwork but it is limited to only the reservation right now.

The office has also adapted to being open to the public only on certain days and by appointment. This has helped with being able to accept Intakes in person but ERO also created a general email account, which is available to accept Intakes by email.

ERO has also been impacted by the number of ethics presentations we have been able to provide. We have received limited requests for presentations, although we have made it clear we are still able to provide presentations remotely. This has impacted our performance criteria for the last two quarters.

ERO filings were limited due to OHA being closed. With Executive Branch reopening more focus will be made on filing ethics complaints and orders to show cause with OHA.

EASTERN NAVAJO LAND COMMISSION

CF-2-80, CAP-11-08. The Navajo Nation Council established and amended the plan of operation for the Eastern Navajo Land Commission (ENLC) to: advocate Land consolidation; develop, effectuate, and secure territorial jurisdiction through appropriate legislations; advocate for individual rights on BLM/State lands; Plan for or mitigate the impact of energy development; coordinate land-related matters with inter- and intra-governmental entities; identify and coordinate lands for acquisition; provide recommendation/guidance regarding expenditures of the Navajo Nation Land Acquisition Trust Fund; provide land information to Eastern Navajo Agency entities; plan legislation for Navajo/Federal/State land related initiatives; take steps towards reservation boundary legislation.

OFFICE OF EASTERN NAVAJO LAND
COMMISSION

IGRAP-64-04, NABIO-58-13. Office of Eastern Navajo Land Commission was set up to assist the Commission and which Plan of Operation was amended to work on resolving land issues; mitigating energy development impacts; coordinating with other government and private interests; and informing Eastern Navajo Agency communities regarding land matters; researching and studying Commission initiatives; support the operation of the Commission.

II. Summary of Accomplishments during the reported Quarter

1. Commission Meetings:

During the subject quarter, the Commission convened three regular meetings and two special meetings, specifically on the following dates:

- August 07, 2020 – Regular Meeting
- August 21, 2020 – Special Meeting
- August 28, 2020 – Regular Meeting
- September 18, 2020 – Regular Meeting
- September 23, 2020 – Special Meeting

All these meetings were held by telecommunication due to the continuing presence of the Coronavirus. The initial work-from-home order took effect March 19th. During this pandemic-cautionary period certain work activities were suspended, with minimal work devoted to key projects as reported below. The Commission commenced meetings upon approval of the Navajo Nation Council allowing boards and commissions to meet telephonically.

2. Staffing and Consultation:

In the 164 Review process are contract extensions for both the Frye Law Firm in Albuquerque, NM and the POWERS group in Washington, DC.

Staffing: Ms. Bernadine Blackie was finally hired into the Statistics Technician position at the end of August. Given the pandemic, the Navajo Nation government exercised at great deal of discretion in closing down governmental operations except those essential services. Despite that the ENLC may not be considered an essential operation, the Commission continued and insisted on make some progress despite the shutdown. With the demand load, it was necessary to pursue the hiring for this position.

3. Project Activities:

NELI Project: Any further work on this project by the Commission awaits new leadership in Washington, especially with the New Mexico congressional delegation. The Executive Director provided a teleconference report on Saturday, September 5th to the NIIP Sub-Committee regarding the separation of the NELI project from NIIP. Since 2012, the NELI-NIIP was being proposed as a joint project. Under the 24th NNC, the project was separated based on the notion that as a joint project, the NELI side remain dormant, and also based on information provided by the Navajo Nation Washington Office that U. S. House Representative Ben Lujan prefer the NIIP Project not be made part of the NELI proposal since resolving NIIP had many complicated issues. In addition to the report, the NIIP Subcommittee discussed NIIP further rather than the new steps for NELI.

ORGANIZATION & COMMISSION PURPOSES - FY 2020

Commissioners
- Edmund Yazzie, Chairperson
- Mark Freeland, Vice-Chairperson
- Seth Damon, Member
- Jamie Henio, Member
- Daniel Tso, Member
- Danny Simpson, Member

EASTERN NAVAJO LAND COMMISSION
PO Box 1950
Crownpoint, New Mexico 87313

Tel: (505) 786-2430
Fax: (505) 786-2434
Office Location
Rooms 149-152 East Wing
Empowerment Center
Navajo Technical University
Crownpoint, NM

Purposes of the Eastern Navajo Land Commission
The purposes (simplified, otherwise see 2 NNC § 861 et seq.) of the Commission include:
Advocating and initiating land acquisition towards the Eastern Navajo land consolidation plan;
Providing technical support to Navajo Nation in securing administrative and regulatory jurisdiction;
Advocating rights of individual occupants on BLM and State lands;
Assisting in implementing NNC-enacted land acquisition and consolidation activities in Eastern Navajo:
Coordinating planning/mitigating impact of energy development in Eastern Navajo;
Coordinating Navajo Nation land-related work with Federal, State, local authorities;
Identifying certain lands, i.e., private, beneficial to Navajo Nation and engaging talks for acquisition;
Providing recommendations to the Navajo Nation Council concerning expenditures of the Navajo Land Acquisition Fund in respect to Eastern Navajo;
Planning and initiating legislative strategies beneficial to the Navajo Nation regarding Federal and New Mexico legislations working cooperatively with appropriate Navajo Nation Council standing committees;
Taking steps in securing reservation boundary legislation inclusive of checkerboard area for recognition as Navajo Indian Reservation; and
Obtaining formal protection of Navajo cultural, religious or historic sites near the Eastern Navajo Agency.

THE FOURTH QUARTERLY REPORT - FY 2020

Summary of Accomplishments during the reported Quarter
During the subject quarter, the Commission convened three regular meetings and two special meetings, specifically on the following dates:
1. August 07, 2020 - Regular Meeting
2. August 21, 2020 - Special Meeting
3. August 28, 2020 - Regular Meeting
4. September 18, 2020 - Regular Meeting
5. September 23, 2020 - Special Meeting

All these meetings were held by telecommunication due to the continuing presence of the Coronavirus. The initial work-from-home order took effect March 191. During this pandemic-cautionary period certain work activities were suspended, with minimal work devoted to key projects as reported below. The Commission commenced meetings upon approval of the Navajo Nation Council allowing boards and commissions to meet telephonically.

Staffing and Consultation:
In the 164 Review process are contract extensions for both the Frye Law Firm in Albuquerque, NM and the POWERS group in Washington, DC.

Staffing: Ms. Bernadine Blackie was finally hired into the Statistics Technician position at the end of August. Given the pandemic, the Navajo Nation government exercised at great deal of discretion in closing down governmental operations except those essential services. Despite that the ENLC may not be considered an essential operation, the Commission continued and insisted on make some progress despite the shutdown. With the demand load, it was necessary to pursue the hiring for this position.

Project Activities:
NELI Project: Any further work on this project by the Commission awaits new leadership in Washington, especially with the New Mexico congressional delegation. The Executive Director provided a teleconference report on Saturday, September 5th to the Naabik’íyáti’ NIIP Subcommittee regarding the
separation of the NELI project from NIIP. Since 2012, the NELI-NIIP was being proposed as a joint project. Under the 24th NNC, the project was separated based on the notion that as a joint project, the NELI side remain dormant, and also based on information provided by the Navajo Nation Washington Office that U. S. House Representative Ben Lujan prefer the NIIP Project not be made part of the NEU proposal since resolving NIIP had many complicated issues. In addition to the report, the NIIP Subcommittee discussed NIIP further rather than the new steps for NELI.

Old Fort Wingate: With a fuller staff, the office will pursue a plan to establish a Shashbito Redevelopment Taskforce that will be responsible for creating a master plan for the old Fort Wingate School compound and an area of nearly 500 acres. The new Stat Technician will research documents, drafting a plan of operation, draft a Commission resolution, and follow up on related Navajo Nation legislation. The Taskforce should take two years to accomplish its objectives in creating the Master Plan. As a budget will be needed, the project will not be started until funded, hopefully sometimes in 2021.

Navajo Land Buy-Back (LBBP) Program-II: The Federal LBBP for Indian Nations has completed the sales data for the 2019 Navajo Nation Round II. The database will be transferred to ENLC through the ENA BIA. The new data will be used to produce a follow-up “Results” report, or 2nd Edition of the original 2016 report. Chapter CLUPCs, various Chapters, and the Eastern Navajo Joint Land have expressed interests in the updated information.

Statistical Research and GIS Mapping:

ArcGIS Map Request
- Mapping Projects this Quarter:
  - The GIS Tech did not produce any maps this quarter.
  - The GIS Technician, due to the Covid-19 Pandemic, has been limited in the capacity of duties to be performed for the Eastern Navajo Land Commission.
  - For the month of July and August, the GIS Technician was not able to access the work computer, as sensitive materials are stored on the respective work computer, it was not feasible for the GIS Technician to access any content pertaining to mapping, or other sensitive documents from home.
  - For the month of September, the work schedule resumed on a 50% basis, the GIS Technician has since been working on data pertaining to the Navajo Land Buy Back Program for the preparation of the sales results report for information distribution purposes. During the last month, the GIS Technician has been re-contacting outside entities and informing them that ENLC has resumed the office tasks and projects. The GIS Technician will continue to catch up on projects that have been idle since the start of the pandemic, and will continue to address Commission needs, as well as working with community members in the future to address their needs pertaining to information and mapping needs. The detail maps associated with the planned informational booklet for the NELI Project will also be resumed.

Land Statistical Technician work:

The Land Statistical Technician was newly hired on August 24th. Her initial work was to compile all related materials for reading and understanding of the “Shashbito Redevelopment Project”, which is to plan and set up a Taskforce to prepare a master plan for the old, abandoned Fort Wingate school compound. The site is considered historic so the study will identify those buildings that are proposed to be saved from demolition and project plans for future uses. Several of the old buildings will be designated as historic properties and restored to the appropriate times of history and to provide public education on the history of Fort Wingate and nearby area. In addition to the BIA’s plan for demolition of non-
selected buildings for historic purpose or future use, all saved buildings would be gutted for decontamination and removal of asbestos. The three area chapters of Church Rock, Bahaal, and Antelope have expressed interest in the project. The chapters’ participation will promote renovation of certain building for social and human services programs. The non-profit organization “The Old Fort Wingate Taskforce” proposes to turn a the set-aside land and old compound into a Nation Historic Park or Monument. This taskforce has received support from the ENLC, the Resources and Development Committee, and the Naabik’íyáti’ Committee. Certain area entities, including the City of Gallup, have indorsed the historic preservation efforts as well.

Other Meetings:

Administrative Meetings

The Executive Director attended but not all the scheduled monthly Program Directors’. Other meetings attended by the Executive Director: The Joint Eastern Navajo Land Board held its meeting (September 11th) at the Crownpoint Chapter House where members were updated on ENLC projects, much the same but condensed as reported in this quarterly report. The Director held a meeting with ENA RBDO staff to provide an over of the Fort Wingate Army Depot land division. Commission activities, and current depot land statuses. There is interest in using potential locations on the property for an oil transfer and delivery operation making use of a rail road spur. Determinants would include rail access potential, integrity of rail itself and when it is rehabilitated, and fundamentally first when the land is transferred to the Navajo Nation. Nine (9) parcels have been transferred from the US Department of Defense to the Department of the Interior, but no communication has been made on the transfer of respective parcels to the Navajo Nation or the Zuni Pueblo.

As a new appointee to the Commission on Navajo Government Development, the Executive Director has attended about 10 regular and special meetings since January.

Planned Activities in the Next Quarter

Meetings/Events:

Regular Commission Mtg (Telecomm) NN Council Winter Session (Telecomm) Regular Commission Mtg (WR) Regular Commission Mtg (WR)

Accomplishments from 4th quarter of FY 2020:

Efficient use of allocated funds, NNLC held (06) evidentiary hearings.

NNLC and program timely processed three (03) appealed NNLC cases to Navajo Nation Supreme Court.

NNLC program timely processed twelve (16) formally filed complaint.

NNLC timely adjudicated (06) NPEA cases.

NNLC and program timely closed and issued (24) continuance orders due to closure.
NNLC & program timely issued and mailed five hundred (200) subpoenas and notice of hearings & NNLC Rules by certified mail, first class, facsimile and email to counsels of record or parties

NNLC will continue to adjudicate seventy (103) pending NPEA cases

NNLC program made three (03) audio copies at parties’ request Section Two: Goals for 1st Quarter of FY 2021:

NN Presidential and HEHS appointment of NNLC membership per CJY- 42-16. Continue to refer candidate(s) to appointing authority.

Efficient use of allocated funds and timely processed appealed NNLC case(s)

NNLC & program will timely adjudicate NPEA cases

NNLC & program will timely process formally filed NPEA complaint(s) and/or petition(s)

NNLC & program will timely issue and close out NPEA cases

NNLC & program will continue review and amend NNLC Ruled of Procedure

NNLC & program will continue to preserve substantial rights of all employees and employers in accordance to Navajo Law

NNLC lacks one (1) NNC Health, Education and Human Services Committee duly appointment and Navajo Nation Presidential appointment. Vacancy been advertised.

NNLC will continue to expedite office renovation & funding

Lack of sanitation supplies re: Covid-19 issues

Partial Closure of NN due Covid-19

Unable to continue employment of temp workers

Section Two: Committee /Commission /board actions for the quarter of FY2020:

Seven (7) NNLC Deliberative Session by teleconference to address pending motions of pending NNLC cases of NPEA.

Section Three: Meeting dates and times:

1. August 10, 2020 at 9am
2. August 17, 2020 at 9am
3. August 25, 2020 at 9am
4. September 02, 2020 at 9am
5. September 10, 2020 at 9am
6. September 22, 2020 at 9am
7. September 29, 2020 at 9am

Section Four: Total number of program/administrative staff and vacancies:

None

Section Five: Summary of clientele Served:

Forty three (43)

Section Six: Resources produced and/or published within target quarter (maps, forms, FAQ, presentations, report, etc.)

Contact with counsels & parties by telephone and email

Summary of effects of Coronavirus Pandemic:

Closure of office; compliance of health guidelines, purchase of need supplies, sanitation supplies, sanitation of incoming documents by mail & person, renovation of office space and hearing room. Lack of hearings pursuant to NPEA, filing of formal complaints.

Difficulty in meeting health guidelines with limited financial resources and system.

NAVAJO UTAH COMMISSION OFFICE

Clarence Rockwell, Executive Director
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IGRJN-134-92, as amended by the Naabik’íyáti’kíyáti’ Committee. The purpose of the Navajo Utah Commission is to provide policy and administrative guidance to the development, implementation and operation of the Navajo Utah Office of the Navajo Nation. To develop and maintain efficient governmental services to the Navajo people residing on the Utah portion of the Navajo Nation and/or the establishment of B.I.A. Agency;
to facilitate the establishment of B.I.A., I.H.S. and other federal offices in the Utah portion of the Navajo Nation. Pursuant to NABJAP-21-15, Navajo Utah Commission to provide efficient governmental services for 7 chapters in Utah region of Navajo Nation.

Section One: Accomplishments from 4th Quarter

Navajo Utah Commission continues to work with the NN Human Rights Commission and San Juan County, Utah in making preparations for the 2020 General election, including polling places, election satellite offices, election personnel training, acquisition of PPE’s, and increase of satellite offices at four more chapter locations.

The Navajo Utah Commission collaborated with the NN Human Rights Commission, Rural Utah Project, NN Census Office, NTUA, and Utah chapter to plan, organize, and conduct 2020 Census Fairs to assist Navajo citizens process 2020 Census self-respond questionnaires to address the Navajo Nation’s low self-response rate.

The Navajo Utah Commission prepared funding application seeking $144,900 from the FY20 non-chapter Utah Navajo Revitalization Fund (NRF) for the Naatsis’Aan Chapter Emergency Operations Center Project.

The Navajo Utah Commission prepared a funding application seeking $90,000 from the FY20 non-chapter Utah Navajo Revitalization Fund (NRF) to capitalize preliminary planning for the Montezuma Creek Post Office Replacement Project.

Section Two: Goals for 4th Quarter in FY2020

1. Submit funding applications & provide funding presentation at the October 20th Utah Navajo Revitalization Fund (NRF) capital projects funding allocation meeting in support of the Naatsis’Aan emergency Operation Center Project and the Montezuma Creek Post Office Project.

2. Complete procurement activities and initiate construction of two Utah Olene Walker Housing Loan Fund Housing Projects at two Utah chapters.

3. Work with the Navajo Nation Department of Justice (DOJ) on seeking renegotiation and improvement of the off-reservation hunting & fishing Cooperative Agreement with the state of Utah.


Section Three: Issues/Recommendations

The Navajo Utah Commission is recommending the renewal of contract for the Utah legislative lobbyist, strengthen consultation with Utah chapters, implement early start of lobbying activities, and relationship building Utah’s new governor.

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Purpose of Office:
The Intergovernmental Relations committee (IGR) of the Navajo Utah Commission in 1992 pursuant to Resolution no. IGRJN-134-92. The Navajo Utah Commission’s plan of operation was amended by the Navajo Nation Naabik’íyáti’k’íiyati’ Committee on April 16, 2015, including recognition of the Naabik’íyáti’k’íiyati’ Committee as oversight of the Navajo Utah Commission. The purpose of the Navajo Utah Commission is to provide policy and administrative guidance to the development, implementation and operation of the Navajo Utah Office of the Navajo Nation. To develop and maintain efficient governmental services to the Navajo people residing on the Utah portion of the Navajo Nation and/or the
establishment of B.I.A. Agency; to facilitate the establishment of B.I.A., I.H.S. and other federal offices in the Utah portion of the Navajo Nation.

Summary of Significant Accomplishments in the Fourth Quarter of Fiscal Year 2020: Accomplishments and activities for the Navajo Utah Commission during the period of July 01, 2020 through September 30, 2020 are enumerated below. The Navajo Nation’s Public Health Emergency Declaration and ensuing executive orders impacted work productivity and performance measures considerably during the 4th quarter.

The Navajo Utah Commission (NUC) consist of 8 members, including 3 Council delegates and 5 chapter presidents with service coinciding with term in office. NUC conducts 12 regular meetings on the 2nd Tuesdays of each month, serves 7 chapters, and is supported by an administrative unit of three.

The Navajo Utah Commission conducted three telecommunications meetings during the 4th Quarter, including July 14th, August 11th, and August 25th (special meeting). The regular September meeting was canceled due to conflicting schedules at the end of the fiscal year. The Navajo Utah Commission enacted 06 resolutions during the 4th Quarter.

The Navajo Utah Commission staff participated in the quarterly Utah Tribal Leaders (UTL) teleconference meeting hosted by the Utah Division of Indian Affairs (UDIA) on August 6th to discuss tribal issues and concerns with state agencies and representatives from the Governor’s Office.

The Navajo Utah Commission conducted a special meeting with the Navajo Nation Office of the Census and the Navajo Nation Human Rights Commission to address the Navajo Nation’s low self-response rate regarding the 2020 Census and potential negative impact for Navajo citizens in San Juan County, Utah, relative to legislative redistricting.

The Navajo Utah Commission, NN Human Rights Commission, Rural Utah Project, NN Census Office, and NTUA conducted a series of teleconference strategy sessions to organize 2020 Census Fairs at 5 chapter locations. The 2020 Census Fairs for Utah chapters achieved moderate success with the completion of the 2020 Census self-responses at the following location:

- Aneth - 19
- Red Mesa - 26
- Monument Valley - 23
- Naatsis’aan - 47
- Mexican Water - 0 (due to lack of chapter facility)

The important factor is that the effort placed special emphasis on the seriousness and urgency of participating in the 2020 Census.

The Navajo Utah Commission Office initiated construction of two single-family housing units with delivery of construction material and construction labor commitment during July with funding acquired from the Utah Olene Walker Housing Loan Fund (OWHFL) and the Utah Navajo Revitalization Fund (NRF). The procurement process for two additional housing projects in Dennehotso and Aneth also initiated at the end of the 4th Quarter.

The Navajo Utah Commission and the Navajo Nation Human Rights Commission continue to work with San Juan County, Utah to comply with a settlement agreement involving the Navajo Nation and San Juan County regarding preparations for the 2020 general election including three polling places, three election satellite offices, election personnel training, and possible addition of four
additional satellite offices at four chapters (pending Navajo Nation HCOC approval).

The Navajo Utah Commission enacted Resolution No. NUCAUG-826-20 requesting the NN President and Navajo DOJ to renegotiate and improve the 2001 Cooperative Agreement with the state of Utah regarding off-reservation hunting and fishing in the best interest of Navajo hunters.

The Navajo Utah Commission enacted Resolution No. NUCAUG-827-20 requesting the National Park Service, Bureau of Reclamation, BIA, and the Navajo Nation to seek extension of the Quadrilateral Agreement after a series of meetings with Utah chapters and Navajo Nation entities regarding subject matter.

The Navajo Utah Commission staff participated in numerous teleconference meetings in support of Utah chapter issues with state, county, and tribal entities during the Navajo Nation’s telecommuting work phase and continuing with the phased reintegration phase since mid-August.

The Navajo Utah Commission is a member of project management teams for several Utah chapters and continued in making progress with the Aneth Chapter Warehouse and Bus Bay Project, the Red Mesa Chapter Administration Building Project, and the Naatsis’aan Chapter Renovation Emergency Operations Center Project.

The Navajo Utah Commission prepared a funding application seeking $144,900 from the Utah Navajo Revitalization Fund to finance the construction and addition of an Emergency Operations Center for the isolated Naatsis’aan Chapter to accommodate emergency operations.

The Navajo Utah Commission prepared a funding application seeking $90,000 from the Utah Navajo Revitalization Fund (NRF) Board to plan and design a new post office in Montezuma Creek in collaboration with the Utah Division of Facility Construction & Management (DFCM).

The Navajo Utah Commission continue to work with San Juan County, the BIA roads department, and the Navajo Nation Division of Transportation to enhance Intergovernmental Agreements and funding collaboration to maintain secondary roads for the benefit of Utah chapters.

The Navajo Utah Commission converted to telecommunication meetings and telecommuting work pursuant to Navajo Nation public health executive orders, closed office building to public access until Phased Integration was authorized in August, equipped building with CDC guidelines safety measures, including public notices, plexiglass shields, section-off workstations, control of traffic, acquisition and distribution of PPEs and sanitizers for staff, visitors, and NUC chapters.

NAVAJO-HOPI LAND COMMISSION

Honorable Otto Tso,
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CD-68-89, 2 N.N.C. §§ 851-857. The purpose for Navajo-Hopi Land Commission’s establishment is to advocate, monitor, collect, update information on any and all Navajo-Hopi disputed land and relocation services and expenses through the ONHIR for the affected Navajo people. The Navajo-Hopi Land Commission is responsible for monitoring the land selection and land exchange provisions of Public Law 96-305 for the individual interest of Navajo members affected in the disputed land locations in addition to relocation expenses and services.

Section One:
Accomplishments---1st Quarter FY 2020

NHLC continues to monitor the annual funding allocation to ONHIR. NHLC is pursuing reallocation of the $15 Million that was initially in the ONHIR
budget. Of interest are plans to close the operation, assumption of existing programs and litigations.

On September 17, 2020, NHLC Chairman Otto Tso, Navajo Nation Council Speaker Seth Damon and Navajo Nation President Jonathan Nez participated in a meeting with U.S. Senator Tom Udall (NM) to discuss ONHIR funding.

NHLC adopted Resolution NHLCS-10-20 supporting the Bureau of Indian Affairs-Navajo Region on Integrated Resource Management Plan. The NHLC will continue to be involved in decisions with respect to the National Environmental Policy Act, P.L. 91-190, as well as the American Indian Agricultural Resource Management Act (AIARMA) P.L. 103-177 and the National Historic Preservation Act (NHPA) P.L. 89-665 in the Former Bennett Freeze Area.

Supporting Navajo County Supervisor Jesse Thompson’s request, the NHLC adopted Resolution NHLCJY-7-2020 to support and approve the Navajo County to Utilize $58,103 of the Grant Funds from the MOA, DOC 006806-C012217 to purchase a used motor grader for road improvements in Dilkon Chapter within Navajo County and approved the remaining balance of $68,305 to purchase and deliver gravel and/or to purchase critical road maintenance equipment. The Navajo-Hopi Land Commission of the Navajo Nation Council changed its regular meetings to the first and third Thursday of each month beginning at 7:00 A.M. Resolution NHLCAU-8-2020

The Navajo-Hopi Land Commission approved the request to extend the Navajo Rehabilitation Trust Fund and Former Bennett Freeze Area Escrow Fund Housing Projects according to approved list to September 30, 2022. This action will allow chapters to complete unfinished projects to benefit Navajo families and communities affected by the Navajo and Hopi Land Settlement Act. As Amended. Resolution NHLCAU-9-2020.

NHLC continuously received updated reports from Greg Smith, consultant, on the technical amendments that the Commission is pushing towards congressional introduction. Mr. Smith also provided consistent updates on national issues pertinent to the NHLC’s area of oversight.

NHLC received litigation update from the Navajo Nation Department of Justice.

NHLC was apprised of the budget development for the commission’s FY 2021 funding plan.

NHLC Chairman Otto Tso reevaluated the Consultant’s fees, conferred with NDOJ and moved the payment processing forward.

NHLC Chairman Otto Tso coordinated with NDOJ on various attorney/client issues relating to Navajo Hopi Land Settlement Act.

NHLC Chairman Otto Tso participated in several Navajo Nation Standing Committee meetings to sponsor legislations or provide input on issues that are within the areas of the NHLC oversight responsibilities.

Section Two: Goals for First Quarter FY2021

Introduction of Congressional bills on ONHIR funding and technical amendments.

To clearly define the needs of the Navajo families and
communities affected by the relocation.

Dine’ Policy was approved to manage the Rehabilitation Trust Fund. Funds will to be identified and approved to implement policy.

Three more leadership meeting will be scheduled to hear from chapters on the challenges and issues as a result of relocation.

A housing policy will be drafted to address the housing needs in the impacted areas, funding sources and eligibility requirements. Including the number of Homes to be built per quarter, funding, location, and power & water infrastructure needed.

A determination will be made on the NPL housing assessment study once the complete report is provided by the Division of Community Development and the Navajo Hopi Land Commission Office.

Partnerships will be established with other entities to build homes in the impacted areas.

NHLC will collaborate with the Office of the Controller to develop a real-time accounting system to track Rehabilitation Trust Fund Balance. And, reallocate the unused balance of the RTF funds to priority projects. Close out reports will be completed. Thereafter, a determination will be made on what impacted areas RTF funds will be used, FBFA, housing assessment, staffing, burnouts, etc.

Legislation will be introduced to resolve the limit of 10-sheep unit in NPL.

Jeddito projects will be added to priority lists; one is the waterline project.

Housing reports will be requested for from NHA on homes purchased, delivered and set up, including a close out report.

NHLC will recommend congressional field hearing to address the ongoing needs of Navajo relocates, relocation communities and residents of the Former Bennett Freeze Area.

NHLC will address the deselection and selection of land of lands in NM and over-selection of lands in AZ.

More information will be acquired on the $60 Million loan and a plan will be developed accordingly.

The Paragon Ranch project development will continue to be monitored.

Development in the areas identified as priority areas will be revisited. Including associated federal regulations.

Other options will be explored regarding the transfer of Padres Mesa Demonstration Ranch to continue operations beyond the closure of ONHIR.

NHLC will continue to advocate and support efforts to keep ONHIR operating until it fully meets its obligations to the relocated Navajo families.

Develop a plan to fully rehabilitate the Former Bennett Freeze Area.

A determination will be made on the Division of Public Safety’s use of the Sander’s clinic as a police substation.

NHLC will follow up on the OPVP plans to construct the Navajo Code Talker Museum and public safety/judicial complex on lands acquired through Navajo Hopi Land Settlement Act.

NHLC will continue to monitor the Nahata Dziil Bashas’ and other business lease agreement.

NHLC will meet with Navajo Nation Attorney General Doreen McPaul and Acting Deputy Attorney General Kimberly Dutcher on land, business site leases, services areas and public laws related to the Navajo Hopi Indian Land Settlement and other related issues.

Plans are ongoing for NHLC’s collaboration with Greg Smith, consultant, on implementing the strategic advocacy plan on the technical amendments and a lobbying schedule in the nation’s capital with key congressional members, intergovernmental affairs and others.

NHLC will schedule a meeting with Congressman O’Halleran’s regarding the technical amendments, public hearing, Navajo relocatees, Former Bennett Freeze Area and the COVID legislation.

4. Section Three: Issue(s)/Recommendation(s)

Certain properties acquired through the Navajo Hopi Land...
Settlement Act are delinquent on the property taxes payments because the account from which the taxes are paid is depleted. One due to not getting the tax bill.

Rights-of-way for roads that transverse the Navajo and Hopi lands are difficult to obtain due to disputes related to land status, processes and funding.

Home repair and renovation are challenging at times due to land situations, meeting qualification as beneficiaries and funding requirements.

Jeddito is asking for $25,000 for roads. NHLC will determine if it can cost match.

Impacted chapters are experiencing operation issues, mainly chapter government in turmoil; thereby impacted communities are stymied in making improvement decisions.

NTUA does not update infrastructure unless funding comes with the project. NTUA say fees collected is for outages only. An infrastructure plan must be developed with NTUA’s expertise.

Requests for housing funding at the congressional level, on behalf of impacted chapters, is usually met with questions on NHA’s unexpended funding. That issues must be resolved.

FBFA compact agreement does not apply to areas outside of the 1934 agreement, yet it is being used for such.
Navajo Nation Office of the Speaker

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