



24th NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

2020 Spring Session Speaker's Report April 20, 2020

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SPEAKER'S MESSAGE, 2020 SPRING SESSION

As the Navajo Nation faces the greatest threat to public health in modern history, the 24th Navajo Nation Council remains committed to ensuring the voices most impacted by the coronavirus are elevated to the highest levels of government. The Navajo Nation's position continues to be strengthened on the national, state and local levels through the ongoing efforts of both the Legislative and Executive Branches.

With the many challenges our Nation faces, there are also many opportunities to improve the way we make decisions.

The current state of emergency is revealing not just the true state of our nation, but the true heroism of our front-line workers.

Each of us must continue to teach and to learn. We must adapt to the changing conditions around us while ensuring our core values are preserved.

The first quarter of the 24th Navajo Nation Council's second year was, without a doubt, the most critical for the health and security of our People. Our capacity to legislate and govern as the Navajo Nation Council is being tested multiple different ways.

Legislative Branch staff have responded to the need to protect public health by picking up modern tools to work remotely.

I commend our programs for their understanding and willingness to work together to tackle common administrative issues. My

responsibility, as Speaker of the Navajo Nation, is to ensure the continued operation of the Legislative Branch and to facilitate this process in the current state of emergency.

To my dear colleagues, I wish to extend my heartfelt gratitude to you for entrusting me with this responsibility. I have used the resources of the Office of the Speaker to begin a great transition in the trajectory of our collective programs.

I also want to reiterate the importance of your initiatives and legislative concerns. I have directed my staff to assist delegates as they pursue the creation of better policy for our nation.

To continue making progress during this state of emergency is a great logistical and technical challenge that requires a solid communications structure. The fundamentals of effective administrative leadership are being refined by new opportunities to use technology.

This will help us prepare for the future.

With that, I join you, my colleagues and my People, in commending the work of our public servants, donors, volunteers and partners for rising to the challenge of protecting ourselves, protecting our families and protecting each other from the spread of COVID-19.

Sincerely,



Seth Damon, *Speaker*
24TH NAVAJO NATION COUNCIL



COVID-19: HEALTH COMMAND

On March 13, 2020, Executive Order 001-20 was issued, declaring a State of Emergency due to the confirmation of the Coronavirus Disease 2019 (COVID-19) surrounding the Navajo Nation. On March 17th a member of the Navajo Nation tested positive for COVID-19. In response to the COVID-19 Emergency, the Navajo Nation adopted the Federal Emergency Management Agency (FEMA) Incident Command System to help facilitate the COVID-19 Emergency. The Navajo Nation Department of Health, developed a Health Command Operation Center (HCOC) located in Administration Building 2, First Floor in Window Rock, Arizona.

The HCOC provides daily incident action plan briefings that feature the situational reports on the number of COVID-19 tests administered and the number of confirmed positive cases categorized by geographical locations. The HCOC updates are provided to the 24th Navajo Nation Council.

To ensure information is properly communicated with the HCOC. The General Message (ICS 213) is used by the incident dispatchers to record incoming messages that cannot be orally transmitted to the

intended recipients. The 213 form is used to send any message or notification to incident personnel that requires hard-copy delivery. The 213 process is utilized to transcribe questions from Council to HCOC. The Office of the Speaker provides weekly Agency/Chapter updates from HCOC.

STATE ELECTIONS

The Navajo Nation Elections Administration and the Navajo Board of Election Supervisors will meet on Wednesday, April 22 to discuss the postponement of Chapter elections.

On April 15, the New Mexico Supreme Court rejected the petition issued by the NM Secretary of State and County Clerks to issue mail-in ballots to all registered voters for the upcoming 2020 primary elections. Although the emergency petition was rejected, NM Governor Michelle Lujan Grisham is encouraging NM voters to vote by mail. Polling places will be open on election day.

Arizona and Utah will offer mail-in ballots and will have polling places open. Navajo Utah Commission, Human Rights Commission, and the Navajo Elections Administration will be meeting to further advocate on behalf of the Navajo People.

AZ
Sen. McSally, State-Wide

NM
Sen. Udall, State-Wide
Rep. Haaland, District 1
Rep. Torres-Small, District 2
Rep. Lujan, District 3

UT
Gov. Herbert, State-Wide
AG Reyes, State-Wide

CO
Sen. Gardner, State-Wide

NAVAJO ENERGY SUMMIT

The Resources and Development Committee over the past year has been working with Navajo Division of Natural Resources to develop an energy roadmap which includes energy policy, plans of operation, and the creation of an energy office. The group is working on amending the 2013 Navajo Nation Energy Policy. To ensure the group is well informed, an Energy Summit was planned. Prior to the onset of COVID-19, the Resources and Development Committee was prepared to host the “2020 Navajo Energy Summit.”

The Navajo Energy Summit is an important step in continuing the roadmap of energy on the Navajo Nation. With the help of key experts and partners, the Nation has an opportunity



to deploy integrated energy generating systems, energy infrastructure, energy storage, and energy efficiency measures. The Resources and Development Committee has every intention of moving forward with the Summit, however the health and wellbeing of our attendees is a top priority. We will proceed with planning when Public Health Orders are lifted.

NAVAJO ENERGY CONSULTANT

The energy resources of the Navajo Nation are administered and managed by the Nation for the benefit of our people. The Office of the Speaker, together with an interview committee comprised of RDC members and Office of Legislative Counsel, chose Pilar Thomas, a partner at the Quarles & Brady law firm.

To ensure we maximize its level of autonomy in managing its energy resources and energy use on the Nation, an energy consultant was requested to assist the Navajo Nation Council. As a subject matter expert to the Office of the Speaker and the Resources and Development Committee, the consultant would be conduct research, analyze the energy market and provide guidance in developing and managing the Nation's energy resources.

TRANSPORTATION BONDING PROGRAM DEVELOPMENT

Goals of the bond program are:

1. Improve and enhance the safety of roads and bridges within the Navajo Nation,
2. Encourage Economic Development,
3. Evenly distribute the funding across the five agencies,
4. Create jobs for the members of the Navajo Nation and stimulate the economy.

The funding for this program will be used to address both preservation of the current system as well as capital improvement projects. Four areas of preservation: Bridge Replacement, Pavement Preservation, Earth Road Improvements, and TTIP Shortfall.

The Office of the Speaker and the 24th Navajo Nation Council continue to advocate for increased funding regionally and nationally. In coordination with the Navajo Nation Division of Transportation (NDOT), the Speaker's Office is developing a plan that will responsibly address the deteriorating roads and bridges on the Navajo Nation.

The NDOT has developed a "Long Range Transportation Plan", the is used to guide

the region's planning over a 20-year period. This past year, for the first time, NDOT completed the first large-scale project using its own work crews. We know our transportation program is being guided by a clear plan, and we recognize that its funding source needs to be similarly structured.

The Office of the Speaker is coordinating the development of the Transportation Bonding Program proposal that builds on the momentum the 23rd Navajo Nation Council created in its transportation stimulus proposal. Under a bond, the Nation will raise funding from external sources without drawing from any of the Nation's trust funds for repayment.

If approved, the Nation will raise its own funding that will be paid back through multiple revenue streams tied directly to the focus on existing roads. Funds will be focused on four areas of preservation: bridge replacement, pavement preservation, earth road improvements, and Tribal Transportation Improvement Program short falls.

From the beginning, the Office of the Speaker has emphasized the equitable distribution of bond funding among all five Navajo Nation agencies. To that end, we have consulted directly with Council Delegates, Chapter



leadership, NDOT, and others to ensure identified projects have the most effective impact for the surrounding region. Over the next quarter, we will finalize the Transportation Bonding Program legislation and introduce it into the legislative process.

WESTERN AGENCY TOURISM SUPPORT

The communities of Chilchinbito, Kayenta, and Dennehotso make up what we are calling the “Tri-City Tourism Project.” The Tri-City Chapters over the past year have been developing a Tourism Road Map. The US-160 corridor running through the region provides economic opportunities for vendors and guides.

The Tri-City Chapter officials and their tourism sub-committee are laying the foundational work; they are finding unique ways to share their story and offer merchandise in the tourism industry. A key component are the CLUPC plans from their chapters. This will designate land usage for future sites identified as tourism zones.

This initiative will give us valuable and nuanced insight into planning a multi-generational approach to investing the Nation’s tourism dollars. To provide a policy that invigorates local Navajo economies

and support Navajo Tourism entrepreneurs.

PILOT CHAPTER COAL PROJECT

In November 2019, Kayenta Mine closed leaving hundreds of Navajo families without a heating source. The Navajo Transitional Energy Company (NTEC) and Bisti Fuels started the Community Heating Resource Program (CHRP) three years ago, offering free coal to communities surrounding Navajo Mine. Through this program Navajo families are able to load coal free of charge during the winter season. The intent of the coal delivery project was to provide a heating source to families that did not previously participate in “Community Heating Resource Program.”

In February, the Office of the Speaker introduced a pilot “Coal Delivery” project. The Coal Delivery project was in collaboration with the NTEC, North American Bisti Fuel, and Navajo Engineering and Construction Authority (NECA). Collectively, a total of 375 tons of coal was delivered to Navajo families. The pilot project began with 24 Chapter deliveries, with the hopes of reaching 110 chapters. From January 2020 through March 2020, the project delivered 77 loads of coal to Navajo Nation chapters.

URANIUM IMPACTS - PUBLIC HEARINGS

In 2015, the Navajo Nation Council established the Diné Uranium Remediation Advisory Commission in response to the urgent need to study the impacts of uranium mining on the Navajo Nation. The recommendations from the commission provided feedback to the NNC and OPVP to amend policies, law, and regulation to address those impacts.

In the 1940’s, Navajo People were recruited by the federal government/private industry to extract uranium from Navajo lands to build a new and powerful weapon, the atomic bomb, for military purposes. Thousands of Navajo People were engaged in mining, processing, or transportation from 1940-1980. Those that were engaged contracted lung cancer, respiratory diseases, and kidney diseases at a higher rate than the rest of the population.

Uranium Development on Navajo was entirely used for military applications. Over 500 discrete mines and 5 uranium mills or processing plants were on or next to Navajo lands. In all more than 1,100 uranium mine features have been identified in Navajo Indian Country

As of January 2014, more than 70 years after uranium was first produced on the



Navajo Nation, fewer than 5 abandoned uranium mines have been remediated to consolidate or isolate the hazardous chemical and radioactive materials that are contained in uranium wastes. Many of these uranium waste sites are located within a short distance of Navajo homes.

In March 2020, the 24th Navajo Nation Council committed to hosting 5 public hearings regarding Uranium impacts on the Navajo Nation. On March 13, the first public hearing was held at the Diné College South Campus Auditorium in Shiprock, NM. On March 14, the second public hearing was held at the Navajo Technical University Campus in Crown point, New Mexico. The 3 remaining public hearings were postponed due to the wake of emergency declarations by Arizona, New Mexico and the Navajo Nation over the spread of COVID-19. The postponed events will be rescheduled to an undisclosed date, it is contingent upon the lift of the Public Health Orders.

US EPA: GOVERNMENT TO GOVERNMENT CONSULTATION

On February 28, members of the 24th Navajo Nation Council met Senior Officials from the US Environmental Protection Agency (USEPS)



at Twin Arrows Navajo Casino Resort. The purpose of this meeting was to review USEPA's cleanup options for abandoned uranium mines across the Navajo Nation, and to identify specific requirements and mitigate the potential issues that may arise when evaluating and selecting cleanup options. Per the USEPA policy, government to government consultation is required to provide meaningful communication and coordination with tribal officials prior to taking actions or implementing decision that may affect tribes.

The group was able to review the "Federal Actions to Address Impacts of Uranium Contamination on the Navajo Nation Ten-Year Plan" (Ten-Year Plan) was further addressed by Tetra Tech Inc., the Navajo Area Abandoned

Uranium Mines Response, Assessment, and Evaluation Services Update. Also reviewed was the "Navajo Area Abandoned Mines Response and Construction Services" (AMRCS) contract, and the "Abandoned Uranium Mining (AUM) Allottee Consent-Eastern Navajo Agency-Federal/Tribal Inter-Agency Coordination."

AGENCY CHAPTER UPDATE CALLS

In light of the spread of COVID-19, the Office of the Speaker and members of the 24th Navajo Nation Council initiated weekly conference calls with the five Navajo Agencies, and chapters. The weekly updates are held every Tuesday, Wednesdays, and Thursdays. The conference calls were intended to provide our Navajo Communities with first-hand information on the



In efforts to address the outbreak, McKinley County Juvenile Detention Center is being utilized to treat individuals who have tested positive for COVID-19. In addition, the Navajo Nation Council is working to secure more COVID-19 rapid test kits and establish more testing sites throughout the Navajo Nation.

The 24th Navajo Nation Council along with the Indian Health Service, NCI Detox Facilities and the Gallup City Mayor urge all individuals who have spent time at NCI Detox in Gallup, New Mexico since March 30th, to your contact your local healthcare facility to get tested for COVID-19.

developments of COVID-19 and the Navajo Nation’s response headed by the Health Command Operations Center (HCOC).

The report varied from local, state, and federal representatives, Navajo Area Indian Health Services, DALTCS Status of Senior Centers, Judicial Branch, Bureau of Indian Affairs, local and state food banks, Division of Social Services, Division of Community Development, Navajo Nation Health Command Center, and others.

NCI DETOX FACILITY: COVID-19 OUTBREAK

The Office of the Speaker and the 24th Navajo Nation Council met with the Indian Health Service, the City of Gallup, the Rehoboth McKinley County Hospital and local leaders to address

the March 30th, COVID-19 outbreak at Na’nižhoozhi Center Incorporated (NCI) Detox Facilities in Gallup, New Mexico.

NCI provided the following updates to Honorable Speaker Damon and the 24th Navajo Nation Council. NCI reported that an estimated total of one hundred seventy-six (176) individuals were exposed to the COVID-19 while at NCI. Currently, of the one hundred seventy-six (176) people exposed, ninety-two (92) individuals were tested for COVID-19. NCI reported that of the ninety-two (92) tests administered, sixty-five (65) returned with positive results for COVID-19.

NCI shared that the remaining, eighty-five (85) individuals of the 176 persons have not been located and their whereabouts remain unknown.

FEDERAL PUBLIC SAFETY ADVOCACY

In February, members of the Law and Order Committee (LOC) traveled to Washington, DC to advocated for the construction of judicial and public safety complexes on the Navajo Nation. The intent of the trip was to educate members of congress and their respective staff member on the need of adequately funding public safety facilities and programs on the Navajo Nation. LOC members develop a strategy to secure federal appropriations for additional staff, criminal justice system improvements, and exploring specialty



services such as a veteran's wellness court.

LOC is committed to securing additional resources and funding for our Navajo Department of Public Safety. As the spread of COVID-19 soared through the country funding has become available through the CARES Act. Judicial and Public Safety programs will need additional funding to help first responders and equip them with proper protection to carry out their duties with minimum fear of transmission of the COVID-19.

SEXUAL ASSAULT PREVENTION SUBCOMMITTEE

The Sexual Assault Prevention Subcommittee (SAPS) held its first meeting in March to elect their leadership. Council Delegate Amber Kanazbah Crotty was elected as Chair, and Delegate Nathaniel Brown was elected as Vice-Chair. Projects and initiatives include Amber Alerts, Sexual Assault Response teams, Victim Advocates, Human Trafficking, Domestic Violence, and Missing and Murdered Diné relatives.

SAPS is committed to fostering its partnership with the Navajo Area Indian Health Service and P.L. 93-638 hospitals. The Office of the Speaker believes in the mission of the subcommittee and has committed resources

and staff to elevate the issues. SAPS is implementing a regional plan to secure funding and services for individuals impacted by trauma.

LEGISLATIVE INFORMATION TECHNOLOGY

The Legislative Branch computer network

The purpose and goal of the Information Technology Section is to increase the use of technology within the legislative branch and to help make the legislative process more efficient and effective for the Navajo Nation Council and 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'iyati' Committee meetings and Navajo Nation Council regular and special sessions. We have started using the voting system for the four standing committees to record electronic votes and attendance, instead of recording those by voice. This will allow the committees to use the voting system at off-site meetings and work sessions.

The microphone system is used for Navajo Nation Council sessions, Naabik'iyati' Committee meetings and committee meetings that are held in the council chambers. We also

have a portable microphone system and a portable PA system that is used for Naabik'iyati' Committee meetings and Navajo Nation Council sessions that are held off-site.

The IT Section has been assisting the PIO Section with the configuration and testing of new cameras and a new TriCaster Mini so we can bring the web streaming of the Navajo Nation Council regular and special session in-house. The first live stream using the new equipment took place at the Naabik'iyati' Committee regular meeting on Jan. 23, 2020.

U-Stream is no longer being used for our streaming services. The streaming is now taking place on Vimeo, YouTube and Facebook.

Support to Navajo Nation Council, Naa'bik'iyati and Standing Committees

The IT staff is responsible for technical support to the Navajo Nation Council, Naabik'iyati' Committee and the other committees. We also digitally record the Council and Naabik'iyati' sessions for archive purposes. We also assist with the equipment for interpreting the meetings from Navajo to English.

On March 5, 2020 IT staff provided technical assistance by setting up a PA system and wireless microphone for a Naabik'iyati' Committee



Public Hearing at Diné College in Shiprock, NM. The purpose of public hearing was an update on Uranium issues and concerns

On March 6, 2020 IT staff provided technical assistance by setting up a PA system and wireless microphone for a Naabik'iyati' Committee Public Hearing at Navajo Technical University in Crownpoint, NM. The purpose of public hearing was an update on Uranium issues and concerns

The IT Section has been providing technical support for the Council, Naabik'iyati' Committee and the committees during the COVID-19 crisis. This includes setting up teleconferencing and video conferencing meetings.

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 Branch staff, which includes the various programs within

the legislative branch. We also assist in the retrieval of documents after employees leave and transfer of documents from old laptops to new laptops.

Assistance has been being provided for teleconference calls and video conference calls using Skype to various offices and for committee, sub-committee and other meetings.

As a result of the virus incident at Office of Auditor General and Office of Navajo Government Development, the IT Section will be giving computer and cybersecurity training to all legislative programs and Navajo Nation Council committees.

We are working to upgrade computers within the Legislative Branch that are running the Windows 7 operating system to Windows 10.

We have been replacing the laptops within the Office of the Speaker and the Office of Legislative Services (includes 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.

Training on cybersecurity was provided to several

legislative programs and plans are to continue to provide training to other programs once the current Stay At Home order is lifted.





Office of The Auditor General/Office of Navajo Government Development Virus Remediation

During this past quarter, the IT Section assisted the Department of Information Technology (DIT) in removing a virus that was detected on a laptop within the Office of the Auditor General and Office of Navajo Government Development. The networks were taken offline and a scan of all the workstations and laptops in those offices to determine which were infected. Five laptops were identified and taken to DIT for further analysis. One of the laptops were infected with the TrickBot virus.

The remediation process included backup of all files and reformatting of hard drives on workstations and laptops and installation of the Windows 10 operating system and updating the operating system to the latest release version. Microsoft Office 2019 was also installed and updated. This took place on a total of 21 laptops and 14 workstations.

Also included in the remediation process was the backup and reformatting of the Active Directory server and installation of Windows Server 2016. It also included backup, reformatting and installation of Windows Server 2016 on the file server.

The remediation process

took quite a bit of time and resources. The virus was first detected on 19NOV2019 and while the situation has been remediated and the offices are back online, we continue to monitor and respond to items related to this incident.

Legislative Branch website

During the 2nd quarter of FY 2020, 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 looking to update the look of the website with the assistance of the Public Information Section.

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NAVAJO NATION LABOR COMMISSION

Accomplishments from 2nd quarter of FY 2020

1. Efficient use of allocated funds, NNLC held (18) evidentiary hearings.
2. NNLC and program timely processed three (04) appealed NNLC cases to Navajo Nation Supreme Court.
3. NNLC program timely processed twelve (15) formally filed complaint.
4. NNLC timely adjudicated (15) NPEA cases.
5. NNLC and program timely closed and issued (09) orders.
6. NNLC & program timely issued and mailed five hundred (800) subpoenas and notice of hearings & NNLC Rules by certified mail, first class, facsimile and email to counsels of record or parties
7. NNLC will continue to adjudicate seventy (83) pending NPEA cases
8. NNLC program made three (04) audio copies at parties' request

Goals for 3rd Quarter of FY 2020

1. NN Presidential and HEHS appointment of NNLC membership per CJY-
2. 42-16. Continue to refer candidate(s) to

3. appointing authority.
3. Efficient use of allocated funds and timely processed appealed NNLC case(s)
4. NNLC & program will timely adjudicate NPEA cases
5. NNLC & program will timely process formally filed NPEA complaint(s) and/or petition(s)
6. NNLC & program will timely issue and close out NPEA cases
7. NNLC & program will continue review and amend NNLC Ruled of Procedure
8. NNLC & program will continue to preserve substantial rights of all employees and employers in accordance to Navajo Law
9. Closure of NNLC cases heard by current sitting NNLC members

Issues/Recommendation(s)

1. NNLC lacks one (1) NNC Health, Education and Human Services Committee duly appointment and Navajo Nation Presidential appointment, Vacancy advertised.
2. NNLC will continue to expedite office renovation & funding
3. Completed closure of FY 2019
4. Closure of NN due COVID -19

NAVAJO BOARD OF ELECTION SUPERVISORS

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.

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.

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.

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

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

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:

1. Melvin Harrison, Fort Defiance Agency, Chairperson
2. Raymond Maxx, Western Agency, Vice Chairperson
3. Shirlee A. Bedonie, Western Agency, Member
4. Jackie Burbank, Chinle Agency, Member
5. Mae Gilene Begay, Chinle Agency, Member
6. Alberto Peshlakai, Fort Defiance Agency, Member
7. Watona Kellywood, Shiprock Agency, Member
8. Wilbert Foster, Shiprock Agency, Member
9. Hurley Benally, Eastern Agency, Member
10. Arlene Nakai Brown, Eastern Agency, Member

Five (5) of the ten (10) members of the Election Board positions were up for election during the 2016 Navajo Nation Chapter Elections. Under the Navajo Nation law, there is an election every 4 years for five (5) board positions (one from each Agency). From the election held in 2016 Chapter

Elections, the following five (5) members were elected - Melvin Harrison representing Fort Defiance Agency, Arlene Nakai Brown representing Eastern Agency. A vacant position with Northern Agency was filled by way of appointment which is Wilbert Foster, Shirlee A. Bedonie representing Western Agency, and Mae-Gilene Begay representing Chinle Agency who all took their Oath of Offices in the January 2017. These members will be serving a term of 4 years on the Election Board. Newly elected members are Jackie Burbank representing Chinle Agency, Alberto Peshlakai representing Fort Defiance Agency, Hurley Benally representing Eastern Agency, Watona Kellywood representing the Northern Agency, and Raymond Max representing Western Agency,

Significant Accomplishments in the Fourth Quarter

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 conducted at the Navajo Nation Quality Inn Business Complex Conference Room 107. The Election Board at

times may have meetings at other locations, provided adequate public notice is provided as to location, date and time of the meetings. The Election Board also convenes special meetings and work sessions when it is necessary to discuss election law and policy. Agendas for the meetings are available two days prior to the meetings at the Navajo Election Administration (Window Rock Office). The meetings are advertised in the local media and are open to the general public. Anyone, including groups or organizations, requesting to be placed on the Election Board agenda is required to submit a letter of request to the Navajo Election Administration two (2) weeks prior to the Board meeting.

During this reporting period, the Election Board held the following duly called meetings:

1. NBOES Regular Meeting
Jan 09, 2020
2. NBOES Regular Meeting
Jan 23, 2020
3. NBOES Regular Meeting
Feb 14, 2020
4. NBOES Regular Meeting
Feb 27, 2020
5. NBOES Regular Meeting
Mar 12, 2020

Navajo Board of Election Supervisors Resolutions;
During this reporting period,



the following twenty (20) resolutions were considered and passed by the Election Board:

BOESJA-001-20 01-09-2020 Canvassing and Certifying the Low Mountain Chapter Referendum Results; Declaring Passage of Referendum

BOESJA-002-20 01-09-2020 Extending Time for Appointment for Forty-Five (45) days to fill vacant position for Grazing Committee Member with Oaksprings Chapter

BOESJA-003-20 01-09-2020 Extending Time for Appointment for Forty-Five (45) days to fill vacant position for Alamo Navajo School Board with Alamo Chapter

BOESJA-004-20 01-09-2020 Extending Time for Appointment for Forty-Five (45) days to fill vacant position for Secretary/Treasurer with Coalmine Canyon Chapter

BOESJA-005-20 01-23-2020 Extending Time for Appointment for Forty-Five (45) days to fill vacant position for Pine Springs Day School Board Member with Oaksprings Chapter

BOESJA-006-20 01-23-

2020 Extending Time for Appointment for Forty-Five (45) days to fill a vacant position with Rough Rock Community School Board, at large with Fort Defiance Agency chapters

BOESF-007-20 02-14-2020 Extending Time for Appointment for Forty-Five (45) days to fill a vacant position for Ch'ooshgai Community School Board with Tohatchi Chapter

BOESF-008-20 02-27-2020 Extending Time for Appointment for Forty-Five (45) days

to fill a vacant position for Cottonwood Day School Board, at large with Low Mountain Chapter and Whippoorwill Chapter

BOESF-009-20 02-27-2020 Extending Time for Appointment for Forty-Five (45) days to fill a vacant position for Jeehdeez'a Elementary School Board with Whippoorwill Chapter

BOESF-010-20 02-27-2020 Extending Time for Appointment for Forty-Five (45) days to fill a vacant position for Rocky Ridge Boarding School Board with Hardrock Chapter

BOESF-011-20 02-27-2020 Extending Time for Appointment for

Forty-Five (45) days to fill vacant position for Grazing Committee Member with Oaksprings Chapter

BOESF-012-20 02-27-2020 Extending Time for Appointment for Forty-Five (45) days to fill a vacant position for Tse Nitsaa Dees Ahi Dine Bi Olta School Board with Rock Point Chapter

BOESF-013-20 02-27-2020 Extending Time for Appointment for Forty-Five (45) days to fill a vacant position for Farm Board Member with Aneth Chapter

BOESF-014-20 02-27-2020 Extending Time for Appointment for Forty-Five (45) days to fill a vacant position for Kinlani Bordertown Dormitory School Board with To Nanees Dizi Local Government

BOESF-015-20 02-27-2020 Extending Time for Appointment for Forty-Five (45) days to fill a vacant position for Chilchinbeto Community School Board with Chilchinbeto Chapter

BOESF-016-20 02-27-2020 Extending Time for Appointment for Forty-Five (45) days to fill a vacant position for Kayenta Community School Board with Kayenta Chapter



BOESF-017-20 02-27-2020 Canvassing the Navajo Mountain Chapter Referendum, Election Results for Lowering Quorum Requirements and Providing Notice that the Referendum did not pass

BOESMR-018-20 03-12-2020 Extending Time for Appointment for Forty-Five (45) days for vacant positions, starting March 13, 2020, 8:00 A.M. and ending April 26, 2020. 5:00 P.M.

BOESMR-019-20 03-12-2020 Approving Amendments to the Navajo Nation Poll Official Training Manual

BOESMR-020-20 03-12-2020 Approving the March 11, 2020 Voter Registration Totals as the Basis for Limitation of Campaign Expenditures for the 2020 Navajo Nation Chapter Elections

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
1-Farm Board Member
Many Farms
1-Cottonwood Day School

Board
At-Large Whippoorwill/Low Mountain
1-Jeehdeez'a Elementary School Board
Whippoorwill
1-Rocky Ridge Boarding School Board
Hardrock
1-Black Mesa School Board
At-Large Forest Lake/Low Mountain

EASTERN NAVAJO AGENCY
1-Breadsprings Day School Board
Tse'lichii
1-Baca/Dlo'ayazhi Community School Board
Thoreau
1-Ojo Encino Day School Board
Torreon

FORT DEFIANCE AGENCY
1-Rough Rock Community School Board
Ft.Defiance Agency Chapters
1-Pine Springs Day School Board
Nahata Dziil
1-Winslow Residential Hall School Board
Dilcon
1-T'iisyaahkin Residential Hall, Inc. School Board
Nahata Dziil
1-Seba Dalkai Community School Board
Dilcon
1-Ch'ooshgai Community School Board
Tohatchi
1-District Grazing Committee Member

Oak Springs

NORTHERN AGENCY
1-Tse Nitsaa Dees Ahi Dine Bi Olta School Board
Rock Point

WESTERN NAVAJO AGENCY
1-Kinlani Bordertown Dormitory, School Board
To Nanees Dizi Local Government
1-Grazing Committee Member
Chilchinbeto
1-Chilchinbeto Community School Board
Chilchinbeto
1-Kayenta Community School, School Board
Kayenta

Independent Legal Counsel

The Navajo Board of Election Supervisors and the Navajo Election Administration have been working on hiring a Legal Counsel to represent the Board and the Administration on a full time basis. The Board and Administration receives legal assistance from the Office of Legislative Counsel, Department of Justice and/or from outside representation. A Legal Counsel, Principal Tribal Court Advocate was hired on Monday, May 17, 2019.

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. No problems were encountered with the election for the Counties and States during this reporting period, except for State of Arizona. Immediately after the General Election, Navajo Nation filed a lawsuit against State of Arizona for infringement of voting rights of Navajo Voters. This case is Navajo Nation vs. Arizona Secretary of State. The settlement with Coconino and Apache county was done in September, 2019. The state of New Mexico and Arizona working on conducting all mail-in ballot for the 2020 Primary and General Election. In both states, the Republican Party opposes the proposed plan. Utah: San Juan County Utah 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. Redistricting was ordered by the Federal Court and was followed. As a result, in the General Election, two Navajo Citizens were voted in as County Commissioners.

There is still some opposition movement being done by non-Navajo voters. In November, the County put Proposition #10, a referendum measure on the ballot. This was going to allow a study on county governmental structure study to possible expand the Commissioner membership from three to five. This measure was defeated.

Arizona Counties

Apache, Navajo, and Coconino County will be working with Arizona Navajo Chapters in making all chapters on the Arizona side ADA compliant. Chapters with no parking lots, handicap signs, handicap restroom stalls, and handicap assessable building with ramps if needed.

New Mexico Chapters

Native American Voters Task Force (“NAVTF”) was established by Maggie Oliver Toulouse, Secretary of State; all tribes within the State of New Mexico have a representative in the NAVTF. This initiative is the best approach in working with Navajo Voters. NBOES also met with the counties located in New Mexico and Bernallio County regarding use of chapters for early voting. MOU has been executed.

Met with McKinley County, they have to work on correcting deficiencies to accommodate people with disabilities at few chapters. NEA is assisting and has visited the affected chapters. 6. AES Ballot printing services is provided by AES.

Election Code Amendments

CO-44-19: Changing the Primary Election date in Navajo Nation Elections. The law was changed so new Primary Election date is the first Tuesday in August, which coincides with State of Arizona Primary Election date.

CO-50-19: Appointment Provision.

CD-51-19: Removal of Officials, Due Process There will be other areas of the Election Code the Board will consider amending. Some of these amendments will be sought for purposes of clarification, while others will relate to policy and unforeseen circumstances of action taken by candidates or elected officials, where there is no provision points to it. Amendment is needed on the section on making appointments by NBOES for vacant positions. This would eliminate having costly special elections conducted.



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 Database (VRDB)

The Voter Registration Data Base software is a very old and fragmented which will be used until the new database can be acquired. The old database has missing source code and installation disk that the election office was given to so it could be used in running queries and update programs. The disk utilized to open up the software was misplaced and made it impossible to

reprogram some areas of the software. This software is getting outdated.

Also, the disk used to install VRDB application to connect from Agency offices to central server housing database is missing. The problem is a computer crashed at an Agency office and the staff can't register voters. If more of these crashes at Agencies, we are in catastrophic trouble.

Equipment upgrade

Navajo Election Administration needs to upgrade its computers and office equipment. The administration has to totally overhaul the computer workstation to achieve effective operation. The workstation has Windows 7 and the support system will expire in January, 2020. New computers are needed, but it will require additional funding.

Budget

The budget for FY'20 is not adequate and realistic to cover the Administration operation and special elections. Proposed Budget for FY'20 (rejected) : \$ 1,510,637. Allocated amount for FY'20: \$1,190,257.

Office Building

The Navajo Election Administration has been seeking to get a new office building. The land for the building location has been secured and the floor plans for the construction has been developed. The Board and Administration have been seeking funding for the Office Building through tribal appropriations. A new building will cost the Navajo Nation four million dollars. Currently, the Election Administration is in the Navajo Nation Quality Inn Business Complex, and NEA is paying \$71,707.63 a month. The voting equipment of the Navajo Nation is currently stored off reservation at Rio Rancho, New Mexico. The Board and Administration have to seek locations away from the office for meetings and trainings. The current office is located on the second floor and does not have an elevator to accommodate people with special needs and elderlies. We had near falls off the stairway when registering or during elections. Our Ft. Defiance Election Office receives the highest number of absentee voting. The parking lot has limited space. In order to fix all of the concerns with office space, the Election Administration is in need of a new office building for both Ft. Defiance Agency and Navajo Election



Administration to solve all of the above mentioned trepidation.

According to the Election Code, the Navajo Board of Election Supervisors is mandated by law to be an “Independent Entity” outside of the three Branch Government, but the Board currently is situated under the Navajo Nation Council and the Navajo Election Administration is within the Legislative Branch. The concern is that this arrangement potentially creates an appearance of conflict during major elections. Attorneys providing advice or otherwise assisting the Board may also be assisting and advising the Council at the same time, presenting concerns. The Board finds it necessary to ensure that the independence of implementing the Election Code is protected. This Board is going to aggressively pursue this independent status.

NEA and NBOES Funding

a. The Navajo Election Administration needs upfront funding to make all polling sites on the Navajo Nation available for early voting. Right now there are five Agency offices available for early voting. This would increase voter participation

in Navajo Nation Elections, County Elections, and National Elections.

b. Referendum, Special Elections, Primary/General Elections places exorbitant amount of expenditure of funds on NEA and results in NEA unable to provide quality election services. A Chapter Special Election costs approximately \$600 and Precinct at large usually involves five to six chapters. For Agency at Large for Board of Education or Agency Election amounts to \$10,000. This is not in the budget.

c. Funding for Public Education is not in the budget. For example, a voter is given three opportunities to cast a ballot. Voters could potentially exceed three opportunities during a referendum election, resulting in being barred from voting.

d. Funding for storage of election equipment is needed.

e. Ft. Defiance Agency Office needs to move to a ground level office for handicap accessibility.

f. Poll Workers in the Primary and General Election were paid late. This will result in lack of or difficulty in recruiting poll workers in upcoming elections.

Continue Election Code Amendments

With the recent state of

affairs surrounding the Navajo Nation Elections, amendments will be made to the election code to accommodate the needed changes. The Navajo Election Administration is constantly recommending changes to the Election Code to better represent and serve the Navajo Nation voters. An example is changing the Primary Election date to coincide with State of Arizona’s Primary Election Day. Proposed amendments will be presented to the Navajo Nation Council at each session. Amendments to the Election Code provide better services for the Navajo voters.

Assist National, State and County Offices

The Navajo Election Administration will be assisting the National, State and County elections with issues such as translations of election information, ballot measures, early voting sites, voter convenience centers and other election matters affecting Native Americans within the Navajo Nation and when requested by Navajo voters throughout the Nation. The Election Administration works with eleven (11) counties in three (3) states and the Federal Government. For 2020, Navajo Election Administration will be working with Counties to



have as many Navajo Voters registered to vote in State elections. This will require matching voter registration information against State registration list.

Continue Working with United States Department of Justice on County and State Consent Decrees.

Coordination will continue with the United States Department of Justice Civil rights Division - Voting Rights Section on Decrees and Agreements that cover the counties within the Navajo Nation. The Consent Decrees are different from county to county and state to state but should be made to be concise and consistent throughout the Navajo Nation as it is applied to Navajo voters. The Navajo Nation is working with the states election related services to better serve the Navajo Nation as well as other Native American tribes.

Special Elections/
Appointments

The Election Administration will continue to provide assistance to the chapters to fill vacancies. Laws that need to be amended regarding elected positions include placing appointment provisions where only one person applies for the vacant elected positions and are

running unopposed. This would save the Nation funds. Currently, if a vacancy occurs within the first 24 months of a term of office, it will be filled with a special election. The new law allows for the second 24 months of a term of office to be filled by appointment even if declared vacant in first term.. The appointment filing fee will not be required.

Initiative

NBOES and Navajo Government Development Commission will be working on making amendment to "Initiatives". The current law states petition to be collected is 15% of all registered voters. The change will require utilizing the last election's actual voters. There are plans by member(s) of Navajo Nation Council to amend the law to state the 15% of last election of voters that actually voted.

Old Voting Equipment

The Navajo Election Administration purchased the Optech IIIIP 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 IIIIP Eagle. The Optech IIIIP Eagles are now over 25 years old and the

Election Administration is seeking new equipment due to the age of the current voting system.

The current equipment is still in good condition but the parts and services for the machines are discontinued. The Election Administration has a certain criteria in purchasing the voting equipment such as cost, storage size, election ballots back up, maintenance, tech support, etc. The Election Administration will be seeking funding to replace the aging voting equipment in the near future. An option available to the Election Administration is to lease the equipment during election cycles only. This would save funds on preparation, storage, testing, maintenance and technical assistance because this would all be provided by the vendor.

NAVAJO NATION OFFICE OF ETHICS AND RULES

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 b) 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

A permanent Executive

Director was hired this quarter and she has been assessing the work of the Office to determine whether changes are necessary. The Ethics and Rules Office continues to provide training to elected officials/chapter staff, school boards members and other entities who request for presentations. There are two (2) positions that are vacant, which are the Ethics Presenting Officer and Ethics Investigator positions. The Executive Director met with the Department or Personnel Management to discuss how these two vacant positions could be reclassified. Based on that meeting the forms for reclassification were submitted and are awaiting final approval to begin advertising the positions. The Ethics and Rules Office submitted a Professional Services Contract to the Office of Legislative Counsel for final review and approval. The Ethics and Rules Office Staff are FMIS (Common Foundation. Inquiry & 68 Rollout) Certified and attended another refresher course at the end of February.

ERO Presentations

1. January 9, 2020. Geneva Renally, Investigator and the Acting Executive Director completed an Ethics in Government

Law Presentation at Red Lake Chapter for chapter staff.

2. February 13, 2020. Geneva Benally, Mona Waquiu and Director Martine conducted an Ethics in Government Law Presentation for the Navajo Nation Council.

Plans For Fy 2020 3rd Quarter

1. Reclassify advertise and hire for vacant positions.
2. Work towards establishing a more efficient office procedure regarding case management, including appropriate retention timelines.
3. Establish procedures to identify fixed timelines for the filing of Orders to Show Cause and Garnishment proceedings to avoid missing the statute of limitations.
4. Recommend 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).
5. Continue 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.

6. 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 or the Ethics in Government Law.
7. 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.
8. File Order to Show Causes and eligible cases for garnishment pursuant to 2 N.N.C. § 3800 et seq. in the Window Rock District Court.

EASTERN NAVAJO LAND COMMISSION

Commissioners

- Edmund Yazzie, Chairperson

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

The purposes (simplified, otherwise see 2 NNC § 861 et seq.) of the Commission include:

1. Advocating and initiating land acquisition towards the Eastern Navajo land consolidation plan;
2. Providing technical support to Navajo Nation in securing administrative and regulatory jurisdiction;
3. Advocating rights of individual occupants on BLM and State lands;
4. Assisting in implementing NNC-enacted land acquisition and consolidation activities in Eastern Navajo;
5. Coordinating planning/mitigating impact of energy development in Eastern Navajo;
6. Coordinating Navajo Nation land-related work with Federal, State, local authorities;
7. Identifying certain lands, i.e., private, beneficial to Navajo Nation and engaging talks for acquisition;
8. Providing recommendations to the Navajo Nation Council

concerning expenditures of the Navajo Land Acquisition Fund in respect to Eastern Navajo;

9. 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;
10. Taking steps in securing reservation boundary legislation inclusive of checkerboard area for recognition as Navajo Indian Reservation; and
11. Obtaining formal protection of Navajo cultural, religious or historic sites near the Eastern Navajo Agency.

Accomplishments for the first quarter

The Commission convened three regular meetings and two special meetings on the following dates:

1. January 20, 2020 Regular Meeting
2. February 21, 2020 Regular Meeting
3. February 27, 2020 Special Meeting

As of this date, all NNC, standing committees, commissions, and board meetings are cancelled



due to the outbreak of the Coronavirus, or Covid-19, and until further notice all branch staff are to work from home until further notice, which took effect March 19th. Owing this two-week period most work activities have been suspended, with minimal work being done.

Staffing and Consultation

Attorney Frye is on notice to stand by for NELI legislation to go through RDC, Naabi, & NNC. Attorney Moorehead, with Washington, DC POWER law firm has periodically provided congressional actions relating to Native Americans. Staffing: Newly hire staff, Kyle Dee, under a month on the job decided to pursue a Master's Degree in Mathematics. The office is ready to hire Bernadine Blackie, one of the two top applicants from the previous recruitment effort. PMD worked with us not having to re-advertise in the interest of time-savings. Ms. Blackie will start as soon as the Covid-19 precautionary measures are relaxed to would allow back-to-work orders.

Project Activities

NELI Project: At the request of Commissioner Tso, the Executive Director provided a report to the NIIP Sub-Committee at NAPI,

Saturday, January 25th. The Sub Committee met jointly with the NAPI Board. The report included some historic summaries of the NELI-NIIP project to latest where the ENLC passed a resolution to re-adopt the original NELI project additional considerations. The Resolution served as the basis of discussion. A couple of comments had to do with past lobbying efforts and the new consideration of doing an enabling clause for BLM-State land exchange so the NN may acquire state lands throughout ENA. The Sub-Committee asked for copies of the previous legislations on NELI and NELI-NIIP. The federal legislation underwent a redraft by the two attorneys and review by the Navajo Nation Washington Office - shortly after it was submitted to the Office of Legislative Counsel to show as exhibit for the full draft the Navajo NELI legislation. After this submission however, it was discovered that the Exhibit series did not match up with the legislation working draft so an amendment needs to be considered by RDC or Naabi. The new legislation is now in process with co-sponsors ENLC Chairman, Vice Chair, and Council Delegate Otto Tso. The Covid-19 cautionary slow-down has kept legislation from being heard by RDC.

Old Fort Wingate

The resolution approved by the Commission at the January meeting was signed by Chair Yazzie and copy provided to the OPVP. The office will work on a plan of operation for the proposed Shashbito Rehabilitation Taskforce to create a master plan for re-use of the old Fort Wingate School compound and potential. The new Stat Tech staff will be assigned to overlook the project. A new Commission resolution will include a Plan of Operation for the Taskforce for Navajo Legislation and a two-year budget for the creation of the Master Plan and Taskforce operation. Target start date maybe the new FY 21, since extra funding for the project will be requested.

Navajo Land Buy-Back (LBBP) Program-II

An official Navajo Nation final financial report was submitted to the funding source by the Office of the Controller. The report shows the Navajo Nation returned \$190 thousand. An internal, official Navajo Nation closeout was coordinated with the Navajo OMB where a "checklist" was processed. The next task with LBBP-II is to use the new sales data and produce an update of the report that was generated by our office after Round



I. Results from the Round II LBBP has been provided to the Office through via BIA from the Federal LBBP, the new data will be used to produce the 2nd Edition of the “Results” report. Chapter CLUPCs are asking for updated information, including those in Arizona. It will probably take about four months to re-produce the 2nd Edition of this report. Three vendors for the LBBP project remain to be paid for their services. The Covid-19 holdup has added to the delay of payments. Census 2020: The Executive Director at invitation of Ms. Lena Fowler serving on the NN Census Complete Count Commission (4C) met with Arizona Congressman O’Halloran. The ENLC is aware problem with and has recommended “special tabulation” be made more official and permanent. Congressman O’Halloran is the first congressman to hear about the problem, he suggested working with Congressman Lujan to address jointly. The implementation of 2020 Census on the Navajo Nation was suspended effective March 16th until further notice by the US Census Bureau for the safety concerns of field workers and the Navajo Nation public regarding the Covid-19.

NN School Board

Reapportionment

The Executive Director was given a written request from the Navajo Election Administration Director to assist with the 2020 NN School Board Reapportionment work. The request was to produce optional draft plans. Part of the process of introducing the plans to different entities, an additional request was made by DODE, DBOSBA, and NBOES to have the Executive Director to present the plans at public hearing which were held February 24-28. DODE provided support of the travel costs. Although not requested, the Executive Director provided a summary of responses to the proposed options to all concerned staff working through the reapportionment work process.

Statistical Research and GIS Mapping

The Land Statistical Technician (LST) position was vacant throughout the quarter, thus no work production.

The GIS Technician continued to attend various meetings and perform specific tasks for the commission. For the month of January 2020, the GIS Technician assisted with the NELI project by providing

exhibit maps for the NELI Project. These included reproducing the original map, as well as 3 additional new maps representing various land statuses identifying protected areas. The GIS technician working with the Executive Director modified and updated the maps to suit the federal legislation draft. In all, the GIS technician generated 14 maps for the NELI project. The four completed maps will be used in the new legislation to be presented to the commission, as well as used by the US. Congress. 4 other maps for chapters, and for private individuals who needed maps were generated in the month of January. For the month of February, the GIS Technician continued generating maps. A map was generated by the GIS Technician for the purpose of identifying buildings to be saved from demolition on the Old Fort Wingate School Compound. These buildings are of historical value, and the GIS Technician was tasked with meeting with various individuals from the Bureau of Indian Affairs (BIA), Navajo Nation President’s Office, and ENLC Commissioners, and representatives of the Old Fort Wingate Task Force. In all, 21 buildings are to be “saved” from demolition, and will be identified on the completed map that



was provided by the GIS Technician. This particular map was used as exhibit to a Commission resolution to convey request to the Navajo Nation President to submit the recommendation to the BIA Property Management.

Five maps of NN Agencies were also produce for use by the Executive Director reapportionment of school board representation on the reservation. One other map was produced for a private individual to identify the areas designated Tribal Trust Land throughout the Navajo Reservation.

In total, 8 maps were generated for the month of February.

For the Month of March, the GIS Technician updated the 4 NELI Maps in coordination with the Executive Director mainly for re-labeling of Exhibits A-E, to coincide with the language in the Bill to be presented to the US Congress. Three maps were also generated for individuals who will be using maps to help with their jobs. Finally, the Old Fort Wingate Map was redone in order to clearly provide identification as to which buildings can be saved. In all, the GIS Technician generated 8 maps for the month of March.

NAVAJO NATION OFFICE OF NAVAJO GOVERNMENT DEVELOPMENT

Accomplishments from 2nd Quarter

The Commission passed Resolution No. CNGD-0102-20: An action to recommend to the Navajo Nation Council and the Navajo Board of Election Supervisors to approve and authorize referendum measure to put before the Navajo electorate during the 2020 General Election on whether the Navajo people should officially adopt a Navajo Nation constitution (Diyin Nohookaa Dine'e Bi Beehaz'aanii).

The Commission passed Resolution No. CNGD-0202-20 : An action to recommend to the Navajo Nation Council and the Navajo Board of Election Supervisors to approve and authorize a referendum measure on whether the Navajo Nation should formally adopt three separate branches of government: the Executive, the Legislative, and the Judicial and with modification to consider the establishment of "independent" offices under a Secretary of Nation and a corporation commission. The Commission passed Resolution No. CNGD-0203-20: 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 primary election on whether the Navajo chapter government should be reformed.

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-0206-20: An action to support the Navajo Nation Genetics Policy Development Working Group's proposed Navajo Genetics Policy adoption and approval by Navajo Nation Human Research Review Board and the 24th Navajo Nation Council's Health, Education and Human Services Committee.

Goals for 3rd Quarter

Legislation No. 0050-20: ONGD is monitoring this legislation to work with Hon. Herman Daniels, Jr. An Action Relating to Naabik'fyati' Committee and Navajo Nation Council; Confirming the appointment of Robert K. Black to the Commission on Navajo Government Development for a term of two years as the Representative for the Executive Branch.



Legislation No. 0058-20: ONGD is monitoring this legislation to assist Hon. Delegate Jamie Henio. An act relating to Law and Order, Resources and Development, Budget and Finance, Naabik'fyati and Navajo Nation Council; amending vote provisions of 24 N.N.C. § 605 (B), Vote Requirement for enactment of Sales Tax ordinance by local governance-certified chapter.

ONGD staff will monitor the submission of 164 review process to secure professional attorney services.

ONGD will monitor the Commission and Office of Navajo Government Development Plan of Operation, 2 N.N.C., § 970-978, proposed amendments that has been submitted but not yet introduced.

ONGD will continue to assist Naabik'iyati Title II Reform subcommittee; by working on a number of projects, e.g., update NNC Rules, drafting a NNC Rules of Decorum, and assist researching the line-item veto authority. The Title II Reform subcommittee issued a directive to ONGD with a 30-day timeline to explore 4 options of how the line-item veto can be repealed or amended, while giving the Commission complete independence to move forward by taking action via referendum

measure resolution to NNC. iONGD staff are working remotely due to COVID-19 emergency orders and legislative branch closure.

Issues/Recommendations

The Office has put together a supplemental budget request for \$67,614, to assist with five proposed referendum measure public outreach and to educate the Navajo electorate. The funds will be used for print materials, radio announcement (some live forums) on KTNN, KJAK, KNDN, KYAT, and KGHR, devise YouTube videos for urban Navajos, and social media such as Facebook and Twitter.

NAVAJO NATION OFFICE OF THE AUDITOR GENERAL

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

Accomplishments from Second Quarter:

Issued 1 report

NOTE: Approximately 11 other reports were pending finalization when the Navajo Nation government was shut down due to the COVID-19 public health emergency; these reports will have

to be finalized when the government reopens.
Program/Chapter audits/
Investigations – 1 report
Shonto Chapter Special
Review

Goals for Third Quarter

Navajo Head Start
Performance Audit
Department of Fish and
Wildlife Performance Audit
Office of the Controller FMIS
Address Book/Accounts
Payable Duplicate Payment
Follow-ups
Department of Water
Resources Corrective Action
Plan Follow-up review
Tohatchi Chapter Special
Review
Indian Wells Chapter Special
Review
Hardrock Chapter Corrective
Action Plan Follow-up Review
Available Fund Balances for
110 Chapters as of December
31, 2019
Revisits of sanctioned
chapters: Teec Nos Pos,
Whitecone and Ramah
Navajo Chapters.

Other fraud investigations of
chapters/programs
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



Since we were unable to issue several audit reports due to the public health emergency, our office was unable to meet our 2nd quarter performance measures and I respectfully request that our office is not penalized due to the extenuating circumstances that were beyond our control. Need to fill three vacant positions within OAG: Auditor General and 2 Associate Auditor positions 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. Initiative to amend our office plan of operation remains an ongoing process into FY2020.

Cyber-attack on internal computer network required the replacement of dated desktops and laptops but the procurement process has been time-consuming; this delay has hindered the timely issuance of the Chapter available funds quarterly report as of 12.31.19, and curtailed our ability to meet requests for chapter information or other consulting services. 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.

NAVAJO UTAH COMMISSION

Accomplishments from 2nd Quarter

The Navajo Utah Commission collaborated with Office of the Speaker in hiring of Utah lobbyist, participated in two lobbying trips to the 2020 Utah Legislature, and actively supported enactment of several legislative bills. Navajo Utah Commission worked with Sen. David Hinkins for passage of SB124 and yearly appropriations of \$250,000 to the San Juan School district for teacher recruitment and retention for schools on Navajo Nation in Utah.

Navajo Utah Commission worked with Rep. Angela Romero and other tribal advocates in getting HB 116 enacted and appropriating \$40,000 to establish a Missing & Murdered Indigenous Women Task Force to conduct a study regarding violence against native women and the LGBTQ community. The Navajo Utah Commission worked with Office of the Governor in securing \$500,000 from the Governor's FY2021 Budget to finance a powerline extension

into the Navajo community of Westwater near Blanding, Utah serving 26 families.

Goals for 2nd Quarter

Seek funding from the Utah Navajo Trust Fund (UNTF) to supplement Navajo Nation appropriations to address the impact of the COVID-19 virus in the Utah region of the Navajo Nation. Initiate construction of two single-family housing units in Navajo Mountain and Oljato chapters for two homeless families. Complete procurement for building material and construction labor for two housing projects at Aneth and Dennehotso chapters. Research external funding opportunities, identify realistic opportunities and submit a funding application.

Issues/Recommendations

The Navajo Utah Commission's FY2020 budget have sufficient funding to conduct 12 regular monthly meetings. The Navajo Utah Commission currently does not have a provision in the plan of operation allowing meetings by teleconferencing or video conferencing. The only option appears to be authorization granted by Naabik'iyati' Committee. This is creating a challenging situation for Utah chapters since they



can't meet as a commission by teleconference to enact a resolution seeking assistance from the state of Utah to address the COVID-19 impact. The Naabik'iyati' Committee is respectfully requested to address this matter for all boards and commissions.

NAVAJO NATION HUMAN RIGHTS COMMISSION

Accomplishments from 2nd Quarter

Reviewed Citizen Complaints: The Office received new complaints during the second quarter. Intake meetings were conducted and majority of the complaints were staffed for investigations. Majority of issues include predatory automobile sales and educational matters.

Public Hearing on the Mistreatment of Navajo and Native American Students On the Navajo Nation: The Commission and Navajo Nation Department of Education ("DODE") held two (2) public hearings to address the mistreatment of Navajo and Native American students on the Navajo Nation according to Naabik'iyati' Committee Resolution NABI-87-18.

Memorandum of Understanding: The Navajo Nation, on behalf of the Navajo Nation Human Rights

Commission ("Commission"), and City of Albuquerque, on behalf of the Human Rights Board and Office of Civil, entered into a Memorandum of Understanding ("Understanding") on August 9, 2019 and started addressing race relations issues within the City of Albuquerque. The issues being addressed are homelessness, census, consumer rights, and hate crime training.

Utah's San Juan County and New Mexico Voting Rights: The Office continues to work on voting rights issues in Utah's San Juan County that are perpetrated by non-Native Americans. In addition, the Office is communicating with the Navajo Nation Department of Justice on statewide mail-in ballot for the June Primary in the State of New Mexico. The statewide mail-in ballot does not take into consideration or address language assistance that is provided by law under Section 203 of the Voting Rights Act.

Goals for 3rd Quarter

Continue 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 Symposiums:

The Office will develop public education materials to educate the Navajo people on the meaning of Free, Prior and Informed Consent ("FPIC") and treaties as it relates to Navajo human rights. The symposium is tentatively being scheduled for the third quarter of FY2020.

Naabik'iyati' Committee Directive: This Office and DODE will continue to conduct public hearings on the Navajo Nation to assess the mistreatment of Navajo and other Native American students as directed by Naabik'iyati' Committee Resolution NABI-87-18. The Office will continue to accept, assess, and forward the complaints filed on education matters to DODE since DODE is statutory authorized to address education matters of Navajos.

Issues/Recommendations

With the move towards full implementation of the FIMS 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 is required to be 6B Rollout Certified and is currently awaiting on the certificate. The remaining of Office still has several more trainings to complete.



—NOTES—



Office of the Speaker

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