



# Speaker's Report

2019 Spring Council Session

**Honorable Seth Damon**

*24<sup>th</sup> Navajo Nation Council*

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24<sup>th</sup> Navajo Nation Council  
Spring Council Session  
April 2019



# Speaker's Report



## Message from Speaker Seth Damon

Yá'át'ééh, and welcome my colleagues of the 24<sup>th</sup> Navajo Nation Council, President Jonathan Nez, Vice President Myron Lizer, chapter officials, federal, state, and county officials, legislative staff, and our Diné citizens. Thank you for joining us at the 2019 Spring Council Session.

This session, we welcome the 15 new council delegates elected this past November. With the changing of the guard, we express our gratitude to our former delegates for their terms of service and thank our returning delegates for continuing their service.

The 24<sup>th</sup> Navajo Nation Council took office in January and quickly got to work. Over the past quarter, the Council began orientations on their respective oversight jurisdictional entities, advanced out of committee executive and legislative branch nominations, advocated before county, state, and federal partners, and introduced new and innovative legislations — all while working on the most important issue of our time: the closure of Navajo Generating Station (NGS) and Peabody Kayenta Mine.

The impending closure of NGS and Kayenta Mine brings forth many deep concerns for hundreds, if not thousands, of Navajo families. During this transition period, I ask that all Navajo citizens exercise K'é and extend their compassion and warmth to those who may be facing serious need soon.

This Council did not ask to inherit the situation the Nation faces, though they did not hesitate to provide serious leadership on the issues of decreasing revenues, diversifying our economy, and creating opportunities for every Navajo to live on their traditional homelands. Please read this report on the recent work of the 24<sup>th</sup> Council.

In closing, I extend my sincere appreciation to all the legislative staff, dignitaries, students, and many others that contribute their time and resources to make the Spring Council Session a success. I thank you on behalf of the 24<sup>th</sup> Navajo Nation Council.



Áhehéé',

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Seth Damon, Speaker  
24<sup>th</sup> Navajo Nation Council



## NGS, NTEC, & the Future

*Due diligence and community engagement highlight the Council's work*

Over the course of 2018, the Council and the executive branch sought new ownership for the Navajo Generating Station. While several firms expressed serious and sincere interest, none of them made successful offers to acquire the plant.

Last year, the 23<sup>rd</sup> Council passed NABID-98-18, which expressed the Council's support for Navajo Transitional Energy Company acquiring the Navajo Generating Station.

When the new Council arrived, they sought, in earnest, to examine the potential transaction. The Office of the Speaker organized four town hall meetings across the Nation, and 12 work sessions with Navajo organizations and Navajo Nation executive branch agencies.

At each town hall, Navajo citizens thanked their elected leaders for meeting with them on this critical issue while sharing their thoughts and concerns. The executive branch agencies provided their expert testimony on minerals, royalties, financial considerations, regulatory concerns, water rights, and the legal implications, among other issues, of a potential deal.

In early March, Delegate Rickie Nez (Nenahnezad, Newcomb, San Juan, T'iis Tsoh Sikaad, Tse'Daa'Kaan, Upper Fruitland) introduced Legislation 44-19. The measure reiterated the Navajo Nation's support for Navajo Transitional Energy Company acquiring the Navajo Generating Station and Peabody Kayenta Mine. In addition, the legislation clarified that the transaction would be independent of the Nation and that the Nation would not provide any financial guarantees or waivers or release of claims against the owners pertaining to NTEC's



*A panel of delegates conduct a town hall to listen to Navajo citizens' concerns related to the potential NGS - NTEC acquisition.*



*A packed house at the Department of Diné Education Center observe Council deliberations over Legislation 44-19. The special session was held at the education center in order to accommodate the public on March 21.*

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acquisition of the properties. Delegate Herman Daniels (Shonto, Naa'tsis'áán, Oljato, Ts'áh Bii Kin) was a co-sponsor.

On March 21<sup>st</sup>, after nearly eight hours of deliberation, Legislation 44-19 failed to pass the Naabik'iyáti' Committee by an 11-9 vote. The committee was the final authority for the legislation. After the council's decision, NTEC issued a release stating they were ceasing their efforts to acquire the power plant and mine.

## Economic and Community Development

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### *Navajo Nation Permanent Trust Fund Expenditure Plan*

In 2016, the 23<sup>rd</sup> Navajo Nation Council passed CAP-19-16, which provided \$150 million to major waterline projects, regional economic development projects and an amended allocation to the Local Government Trust Fund from the interest of the Permanent Trust Fund (PTF). In the second quarter alone, two beneficiaries of the legislation, the communities of Dennehotso and Nahata' Dziil, celebrated the openings of their convenience stores using funds from CAP-19-16.

### *Grand Opening of the Dennehotso C-Store*

Members of the 24<sup>th</sup> Navajo Nation Council and the community of Dennehotso celebrated the opening of the Dennehotso Convenience Store in February. The store site includes a convenience store, gas station, deli, and laundromat. The new store is well-positioned to capture highway travelers and support the basic needs of the local community.

When the package of projects was originally developed by the Budget and Finance Committee, the convenience store project received resistance and the threat of a line-item veto from the Office of the President and Vice President. Through careful negotiation and the strong advocacy of Dennehotso residents led by Council Delegate Nathaniel Brown (Chilchinbeto, Dennehotso, Kayenta), the Council was able to protect the project and ensure the president would sign the final package without a line-item veto.

For years, the Projects Management Department within the Division of Economic Development (DED) funded a piecemeal development approach of the 10-acre site. By the time the project received CAP-16-19 funding in 2016, the department had already invested approximately \$2.2 million to complete all preliminary work, including all clearances; market studies; and all waterline, road-widening, and powerline improvements. According to the department, the DED Navajo Nation Sales Tax Fund and Project Development Fund contributed \$1.5 million in project financing. Additionally, Navajo Nation Road Fund monies financed the access road expansion.

The new store is projected to make a strong contribution to the Navajo economy. During construction, the project created 50 temporary jobs, and the store's operations will create 20 permanent jobs. Surrounded by tourist destinations, the store is projected to provide annually \$45k in sales tax revenue and \$194k in fuel excise tax revenue.

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## *Grand Opening of the Nahata' Dziil Shopping Center*

Hundreds of area residents, along with Delegates Raymond Smith (Houck, Klagetoh, Nahat'a Dziil, Tsé Si'áni, Wide Ruins), Otto Tso (Tó Nanees Dizi), celebrated the opening of the new Nahata' Dziil Shopping Center. The new 30,000 square foot commercial facility includes a Bashas Diné Market, Pizza Edge, and laundromat.

Through a combination of funding from the Business Industrial Development Fund, Siihasin Fund, Sales Tax Fund, and PTF, the \$11 million project was completed on 50 acres of land set aside by the Nahata' Dziil Commission Governance. The site will include the development of a gas station, convenience store, and Dairy Queen. Overall, shopping center will employ approximately 100 people.



*The new shopping center in Nahata'Dziil.*

## **Navajo Nation Human Rights Commission Hearings**

### *Navajo, Native Students Testify on Mistreatment in Bordertown Schools*

The Navajo Nation Human Rights Commission (NNHRC), a unit of the Legislative Branch, held nine public hearings to assess mistreatment toward Navajo and Native American students in border towns and regional cities.

According to NNHRC Executive Director Leonard Gorman, the commission received concerns from Navajo citizens ranging from physical abuse of children to the lack of appropriate allocation of resources.

Additionally, there are concerns from Navajo parents about the need to incorporate appropriate Navajo curriculum into classroom instruction.

After hearing testimonies and making a formal recording of the complaints, the complaint cases are assigned to commission staff who will investigate and then find ways to remedy the issues.

After reviewing all the testimonials and formal reports the commission will develop a report for the 24<sup>th</sup> Navajo Nation Council that will identify recommendations to address the issues of mistreatment of Navajo and Native American students.



*Human Rights Commission Executive Director Leonard Gorman and chair of the commission, Dr. Jennifer Nez Denetdale, listen and respond to testimony in Gallup.*

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## FY 2020 Revenue Projections

### *No Plans for Mass Layoffs, Business as Usual for FY2020*

In testimony before the Budget and Finance Committee, the Office of the Speaker provided the initial Fiscal Year 2020 General Fund revenue projections, showing a more than \$5.4 million increase from FY2019's projection, despite a 44.7 percent decrease in coal revenue as a result of the decommissioning of Navajo Generating Station and Kayenta Mine in December, 2019.

Factors helping assuage the coal revenue shortage include a one-time payment of \$18.1 million from Salt River Project, or \$14.9 million after set-asides, and the potential addition of \$19.2 million from the Permanent Trust Fund Income available for General Fund use.

The Nation is planning on operating as usual in FY2020 and there are no plans for mass layoffs.

## Nation Celebrates 60 years of Navajo Courts

Navajo Nation leadership celebrated the Judicial System's 60 years of service to the Navajo people April 1.

Chief Justice JoAnn Jayne hosted the executive and legislative branches. In her remarks, she emphasized that the Navajo people have always had systems of justice, though the modern court system began 60 years ago.

In 1959, the Navajo Nation Council replaced the Court of Indian Offenses with the Navajo Nation Courts that continue to operate to this day.

Through several reorganizations, the courts have developed into the most sophisticated and expansive tribal court system in the United States. The Nation's courts are well-regarded by external institutions and their impartiality has bolstered the Council's defense against demands for waivers of sovereign immunity in financial and other transactions.

The Navajo Nation Judicial Branch will host several "Justice Days" throughout the month of April. More information is available at [navajocourts.org](http://navajocourts.org).



*A Judicial Branch exhibit on past justices.*

## FirstNet Orientation

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FirstNet officials presented on the telecommunications network to members of the Naabik'íyáti' Committee in a work session Friday, March 29<sup>th</sup> at the Council Chamber. Delegate Kee Allen Begay, Jr. (Low Mountain, Many Farms, Nazlini, Blue Gap/Tachee, Tselani/Cottonwood), who has been a strong driver behind the effort to extend FirstNet to the Navajo Nation, initiated the orientation for his new and returning colleagues.

FirstNet is a priority-based communications network offering mission critical services to first responders and other emergency personnel that will give them high-priority access to voice and data communications, especially during times of an emergency. When the program is complete within the proposed five-year time frame even remote rural areas on the Navajo Nation will have emergency access to FirstNet, presenters told the committee.

Federal government representatives told lawmakers FirstNet was authorized by Congress in 2012 with a plan to build a nationwide broadband network to facilitate critical communications between first responders at times when commercial cellular systems could be bogged down with heavy call volumes. Congress appropriated \$7 billion to establish the network. The government took bids with existing cell carriers in 2012 and selected AT&T Inc. to build the network. It works by simply inserting a FirstNet-enabled SIM card, a small cellphone component that facilitates communication with cell towers. With the inserted FirstNet SIM card, a cellphone is enabled to supercede other calls on the cell network.

FirstNet has mobile deployment units for first responders that can be utilized during mass events where cell service may be slowed or rendered unusable by the standard user. The Navajo Nation Telecommunications Regulatory Commission is working with company officials to have a mobile FirstNet unit active during the Navajo Nation Fair, providing first responders priority access during a time of congested network traffic.

FirstNet officials will be measuring cell signals in areas around the Nation and will meet with lawmakers again to give a preliminary report on their findings in June.

## Federal and State Advocacy

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### *Federal*

In early February, President Jonathan Nez and I met with members of the 116<sup>th</sup> Congress to advocate for Navajo Nation priorities and make introductions in their new positions. Passage of the Navajo Utah Water Rights Settlement Act was the primary legislative focus and received a positive response in both houses of Congress. Representative Rob Bishop (R-UT) has introduced the settlement act as HR 644 and Senator Mitt Romney (R-UT) has introduced the senate companion, S 1207.

The Office of the Speaker also advocated for the reauthorization of the Violence Against Women Act (VAWA), the fulfillment of the Office of Navajo Hopi Indian Relocation (ONHIR) promises, Navajo interests in

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farm bill programs, and Navajo housing priorities, among other issues.

On March 9<sup>th</sup>, several delegates met Representative Ben Ray Luján (D-NM) at Red Rock Chapter to identify Navajo legislative priorities and make introductions with the newly selected Assistant Speaker. Meeting topics included passage of the Native American Voting Rights Act, land jurisdiction and infrastructure improvement issues, Gold King Mine spill remediation and monitoring, and the Radiation Exposure Compensation Act, among other issues.

## State

### UTAH

On February 4<sup>th</sup>, the Utah Legislature passed SCR 2, designating August 14<sup>th</sup> as Navajo Code Talkers Day. Navajo Nation leadership attended the floor votes in both chambers. In addition to representing the Nation during the passage of SCR 2, the legislative and executive branch leadership advocated for eliminating work requirements for Utah's Medicaid expansion effort, increase resources for Navajo education in San Juan County, Utah Navajo roads, and other issues. In meetings with Governor Gary Herbert (R) and Attorney Sean Reyes (R), the delegation encouraged the state to look into modeling legislation on studies of missing and murdered Indigenous women, similar to bills in Arizona and New Mexico. Delegate Herman Daniels encouraged the continued progress on the US Hwy 163 roundabout project in Oljato.



*(L-R): Utah Special Counsel on Native American Affairs Larry Echo Hawk joins Delegates Nathaniel Brown, Rickie Nez, Herman Daniels and others to honor the Navajo code talkers at the Utah legislature on Feb. 4.*

### ARIZONA

The Office of the Speaker continues to monitor legislation and advocate on behalf of Navajo Nation priorities before the state. In particular, Delegate Otto Tso delivered remarks on two occasions advocating for an expansion of sports betting into the state – a move that should increase revenues to the Navajo Nation Gaming Enterprise. Additionally, Delegate Amber Kanazbah Crotty (Beclabito, Cove, Gadi'í'áhi/To'Koi, Red Valley, Tooh Haltsooi, Toadlena/Two Grey Hills, Tséahnáoz't'í'í) advocated for SB 2570, which would create a study committee on missing and murdered indigenous women and girls.

### NEW MEXICO

A delegation of Navajo New Mexico delegates led an effort to champion increased capital outlay funding for New Mexico chapters and Navajo Nation priority projects. They were successful in obtaining \$3.1 million in the governor's judicial safety budget for the Shiprock Judicial/Public Safety Facility design and construction project, in addition to \$25 million for other projects. Additionally, Delegate Crotty's active support resulted in the passage of HB 278, which would create a Missing And Murdered Indigenous Women Task Force and report.

## USNS Navajo Announcement

In mid-March the Navajo Nation proudly announced that Secretary of the Navy Richard V. Spencer had named the new class of U.S. Navy Towing, Salvage, and Rescue ships Navajo. The class is named in honor of the Navajo people's storied contributions to the American military, who have served in the armed forces for decades at a higher degree than the national participation rate.

The new class of vessels will be based on existing commercial towing offshore vessel designs and will replace the current T-ATF 166 and T-ARS 50 class ships. The first ship of this class will be named USNS Navajo and designated T-ATS 6.



*The shipbuilder's depiction of the future USNS Navajo.*

Each additional ship in the class will be named in honor of prominent Native Americans or Native American tribes.

The late U.S. Senator John McCain (AZ), who retired from the Navy with the rank of captain, strongly supported the effort to name the ship class in honor of the Navajo People.

Former Navajo Nation Council Speaker LoRenzo Bates coordinated the naming project during his speaker administration.

The Nation is currently assisting the Navy with the development of the ship's crest and the selection of a ship sponsor.

Gulf Island Shipyards was awarded the \$63.5 million contract for the detail design and construction of the T-ATS. The T-ATS will serve as open ocean towing vessels and will additionally support salvage operations and submarine rescue missions. The first ship in the class will be built at the company's shipyard in Houma, Louisiana and is expected to be completed in March 2021.

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## Census 2020

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The Navajo Nation Census 2020 Complete Count Commission has been formed and the Naabik'íyáti' Committee recently approved NABIMA-20-19, the commission's plan of operations, by a unanimous vote. The commission is tasked with leading awareness and outreach campaigns throughout the Navajo Nation and where Navajo people reside in the United States.

Having an accurate count in Census 2020 is vital for not only determining the number of people living in the U.S. and the Navajo Nation, but to determine the number of congressional seats for each state's delegation to the U.S. House of Representatives. Additionally, the census information is used to draw congressional and state legislative districts. Federal agencies use census data to distribute federal funds annually.

The commission operates under the Legislative Branch, and consists of 10 members. Five members are council delegates representing each of the five agencies and are appointed by the Speaker of the Navajo Nation Council. The remaining five members represent various organizations from the public and private sectors, and they are appointed by the President of the Navajo Nation.

All 10 committee members must be confirmed by the Naabik'íyáti' Committee and will serve at the pleasure of the Navajo Nation Council.

The Navajo Nation Census 2020 Complete Count Commission will have one regular meeting held quarterly. A written activity report is due within 30 days of its last scheduled quarterly meeting with copies of the report available to the Navajo Nation Council, Office of President and Vice President, all Navajo government branches and divisions, local chapters, Bureau of Indian Affairs, Indian Health Service, and the U.S. Census Bureau.

The logo for the United States Census 2020. It features the words "United States" in a smaller, red, sans-serif font at the top. Below that, the word "Census" is written in a very large, bold, red, sans-serif font. At the bottom, the year "2020" is written in a large, bold, red, sans-serif font, similar in size to "Census".

## Standing Committees of the Navajo Nation Council

### *Naabik'iyáti'*

Chair - Seth Damon (Bááháálí, Chichiltah, Manuelito, Tsé Lichíí', Rock Springs, Tsayatoh)

All council delegates are members of the committee.

### *Budget and Finance*

Chair - Jamie Henio (Alamo, Ramah, Tóhajiilee)

Vice Chair - Raymond Smith, Jr. (Houck, Klagetoh, Nahat'a Dziil, Tsé Sí'áni, Wide Ruins)

Elmer P. Begay (Dilkon, Greasewood Springs, Indian Wells, Teesto, Whitecone)

Nathaniel Brown (Chilchinbeto, Dennehotso, Kayenta)

Amber Kanazbah Crotty (Beclabito, Cove, Gadi'í'áhi/To'Koi, Red Valley, Tooh Haltsooi, Toadlena/Two Grey Hills, Tséa'náoz't'í')

Jimmy Yellowhair (Black Mesa, Forest Lake, Hardrock, Pinõn, Whippoorwill)

### *Health, Education, and Human Services*

Chair - Daniel E. Tso (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake)

Vice Chair - Charlene Tso (Mexican Water, Aneth, Teecnospos, Tóíkan, Red Mesa)

Paul Begay (Bodaway/Gap, Coppermine, K'ai'bii'tó, LeChee, Tonalea)

Nelson S. BeGaye (Lukachukai, Rock Point, Round Rock, Tsaile/Wheatfields, Tsé Ch'izhí)

Pernell Halona (Coyote Canyon, Mexican Springs, Naschitti, Tohatchi, Bahastl'a'a')

Edison J. Wauneka (Oak Springs, St. Michaels)

### *Law and Order*

Chair - Eugenia Charles-Newton (Shiprock)

Vice Chair - Otto Tso (Tó Nanees Dizi)

Vince R. James (Jeddito, Cornfields, Ganado, Kin Dah Łichíí, Steamboat)

Eugene Tso (Chinle)

Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau)

### *Resources and Development*

Chair - Rickie Nez (Nenahnezad, Newcomb, San Juan, T'iis Tsoh Sikaad, Tse'Daa'Kaan, Upper Fruitland)

Vice Chair - Thomas Walker, Jr. (Cameron, Coalmine Canyon, Leupp, Tolani Lake, Tsidi Tó'ii)

Kee Allen Begay, Jr. (Low Mountain, Many Farms, Nazlini, Blue Gap/Tachee, Tselani/Cottonwood)

Herman Daniels, Jr. (Shonto, Naa'tsis'áán, Oljato, Ts'áh Bii Kin)

Mark Freeland (Becenti, Crownpoint, Huerfano, Lake Valley, Nageezi, Nahodishgish, Tse'ii'ahí, Whiterock)

Wilson C. Stewart, Jr. (Crystal, Fort Defiance, Red Lake, Sawmill)

Otto Tso (Tó Nanees Dizi)

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## Second Quarter Report Program Summaries Fiscal Year 2019

### Office of the Auditor General

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Contact Person: Helen Brown, *Acting Auditor General*

Phone: (928) 871-6303

Contact Email Address: helenbrown@navajo-nsn.gov

Section One: Accomplishments from 2<sup>nd</sup> Quarter in FY2019

Program/Chapter audits – 1 report

- 19-11 Available Fund Balances for 110 Chapters as of September 30, 2018

Follow-up on Corrective Action Plan Implementation – 5 reports

- 19-12 Tonalea Chapter Corrective Action Plan Follow-up
- 19-13 Kaibeto Chapter Corrective Action Plan Follow-up
- 19-14 Sanostee Chapter Corrective Action Plan Follow-up
- 19-15 Tsaile/Wheatfields Chapter Cash Receipt Activities Corrective Action Plan Follow-up
- 19-16 Tsaile/Wheatfields Chapter Cash Disbursement Activities Corrective Action Plan Follow-up

Section Two: Goals for the 3<sup>rd</sup> Quarter in FY2019 (ongoing projects and activities):

- Navajo Food Distribution Program Performance Audit
- Navajo Transit System Performance Audit
- Department of Family Services Special Review
- Three 638-Hospitals Compliance Reviews
- Lukachukai Chapter Special Review
- Red Mesa Chapter Special Review
- Baca Chapter Special Review
- DCD Special Investigation
- Baca Chapter Special Investigation
- Dilkon Chapter Special Investigation
- Alamo Chapter Special Investigation
- Manuelito Chapter Special Investigation
- Special report on Chapter unspent funds
- Special report on financial audits by certified chapters
- Other fraud investigations of chapters/staff
- Revisits of sanctioned programs and chapters

Issues/Recommendations

- Some challenges for our office included the training and preparation of entry-level auditors for audit assignments, and the delays in completing program audits due to new division directors who are still

familiarizing themselves with their programs/departments.

- The process to advertise the vacant Auditor General position has been initiated but this requires updating of the job vacancy announcement and other related documents to ensure requirements will meet the current needs of our office.
- The initiative to amend our office plan of operation remains a priority and ongoing process; we are soliciting feedback on proposed amendments and we will be scheduling a work session with the new Budget and Finance Committee in the coming weeks.

## Eastern Navajo Land Commission

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Contact Person: Larry Rodgers, *Executive Director*

Contact Phone Number: (505) 786-2430

Contact Email Address: lasar98@yahoo.com

### Section One: Accomplishments from the 2<sup>nd</sup> Quarter FY2019

- Commission Meetings: Due to the transition from the 23<sup>rd</sup> to the 24<sup>th</sup> Navajo Nation Council, the appointments of members to the Commission will not occurred until the Spring Session in April 2019, thus only the out-going Commission had its last meeting in early January. In the interim, Speaker Damon has advised to keep on top of the projects the Commission will start addressing again after (re )appointment to the Commission.
- Staffing and Consultation: Three staff members continued their work activities during this quarter. Mr. Jeremy DeGroat, prior Statistical Technician, now serves as the GIS Technician. The Land Statistic Technician (LST) position was advertised and referral made for one qualifying applicant, the new staff is schedule to start on April 15th. A previous interview and hired staff decided not to continue in the LST position being on the job for only two weeks back in the start of the quarter.

### Section Two: Goals for the 3<sup>rd</sup> Quarter in FY2019

- Renew talks with Congressional member on the NELI-NIIP Project
- Initiate Navajo BBP-II. Another round of the buy-back program will be implemented and 25,000
- Pursue work with state land office for another run of land exchange for state lands that may be beneficial for community use.
- Work toward master plan of Ft. Wingate area.

### Section Three: Issues/Recommendations

- Maintain strong schedule for the BBP-II.
- Follow up on ranch purchases in New Mexico needs to be prioritized.

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## Navajo Nation Election Administration

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Contact Person: Edbert Little, *Executive Director*

Contact Phone Number: (928) 871-7263

Contact Email Address: [esliddle@navajo-nsn.gov](mailto:esliddle@navajo-nsn.gov)

### Section One: Accomplishments from 2<sup>nd</sup> Quarter in FY2019

- Election Board members conducted six (6) regular meetings.
- Election Board had two work sessions.
- Election Board approved 11 resolutions during their regular meetings
- Legislation No. 0144-18, An Action Relating to Law and Order, Budget and Finance, Naabik'iyati' and the Navajo Nation Council; Amending Challenge and Election Dispute provisions of the Navajo Nation Election Code at 11 N.N.C. § 21, 23,24,240,341 and 342. Passed on December 31, 2018.
- One grievance is still pending in Office of Hearing and Appeals..
- There are 101,161 Registered Navajo voters
- Recall initiatives and inquiry are being sought
- Special Election conducted at Alamo

### Section Two: Goals for 3<sup>rd</sup> Quarter in FY2019

- Continue working on amending Election Laws/Codes
- NEA's Executive Director position is vacant but can't advertise because there is a grievance ongoing.
- Continue other Goals and Objectives of the Election Administration/Board; implement directives
- 32 elected positions to be filled reservation wide (24 School Board and 8 Chapter Officials)
- NEA needs to request for funds to upgrade computers, printers, and replacing the old election data base with a new one.

### Section Three: Issues/Recommendation(s)

- Election Administration needs funding for a new office building
- Elections 2020: Recommend: Establish a Fixed Cost Budget for all elections in the coming years and in anticipation of 10% budget shortfall for FY 2019/2020
- Hire an Executive Director
- Establish Board and Administration as an independent entity.

## Navajo Nation Ethics and Rules Office

Contact Person: Mikki Garnenez, *Ethics Investigator*

Contact Phone Number: (928) 871-6369

Contact Email Address: mgarnenez@navajo-nsn.gov

### Section One: Accomplishments from 2<sup>nd</sup> Quarter in FY2019

- Restitution payments have increased each month:
  - » January: \$655.00
  - » February: \$840.00
  - » March: \$1,090.00
- A total of (116) Ethics Intakes have been closed out due to no ethical violations, but complainants have been referred to other entities to be resolved.
- A total of (398) clearances have been tracked for the quarter.
- Executive Director was able to setup a Sharepoint webpage training with ERO Investigators, and White Collar Crime unit.
- The Ethics and Rules Office (ERO) has met or succeeded the quarterly goals in all program performance criteria

### Section Two: Goals for the 3<sup>rd</sup> Quarter in FY2019

- Fill one (1) Executive Director position, and (1) Ethics Presenting Officer position; explore a revision of the salary grade/step to allow for recruitment and retention of candidates.
- Secure a Navajo Nation Bar (NNB) temporary contractor to adjudicate ERO cases.
- Secure contract forensic accountant to assist with case preparation that involves misuse of high dollar amounts from overpayment of TA's, stipends, etc.
- Draft new internal guidelines to restandardize investigation procedures for approval by the Law and Order Committee.

### Section Three: Issues/Recommendations

- Amendment to Title 26 and/or election code or Ethics in Government Law and the OHA Hearing Rules for ethics cases to allow for administrative leave of elected officials and political appointees during active ethics investigations or after a complaint is filed and the matter is pending adjudication and final order from OHA.

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## Office of Navajo Government Development

Contact Person: Edward K. Dee, *Executive Director*

Contact Phone Number: (928) 871-6378

Contact Email Address: ekdee@navajo-nsn.gov

### Section One: Accomplishments from 2<sup>nd</sup> Quarter of FY2019

- The Commission passed resolution CNGD-0202-19: An action to recommend that the Navajo Nation Council to move forward and transition away from coal to renewables. The Commission passed this resolution to urge the 24<sup>th</sup> Navajo Nation Council to definitively make the statement on behalf of the Navajo Nation to transition from the coal industry and to progress and embrace renewable energy.
- The Commission passed resolution CNGD-0203-19: An action to approve proposed amendments to 2 N.N.C §§ 970 -978. The ONGD and CNGD plan of operation. These amendments will update language in the plan of operation as well as incorporate principles of Sustainability.
- The ONGD working with the Genetics Policy Development Working Group have been working to develop a draft of the Navajo Genetics Research Policy. The draft is currently under review by Navajo Department of Health, Navajo Nation Human Research Review Board, and other entities.
- The ONGD held seven listening sessions throughout the Navajo Nation to collect input directly from the Navajo People on the topic of Navajo Government Reform. Data is currently being compiled into a comprehensive report.
- The ONGD is moving forward to hold the 2019 Navajo Sustainability Symposium. Several notable donors such as Salt River Project and Wells Fargo have committed to help sponsor this event.

### Section Two: Goals for the 3<sup>rd</sup> Quarter in FY2019

- Amend the ONGD and CNGD plan of operation codified in 2 N.N.C §§ 970 -978 to make updates and incorporate the principles of sustainability.
- Analyze input from the "Let's talk Government Reform" listening sessions to generate a report that covers public sentiment on Navajo Government Reform.
- The Commission and Office is taking the lead to host and facilitate 2019 Navajo Nation Sustainability Symposium: Nahasdzaan dóó Yadithitt in late March 2019 in collaboration with Chinle Chapter, To'Nanees'Dizi Local Government, Kayenta Township Commission and other entities.
- The Commission and Office will continue to explore a possible government reform opportunity with the current work by Harrison Tsosie, Esq., in devising initial draft of the Dine Bi Beehaz'aanii, a charter drafted by a non-governmental organization for a constitution.
- The Commission and Office will work with the Navajo Nation Board of Election Supervisors to look as possible updates the Title 11-The Navajo Nation Election Code.

### Section Three: Issues/Recommendations

- Fill outstanding commission positions and update plan of operations.

## Navajo Nation Human Rights Commission

Contact Person: Leonard Gorman, *Executive Director*

Contact Phone Number: (928) 871-7436

Contact Email Address: leonardgorman@navajo-nsn.gov

### Section One: Accomplishments from 2<sup>nd</sup> Quarter in FY2019

- Public Hearing on the Mistreatment of Navajo and Native American Students Off the Navajo Nation: The Commission held nine (9) public hearings in March 2019 at Cuba, and Albuquerque, New Mexico; Holbrook, Flagstaff, and Page, Arizona; Blanding, Utah; Cortez, Colorado; and Farmington, and Gallup, New Mexico, to address the mistreatment of Navajo and Native American students off the Navajo Nation according to Naabik'iyáti' Committee Resolution NABI-87-18.
- Federal Trade Commission: The Office played an instrumental role in the lawsuit brought by the Federal Trade Commission against Tate's Auto Group for illegal consumer activities, including falsifying consumers' income and down payment information on vehicle financing applications and misrepresenting important financial terms in vehicle advertisements. The lawsuit is filed in U.S. District Court Arizona.
- Reviewed Citizen Complaints: The Office received 23 new complaints in the second quarter. Intake meetings were conducted and majority of the complaints were staffed for investigations. Majority of issues include predatory automobile sales and employment issues.
- San Juan County Utah Voting Rights: The Office continues to work on voting rights issues in Utah's San Juan County that are perpetrated by non-Native Americans.

### Section Two: Goals for the 3<sup>rd</sup> Quarter in FY2019

- Conduct Public Symposiums: Develop public education materials to educate the Navajo people on the meaning of Free, Prior and Informed Consent ("FPIC"), what is Navajo FPIC, and treaties as it relates to Navajo human rights.
- Consumer Training: This Office is developing a consumer training on how to purchase a vehicle with Temporary Assistance for Needy Families ("TANF") clients and it will be hosted at TANF's training centers in May 2019.
- 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.

### Section Three: Issues/Recommendations

- Fill Commission Vacancy: With the removal of Carl Smith as an appointed member of the Commission, the position representing Social Services needs to be filled as soon as possible.
- 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 and will require training.

# Speaker's Report

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## Navajo Nation Labor Commission

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### Section One: Accomplishments from 2<sup>nd</sup> quarter of FY2019

- Efficient use of allocated funds, NNLC held fifteen (15) evidentiary hearings.
- NNLC and program timely processed three (3) appealed NNLC cases to Navajo Nation Supreme Court.
- NNLC program timely processed twelve (12) formally filed complaints.
- NNLC timely adjudicated fifteen (15) NPEA cases.
- NNLC and program timely closed and issued five (5) orders.
- NNLC and program timely issued and mailed five hundred (500) 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 (72) pending NPEA cases.
- NNLC program made three (3) audio copies at parties' requests.

### Section Two: Goals for the 3<sup>rd</sup> Quarter in FY2019

- NN presidential 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 and program will timely adjudicate NPEA cases.
- NNLC and program will timely process formally filed NPEA complaint(s) and/or petition(s).
- NNLC and program will timely issue and close out NPEA cases.
- NNLC and program will continue review and amend NNLC Rules of Procedure.
- NNLC and program will continue to preserve substantial rights of all employees and employers in accordance to Navajo Law.
- Closure of NNLC cases heard by current sitting NNLC members.

### Section Three: Issues/Recommendation(s)

- NNLC lacks one (1) Navajo Nation Presidential appointment

## Navajo Utah Commission

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### Section One: Accomplishments from the 2<sup>nd</sup> Quarter in FY2019

- The Navajo people of Utah proudly seated two Navajo commissioners on the San Juan County Commission on January 7, 2019, despite long-standing resistance from non-Indians in regard to voting rights, legislative redistricting, and service delivery.
- The Navajo Utah Commission and the Utah chapters continue to strengthen governmental relations with the Utah Legislature and Governor, including recent appropriations for the Monument Valley Roundabout Project, designation of the Navajo Code Talker Highway, and reintroduction of the Utah Navajo Water Settlement Act in the 116th Congress by the Utah congressional delegation.
- The Navajo Utah Commission assisted the Teecnospos Chapter in project planning and construction fund acquisition for the Teecnospos Chapter Renovation Project with rededication and appreciation occurring on March 1, 2019.
- The Navajo Utah Commission prepared and submitted a funding application to Rural Development RBDG seeking \$120,000 to appropriate an Economic & Market Study and a GEO Design Land Use Plan for an Eight Chapter Region.

### Section Two: Goals for the 3<sup>rd</sup> Quarter in FY2019

- Submit funding application seeking \$34,000 to the Navajo Revitalization Fund for project match-funding purposes and verbal request at the May 21, 2019, NRF Board of Directors meeting.
- Conduct a Housing Policy Training for Utah chapters in collaboration with Navajo Nation DOJ in regard to housing funds collected by Utah chapters from various funding sources.
- Work on planning preparations for upcoming Economic & Market Study and GEO Design Land Use Plan for Utah chapters.
- Complete construction of 3 housing units and initiate construction of 4 additional units with the Utah Olene Walker Housing Project serving Utah chapters.

### Section Three: Issues/Recommendation(s)

- Navajo Nation DOJ, contract attorneys, Navajo Nation Human Rights Commission, Navajo Utah Commission, Utah chapters, and others worked tirelessly to achieve legislative redistricting and election of a Navajo-majority on the San Juan County Commission. Despite these gains and advancement, non-Indian citizens and officials in San Juan County unfortunately continue to display certain forms of racism and resistance in working with the Navajo commissioners. The Navajo Utah Commission is recommending the Navajo Nation Council to provide appropriations and legal support for the Navajo commissioners and to address continuing court challenges.

