



# Speaker's Report

2018 Fall Council Session

**Honorable LoRenzo Bates**

*23<sup>rd</sup> Navajo Nation Council*

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23<sup>rd</sup> Navajo Nation Council  
Fall Council Session  
October 2018



# Speaker's Report



## Message from Speaker LoRenzo Bates

Yá'át'ééh and welcome my colleagues of the 23<sup>rd</sup> Navajo Nation Council, President Russell Begaye, Vice President Jonathan Nez, chapter officials, federal, state, and county officials, legislative staff, and most importantly our Diné Citizens. Thank you for joining us as we welcome you to the 2018 Fall Council Session.

It is very difficult to come before you on this occasion following the recent and sudden loss of our colleague, our friend, and our loved one – the Honorable Steven Begay. Words cannot express the sadness that we feel at this moment, especially for his wife, children, and communities. Honorable Begay was a tremendous part of this legislative body and in our daily lives.

As we all know, he provided us with great guidance and knowledge in traditional teachings and he often blessed us with his prayers and songs. He spoke his words with great passion and humility. We all witnessed his great ability to speak on issues and to advocate with such eloquence and articulation in both the English and Navajo languages. He was truly a great orator and teacher for us all.

As we begin the Fall Session, I ask the Creator to watch over all of us and that we begin to find comfort in knowing that Honorable Begay is now safe and well in the hands of our Creator. I remind myself that the words and teachings of our elders tell us that we must turn to our prayers to find strength, guidance, and understanding during hardships such as this.

I am certain that Honorable Begay would advise us the same way and that he would want us to continue serving our people and communities, just as he always did as a member of the 23<sup>rd</sup> Navajo Nation Council. He would want all of us to be strong and to carry out the remainder of our current term in office with dignity, honor, and doing what is best for our people.

As Speaker of the Navajo Nation Council, it has been my honor to serve alongside my colleagues and to offer my guidance and support. I thank each of my Council colleagues for their hard work and contributions that serve to improve our communities for our youth, elderly, veterans, and many others.

On behalf of the 23<sup>rd</sup> Navajo Nation Council, I again thank our Diné Citizens and many others for their words of encouragement and support. May the Creator continue to watch over all of us during this difficult time.

Áhehéé',

LoRenzo Bates, *Speaker*  
23<sup>rd</sup> Navajo Nation Council



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## Families receive new housing to replace homes lost in Asaayi Lake Fire

On August 21, I had the distinct honor of joining the late Honorable Steven Begay as he presented keys to new homes to numerous families that lost their homes in the Asaayi Lake Fire in 2014.

If you recall, many times on the Council floor Honorable Begay strongly advocated for the funding of these homes and stated several times that the replacement of these homes was the reason he decided to seek a position on the Navajo Nation Council. He was persistent about securing the funding. When the legislation was passed by Council, then vetoed, he immediately reintroduced the legislation which was again approved by the Council and finally signed into law.

As he and I visited the families on August 21, it was quite apparent that his constituents and the communities had a very profound and sincere respect for their leader, Honorable Begay. He was a true advocate and leader for his people and we will always be thankful to him for that.



*PHOTO: Council Delegate Steven Begay hands the key to a new home to 84-year-old Emma Roanhorse in Naschitti, N.M. on Aug. 21, 2018.*



*PHOTO: Speaker LoRenzo Bates and Council Delegate Steven Begay visit a hogan under construction in Naschitti, N.M. on Aug. 21, 2018.*

One of the more memorable visits was with 84-year-old Emma Roanhorse, a lifelong resident of the Naschitti community who lost her home in the Asaayi Lake Fire. Roanhorse expressed her appreciation to everyone that helped to address the loss of homes and thanked Honorable Begay for his compassion and assistance. She explained that her family has resided in the area for many years and used the land to sustain their way of life through the family's sheep and cattle.

Roanhorse was among 19 individuals who received new homes through Honorable Begay's bill that provided over \$764,000 to the Naschitti Community Governance to aid in the replacement of the homes.

Honorable Begay spoke that day stating, "The fire caused destruction and damage to the beautiful mountainous forest that the people of District 14 call home. I spent every summer of my life in the Chuska Mountains and it is heartbreaking to see burnt dead trees where tall evergreens once stood. Families lost homes

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*PHOTO: Council Delegate Steven Begay and Speaker LoRenzo Bates outside 84-year-old Emma Roanhorse's new home in Naschitti, N.M. on Aug. 21, 2018.*

that took generations to build and valuable summer grazing areas were adversely impacted. It's taken four long years to adjust, rebuild, and begin the healing process. This is a great step forward in the healing process for the land, the families, the livestock, and many others who were impacted."

The 23<sup>rd</sup> Navajo Nation Council will forever be grateful and appreciative for the life of Honorable Steven Begay and all that he did for his communities and the entire Navajo Nation.

## Arizona Proposition 127

In early October I was invited to speak at the Arizona State Capitol and to join hundreds of mine workers, officials with Navajo Transitional Energy Company, and others to march and speak out against Arizona Proposition 127.

In July, members of the Navajo Nation Council passed a resolution opposing Proposition 127 for several reasons including the fact that the proposed initiative would impose a dramatic increase in electricity bills, particularly for low-income and fixed-income Navajo families.

I continue to respectfully ask Arizona voters to join the Navajo Nation on November 6 in voting "No" on Proposition 127, the "Clean Energy for a Healthy Arizona" initiative, which would require utility companies to obtain 50-percent of their electricity from renewable resources by 2030.

While the Navajo Nation does support renewable energy development, the Navajo Nation does not support the way in which Proposition 127 would impose requirements and infringe on the sovereign status of tribes throughout the state. If passed, the measure would negatively impact utility costs, employment, revenue, and other factors for all Arizona citizens, including members of the Navajo Nation.

In recent years, the Navajo Nation has taken important steps to promote and develop renewable energy, which is evident with the recent opening of the Kayenta Solar Facility – a two-phased project that provides over 55 megawatts of solar energy for homes and other uses. This is a prime example of the Navajo Nation's responsible transition to renewable energy. The Navajo Nation has spoken and established our official position on this matter.



*PHOTO: Speaker LoRenzo Bates with coal miners at the Arizona State Capitol following a march in opposition to Proposition 127 in Phoenix, Ariz. on Oct. 9, 2018.*



*PHOTO: Speaker LoRenzo Bates speaks in opposition to Proposition 127 at the Arizona State Capitol in Phoenix, Ariz. on Oct. 9, 2018.*

In addition, the initiative would likely lead to the closure of the Four Corners Power Plant and the Navajo Mine, which combined have a \$225 million impact on regional economies and provide more than \$100 million in royalties, taxes, and fees to the Navajo Nation and other governmental entities and provides nearly 800 jobs, most of which are Native American workers.

We must also remember that the state of Arizona already has renewable energy standards that provide a more fair and realistic timeline for transition. In 2006, the state initiated renewable energy standards when the Arizona Corporation Commission voted to require electric utilities to generate 15-percent of their energy from renewable sources by 2025. This is a much more realistic approach for the Navajo Nation and the entire state.

The people pushing this initiative did not take into account the sovereign status of the Navajo Nation and the impact that it would have on utility rates for Navajo families and the overall economy.

We support renewable energy, but we do not support the process that this initiative is proposing. Once again, I respectfully ask all Arizonans to join the Navajo Nation on November 6 in voting "No" on Proposition 127.

To learn more about Proposition 127, please visit: [www.savenativeamericanfamilies.com](http://www.savenativeamericanfamilies.com) or [https://www.youtube.com/channel/UCyW2ZeWAtU1m0pUik4symiA/videos?view\\_as=subscriber](https://www.youtube.com/channel/UCyW2ZeWAtU1m0pUik4symiA/videos?view_as=subscriber).

## Expansion of Navajo Nation's largest solar energy project

This past August, the Navajo Tribal Utility Authority and Navajo leaders celebrated the start of construction of the Kayenta Solar Facility II – the second phase to the existing large-scale solar farm that will provide an additional 28.0 megawatts of solar energy. When completed, the entire solar facility will produce over 55 megawatts of power and enough to provide energy for approximately 36,000 homes on the Navajo Nation.

During the groundbreaking ceremony, Council Delegate Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichíí, Steamboat) spoke on behalf of the 23<sup>rd</sup> Navajo Nation Council and commended the NTUA staff and board, local grazing permit holders, and community members and leadership for their collaboration and dedication to expand the first-ever large-scale solar farm on the Navajo Nation.

As Delegate Shepherd stated, our traditional and modern knowledge of sustaining and utilizing our natural resources has presented many opportunities of growth and development for our people.

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The Navajo Nation Council is very grateful to the families of John Todacheene, Bessie Parrish, Jefferson Yazzie Black, Florence Parrish, and the late Ella Todacheene, who each held grazing permits within the area and consented to land withdrawals to allow for the construction of the solar facility.

This project also increases the potential for infrastructure development, creates energy workforce for job opportunities, generates tax dollars and revenues for further infrastructure construction and utilities, increases additional scholarship and internship programs, and creates revenue for the local community.



*PHOTO: Council Delegate Alton Joe Shepherd participates in the groundbreaking ceremony for the Kayenta Solar Facility II in Kayenta, Ariz. on Aug. 23, 2018.*

According to NTUA, the success of the first phase resulted in a payout of wages totaling \$5.2 million to Navajo workers that also received over 4,700 hours of solar utility construction training. Additionally, the solar facility generated approximately \$3 million in tax revenue.

Once again, I thank everyone who was involved in this development and we look forward to continue developing sources of renewable energy for the Navajo Nation. The Kayenta Solar Facility II is expected to begin operation by June 2019.

## Navajo elders successfully obtain Delayed Birth Certificates



*PHOTO: Navajo elders at the delayed birth certificate outreach event in Shiprock, N.M. on Aug. 6, 2018.*

Beginning in July, the Office of the Speaker in coordination with the Navajo Office of Vital Records and various New Mexico agencies held a series of public outreach events to assist Diné citizens with obtaining delayed birth certificates, driver's licenses, vehicle registrations, Driver Authorization Cards, and other documents that comply with the federal REAL ID Act. The events were held in the communities of Crownpoint, Window Rock, and Shiprock.

Since the federal Real ID Act took effect, many Navajo Nation constituents, particularly elderly people, experienced challenges in obtaining documents such as delayed birth certificates or Real ID/Driving Authorization Cards.

In 2005, Congress passed the Real ID Act that established minimum-security standards for issuing driver's

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*PHOTO: Navajo elders at the delayed birth certificates outreach event in Window Rock, Ariz. on July 17, 2018.*

licenses and identification cards. The federal Act, which is enforced by the Department of Homeland Security, requires states to become compliant by October 2020.

Data from the outreach events show that at least 285 Navajo individuals successfully obtained delayed birth certificates, 7 obtained Driving Authorization Cards, and 17 obtained REAL ID's.

I extend my appreciation to my Council colleagues, the Navajo Office of Vital Records and various New Mexico agencies that worked collaboratively with the Office of the Speaker to

make these events available to our elderly so they wouldn't have to make long commutes to Santa Fe and other locations to obtain these documents.

I also give special thanks to the New Mexico Department of Health – Office of Vital Records, New Mexico Department of Taxation and Revenue – Motor Vehicle Division, New Mexico State Representatives, Navajo Technical University, Navajo Nation Department of Diné Education, Navajo Nation Shiprock Office of Diné Youth, Navajo Agricultural Products Industry, Navajo Transitional Energy Company, Choice NTUA Wireless, and Arizona Public Services.

## Naabik'iyáti' Sexual Assault Prevention Subcommittee

Going into the last remaining months of the 23<sup>rd</sup> Navajo Nation Council's term, the Naabik'iyáti' Sexual Assault Prevention Subcommittee has continued their journey of improving sexual assault violence awareness, prevention, post-vention, and victim-centered services.

When the subcommittee was established, the members outlined a list of priorities that encompassed goals to increase effective responses to sexual assault, domestic violence, child abuse, and human trafficking. To date, they have accomplished as much as possible with considerable challenges along the way, and I commend them for continuing to make progress each quarter.



*PHOTO: Council Delegate Amber Kanazbah Crotty, along with Utah Attorney General Sean Reyes and U.S. Attorney's Office Utah District, held a roundtable discussion with Navajo entities to address human trafficking and violent crimes on the Navajo Nation in Santa Fe, N.M. on Sept. 18, 2018.*



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*PHOTO: Council Delegate Amber Kanazbah Crotty and other panelists participated in a roundtable discussion hosted by the Bipartisan Working Group to End Domestic Violence in Washington, D.C. on Sept. 26, 2018.*

Recently, the subcommittee met with the U.S. Attorney's Office Utah District and Utah's Attorney General Sean Reyes, regarding the Navajo Nation's human trafficking initiative, and discussed how the Nation and Utah could collaborate. The Navajo Nation Department of Justice, Navajo Nation Police Department and Criminal Investigations, and Division of Social Services also took part in the roundtable discussion. All entities had the opportunity to engage in a fruitful discussion to consider how they can resource share and develop a plan to improve a coordinated response to trafficking and violent crimes.

In September, SAP Subcommittee chair Council Delegate Amber Kanazbah Crotty (Beclabito, Cove, Gadi'í'áhi/To'Koi, Red Valley, Tooh Haltsooi, Toadlena/Two Grey Hills, Tsé ałnáoz't'l'í) was selected to sit on a congressional bipartisan working group panel to discuss and advocate for the reauthorization of the Violence Against Women Act in Washington, D.C. She not only conveyed the needs of Navajo women, but she emphasized to congressional leaders to remain mindful of the children and law enforcement officers who may get caught in the crossfire of domestic violence situations, and advocated on their behalf to increase protections for all parties involved.

Congressman Tom O'Halleran (D – AZ) is currently sponsoring a bill entitled, "Native Youth and Tribal Officer Protection Act," which seeks to protect children and law enforcement officers during instances of domestic violence. Last year, we lost Navajo Officer Houston Largo who was killed during a domestic violence dispute, and I call on my colleagues to continue advocating for the passage of this legislation.

Most recently, the Navajo Nation Human Trafficking White Paper is in its final editing phase and is up for consideration to be published as a model for other tribes seeking to implement policy changes and recommendations to their tribal law makers in hopes of improving their own responses to trafficking within their public safety, social services, and health programs. The Office of the Speaker will keep the Council apprised of when the paper is finalized.

## FY2019 Comprehensive Budget

Chief Legislative Counsel issued a legal opinion on September 28, indicating that President Russell Begaye's line item veto actions to the Navajo Nation's fiscal year 2019 Comprehensive Budget are invalid because the president failed to take action on the budget resolution within the 10-day timeframe mandated by 2 N.N.C. § 1005 (C) (10).

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The legal opinion further states that the president's authority to sign into law or veto the resolution was waived after the expiration of the 10-day period, and that the budget passed by the Navajo Nation Council should have been in effect as of October 1.

On September 4, the Navajo Nation Council unanimously adopted the fiscal year 2019 Comprehensive Budget through Resolution CS-68-18, which I then certified and was delivered to the Office of the President and Vice President on September 10 for consideration. President Begaye issued a total of 31 line item vetoes, however, he signed and dated the budget resolution on September 21, one day after the 10-day limit had expired.

The Navajo Nation Code further states, "The President's authority to sign into law or veto legislation shall be deemed to be waived if not exercised within the ten calendar days after certification of the legislation by the Speaker or Speaker Pro Tem and the legislation shall be deemed enacted and become effective pursuant to 2 N.N.C. § 221."

President Begaye requested an extension of the 10-day period, however, the legal opinion points out that Navajo Nation laws do not allow for a waiver or extension of the 10-day requirement.

A reliance on an approval of the Office of the President and Vice-President's request for additional days to review the annual budget is misplaced and notwithstanding. CS-68-18, by law, is a valid resolution and is the comprehensive budget for the Navajo Nation's FY2019. The entire resolution, as passed by the Navajo Nation Council, is valid and effective for the next fiscal year of the Navajo Nation.

We anticipate Navajo courts to consider this issue and make a determination based on the differing legal opinions issued by the Chief Legislative Counsel and the Office of the Attorney General.

## Energy

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We are quickly coming to the end of the 23<sup>rd</sup> Navajo Nation Council's current term in office and there is still much to accomplish in the Navajo Nation's energy field. During this Council's term, our Nation's energy industry came under uncertainty as we began to feel the effects of the solar industry subsidies in the energy market place, as well as the historic low cost of natural gas due to the advancements in the hydraulic fracturing technology. This has weighed heavily on our coal-based assets including the Navajo Generating Station and Kayenta Mine.

In early 2017, SRP informed the Navajo Nation that they planned to shut NGS down within six short months. Our Navajo workforce and their families were the hardest hit by this unfortunate news as it would force employees to seek new employment off the Navajo Nation and split up Navajo families. Additional impacts would be felt by our Nation as a whole, as we contemplate a 20% cut in revenues.

We were able to avoid this initial cut in jobs and revenues when we worked through the Navajo Joint Energy

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Task Force to negotiate with SRP to extend the lease agreement, which allowed them to continue producing power and keep our citizens employed up to the end of 2019, while we continue seeking solutions beyond 2019.

With the help of Peabody and Lazard, we were able to identify Avenue Capital and Middle River Power and begin negotiating the ownership and operation of NGS. Avenue Capital focused on procuring purchase power agreements from the existing owners as we continued to seek new potential offtake agreements such as blockchain technology as well as other emerging technologies.

While this work continued, Proposition 127 in Arizona began to circulate, which stipulated a dramatic and irresponsible transition to 50% renewable energy by 2030. This action halted Avenue Capital's negotiations with APS and stalled the negotiations beyond the timeline necessary to finalize the deal. We presented several viable solutions beyond the existing owners offtake agreements, but Avenue Capital was determined to walk away and left the negotiating table with little notice and no consultation with the Nation.

The President and I along with the 23rd Navajo Nation Council remain committed to working tirelessly through the end of our term to ensure the continued operations of NGS and the Kayenta Mine. We have requested that NTEC come to the negotiating table to explore the possibility of ownership of NGS on behalf of the Nation. We have committed to support them in this effort as we work to bring additional power customers to the negotiating table as well as the full support of the federal government.

## Twin Arrows Travel Center construction begins

On September 20, members of the 23<sup>rd</sup> Navajo Nation Council were honored to participate in a groundbreaking ceremony for the new Twin Arrows Travel Center, which will be constructed along Interstate 40, near the Twin Arrows Navajo Casino Resort.

In July 2016, the Navajo Nation Council passed legislation to adopt the Síhasin Fund Twin Arrows Travel Center Development Expenditure Plan, which included direct funding to the Navajo Nation Gaming Enterprise in the amount of \$6 million and an additional loan of \$4 million.



*PHOTO: Navajo Nation Council members Otto Tso, Nathaniel Brown, Norman M. Begay, Walter Phelps, Herman Daniels, Jr., and Benjamin L. Bennett, Navajo Nation Gaming Enterprise board of directors, and Leupp Chapter leadership during the groundbreaking ceremony for the Twin Arrows Travel Center in Leupp, Ariz. on Sept. 20, 2018.*

This special occasion was the culmination of the persistent efforts of the members of the Council, who did

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not stop advocating for the development despite challenges from the Navajo Nation Department of Justice. I commend my Council colleagues for their determination to help our gaming enterprise and our people. The Twin Arrows Travel Center would include a convenience store, gas station, truck services, gifts and souvenir shops, and parking.

During the groundbreaking event, Council Delegate Walter Phelps (Cameron, Coalmine Canyon, Leupp, Tolani Lake, Tsidi To ii) commended all entities and partners involved with the travel center project including the Naabik'iyáti' Committee's Síhasin Fund Subcommittee, Leupp Chapter officials, NNGE and its board of directors, Navajo Gaming Regulatory Office, Navajo Nation Oil and Gas Company, Navajo Nation Shopping Centers, Inc., and others.

Not only will the travel center provide employment for tribal members, it will also generate revenue from sales taxes and fuel excise taxes, which in return would provide opportunities for future development and direct services for the people.

The Twin Arrows Travel Center is tentatively scheduled to be completed within one year from the groundbreaking. Once again, I thank everyone involved in this process and congratulate each of you for making this project a success.

## **New Mexico Interim Indian Affairs Committee**

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On September 18, I provided an oral report to members of the New Mexico Interim Indian Affairs Committee (IAC) in Lake Valley, New Mexico. The New Mexico IAC consists of legislators from the New Mexico House and Senate. The IAC meets on a monthly basis to address the ongoing challenges within in our communities across New Mexico. This includes the issues and concerns of the Navajo Nation. Topics vary and include economic development, gaming, healthcare, elders, infrastructure, education, culture, languages, and many more.

As Speaker of the 23<sup>rd</sup> Navajo Nation Council, I was allowed 45 minutes to provide an overview of Navajo Nation issues and concerns. I spoke about the Navajo Generating Station, State of Arizona Ballot Initiative, APS – Four Corners Power Plant, PNM – San Juan Generating Station, Navajo Nation Capital Outlay Process, Delayed Birth Certificates & Real ID/Drivers Authorization Cards, 2009 State-Tribal Collaboration Act, and Alcohol on Casino Floors. It was important for the legislators to learn about the issues faced in Arizona as it impacts the New Mexico constituents. A copy of the 2018 Summer Council Session Report was handed to the members.

As members engaged in the discussion, Senator William E. Sharer of San Juan County questioned the status of the Navajo Nation Capital Outlay Process and whether chapters continue to charge a ten percent administrative cost for all Capital Outlay Projects. He expressed that this should be considered as an in-kind service by the chapters. In addition, he requested the IAC to write a letter to New Mexico Taxation and Revenue Department as to why tribal census is not acceptable.

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Representative Elizabeth "Liz" Thomson of Bernalillo County inquired on the status of the Navajo Nation's AMBER Alert system and commended Navajo leadership for their continuing effort. She also asked why the Bureau of Indian Affairs implemented changes to the Navajo Regional Office, the outcome of the RECA public hearings, and if the Navajo Nation had any plans for renewable energy.

Furthermore, Senator Cisco McSorley of Bernalillo County questioned if the Navajo Nation have alternative options for their constituents if coal mines were to shut down. He indicated that a transmission company named SunZia could possibly hire Navajo constituents as an option for Navajos to remain employed. SunZia is an electric transmission project anticipated to be in-service by 2020.

These were all good questions and I answered them to the best of my ability. As the Speaker, I will continue to advocate on behalf of the Navajo Nation to ensure its protection and success for future generations.

## BIA Navajo Regional Director



*PHOTO: Council Delegates Tom Chee, Leonard Pete, Raymond Smith, Jr., Seth Damon, former BIA Navajo Regional Director Sharon Pinto, Speaker LoRenzo Bates, Council Delegates Leonard Tsosie, Dwight Witherspoon, Tuchoney Slim, Jr., and Walter Phelps at the Navajo Nation Council Chamber in Window Rock, Ariz. on Aug. 16, 2018.*

The 23<sup>rd</sup> Navajo Nation Council held a small ceremony on August 16 at the Navajo Nation Council Chamber to honor and recognize Sharon Pinto, who left her position as the Bureau of Indian Affairs Navajo Regional director on August 17.

Pinto was appointed to the position in October 2011, after serving as the deputy director for several years. Despite the Navajo Nation Council's repeated opposition, the U.S. Department of the Interior reassigned Pinto to serve as the deputy director for the Bureau of

Indian Education.

During the ceremony, several Council members and I expressed our appreciation to Pinto for her distinguished service and for helping many Navajo people and communities. I am very thankful for Ms. Pinto's service and assistance with many issues including the development of the Former Bennett Freeze Area, Federal Land Buy Back Program, Navajo Indian Irrigation Project, Navajo Generating Station, land issues, and many others.

Pinto was joined by her family at the ceremony, and offered her appreciation to the Council, her staff mem-

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bers, and her children for their support. During her remarks, she attributed much of her success to the teachings of her grandparents who helped raise her as a child and praised her staff members for their dedication and hard work over the years. Pinto thereafter assumed her new position as the deputy director for the Bureau of Indian Education in Albuquerque, New Mexico.

On August 20, Bartholomew "Bart" Stevens assumed the position of Bureau of Indian Affairs Navajo Regional director. According to the U.S. Department of the Interior, Bart Stevens is an enrolled member of the San Carlos Apache Tribe with ancestry from the Gila River Indian Community in Arizona, the Shoshone-Bannock Tribes in Idaho, and the Ute Indian Tribe in Utah. He previously served as the acting director of the Bureau of Indian Education as well as the deputy director.



*PHOTO: Speaker LoRenzo Bates presents former BIA Navajo Regional Director Sharon Pinto with an honorary plaque on behalf of the 23rd Navajo Nation Council in Window Rock, Ariz. on Aug. 16, 2018.*

During a brief meeting with him, I informed Stevens that the Navajo Nation Council took a strong position against the reassignment of Pinto, largely based on the relationship that she had built with the Council members, her knowledge and expertise of federal issues that impact the Navajo Nation, and her willingness to communicate and work effectively to move matters forward.

On September 28, Stevens met with the Navajo Nation Council to officially introduce himself and to gain a better perspective of the issues and challenges for the Navajo Nation. I have informed Mr. Stevens that he will have some big shoes to fill in his new role and we will work with him to develop a strong working relationship.

## USNS Navajo

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I am very pleased to report that in August, the Secretary of the Navy Richard Spencer announced that the new class of Towing, Salvage, and Rescue ships (T-ATS) will be named "USNS NAVAJO." This announcement is a true testament to the determination of the Navajo Nation Council, late Honorable Senator John McCain, and many others who persisted. We are very thankful to everyone involved and particularly to the Secretary of the Navy.

In November 2014, the 22nd Navajo Nation Council's Naabik'íyáti' Committee unanimously passed resolution NABIN-63-14, which urged the U.S. Navy to name a T-ATS Class Tug and Rescue-Salvage ship the "USNS Navajo."

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In June 2017, the U.S. Senate Armed Services Committee, chaired by the late Honorable Senator John McCain included language in the National Defense Authorization Act for Fiscal Year 2018 requesting the Secretary of the Navy to name ATS Tug "USNS NAVAJO."

The U.S. Navy has a tradition of naming tugboats after Native American tribes. The naming of the first ship will apply to the entire class, the grouping will be called the "Navajo Class." Each additional ship will be named in honor of prominent Native Americans or Native American tribes.

I extend my sincere appreciation to staff, Honorable Senator McCain, the Secretary of the Navy, and everyone else involved in this remarkable achievement.

## Fourth Quarterly Report Program Summaries Fiscal Year 2018

### Office of the Auditor General

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Contact Person: Elizabeth Begay, *Auditor General*

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Contact Email Address: elizabethbegay@navajo-nsn.gov

Accomplishments from 4th Quarter FY2018: Issued 6 Reports

Program/Chapter audits – 1 report

- 18-33 Smith Lake Chapter Special Review

Follow-up on Corrective Action Plan Implementation – 4 reports

- 18-31 Office of Legislative Services Performance Audit Corrective Action Plan Follow-up
- 18-32 Office of Legislative Services Assessment Corrective Action Plan Follow-up
- 18-34 Dilkon Chapter Corrective Action Plan Follow-up
- 18-35 Navajo Mountain (Naatsis'aa'n') Chapter Corrective Action Plan Follow-up

Investigations – 1 report

- 18-30 Birdsprings Chapter administration staff

Goals for 1st Quarter FY2019 (ongoing projects and activities):

- Water Rights Commission Special Review
- Navajo Food Distribution Program Performance Audit
- Navajo Housing Authority Forensic Audit
- Facilities Maintenance Department Performance Audit
- Navajo Land Department Homesite Lease Process Special Review
- Department of Family Services Special Review
- Three 638-Hospital Facilities Compliance Audit
- Nahodisgish Chapter Special Review
- Manuelito Chapter Special Review
- Lukachukai Chapter Special Review
- Dennehotso Chapter Corrective Action Plan Follow-up
- Fraud Investigations of chapters/staff
- Revisits of sanctioned programs and chapters



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## Issues/Recommendations:

- Recommendation to hire additional auditors to conduct surprise audits of chapters.

## Eastern Navajo Land Commission

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Contact Person: Larry Rodgers, *Executive Director*

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Contact Email Address: lasar98@yahoo.com

## Commission's top priorities:

1. NELI-NIIP Project;
2. FWAD Parcel Transfers, Railroad attention, and future use planning;
3. Preparation for Navajo Land Buy-Back Program - II;
4. New ranch land purchase opportunities;
5. Tracking two Land Exchanges: a) NN-State; b) BLM-State

## Section One: Accomplishments from 4th Quater FY2018

- The Commission awaited response to the proposal submitted for Round II of the Land Buy-Back Program, based on a revised plan, a Cooperative Agreement be offered to the Nation for implementation starting February 2019;
- Old Fort Wingate School Buildings and Structures: The Commission has held a couple of meetings to address concerns for preserving some old structures on the old school compound for historical purposes. On-going meetings will involve interested parties to make recommendations for saving certain buildings otherwise BIA have all structures demolished.
- NELI-NIIP Project: The Commission has held off on any meetings with congressional staffer until after next elections, the project will include a modification to the current draft congressional bill;
- The Commission toured the three ranches for potential purchase; NLD and Broker has provided limited due-diligence reporting however since potential purchase exceeds "Presidential" amount, the broker's scope of work cannot be extended to assist the Commission any further.

## Section Two: Goals for 1st Quarter of FY2019

- Coordinate approval of Cooperative Agreement via Naabikiyati for Navajo LBBP-II;
- Coordinate general planning work for the Fort Wingate lands ;
- Monitor ranch land purchase due-diligence work and negotiations

## Section Three: Issues/Recommendations

- The NN-State of New Mexico Land Exchange is near completion; some additional land acquisition needs to be considered for the Alamo Chapter to resolve issues stemming from the forgone land exchange.

## Navajo Election Administration

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Contact Person: Edbert Little, *Executive Director*

Contact Phone Number: (928) 871-7263

Contact Email Address: eslittle@navajo-nsn.gov

### Section One: Accomplishments from 4th Quarter FY2018

- Election Board members conducted six (6) regular meetings.
- Election Board approved 13 resolutions during their regular meetings
- Legislation No. 0335-17, An Act Relating to Law and Order, Budget and Finance, Naabik'iyati' and the Navajo Nation Council; Amending Per Diem Provision of 2 N.N.C. § 874(F). Passed on April 18, 2018.
- Conducted 1 Special Elections (Some of the Special Election were included in the 2018 Navajo Nation Primary Election to fill 5 elected Positions, and 1 Navajo Nation Wide Election (2018 Navajo Nation Primary Election).
- Program Project Specialist two applicants applied for the position and scheduled an interview for April 30, 2018 and Voter Machine Technician's will be re-advertised. Office Aide position for the Western Agency Office filled.
- Sr. Tribal Court Advocate applicant; OHA's decision appeal to be filed with Supreme Court
- There are 95,310 Registered Navajo voters

### Section Two: Goals for 1st Quarter in FY2019

- November 6, 2018: 2018 Navajo Nation Primary Election
- Registration closes on October 8, 2018 at 5 pm and early voting begins.
- Continue working on amending Election Laws/Codes
- Continue other Goals and Objectives of the Election Administration/Board; implement directives
- 30 elected positions to be filled reservation wide
- NEA is working on upgrading printers, and replacing the old election data base with a new one.

### Section Three: Issues/Recommendations

- Election Administration needs funding for a new office building
- Elections 2020
- Recommend: Fixed cost for all elections in the coming years and in anticipation of 10% budget shortfall for FY 2019/2020
- Hire a Legal Counsel.
- Selection was made; but one of the applicants for the Sr. Tribal Court Advocate filed a grievance against the NEA for non-selection and awaiting second hearing with OHA.
- Establish Board and Administration as an independent entity.

# Speaker's Report

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## Office of Ethics and Rules

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### Section One: Accomplishments from 4th Quarter FY2018

- Successfully advocated for the amendment of the Administrative Rules for Ethics Hearings to include a clarification of the ERO's subpoena power and authorization for investigative subpoenas.
- Completed an evidentiary hearing in a case involving a Chapter official and a loss to the Navajo Nation of over 1 million dollars; a final Order from OHA has not been issued yet.
- Collaborated with DOJ, Risk Management and Office of the Auditor General in submission of an insurance loss claim of over \$700,000 regarding Whippoorwill Chapter for recovery to the Navajo Nation.
- The Ethics and Rules Office in collaboration with the Staff Development and Training Center now provides a monthly presentation on the Ethics in Government Law to new Navajo Nation employees as a part of the orientation.
- The Ethics and Rules Office has surpassed the quarterly goal for consultations, intakes and education on the Ethics in Government Law.

### Section Two: Goals for 1st Quarter FY2019

- Fill one (1) Ethics Investigator position; explore a revision of the salary grade/step to allow for recruitment and retention of candidates.
- Secure contract forensic accountant to assist with case preparation that involves misuse of high dollar amounts from overpayment of TAs, stipends, etc.
- Draft a new internal guidelines re standardized investigation procedures for approval by the Law and Order Committee.
- Work closely with the White Collar Crime Unit and Office of the Auditor General on the Sharepoint webpage to facilitate information sharing and timely filing of ethics and white collar crime complaints.

### Section Three: Issues/Recommendations

- Amendment to Title 26 and or/election code or Ethics in Government Law 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.

## Office of Navajo Government Development

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

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### Section One: Accomplishments from 4th Quarter FY2018

- The Commission passed resolution CNGD-0702-18: An action to recommend a referendum ballot measure to the Navajo People to decide on a salary adjustment for the Navajo Nation President and Vice President during the 2018 Navajo General Election. The Navajo Nation Council passed resolution CS-69-18 to approve and authorize an election referendum and the Navajo Board of Election Supervisors passed resolution BOESO-047-18 authorizing a Referendum Election pursuant to aforementioned NNC resolution.
- The Commission passed resolution CNGD-0701-18: An action to recommend to the 23<sup>rd</sup> Navajo Nation Council to introduce legislation for the Navajo people to consider a referendum ballot measure during 2018 Navajo General Election to reform the chapter governments based on sustainable cooperative governance. Legislation No. 0271-18 was introduced; however, ONGD staff was never given the opportunity to present its Earth System governance, which is the basis for Sustainable Cooperative Governance. The focus was the potential role for cooperatives at Navajo communities to affect change in Navajo governance in order to harness natural and social intersection as a means to cooperate.
- ONGD established a collaborative partnership with the Arizona State University School of Geographical Sciences and Urban Planning Dr. David Pijawka and PhD candidate Jonathan Davis on a project for the New Mexico District 6 chapters that surround Gallup, NM. Council Delegate Seth Damon represents the District 6 chapter. The project is to develop a Master Land Use Initiative for the District 6 with full involvement and planning from the chapter officials, staff and land use planning committees.
- ONGD partnered with the Navajo Nation Department of Health, the Navajo Nation Human Research Review Board (NNHRRB) and University of Washington Navajo scholars Dr. Nanibaa' Garrison, Dr. Clarita Lefthand-Begay, and Dr. Katrina Claw, in an effort to lift the moratorium on genetic research put in place by the Navajo Nation Council in 2002, while developing a genetic research "policy" in its place. With the leadership of Honorable Delegate Walter Phelps, legislation was passed authorizing the establishment of Navajo Nation Health Policy Workgroup on Genetics ("Workgroup") that includes ONGD.

### Section Two: Goals for 1st Quarter in FY2019

- The Office, directed by the Commission, immediately commences an objective public education and community outreach to inform Navajo voters on the referendum vote whether to approve salary increase for the Navajo Nation president and vice president. The ONGD staff devised a calendar for an in-person community outreach/meetings leading up to the 2018 General Election and including public education through the media, such as local and regional newspapers and radio spots as a platform medium.

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- ONGD is engaged in a two-prong research endeavor to gauge public input on the three-branch Navajo Nation government structure with an emphasis on executive and judicial branches; and, public views will also be solicited regarding the Navajo Nation Council. This information will be made available to the commission and NNC committee for "government reform" consideration.
- The ONGD staff and Commission will continue to actively explore the adoption of sustainability principles for Navajo government at all levels and with an emphasis for chapter governance and, public education will continue as it relates to sustainable governance.

## Section Three: Issues/Recommendations

- A Legislative Branch representative under the 23<sup>rd</sup> Navajo Nation Council has been and remains unfilled despite numerous attempts by the office, commission, and concerned council delegates.
- ONGD staffs are constantly providing technical assistance to chapters on a weekly basis and thus, it places a huge burden on operating and travel line item budget.
- The Office and Commission plan of operation in 2 N.N.C. § 970-978 must be amended despite Legislation No. 0192-18 being withdrawn. The commission intends to re-introduce this before year 2018 ends.

## Navajo Nation Human Rights Commission

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## Section One: Accomplishments from 4th Quarter FY2018

- San Juan County Utah Voting Rights: The Office continues to work on voting rights issues for the State of Utah San Juan County. The Office in partnership with the Navajo Election Administration, Navajo Utah Commission, Navajo Rural Addressing Authority and Rural Utah Project, worked on updating the voter registration of Navajos who reside in San Juan County, Utah and helped identify on a map where they reside so they are placed in correct precinct.
- Hate Crimes Training: The Office, in a partnership with the Lawyers Committee for Civil Rights Under Law and Native American Disability Law Center, conducted its final hate crimes awareness seminar in Shiprock, New Mexico at the Shiprock Chapter.
- United States Department of Justice Civil Rights Division Indian Working Group: The Office met with Civil Rights Division on September 26th in St. Michaels, Arizona. The following were discussed during the annual meeting: 1) presentation by the Civil Rights Division on "Opioid Use Disorders and the Americans with Disabilities Act: Eliminating Discriminatory Barriers to Treatment and Recovery," 2) presentation by Navajo Nation Council Delegate Nathaniel Brown on human trafficking of Navajo women and children, 3) an update on the Federal Bureau of Investigation on Horace Holloway, complainant who filed with Office, 4) a discussion between the Office and Civil Rights Division on Arizona's Maricopa County Jail and the cutting of the long hair of a Navajo inmate; 5) a discussion between the Office and Civil Rights Division on the Americans with Disabilities Act compliance for

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the state of New Mexico and voting rights issues for the state of Utah; and 6) a discussion on language assistance as it relates to small loans for the state of New Mexico.

- Reviewed Citizen Complaints: The Office received new complaints during the fourth quarter. Intake meetings were conducted and majority of the complaints were staffed for investigations. Majority of issues include predatory automobile sales and employment issues.
- Federal Trade Commission: The Office played an instrumental role in the lawsuit brought by the Federal Trade Commission against a group of four automobile dealers operating in Arizona and New Mexico with a range of illegal activities, including falsifying consumers' income and down payment information on vehicle financing applications and misrepresenting important financial terms in vehicle advertisements.

## Section Two: Goals for 1st Quarter 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.
- Continue Receive Complaints: Navajo citizens file complaint about discrimination and human rights violations. Will continue to assess and investigate filed complaints.

## Section Three: Issues/Recommendations

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

## Navajo Nation Labor Commission

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Contact Person: Anslem Bitsoi, *Executive Director*

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## Section One: Accomplishments from 4th Quarter of FY 2018

- Efficient use of allocated funds, NNLC held (20) evidentiary hearings due to lack of duly NNLC appointment.
- NNLC and program timely processed three (01) appealed NNLC cases to Navajo Nation Supreme Court
- NNLC program timely processed twelve (15) formally filed complaint
- NNLC timely adjudicated (20) NPEA cases but no duly NNLC appointments
- NNLC and program timely closed and issued (10) orders due to lack of duly appointment of NNLC
- NNLC & program timely issued and mailed six hundred (700) 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 (85) pending NPEA cases
- NNLC program made three (01) audio copies at parties' request

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## Section Two: Goals for 1st Quarter of FY2019

- NN Presidential appointment of NNLC membership per CJY-42-16. Continue to refer candidates to appointing authority.
- Efficient use of allocated funds and timely processed appealed NNLC case(s)
- NNLC & program will timely adjudicate NPEA cases
- NNLC & program will timely process formally filed NPEA complaint(s) and/or petition(s)
- NNLC & program will timely issue and close out NPEA cases
- NNLC & program will continue review and amend NNLC Ruled of Procedure
- NNLC & program will continue to preserve substantial rights of all employees and employers in accordance to Navajo Law
- Closure of NNLC cases heard by current sitting NNLC members

## Section Three: Issues/Recommendation(s)

- Due to lack NNLC appointments, all hearings for October, November December, 2017 and January, February, March, April, May & June, 2018 were vacated and hearings reset for coming months. Four NNLC members confirmed short of one member.

## Navajo Utah Commission

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## Section One: Accomplishments from 4th Quarter FY2018

- The Navajo Utah Commission initiated the Utah Chapters/Olene Walker Housing Loan Fund (OW-HLF) Housing Project in the 4th Quarter serving 07 chapters with grants of \$266,000 from OWHLF and \$245,000 from Utah NRF. Accomplishments include qualification of 07 grant recipients, construction material procurement for 3 units, bid solicitation for 4 units in progress, and construction crews organized.
- The partnership consisting of Navajo Utah Commission, Navajo Nation Human Rights Commission, Navajo Rural Addressing Authority, Navajo Election Administration, and Rural Utah Project (RUP) have made significant progress in addressing election related matters for the 2018 state elections, including voter registration, residency verification, language assistance, preparations for satellite election offices, community events, and dialogue with San Juan County.
- The Navajo Utah Commission prevented the loss of unspent Utah Navajo Revitalization Fund (NRF) monies for inactive Utah chapter projects by repurposing, and working with project management teams at three chapters (Teecnospos, Aneth, & Oljato) in initiating capital projects match-funded by the Utah Navajo Revitalization Fund and others.
- The Navajo Utah Commission, the Red Mesa Chapter, and the Utah Navajo Trust Fund initiated the Red Mesa North East River Waterline Extension & Housing Project in the 3rd Quarter and continuing

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construction in the 4th Quarter. The project is connecting 13 residential units, including construction of 8 complete new homes.

## Section Two: Goals for 1st Quarter in FY2019

- Navajo Utah Commission and a team of several organizations will continue to work with the Utah chapters, and individual citizens to produce a strong turn-out during the November 6th General Election to elect Navajo candidates in 2 of 3 San Juan County Commission districts, and in 3 of 5 San Juan School Board districts.
- Seek completion of 4 housing units participating in the Utah Chapters/Olene Walker Housing Loan Fund (OWHLF) Housing Project during the 1st Quarter of FY2019
- Seek exclusive funding for Utah chapters from the FY2019 Utah Navajo Revitalization Fund appropriations, and seek supplemental funding from the Utah NRF interest income.
- Conduct capacity-building training for elected officials and administrators from the seven Utah chapters utilizing grants from the Utah Navajo Revitalization Fund, and in partnership with other service providers.

## Section Three: Issues/Recommendations

- Utah Governor Gary R. Herbert signed an Executive Order regarding state & tribal consultation in 2015. Currently, the state of Utah conducts quarterly Utah Tribal Leaders Council meetings, monthly Utah Indian Health Advisory Council meetings, quarterly Department of Human Service-Tribal Indian Issues Committee meetings, and bi-monthly Human Remains Repatriation Committee meetings. Participation of Utah Navajo leaders in the Utah Tribal Leaders meetings are sufficient but Navajo Nation participation in the other committee meetings are inadequate and sometimes nonexistent. The Navajo Utah Commission request proper Navajo Nation participation including appointment of representatives with the right qualifications and credentials to maximize benefits.