



23rd NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

I, Walter Phelps, Primary
Sponsor of proposed legislation hereby withdraw my
sponsorship of the proposed legislation. The legislation
tracking number is 0184-18.

An Action Relating to Resources and Development; Amending and Approving the Plan of Operation for
the Administrative Service Centers.

If there are any co-sponsors, they may re-sponsor the same
bill by beginning a new legislation.

SPONSOR SIGNATURE:

A handwritten signature in black ink, appearing to read "Walter Phelps", is written over a horizontal line.

DATE:

8/1/18

LEGISLATIVE SUMMARY SHEET

Tracking No. 0184-18

DATE: May 23, 2018

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; AMENDING AND APPROVING THE PLAN OF OPERATION FOR THE ADMINISTRATIVE SERVICE CENTERS

PURPOSE: The purpose of this legislation is to approve the amendments to the Plan of Operation for the Administrative Service Centers (“ASC”) within the Division of Community Development.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: 10:50 AM 5/23/18
Posting End Date: 5/30/2018
Eligible for Action: 5/31/2018

PROPOSED STANDING COMMITTEE RESOLUTION
23rd NAVAJO NATION COUNCIL -- Fourth Year, 2018

INTRODUCED BY


(Prime Sponsor) *Walter Phelps*

TRACKING NO. 0184-18

AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; AMENDING
AND APPROVING THE PLAN OF OPERATION FOR THE ADMINISTRATIVE
SERVICE CENTERS

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council established the Resources and Development Committee as a standing committee of the Navajo Nation Council. The Resources and Development Committee is empowered to conduct legislative oversight functions for the Division of Community Development ("DCD"). 2 N.N.C §§ 500 (A) and 501 (C)(1).
- B. The Resources and Development Committee has the authority to review, recommend or propose the adoption, amendment or rescission of Plans of Operation for divisions or departments under the Committee's oversight. 2 N.N.C. § 501 (B)(10).

SECTION TWO. FINDINGS

- A. The last revision to the Plan of Operation for the Administrative Service Centers was in 2016 and approved by the Resources and Development Committee of the Navajo Nation Council as part of the Master Plan for the Division of Community Development in Resolution RDCO-77-16.

1 B. RDCO-77-16 approved various Plans of Operation for programs within the Division of
2 Community Development including the approval of the Administrative Service Centers
3 at Section 6. which incorporated an appended "Exhibit D".

4 C. The Division of Community Development Administrative Service Centers has
5 submitted a revised Plan of Operation and is attached hereto as **Exhibit A**.

6 D. An Executive Official Review of the revised Plan of Operation has been completed
7 with reviewers marking the revisions as legally sufficient. *See* Executive Official
8 Review Document No. 009146 attached hereto as **Exhibit B**.

9 E. After the review by the Navajo Department of Justice, the plan went through additional
10 edits and reviews to include input from Chapter Administrations, Chapter Officials,
11 Departments and the Resources and Development Committee. *See* ASC Memo Dated
12 May 21, 2018 and appended documents attached hereto as **Exhibit C**.

13
14 **SECTION THREE. APPROVING THE AMENDED ADMINISTRATIVE SERVICE**
15 **CENTERS PLAN OF OPERATION**

16 A. The Navajo Nation hereby amends the Plan of Operation for the Administrative Service
17 Centers within the Division of Community Development, as set forth in attached
18 **Exhibit A**.

19 B. The Amended Plan of Operation for the Administrative Service Centers approved
20 herein shall supersede the previous Plan of Operation for the Administrative Service
21 Centers approved through Resolution RDCO-77-16 Section 6.



PLAN OF OPERATION

ADMINISTRATIVE SERVICE CENTERS DIVISION OF COMMUNITY DEVELOPMENT

I. ESTABLISHMENT

There is hereby established the Administrative Service Centers (ASC) within the Division of the Navajo Nation.

II. PURPOSE AND GOALS

- A. The purpose of the ASC shall be to provide administrative support, technical assistance and guidance to chapters.
- B. The goals of the ASC shall be to:
 - 1. Promote Local Governance Act certification
 - a. Provide technical assistance and guidance;
 - b. Implement Local Governance Act transition plan;
 - c. Implementation of the Five Management Systems
 - 2. Assist with Post-Local Governance Act Certification activities
 - a. Alternative Form of Government (AFOG);
 - b. Contract requirements;
 - c. Zoning, taxation, leasing, and other ordinances
 - 3. Enhance Human Resource and Professional Development
 - a. Capacity building;
 - b. Accredited training and education;
 - c. Partnerships; and
 - d. Proposal/Grant writing skills.

III. PERSONNEL AND ORGANIZATION

A. PERSONNEL

- 1. The Executive Director shall designate the ASC Department Manager to oversee the operation of the ASC and the non-LGA Certified Chapter Administration Staff in accordance with applicable Navajo Nation laws and policies.
- 2. The ASC Manager shall be authorized to recommend additional professional, technical, and administrative positions as needed to carry out the organizational purposes and objectives.

3. Additional positions shall be established in accordance with the Navajo Nation Personnel Policies Manual and pursuant to applicable rules established for conducting the annual budget process.
4. The ASC shall be staffed to accomplish the purpose, goals and objectives as provided herein.
5. Based upon the availability of funds, each of the eight (8) ASC Area will consist of the following staff:
 - a. Senior Programs and Projects Specialist
 - b. Administrative Service Officer
 - c. Office Specialist
 - d. Community Services Coordinators and an Account Maintenance Specialist at each Chapter that is not Local Governance Act certified
 - e. Other staff, as deemed necessary by the ASC Department Manager
6. The Senior Programs and Projects Specialist shall be hired, supervised, report and be responsible to the ASC Department Director. The Senior Programs and Projects Specialist shall exercise the following duties and responsibilities and be allowed to delegate the same to the appropriate area staff, when deemed necessary:
 - a. Exercise supervisory control and direction of their respective agency staff. Such authority shall include the approval of various personnel and administrative actions, not limited to disciplinary and budgetary actions; documents directly pertaining to the Senior Programs and Project Specialist shall be subject to review and approval by the ASC Department Director.
 - b. Recommend when necessary, additional professional and technical positions needed to carry out the organizational purpose and objectives.
 - c. Formulate administrative and operating policies and procedures and take such action as deemed necessary for effective and accountable management to accomplish the overall Department and Division purpose and objectives.
 - d. Ensure respective offices, Chapter funds, budgetary expenditures, allocations, requests, transfers, and reports are in compliance with applicable Navajo Nation, federal, and state laws; whereas all deficiencies shall be reported to appropriate agencies.
 - e. Facilitate governmental development, technical management, accounting services, and project and land use development by assisting all Chapters, in coordination with Chapter Officials.
 - f. Provide training and orientation for Area Staff and Chapter Officials, as needed, on the purpose and goals set forth herein.

7. Community Services Coordinator shall serve under the direction of the Senior Programs and Projects Specialist and carry out duties and responsibilities consistent with ASC and Division of Community

Development plan of operations, Personnel Policies and Procedures, and all applicable policy and laws of the Navajo Nation:

- a. Cooperate with the Chapter Officials and carry out day-to-day duties, ensure completion of local projects consistent with duly approved Chapter resolutions, implement and exercise the Chapter's five management system, policies and procedures, and report as required to the Senior Program and Projects Specialist to protect the assets of the Navajo Nation
 - b. Supervise the Account Maintenance Specialist, Public Employment Program, Office Specialists, Summer Youth Employment, temporary and specialized personnel to ensure that Navajo Nation funds are safe guarded, appropriated and expended per policy.
 - c. Attend Chapter planning meetings and sessions; ensure development, preparation, and monitoring of proposals; secure Navajo Nation assets, property, finance, and additional resources; create emergency protocols; and strategically and tactically plan for beneficial community development with the Navajo Nation, state, federal, and all external entities.
8. All violations of Navajo Nation law, policies, practices, rules, and regulations will be documented and processed according to protocols to promote consistency and equity in the treatment of the general public, Chapter Officials, and employees.

B. ORGANIZATION

1. The ASC shall consist of these functions necessary to accomplish the purpose cited.
Administration;
Chapter planning, and land use;
Compliance/monitoring; and
Chapter legal services through the Department of Justice
2. The Organizational Chart for the Administrative Services Centers is attached as Exhibit "A", and incorporated herein. There will be eight (8) service areas of the ASC.

IV. AUTHORITIES, DUTIES AND RESPONSIBILITIES

A. The ASC Department Manager shall:

1. Develop and implement the overall administrative policies and procedures necessary for effective management of the ASC.

2. Conduct periodic reviews of staff and program effectiveness and present operating budgets for the appropriate committees of the Navajo Nation Council.
 3. Represent the ASC at the Navajo Nation, county, state, and federal levels.
- B. The ASC shall have the following duties and responsibilities:
1. Assist in monitoring pre-procurement activities.
 2. Monitor and ensure implementation of the Five Management System and accounting services.
 3. Prepare written reports for presentations at chapter meetings and planning sessions.
 4. Assist to secure additional revenue and in-kind contributions from the Navajo Nation and other funding agencies consistent with the Navajo Nation Ethics in Government Law, 2 N.N.C. § 3741 et. seq.
 5. Ensure that the chapters' expenditures are in compliance with applicable Navajo Nation, federal, and state laws or grant agreements.
 6. Assist chapters with developing corrective action plans for audit findings.
 7. Assist chapters that have been sanctioned by the Budget and Finance Committee of the Navajo Nation Council with budget review and approval so funds can be disbursed.
 8. Assist chapters in finalizing and processing of payroll and tax liabilities.
 9. Assist chapters with data entry and uploading accounting and budget information into the governmental accounting software and online budget application.
 10. Ensure chapter compliance with monthly/quarterly financial reporting requirements and the Five Management System Policies and Procedures.
 11. Carry out other responsibilities as assigned by the Executive Director.

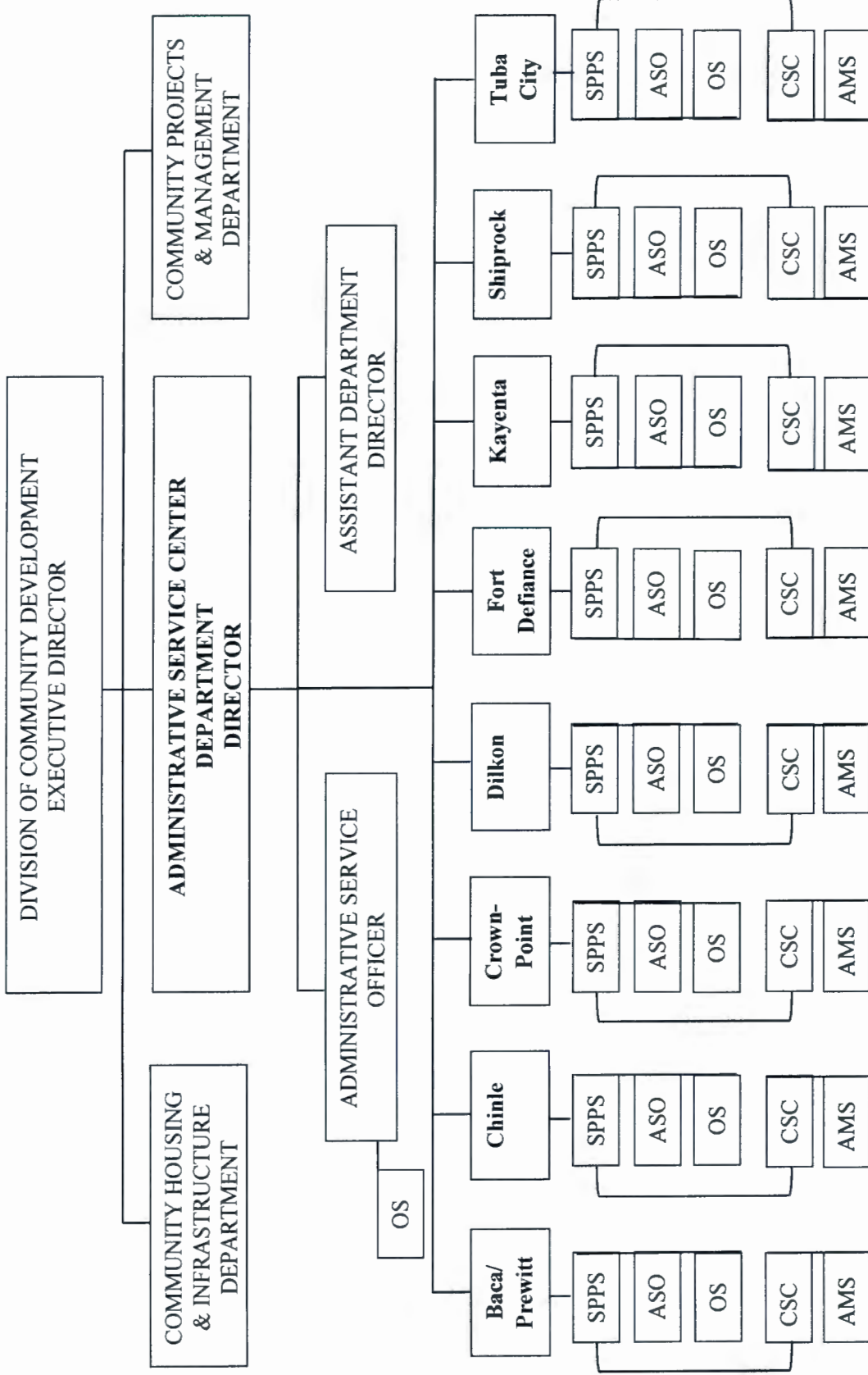
V. LEGISLATIVE OVERSIGHT

Pursuant to 2 N.N.C. §501(C), the ASC are under the legislative oversight of the Resources and Development Committee of the Navajo Nation Council

VI. AMENDMENTS:

The section herein may be amended from time-to-time by the Resource Development Committee of the Navajo Nation Council.

DIVISION OF COMMUNITY DEVELOPMENT ADMINISTRATIVE SERVICE CENTER ORGANIZATION CHART



SPPS = Senior Program/Project Specialist; ASO = Administrative Service Officer; OS = Office Specialist; CSC = Community Service Coordinator; and AMS = Account Maintenance Specialist

General Guiding ASC Pillars of Principles

Navajo Chapters are to become self-sufficient local governmental units based on the value of K'e and T'aa hwo aji t'eego for the survival and sustainability of current and future generations; accountability and integrity is to be the common thread of Chapter operations in serving the People.

GUIDE CHAPTERS TO USE BEST PRACTICIES

1. Provide administrative support, professional development, and financial management support to the Chapters
2. Teach Chapters: how to continually improve and implement excellent customer service and leadership; create a records management system and protect confidential information; and to report immediate misuse of chapter funds and property.
3. Instruct Chapters to implement valid chapter resolutions, plans of operations, and fiscal and records policies and procedures in compliance with all Navajo Nation laws and policies.
4. Train and ensure Chapters appropriate and use funds in accordance with all Navajo Nation, federal, and state laws.
5. Assist Chapter Officials and Chapter Administration staff implement and develop community projects in collaborative means.
6. Assist Chapter officials, Administration and membership implement the Local Governance Act (LGA) Navajo Nation Code (NNC) 26, Five Management System (FMS), and other Navajo Nation laws and policies.

ENHANCE PROFESSIONAL DEVELOPMENT AND TEAM BUILDING

1. Conduct and coordinate training to improve work performance and human relations through team building and leadership training.
2. Have Chapter Officials and Chapter Administration acknowledge the values of K'e to empower its employees to provide friendly and professional customer service to its community members.
3. Conduct and/or coordinate training related to ethical conduct and behavior.
4. Coordinate training on the topics of NNC 26, NNC 12, NNC 24, BIM, FMS and other applicable laws and policies.
5. Teach Chapter Officials: to fill out their monthly compliance review forms, Chapter meeting claim forms, and submit timely Chapter meeting reports; proper attendance of each chapter meeting for payment; to assist Chapter Secretary/Treasurer develop a records system to allow the Chapter Secretary/Treasurer maintain complete and accurate records of all chapter activities.
6. Teach Chapter Managers and Community Service Coordinator to provide timely quarterly financial reports and reconciled accounting reports to ASC and provide a fund accounting back-up to the Office of the Auditor General.

PROMOTE FINANCIAL ACCOUNTABILITY

1. Teach Chapters how to run an efficient financial system by monitoring and ensuring all funds appropriated to the Chapters are accounted for and expended in compliance with the Chapter's approved budget and are disbursed, recorded, reconciled and monitored in

accordance with the Budget Instruction Manual (BIM), Appropriations Act (NNC 12), the

LGA, and all other applicable Navajo Nation, state and federal laws.

2. Provide hands-on training to Chapters so they learn and comply with the WIND system and how to reconcile and manage their budgets and expenditures through consistent and reliable record keeping, and continually track and review the Chapter's incoming and outgoing funds and property.
3. Assist Chapters establish collaborative working relationships among Chapter officials and Chapter Administration to meet the Chapter's monthly and quarterly budget reporting, and preparation of timely proposed budgets.
4. Teach Chapters to build, maintain and safeguard all chapter funds, official budget documents, revisions, and Chapter resolutions by creating an organized and reliable records management system, and teach chapters to back up files using safe and reliable electronic or non-electronic databases.
5. Assist in fiscal monitoring and regular reporting by writing up Chapters that are found in noncompliance of their fiscal management duties and responsibilities and take actions as deemed necessary to report it to the appropriate departments.
6. Explain and teach Chapters to conduct business and comply with Navajo Nation Personal Policies, and all other Navajo Nation policies and procedures.

ENHANCE ADMINISTRATIVE SUPPORT

1. Explain and teach chapters the importance of pre-procurement activities, to contact the Business Regulatory Department (BDR) to meet procurement requirements, and how to conduct and record physical inventory of all chapter assets.
2. Teach non-LGA certified chapters how to research, locate, use and fill out travel, personnel, payroll, tax, insurance, worker's compensation, fringe, and salary forms, create templates, and prepare reports as prescribed Navajo Nation policies.
3. Assist and teach LGA certified Chapters with an approved FMS how to locate and use forms as prescribed by the Chapter's FMS to prepare Chapters to become LGA certified.
4. Show and teach Chapters how to enter data into the WIND system no later than 24 hours after receipt of an approved budget.
5. Assist and guide Chapters how to correct their audit findings as shown in the Chapter's corrective action plan (CAP), and help Chapters implement corrective measures for a successful audit.

ASSIST CHAPTERS WITH DEVELOPMENT OF THE COMMUNITY LAND USE PLAN

1. Coordinate and facilitate Chapter relations with Community Projects Management Department.
2. Assist Chapters understand zoning and requirements, and procedures for ordinances.
3. Provide Chapters training on the purpose and objectives of land use variations.
4. Assist Chapters in understanding the process and requirements of comprehensive community land use planning.

PILLARS

- 1) Provide proper guidance; 2) Facilitate working relationships; 3) Strengthening communications; and 4) Capitalizing on long term solutions



Document No. 009146

Date Issued: _____

EXECUTIVE OFFICIAL REVIEW

Title of Document: ASC Plan Of Operation Modification Contact Name: NEZ, NORBERT E.

Program/Division: DIV. OF COMMUNITY DEVELOPMENT

Email: nnez@nndcd.org Phone Number: 928/871-7172

☐ **Business Site Lease** Sufficient Insufficient

1. Division: _____ Date: _____ ☐ ☐

2. Office of the Controller: _____ Date: _____ ☐ ☐

(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)

3. Office of the Attorney General: _____ Date: _____ ☐ ☐

☐ **Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions**

1. Division: _____ Date: _____ ☐ ☐

2. Office of the Attorney General: _____ Date: _____ ☐ ☐

☐ **Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications**

1. Office of Management and Budget: _____ Date: _____ ☐ ☐

2. Office of the Controller: _____ Date: _____ ☐ ☐

3. Office of the Attorney General: _____ Date: _____ ☐ ☐

☐ **Navajo Housing Authority Request for Release of Funds**

1. NNEPA: _____ Date: _____ ☐ ☐

2. Office of the Attorney General: _____ Date: _____ ☐ ☐

☐ **Lease Purchase Agreements**

1. Office of the Controller: _____ Date: _____ ☐ ☐
(recommendation only)

2. Office of the Attorney General: _____ Date: _____ ☐ ☐

☐ **Grant Applications**

1. Office of Management and Budget: _____ Date: _____ ☐ ☐

2. Office of the Controller: _____ Date: _____ ☐ ☐

3. Office of the Attorney General: _____ Date: _____ ☐ ☐

☐ **Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval**

1. Division: _____ Date: _____ ☐ ☐

NMB 2. Office of the Attorney General: _____ Date: _____ ☐ ☐

☐ **Relinquishment of Navajo Membership**

1. Land Department: _____ Date: _____ ☐ ☐

2. Elections: _____ Date: _____ ☐ ☐

3. Office of the Attorney General: _____ Date: _____ ☐ ☐

☐ **Land Withdrawal or Relinquishment for Commercial Purposes**

Sufficient Insufficient

1. Division: _____ Date: _____ ☐ ☐
2. Office of the Attorney General: _____ Date: _____ ☐ ☐

☐ **Land Withdrawals for Non-Commercial Purposes, General Land Leases and Resource Leases**

1. NLD _____ Date: _____ ☐ ☐
2. F&W _____ Date: _____ ☐ ☐
3. HPD _____ Date: _____ ☐ ☐
4. Minerals _____ Date: _____ ☐ ☐
5. NNEPA _____ Date: _____ ☐ ☐
6. DNR _____ Date: _____ ☐ ☐
7. DOJ _____ Date: _____ ☐ ☐

☐ **Rights of Way**

1. NLD _____ Date: _____ ☐ ☐
2. F&W _____ Date: _____ ☐ ☐
3. HPD _____ Date: _____ ☐ ☐
4. Minerals _____ Date: _____ ☐ ☐
5. NNEPA _____ Date: _____ ☐ ☐
6. Office of the Attorney General: _____ Date: _____ ☐ ☐
7. OPVP _____ Date: _____ ☐ ☐

☐ **Oil and Gas Prospecting Permits, Drilling and Exploration Permits, Mining Permit, Mining Lease**

1. Minerals _____ Date: _____ ☐ ☐
2. OPVP _____ Date: _____ ☐ ☐
3. NLD _____ Date: _____ ☐ ☐

☐ **Assignment of Mineral Lease**

1. Minerals _____ Date: _____ ☐ ☐
2. DNR _____ Date: _____ ☐ ☐
3. DOJ _____ Date: _____ ☐ ☐

☐ **ROW (where there has been no delegation of authority to the Navajo Land Department to grant the Nation's consent to a ROW)**

1. NLD _____ Date: _____ ☐ ☐
2. F&W _____ Date: _____ ☐ ☐
3. HPD _____ Date: _____ ☐ ☐
4. Minerals _____ Date: _____ ☐ ☐
5. NNEPA _____ Date: _____ ☐ ☐
6. DNR _____ Date: _____ ☐ ☐
7. DOJ _____ Date: _____ ☐ ☐
8. OPVP _____ Date: _____ ☐ ☐

☒ **OTHER:**

1. ASC Plan of Operation Modg. WJ NMA Date: 11/17/17 ☒ ☐
2. DOJ UPJ Date: 4/13/18 ☒ ☐
3. _____ Date: _____ ☐ ☐
4. _____ Date: _____ ☐ ☐
5. _____ Date: _____ ☐ ☐



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



☒ RESUBMITTAL
(Nov 2017)

DOJ
03/16/18 1118am
DATE / TIME
<input type="checkbox"/> 7 Day Deadline
DOC #: 009146 #2
SAS #:
UNIT: ECDU

*** FOR NNDOJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE

DATE OF REQUEST:	11/17/2017	DIVISION:	COMMUNITY DEVELOPMENT
CONTACT NAME:	BRENDA HOLGATE	DEPARTMENT:	ADMINISTRATION
PHONE NUMBER:	871-7172	E-MAIL:	BHOLGATE@NNDCD.ORG

TITLE OF DOCUMENT: REVIEW OF 164 DOCUMENT #009146, ASC PLAN OF OPERATION MODIFICATION

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT:	MAR 16 2018 @ 3:38pm	REVIEWING ATTORNEY/ADVOCATE:	Neomi Gilmore
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DATE TIME OUT OF UNIT:

DOJ ATTORNEY / ADVOCATE COMMENTS

- Submitted updated POO on March 31, 2018 by email

- DCD added language on April 6, 2018, April 13, 2018 - legally sufficient

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Neomi M Gilmore	4/11/2018	UBJ	4/13/18 122pm

DOJ Secretary Called: Lesley Sandoval for Document Pick Up on APR 13 2018 at 145 By: AH

PICKED UP BY: (Print)

DATE / TIME:

NNDOJ/DRRF-July 2013





NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

ETHEL B. BRANCH
ATTORNEY GENERAL

CHERIE ESPINOSA
ACTING DEPUTY ATTORNEY GENERAL

M E M O R A N D U M

TO: Johnny Johnson, Department Manager
Administrative Services Center
Division of Community Development

FROM: 
Neomi M. Gilmore, Attorney Candidate
Economic/Community Development Unit, Dept. Of Justice

DATE: April 13, 2018

SUBJECT: Administrative Services Center's Plan of Operation

As you know, the Division of Community Development requested amendments to the Administrative Services Center's Plan of Operation (POO). The Navajo Nation Department of Justice (DOJ) sent the POO for ASC's review on March 31, and asked ASC to review the updated POO and submit any additional changes, and recommendations. On April 6, and 11, ASC submitted additional language to be added to the April 9, 2018 POO version. DOJ added the additional language. As such, I am re-sending ASC's Plan of Operation dated April 13, 2018. The April 13, 2018 version is deemed sufficient.

If you have any questions regarding this memorandum or the attachment, please contact me at 928-871-6933.

NMG/ah/68

Attachment

xc: Carl Smith, Executive Director
Division of Community Development

PLAN OF OPERATION

ADMINISTRATIVE ~~SERVICE-SUPPORT~~ CENTERS

DIVISION OF COMMUNITY DEVELOPMENT

I. ESTABLISHMENT

There is hereby established the Administrative ~~Support~~ Service Centers (ASC) within the Division of the Community Development of the Navajo Nation.

II. PURPOSE AND GOALS

A. The purpose of the ASC ~~shall be is~~ to ~~provide administrative support, technical assistance, and financial management and guidance to eChapters~~ guide Chapters to become self-determined units of local government by teaching Navajo values of K'e and T'aa hwo aji t'eego.

B. The goals of the ASC shall be ~~to~~ as follows:

1. ~~Promote the~~ Guide Chapters to use best practices while incorporating the Local Governance Act (LGA), 26 N.N.C. §§ 1 et. seq. into the Chapter's policies and procedures ~~by pre-certification with the following:~~
 - a. ~~Providing~~ technical assistance, administrative support, professional development, and financial management support ~~and guidance; and~~
 - ~~b. Implement Local Governance Act transition plan;~~
 - b. ~~Guiding Chapter how to continually improve and implement excellent customer service, leadership development, professional development practices, protecting confidential information, creating and implementing a records management system, protecting and reporting misuse of chapter funds and property;~~
 - c. ~~Instructing Chapters to pass and implement valid Chapter resolutions, Plan of Operations, Fiscal and Records Policies Procedures in compliance with Navajo Nation laws and policies;~~
 - d. ~~Training Chapters to appropriate and use funds and allocations in accordance with all Navajo Nation, federal and state laws;~~
 - e. ~~Assisting Chapter Officials and Chapter Administration staff to implement and develop collaborative community projects;~~
 - f. ~~Assisting Chapters to coordinate with Chapter Officials, Administration and membership to -with the~~ implementation of the Five Management Systems (FMS), and other Navajo Nation laws and policies to run an efficient local government unit.

~~e-2.~~ Provide Technical Assistance as follows:

~~2. Assist with Post-Local Governance Act LGA Certification activities with the~~

following:

- a. Assist Chapters to coordinate quarterly chapter training and provide best practices to assist Chapter officials and Chapter administration on how to improve their chapter administrative functions including but is not limited to: writing, recording, and submitting chapter meeting minutes;
- b. Assist Chapters with the implementation of their Five Management System (FMS);
- c. Assist with the Chapters to ~~development of an~~ Alternative Form of Government (AFOG); and
- d. Guide Chapters through the lower quorum requirements process, facilitate and direct Chapters to contact, collaborate, and establish rapport with the Navajo Nation departments to develop and update their Community Land Use Plan (CLUP) pursuant to 26 N.N.C. 1 *et seq.*

a.3. Enhance Administrative Support as follows:

- b.a. Explain and teach Chapters the importance of the ~~Assist with the development of~~ pre-procurement activities, working with the Business Regulatory Department (BRD) to fulfill procurement laws, and the ~~C~~contract requirements pursuant to 26 N.N.C. § 2002 *et seq.*;
- b. Guide chapters to conduct and record physical inventory of all chapter assets;
- c. Guide Chapters to conduct chapter business in accordance with the FMS, Budget Instruction Manual (BIM), Navajo Nation Personnel Policies, and other Navajo Nation policies and procedures; and
- d. Guide Chapters to locate, use, and fill out proper forms, reports and templates prescribed by Navajo Nation laws and policies.
- ~~— Assist with the development of Zoning, taxation, leasing, and other ordinances;~~
- e. ~~— Assist with the review of the LGA requirements.~~

3.4. Enhance ~~Human Resource and~~ Professional Development and Team Building as follows:

- a. ~~Capacity building;~~
- b. ~~Accredited training and education;~~
- e. ~~Partnerships; and~~
- d. ~~Proposal/Grant writing skills.~~
- a. Conduct and/or coordinate training to improve work performance and human relations through team building and leadership training;
- b. Guide Chapter Administration to provide friendly and professional customer service to its community members; -and
- c. Conduct and/or coordinate training related to the ethical conduct for Chapters and behavior.

5. Promote Financial Accountability as follows:

- a. Guide Chapters develop an efficient financial system by monitoring and ensuring all funds appropriated to the Chapters are accounted for and expended in compliance with the Chapter's approved budget and are disbursed, recorded, reconciled and monitored in accordance with the BIM, Appropriations Act, the

- LGA, and all other applicable Navajo Nation, state and federal laws;
- b. Provide hands-on training to Chapters to reconcile, manage their budgets;
 - c. Assist Chapter officials and Chapter administration to meet the monthly and quarterly reporting, properly reporting and documenting use of chapter funds, reconciling chapter budgets and expenditures;
 - d. Guide Chapters to enter data into the WIND system, filling out correct forms, and processing the payments on a timely basis;
 - e. Guide Chapters maintain and safeguard all chapter funds and assets in accordance with the Chapter's FMS, title 12, 24 and 26, assist chapters use appropriate budget documents, revisions, and provide training on insurance, travel, chapter resolutions, records management and backing up protected financial and non-financial information;
 - f. Conduct ~~Assist in~~ fiscal monitoring and ~~regular~~ report Chapter activities in noncompliance of their fiscal management duties and responsibilities and take actions as deemed necessary to report it to the appropriate authorities;
 - g. Monitor and ensure all Chapter budgets and expenditures are in compliance with applicable Navajo Nation laws and policies; and
Assist and guide Chapters with the corrective action plan related to audits, provide training to help chapters correct their audit findings as shown in their Correction Action Plan (CAP), and implement corrective measures for a successful audit to prepare Chapters to become LGA certified with an approved FMS.
 - h.

III. PERSONNEL AND ORGANIZATION

A. PERSONNEL

1. The ~~Executive Director shall designate the~~ ASC Department Manager ~~to shall oversee manage the ASC operation of the ASC and supervise the ASC the non-LGA Certified Chapter Administration Staff~~ in accordance with applicable Navajo Nation laws and policies.
2. The ASC ~~Department~~ Manager shall hire personnel as may be deemed necessary be authorized to recommend additional professional, technical, and administrative positions as needed to carry out the organizational purposes and objectives goals as funds are available.
3. ~~Additional positions shall be established in accordance with the Navajo Nation Personnel Policies Manual and pursuant to applicable rules established for conducting the annual budget process.~~
4. ~~The ASC shall be staffed to accomplish the purpose, goals and objectives as provided herein.~~

B. ORGANIZATION

1. ~~The ASC shall consist of these functions necessary to accomplish the purpose cited.~~

- ~~Administration; Chapter planning;~~
- ~~Compliance/monitoring; and~~
- ~~Chapter legal services through the Department of Justice~~

1. The Department Manager shall manage the eight (8) centers, and each center shall consist of the following staff:
 - a. Senior Programs and Projects Specialist;
 - b. Administrative Service Officer;
 - c. Office Specialist; and
 - d. Other Staff as deemed appropriate by ASC Manager, as provided for in Section IV.
2. The Job description of each staff listed above is attached and incorporated as Exhibit "A".
3. The Organizational Chart for the ~~Administrative Services Centers~~ ASC is attached as Attachment "B" ~~D-1, and incorporated herein.~~ The organizational chart also includes the Resource Development Committee as legislative oversight, as provide for in Section V (1), and how ASC works with Chapter officials and Chapter Administration staff to provide technical assistance, as provided for in Section IV.

IV. AUTHORITIES, DUTIES AND RESPONSIBILITIES

A. The ASC Department Manager shall:

1. Develop and implement the overall administrative policies and procedures necessary for effective management of the ASC.
2. Conduct periodic reviews and evaluation of ASC employees.
- 2.3. Prepare and present annual ASC of staff and program effectiveness and present operating budgets to the Navajo Nation President and for the appropriate committees of the Navajo Nation Council.
4. Represent the ASC at the Navajo Nation, county, state, and federal levels.
- 3.5. Develop working relationships among Chapter officials, Chapter Administration, ASC staff, Navajo Nation chapters, departments, divisions, and agencies.
4.
- 5.6. Carry out other responsibilities as assigned by the Executive Director.

B. ~~The ASC shall have the following duties and responsibilities:~~

B. Assist in monitoring pre-procurement activities.

- a. Monitor and ensure all Chapter's budgets and expenditure are in compliance with applicable Navajo Nation laws, and policies and other agreements in line with best practices including but is not limited to;
- b. Providing hands-on training to Chapter Administration entering data into the WIND system, and coordinating training for Chapters on the topics of title 26, 12, 24, BIM, FMS, and all other applicable laws and policies;
- c. Assisting Chapter officials and Chapter administration understand and segregate their duties in order to help the Chapters flourish and meet its local needs by training Chapter officials and Chapter administration on their roles and responsibilities to the Chapter, assisting chapters create annual proposed budget, create a uniform records and filing system forms, create flow charts, forms, outlines, diagrams, templates and establish timelines to meet chapter budgeting deadlines, and implement community projects and local community directives;
- d. Guide Chapter officials to fill out their monthly compliance review forms, Chapters meeting claim forms, submitting timely Chapter meeting reports, proper attendance of each chapter meeting for payment, assist Chapter Secretary/Treasurer develop a records system to allow the Chapter Secretary/Treasurer maintain complete and accurate records of all chapter activities;
- e. Guide Chapter Manager or Community Service Coordinator to provide timely quarterly financial reports and reconciled accounting reports to ASC and provide a fund accounting back up report to the Office of Auditor General;
- f. Assist Chapters implement a time management system to ensure they meet their monthly and quarterly reporting deadlines;
- g. Guide non-LGA certified Chapter Administration to implement their fiscal and records section of the Navajo Nation Department of Justice Model Five Management System; and
- h. Assisting Chapter maintain an accurate financial database to track all Chapter funds.

1. Monitor and ensure implementation of the ~~Five Management System~~ FMS and accounting services as follows:-

- a. ASC shall monitor and ensure all chapter funds comply with BIM, Title 26, Title 12, FMS, and all other applicable laws and policies;

- b. ASC shall conduct a review, and determine whether Chapters are fully implementing the FMS, and shall write up Chapters that are noncompliant;
- c. ASC monitor all Chapter funds and bank accounts to ensure funds are expended appropriately;
- d. Chapters that are noncompliant with the BIM may have its funds disbursement withheld;
- e. ASC shall immediately file a written report of misuse of funds or intentional neglect to the appropriate authority which includes the Navajo Nation Department of Justice; and
- 4. f. ASC shall ensure that immediate disciplinary measures are initiated by the local direct supervisor in accordance with the Navajo Nation Personal Policies Manual or the FMS.

~~2. Prepare written reports for presentations at chapter meetings and planning sessions.~~

~~3. Assist to secure additional revenue and in-kind contributions from the Navajo Nation and other funding agencies consistent with the Navajo Nation Ethics in Government Law, 2 N.N.C. § 3741 et seq.~~

~~4. Ensure that the chapters' expenditures are in compliance with applicable Navajo Nation, federal, and state laws or grant agreements.~~

2. Assist Chapters facilitate and direct Chapters to contact CPMD to establish their Community Land Use Plan (CLUP) pursuant to Title 26 in the following ways:

- a. Assist Chapters understand their roles and responsibilities for its CLUP committees;
- b. Guide Chapters understand zoning, zoning requirements, zoning laws and ordinances under Title 26;
- c. Provide Chapters training on the purpose and objective of their land use variations within Title 26;
- d. Assist Chapters understand the requirements and process to establish a Comprehensive Community Land Use Plan pursuant to 26 N.N.C. § 2004 et seq.

~~5.3. Provide guidance to Assist eChapters that have a negative finding on its on how to with developing and implement a audit report and implement corrective measures to address their Corrective Action Plan (CAP)s for chapters that have been issued audit findings.~~

~~6. Assist chapters that have been sanctioned by the Budget and Finance Committee of the Navajo Nation Council with budget review and approval so funds can be disbursed.~~

~~7.4. Assist and coordinate chapters in to finalizing and processing of Chapter's~~

payroll and tax liabilities.

~~8.5.~~ Assist eChapters with data entry and uploading accounting and budget information into the governmental accounting software and online budget application.

~~9.~~ ~~Ensure chapter compliance with monthly/quarterly financial reporting requirements and the Five Management System Policies and Procedures.~~

~~6.~~ Carry out ASC's purposes and goals incorporated in Section II of this Plan of Operation.

~~10.7.~~ Carry out other responsibilities as assigned by the ~~Executive Director~~ Department Manager .

C. The Senior Program and Project Specialist (SPPS) shall:

1. Supervise ASC center staff members;

2. Provide general administrative direction over the Community Service Coordinator; ———

3. ~~Implement, supervise~~Implement supervisory and management responsibilities consistent with the Navajo Nation Personnel Policies Manual; and

4. Provide technical assistance and training to Chapter officials and Chapter staff to include, but not limited to monitoring Chapter finance, supervisory responsibilities, and human resources

5. Carry out other responsibilities as assigned by the Department Manager.

~~V.~~ —

~~VI.~~D. The Community Services Coordinator (CSC) shall:

1. Serve under the general administrative direction of the SPPS. The CSC shall be directly supervised by the designated supervising Chapter official(s). The Chapter President, Vice-President and Secretary/Treasurer shall decide among themselves who shall provide direct local supervision over the CSC, and provide such decision in writing. In the event that the Chapter official(s) fail to designate a direct local supervisor, the SPPS shall assume full direct local supervisory responsibility until such time the Chapter official(s) takes appropriate measures to designate a local supervisor.

a. The “general administrative direction” provided by the SPPS shall mean providing administrative support and guidance to the supervising Chapter Official(s) to ensure that the CSC carries out the duties and responsibilities pursuant to this Plan of Operation, ensure compliance with budgetary matters pertaining to program activities, and other administrative duties consistent with this Plan of Operation and the Navajo Nation Personnel Policies Manual.

b. “Direct local supervision” shall mean ensuring that the CSC is carrying out the day-to-day duties and responsibilities of this Plan of Operation, approval of leave requests, travel authorizations, conducting annual performance evaluations, carrying out disciplinary

actions, ensuring that the coordinator is adequately meeting the directives of the chapter memberships regarding projects, proposals and planning activities, developing and implementing the Chapter's Five Management System, and other local projects consistent with the membership directives pursuant to duly approved Chapter resolutions.

- c. Disciplinary actions taken against the CSC shall be done by the direct local supervisor in accordance with the Navajo Nation Personnel Policies Manual, and upon review of the Navajo Nation Department of Justice.
2. Supervise Chapter Accounts Maintenance Specialist, Public Employment Participants, other Chapter staff and temporary volunteers;
3. Implement, supervise and manage responsibilities consistent with the Navajo Nation Personnel Policies Manual; and
4. Assist the Chapter to achieve LGA certification in accordance with the all applicable Navajo Nation laws and policies
5. Assist the Chapter in planning, preparing, implementing, and administering Chapter projects including but not limited to land withdrawals, proposals, and resolutions;
6. Guide Chapter Secretary/Treasurer for approval by the Chapter and appropriate Navajo Nation officials;
7. Prepare financial reports and provide them to the Secretary/Treasurer for presentation at every Chapter meeting;
8. Assist in securing additional sources of revenue and income and other funding agencies;
9. Work with the Chapter Administration pursuant to applicable laws and policies set forth in the FMS, BIM, Titles 12, 24, 26 and all other attendant laws and policies of the Navajo Nation; and
10. Carry out other responsibilities as assigned by the appropriate Supervisor;

VI.V. LEGISLATIVE OVERSIGHT

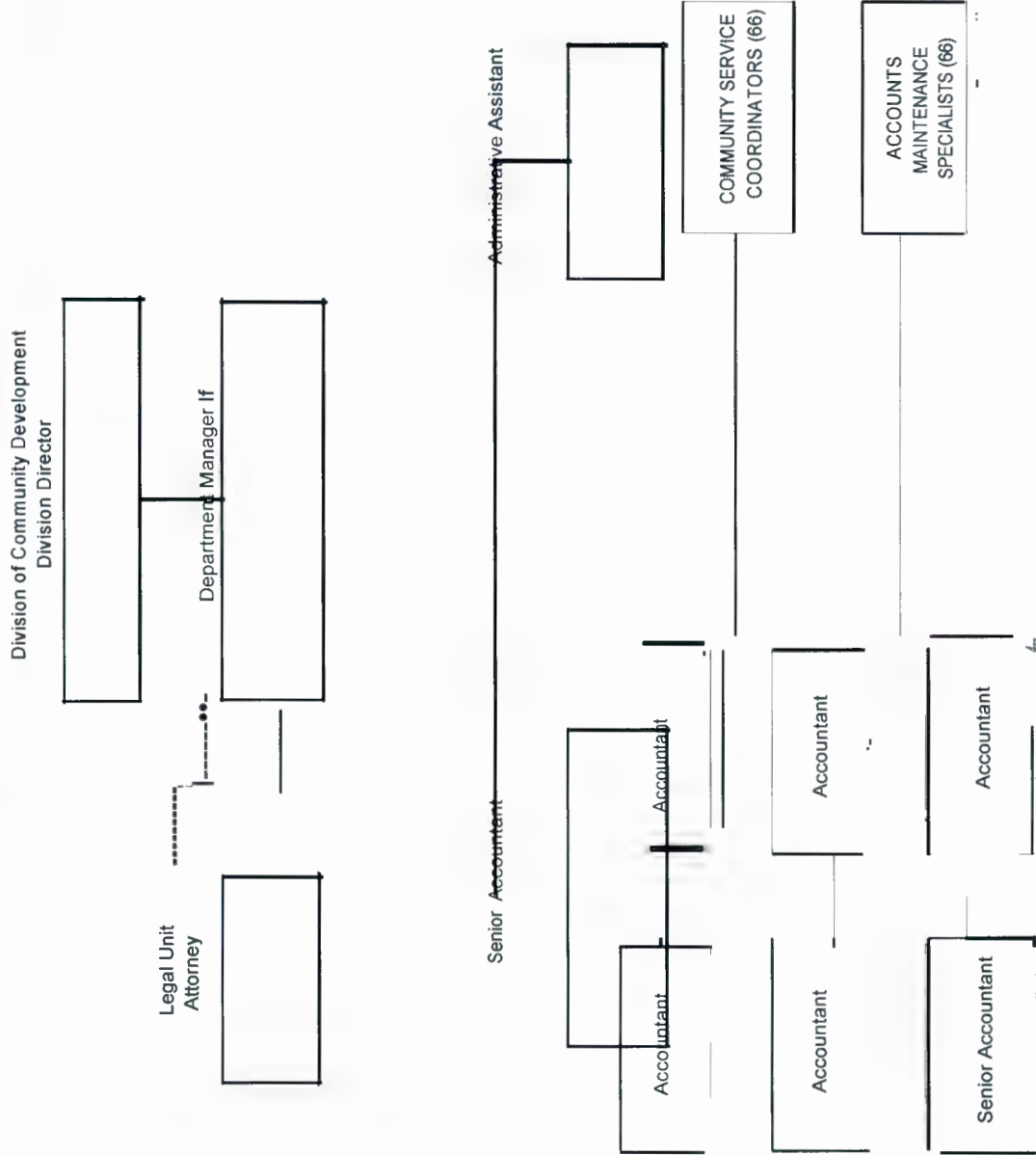
Pursuant to 2 N.N.C. §501(C), the ASC ~~are~~ is under the legislative oversight of the Resources and Development Committee of the Navajo Nation Council

AMENDMENTS:

VI.

The section herein may be amended from time-to-time by the Resource Development Committee of the Navajo Nation Council.:-

DIVISION OF COMMUNITY DEVELOPMENT ADMINISTRATIVE SERVICE CENTERS ORGANIZATIONAL CHART





NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

ETHEL B. BRANCH
ATTORNEY GENERAL

CHERIE ESPINOSA
ACTING DEPUTY ATTORNEY GENERAL

M E M O R A N D U M

TO: Johnny Johnson, Department Manager
Administrative Services Center
Division of Community Development

FROM: 
LaTonia B. Johnson, Asst. Attorney General
Economic/Community Development Unit, Dept. Of Justice

DATE: March 14, 2018

SUBJECT: Administrative Services Center's Plan of Operation

As you know, the Division of Community Development requested amendments to the Administrative Services Center's Plan of Operation (POO). Department of Justice sent the POO for ASC's review on March 6, 2018. ASC found it be acceptable. As such, I am re-sending ASC's Plan of Operation dated March 14, 2018. The March 14, 2018 version is deemed sufficient.

If you have any questions regarding this memorandum or the attachment, please contact me at 928-871-6933.

LBJ/ah/42

Attachment

xc: Carl Smith, Executive Director
Division of Community Development

PLAN OF OPERATION

ADMINISTRATIVE SERVICE CENTERS
DIVISION OF COMMUNITY DEVELOPMENT

I. ESTABLISHMENT

There is hereby established the Administrative Service Centers (ASC) within the Division of the Navajo Nation.

II. PURPOSE AND GOALS

A. The purpose of the ASC ~~shall be~~ is to provide administrative support, technical assistance, and financial management and guidance to eChapters.

B. The goals of the ASC shall be ~~to~~ as follows:

1. Promote the Local Governance Act (LGA), 26 N.N.C. §§ 1 et. seq. pre-
certification with the following:
 - a. Provide technical assistance ~~and guidance; and~~
 - b. ~~Implement Local Governance Act transition plan;~~
 - c. Assist with the implementation of the Five Management Systems
(FMS).
2. ~~Assist with Post Local Governance Act~~ LGA Certification activities with
the following:
 - a. Assist with the development of an Alternative Form of Government
(AFOG);
 - b. Assist with the development of Ccontract requirements;
 - e. Assist with the development of Zzoning, taxation, leasing, and other
ordinances;
 - e. Assist with the review of the LGA requirements.
3. ~~2. Enhance Human Resource and Professional Development as follows~~:
 - a. ~~Capacity building;~~
 - b. ~~Accredited training and education;~~
 - c. ~~Partnerships; and~~
 - d. ~~Proposal/Grant writing skills.~~
 - a. Conduct and/or coordinate training to improve work
performance and human relations; and
 - b. Conduct and/or coordinate training related to the ethical
conduct for Chapters.

3. Promote Financial Accountability as follows:

- a. Assist in fiscal monitoring and regular reporting;
- b. Monitor and ensure all Chapter budgets and expenditures are in compliance with applicable Navajo Nation laws and policies; and
- c. Assist Chapters with the corrective action plan related to audits.

III. PERSONNEL AND ORGANIZATION

A. PERSONNEL

1. ~~The Executive Director shall designate the~~ ASC Department Manager to shall oversee manage the ASC operation of the ASC and supervise the ASC the non-LGA Certified Chapter Administration Staff in accordance with applicable Navajo Nation laws and policies.
2. The ASC Department Manager shall hire personnel as may be deemed necessary be authorized to recommend additional professional, technical, and administrative positions as needed to carry out the organizational purposes and objectives goals as funds are available.
3. ~~Additional positions shall be established in accordance with the Navajo Nation Personnel Policies Manual and pursuant to applicable rules established for conducting the annual budget process.~~
4. ~~The ASC shall be staffed to accomplish the purpose, goals and objectives as provided herein.~~

B. ORGANIZATION

1. ~~The ASC shall consist of these functions necessary to accomplish the purpose cited.~~
 - ~~— Administration; Chapter planning;~~
 - ~~— Compliance/monitoring; and~~
 - ~~— Chapter legal services through the Department of Justice~~
1. The Department Manager shall manage the eight (8) centers.
2. The Organizational Chart for the Administrative Services Centers ASC is attached as Attachment D-1, and incorporated herein.

IV. AUTHORITIES, DUTIES AND RESPONSIBILITIES

- A. The ASC Department Manager shall:
1. Develop and implement the overall administrative policies and procedures ~~necessary for effective management~~ of the ASC.
 2. Conduct periodic reviews and evaluation of ASC employees;
 - ~~2.3.~~ Prepare and present annual ASC of staff and program effectiveness and present operating budgets to the Navajo Nation President and for the appropriate committees of the Navajo Nation Council.
 - ~~3.4.~~ Represent the ASC at the Navajo Nation, county, state, and federal levels.
 - 4.
 5. Carry out other responsibilities as assigned by the Executive Director.
- B. The ASC shall have the following duties and responsibilities:
- ~~Assist in monitoring pre-procurement activities.~~
1. Monitor and ensure all Chapter's budgets and expenditure are in compliance with applicable Navajo Nation laws and policies;
 - ~~1.2.~~ Monitor and ensure implementation of the Five Management System FMS and accounting services.
 - ~~2.~~ Prepare written reports for presentations at chapter meetings and planning sessions.
 - ~~3.~~ Assist to secure additional revenue and in-kind contributions from the Navajo Nation and other funding agencies consistent with the Navajo Nation Ethics in Government Law, 2 N.N.C. § 3741 et. seq.
 - ~~4.3.~~ Monitor and Ensure that the eChapters' expenditures are in compliance with applicable Navajo Nation, federal, and state laws or grant agreements.
 - ~~5.4.~~ Provide guidance to Assist eChapters on how to with developing and implement a corrective action plans for chapters that have been issued audit findings.
 - ~~6.~~ Assist chapters that have been sanctioned by the Budget and Finance Committee of the Navajo Nation Council with budget

~~review and approval so funds can be disbursed.~~

~~7.5. Assist and coordinate chapters in to finalizing and processing of Chapter's payroll and tax liabilities.~~

~~8.6. Assist eChapters with data entry and uploading accounting and budget information into the governmental accounting software and online budget application.~~

~~9. Ensure chapter compliance with monthly/quarterly financial reporting requirements and the Five Management System Policies and Procedures.~~

~~10.7. Carry out other responsibilities as assigned by the Executive Director, Department Manager.~~

~~C. The Senior Program and Project Specialist shall:~~

~~1. Supervise ASC center staff members and non-LGA certified chapter Community Service Coordinator; _____~~

~~2. Implement, supervise and manage responsibilities consistent with the Navajo Nation Personnel Policies Manual; and~~

~~3. Carry out other responsibilities as assigned by the Department Manager.~~

~~VI.D. The Community Services Coordinator (CSC) shall:~~

~~1. Supervise Chapter Accounts Maintenance Specialist, Public Employment Participants and temporary volunteers;~~

~~2. Implement, supervise and manage responsibilities consistent with the Navajo Nation Personnel Policies Manual; and~~

~~3. Carry out other responsibilities as assigned by the SPPS.~~

VII.V. LEGISLATIVE OVERSIGHT

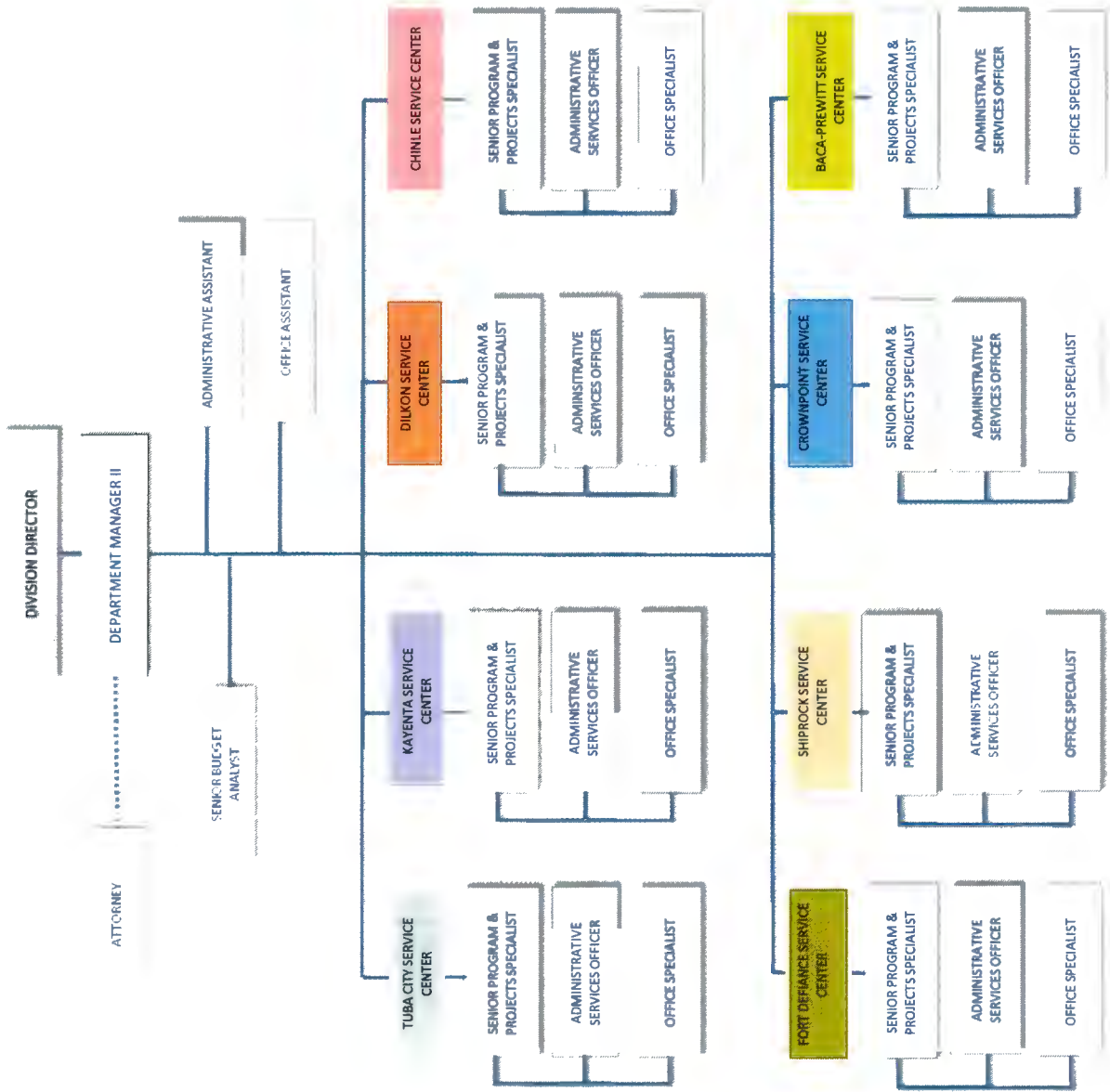
Pursuant to 2 N.N.C. §501(C), the ASC ~~are~~ is under the legislative oversight of the Resources and Development Committee of the Navajo Nation Council

VIII.VI. AMENDMENTS:

The section herein may be amended from time-to-time by the Resource Development Committee of the Navajo Nation Council.

THE NAVAJO NATION
DIVISION OF COMMUNITY DEVELOPMENT
ADMINISTRATIVE SERVICES CENTERS

Attachment D-1





THE NAVAJO NATION RUSSELL BEGAYE,
JONATHAN NEZ,

May 21, 2018



Mr. Walter Phelps, Council Delegate
Resources and Development Committee
Navajo Nation Council

Re: Plan of Operation- Administrative Service Center – Division of
Community Development

ADMINISTRATIVE
SERVICE CENTERS
(ASC)

P.O. BOX 1904
WINDOW ROCK, AZ
86515

PHONE:
(928) 871-6221/6203
FAX: (928) 871-7189

WEBSITE:
NNDCCD.org
NavajoChapters.org

ASC MISSION:
"Promoting
Viable
Communities
Through
Navajo Values"

Dear Sir:

The Plan of Operation was recently reviewed by the Department of Justice on April 13, 2018. This particular Plan of Operation is identified by an "EXHIBIT D" on the upper right hand and Titled Administrative Support Centers.

After intensive solicitation of Chapter Administration and Chapter Officials Navajo Nation wide (*see attached Survey Report with directive*), Departments, and Navajo Nation Council Resources and Development Committee. It was determined and concluded that the Community Service Coordinator and Account Maintenance Specialist remain under the supervision of the Administrative Service Center – Division of Community Development.

Due to increasing misuse of funds at Chapter levels, increasing frequency of disputes among Chapter Officials and Chapter staff, the attached revised plan of operation with a struck through "~~EXHIBIT D~~" is recommended for expeditious approval. Your understanding and support will be greatly appreciated.

Johnny P. Johnson, Department Manager II
Administrative Service Centers,

CONCURRENCE:

Mr. Carl Smith, Executive Director
Division of Community Development

CC. Mr. Carl Smith, Executive Director, Division of Community Development
Ms. Clara Pratt, Chief of Staff, Office of the President and Vice-President
Mr. Alton Shepherd, Chairperson, Resources and Development Committee
Ms. Shammie Begay, Legislative Advisor

PLAN OF OPERATION

**ADMINISTRATIVE SERVICE CENTERS
DIVISION OF COMMUNITY DEVELOPMENT**

I. ESTABLISHMENT

There is hereby established the Administrative Service Centers (ASC) within the Division of the Navajo Nation.

II. PURPOSE AND GOALS

- A. The purpose of the ASC shall be to provide administrative support, technical assistance and guidance to chapters.
- B. The goals of the ASC shall be to:
 - 1. Promote Local Governance Act certification
 - a. Provide technical assistance and guidance;
 - b. Implement Local Governance Act transition plan;
 - c. Implementation of the Five Management Systems
 - 2. Assist with Post-Local Governance Act Certification activities
 - a. Alternative Form of Government (AFOG);
 - b. Contract requirements;
 - c. Zoning, taxation, leasing, and other ordinances
 - 3. Enhance Human Resource and Professional Development
 - a. Capacity building;
 - b. Accredited training and education;
 - c. Partnerships; and
 - d. Proposal/Grant writing skills.

III. PERSONNEL AND ORGANIZATION

A. PERSONNEL

- 1. The Executive Director shall designate the ASC Department Manager to oversee the operation of the ASC and the non-LGA Certified Chapter Administration Staff in accordance with applicable Navajo Nation laws and policies.
- 2. The ASC Manager shall be authorized to recommend additional professional, technical, and administrative positions as needed to carry out the organizational purposes and objectives.

3. Additional positions shall be established in accordance with the Navajo Nation Personnel Policies Manual and pursuant to applicable rules established for conducting the annual budget process.
4. The ASC shall be staffed to accomplish the purpose, goals and objectives as provided herein.
5. Based upon the availability of funds, each of the eight (8) ASC Area will consist of the following staff:
 - a. Senior Programs and Projects Specialist
 - b. Administrative Service Officer
 - c. Office Specialist
 - d. Community Services Coordinators and an Account Maintenance Specialist at each Chapter that is not Local Governance Act certified
 - e. Other staff, as deemed necessary by the ASC Department Manager
6. The Senior Programs and Projects Specialist shall be hired, supervised, report and be responsible to the ASC Department Director. The Senior Programs and Projects Specialist shall exercise the following duties and responsibilities and be allowed to delegate the same to the appropriate area staff, when deemed necessary:
 - a. Exercise supervisory control and direction of their respective agency staff. Such authority shall include the approval of various personnel and administrative actions, not limited to disciplinary and budgetary actions; documents directly pertaining to the Senior Programs and Project Specialist shall be subject to review and approval by the ASC Department Director.
 - b. Recommend when necessary, additional professional and technical positions needed to carry out the organizational purpose and objectives.
 - c. Formulate administrative and operating policies and procedures and take such action as deemed necessary for effective and accountable management to accomplish the overall Department and Division purpose and objectives.
 - d. Ensure respective offices, Chapter funds, budgetary expenditures, allocations, requests, transfers, and reports are in compliance with applicable Navajo Nation, federal, and state laws; whereas all deficiencies shall be reported to appropriate agencies.
 - e. Facilitate governmental development, technical management, accounting services, and project and land use development by assisting all Chapters, in coordination with Chapter Officials.
 - f. Provide training and orientation for Area Staff and Chapter Officials, as needed, on the purpose and goals set forth herein.
7. Community Services Coordinator shall serve under the direction of the Senior Programs and Projects Specialist and carry out duties and responsibilities consistent with ASC and Division of Community

Development plan of operations, Personnel Policies and Procedures, and all applicable policy and laws of the Navajo Nation:

- a. Cooperate with the Chapter Officials and carry out day-to-day duties, ensure completion of local projects consistent with duly approved Chapter resolutions, implement and exercise the Chapter's five management system, policies and procedures, and report as required to the Senior Program and Projects Specialist to protect the assets of the Navajo Nation
 - b. Supervise the Account Maintenance Specialist, Public Employment Program, Office Specialists, Summer Youth Employment, temporary and specialized personnel to ensure that Navajo Nation funds are safe guarded, appropriated and expended per policy.
 - c. Attend Chapter planning meetings and sessions; ensure development, preparation, and monitoring of proposals; secure Navajo Nation assets, property, finance, and additional resources; create emergency protocols; and strategically and tactically plan for beneficial community development with the Navajo Nation, state, federal, and all external entities.
8. All violations of Navajo Nation law, policies, practices, rules, and regulations will be documented and processed according to protocols to promote consistency and equity in the treatment of the general public, Chapter Officials, and employees.

B. ORGANIZATION

1. The ASC shall consist of these functions necessary to accomplish the purpose cited.
 - Administration;
 - Chapter planning and land use;
 - Compliance/monitoring; and
 - Chapter legal services through the Department of Justice

~~The Organizational Chart for the Administrative Services Centers is attached as Attachment D-1, and incorporated herein.~~

2. The Organizational Chart for the Administrative Services Centers is attached as Exhibit "A", and incorporated herein. There will be eight (8) service areas of the ASC.

IV. AUTHORITIES, DUTIES AND RESPONSIBILITIES

- A. The ASC Department Manager shall:
 1. Develop and implement the overall administrative policies and procedures necessary for effective management of the ASC.
 2. Conduct periodic reviews of staff and program effectiveness and present operating budgets for the appropriate committees of the Navajo Nation Council.

3. Represent the ASC at the Navajo Nation, county, state, and federal levels.
- B. The ASC shall have the following duties and responsibilities:
1. Assist in monitoring pre-procurement activities.
 2. Monitor and ensure implementation of the Five Management System and accounting services.
 3. Prepare written reports for presentations at chapter meetings and planning sessions.
 4. Assist to secure additional revenue and in-kind contributions from the Navajo Nation and other funding agencies consistent with the Navajo Nation Ethics in Government Law, 2 N.N.C. § 3741 et. seq..
 5. Ensure that the chapters' expenditures are in compliance with applicable Navajo Nation, federal, and state laws or grant agreements. As guidelines attached is Exhibit "B", General Guiding ASC Pillars of Principles.
 6. Assist chapters with developing corrective action plans for audit findings.
 7. Assist chapters that have been sanctioned by the Budget and Finance Committee of the Navajo Nation Council with budget review and approval so funds can be disbursed.
 8. Assist chapters in finalizing and processing of payroll and tax liabilities.
 9. Assist chapters with data entry and uploading accounting and budget information into the governmental accounting software and online budget application.
 10. Ensure chapter compliance with monthly/quarterly financial reporting requirements and the Five Management System Policies and Procedures.
 11. Carry out other responsibilities as assigned by the Executive Director.

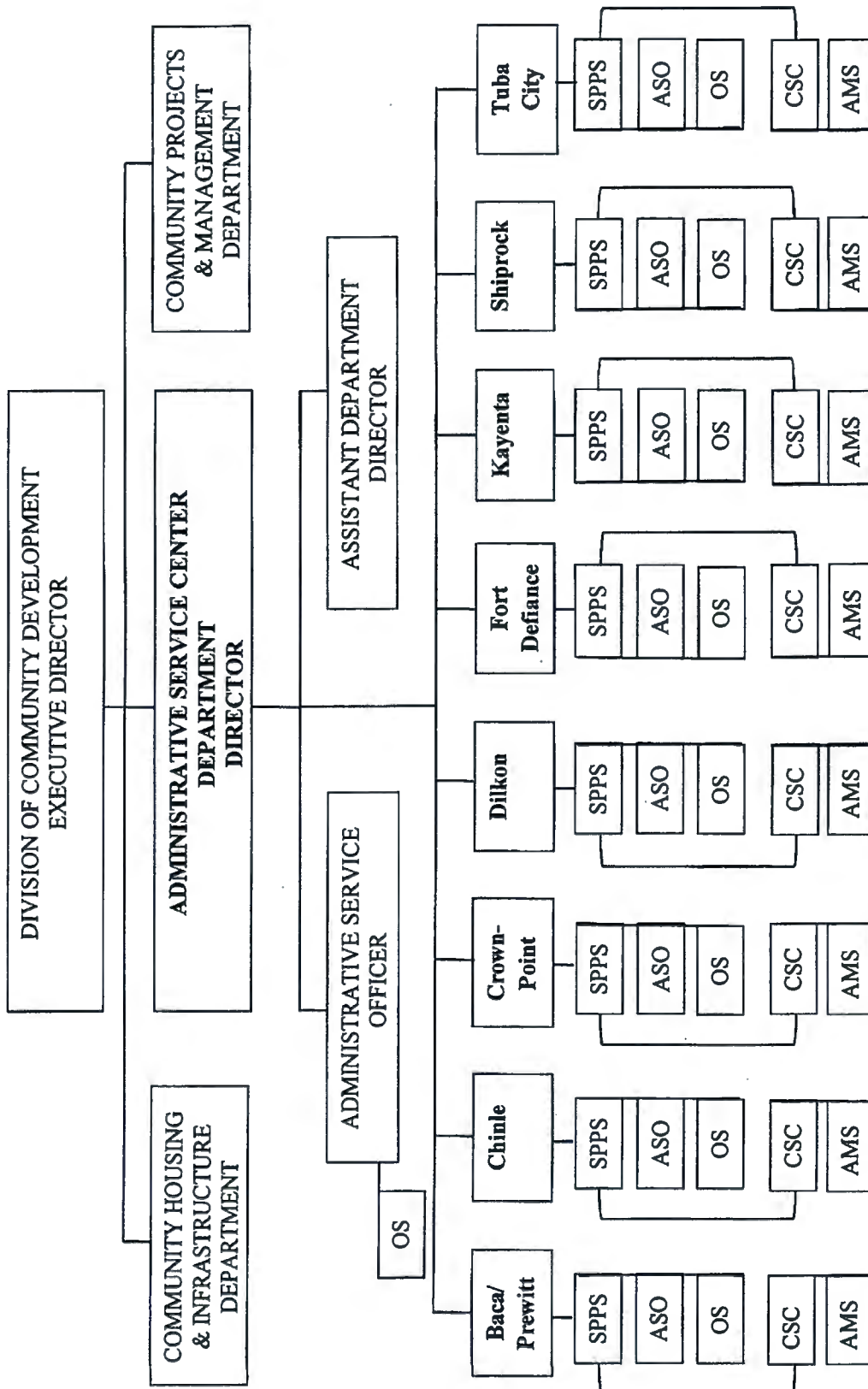
V. LEGISLATIVE OVERSIGHT

Pursuant to 2 N.N.C. §501(C), the ASC are under the legislative oversight of the Resources and Development Committee of the Navajo Nation Council

VI. AMENDMENTS:

The section herein may be amended from time-to-time by the Resource Development Committee of the Navajo Nation Council.

DIVISION OF COMMUNITY DEVELOPMENT
ADMINISTRATIVE SERVICE CENTER
ORGANIZATION CHART



SPPS = Senior Program/Project Specialist; ASO = Administrative Service Officer; OS = Office Specialist; CSC = Community Service Coordinator; and AMS = Account Maintenance Specialist

Exhibit B

General Guiding ASC Pillars of Principles

Navajo Chapters are to become self-sufficient local governmental units based on the value of K'e and T'aa hwo aji t'eego for the survival and sustainability of current and future generations; accountability and integrity is to be the common thread of Chapter operations in serving the People.

GUIDE CHAPTERS TO USE BEST PRACTICES

1. Provide administrative support, professional development, and financial management support to the Chapters
2. Teach Chapters: how to continually improve and implement excellent customer service and leadership; create a records management system and protect confidential information; and to report immediate misuse of chapter funds and property.
3. Instruct Chapters to implement valid chapter resolutions, plans of operations, and fiscal and records policies and procedures in compliance with all Navajo Nation laws and policies.
4. Train and ensure Chapters appropriate and use funds in accordance with all Navajo Nation, federal, and state laws.
5. Assist Chapter Officials and Chapter Administration staff implement and develop community projects in collaborative means.
6. Assist Chapter officials, Administration and membership implement the Local Governance Act (LGA) Navajo Nation Code (NNC) 26, Five Management System (FMS), and other Navajo Nation laws and policies.

ENHANCE PROFESSIONAL DEVELOPMENT AND TEAM BUILDING

1. Conduct and coordinate training to improve work performance and human relations through team building and leadership training.
2. Have Chapter Officials and Chapter Administration acknowledge the values of K'e to empower its employees to provide friendly and professional customer service to its community members.
3. Conduct and/or coordinate training related to ethical conduct and behavior.
4. Coordinate training on the topics of NNC 26, NNC 12, NNC 24, BIM, FMS and other applicable laws and policies.
5. Teach Chapter Officials: to fill out their monthly compliance review forms, Chapter meeting claim forms, and submit timely Chapter meeting reports; proper attendance of each chapter meeting for payment; to assist Chapter Secretary/Treasurer develop a records system to allow the Chapter Secretary/Treasurer maintain complete and accurate records of all chapter activities.
6. Teach Chapter Managers and Community Service Coordinator to provide timely quarterly financial reports and reconciled accounting reports to ASC and provide a fund accounting back-up to the Office of the Auditor General.

PROMOTE FINANCIAL ACCOUNTABILITY

1. Teach Chapters how to run an efficient financial system by monitoring and ensuring all funds appropriated to the Chapters are accounted for and expended in compliance with the Chapter's approved budget and are disbursed, recorded, reconciled and monitored in accordance with the Budget Instruction Manual (BIM), Appropriations Act (NNC 12), the

- LGA, and all other applicable Navajo Nation, state and federal laws.
2. Provide hands-on training to Chapters so they learn and comply with the WIND system and how to reconcile and manage their budgets and expenditures through consistent and reliable record keeping, and continually track and review the Chapter's incoming and outgoing funds and property.
 3. Assist Chapters establish collaborative working relationships among Chapter officials and Chapter Administration to meet the Chapter's monthly and quarterly budget reporting, and preparation of timely proposed budgets.
 4. Teach Chapters to build, maintain and safeguard all chapter funds, official budget documents, revisions, and Chapter resolutions by creating an organized and reliable records management system, and teach chapters to back up files using safe and reliable electronic or non-electronic databases.
 5. Assist in fiscal monitoring and regular reporting by writing up Chapters that are found in noncompliance of their fiscal management duties and responsibilities and take actions as deemed necessary to report it to the appropriate departments.
 6. Explain and teach Chapters to conduct business and comply with Navajo Nation Personal Policies, and all other Navajo Nation policies and procedures.

ENHANCE ADMINISTRATIVE SUPPORT

1. Explain and teach chapters the importance of pre-procurement activities, to contact the Business Regulatory Department (BDR) to meet procurement requirements, and how to conduct and record physical inventory of all chapter assets.
2. Teach non-LGA certified chapters how to research, locate, use and fill out travel, personnel, payroll, tax, insurance, worker's compensation, fringe, and salary forms, create templates, and prepare reports as prescribed Navajo Nation policies.
3. Assist and teach LGA certified Chapters with an approved FMS how to locate and use forms as prescribed by the Chapter's FMS to prepare Chapters to become LGA certified.
4. Show and teach Chapters how to enter data into the WIND system no later than 24 hours after receipt of an approved budget.
5. Assist and guide Chapters how to correct their audit findings as shown in the Chapter's corrective action plan (CAP), and help Chapters implement corrective measures for a successful audit.

ASSIST CHAPTERS WITH DEVELOPMENT OF THE COMMUNITY LAND USE PLAN

1. Coordinate and facilitate Chapter relations with Community Projects Management Department.
2. Assist Chapters understand zoning and requirements, and procedures for ordinances.
3. Provide Chapters training on the purpose and objectives of land use variations.
4. Assist Chapters in understanding the process and requirements of comprehensive community land use planning.

PILLARS

- 1) Provide proper guidance;
- 2) Facilitate working relationships;
- 3) Strengthening communications;
- and 4) Capitalizing on long term solutions

REPORT

ON

LEADERSHIP / WORKSESSION

BETWEEN

ADMINISTRATIVE SERVICE CENTER &
RESOURCE DEVELOPMENT COMMITTEE
OF THE
NAVAJO NATION COUNCIL

BY:

ADMINISTRATIVE SERVICE CENTER
DIVISION OF COMMUNITY DEVELOPMENT

MAY 14 & 15, 2018
FIRE ROCK CASINO, CHURCH ROCK, NM

FOREWORD

This report is a product of a Leadership & Work Session (LWS) between the Administrative Service Center (ASC) – Division of Community Development (DCD) and the Resources and Development Committee (RDC) of the Navajo Nation Council (NNC). This LWS report stems from a Condition of Appropriation (COA) made by the NNC during the Navajo Nation (NN) Fiscal Year (FY) 2018 Budget Appropriations. Basically, COA #3 directs ASC-DCD to complete the authorization of amendments to the ASC- Plan of Operation (POO).

ASC-DCD considers the LWS a success because movement towards the approval of ASC-POO is valid and substantiated by the collection of data from surveys and meaningful deliberations from across the NN: from Chapter Officials, Chapter Staff, NN Division and Department Officials, and NNC Delegates.

ACKNOWLEDGEMENTS

ASC-DCD thanks the RDC-NNC members, namely, Mr. John Perry, Mr. Leonard Pete, and Mr. Alton Shepherd, Chairman, and their colleagues NNC Delegates Mr. Herman Daniels and Mr. Otto Tso for their wisdom, guidance, and support. Lastly, and certainly not the least, ASC-DCD thanks the general public, and the Chapter Officials and Staff who shared, showed, and expressed a genuine interest and voice in speaking to the betterment of NN Local Governance.

SUMMARY/ABSTRACT

This report aims to explain the depth and study involved in researching and producing the contents of the presentation. Secondly, this report summarizes the findings of the LWS that lead ASC to determine ASC and RDC a success. Finally, a conclusion is provided as a next “course of action” and recommendation.

Power Point Presentations (PPP)- There were two PPP: one titled, ASC-DCD, Report to the Resources Committee of the Navajo Nation Council, dated April 25, 2018, Twin Arrows Casino; the second PPP is titled, ASC Action Plan For Local Governance, Leadership Meeting with RDC, dated May 14 & 15, 2018, Fire Rock Casino.

1. PPP #1 was to be presented at the Twin Arrows Casino on 04/25/18 as a report to the RDC yet however it was rescheduled for a LWS. This PPP was basically a Critical Issue Analysis of the ASC current, ASC 2014-2017, and the Local Governance Support Centers (LGSC) 2014-2000. This report contained a table outlining budget statuses from 2014-2018 with associated activities. This report contained a second table that outlined Personnel and Area of the ASC: ASC central personnel & vacancies, Chapter Service Coordinator (CSC)/Account Maintenance Specialist (AMS) personnel & vacancies, and basic Chapter demographics as to which Chapter was Local Governance Act (LGA) certified and not LGA certified. An unofficial organization chart was also included that conceptualized 1) the CSC/AMS under direct supervision of ASC-Senior Program Project Specialist (SPPS), 2) the CSC/AMS under direct supervision of the ASC Department Director, and 3) the CSC/AMS under dual supervision of the ASC-SPPS and the Chapter Official. Additional information in PPP #1 is detailed below ranging from Plan of Operation to ASC-NN Capacity Building.

2. PPP#2 was presented at the Fire Rock Casino LWS and focused on ASC priorities, which are:
 - A. Supervisory authority for the SPPS
 - B. Curing Chapters under sanctions and assisting non-LGA certified Chapter attain LGA certification
 - C. Containing Financial Mismanagement
 - D. Requesting Budget Transfers within FY-2018 funds
 - E. Outreach and Public Hearing
 - F. Post-LGA Certification Process

Plan of Operation (POO)- Three plans of operation were made available. 1) A clean amended POO without strike through and underlines, which was however shunned by the RDC legislative advisor because it was deemed to create confusion. 2) The second version of the proposed amended POO had strike through and underlines and was presented and read into the record. The reading stopped at proposed Section IV.1 (Authorities, Duties, Responsibilities) because time expired for the LWS location. 3) The third version of the ASC-POO made available was the current ASC-POO approved as part of the DCD Master Plan via RDC Resolution RDCO-77-16.

Budget- A letter dated April 11, 2018, from Ms. Selena Begay, Senior Budget Analysis, Office of Management and Budget was attached outlining the ASC budget from FY-2015 through FY-2018 explaining an approximate \$2.5 Million (M) reversion of a \$4.3M allocation. Also attached was a current ASC budget report as of 4/30/18 showing a 16.90% spending rate with an approximate balance of 1.8M\$. Lastly a proposed ASC budget for FY-2019 was attached with an amount of 2.5M\$.

Personnel- A Department of Personnel Management (DPM) listing of General Fund vacant positions was attached listing thirty-seven positions: twenty-eight (28) CSC/AMS positions and nine (9) positions within the ASC-Administration.

Sanctions Non-LGA "Gant"- A table of non-LGA certified Chapters was provided listed by 8 Areas; Tuba City, Kayenta, Dilkon, Chinle, Ft. Defiance, Shiprock, CrownPoint, and Baca/Prewitt. This table also listed those Chapters that were certified. The difference between the two PPP, that for Twin Arrow and Fire Rock, was that the Twin Arrows had actual Gant Charts laying out step by step processing for Sanction Chapters and getting non-LGA certified Chapters to LGA certification. These Charts were not a part of the Fire Rock presentation.

Audits, MIP v. FMIS- There were five (5) pages that were provided by the Office of the Auditor General (OAG): 1) a proposed OAG service area offices with Chapter and personnel listing, 2) a referral to Ethics/White Collar Crime, 3) Travel Expenses, 4) a summary of LGSC audits, and 5) a cost estimate of the NN-FMIS system. Additional information included in this Section were emails between Ms. Laura Johnson from the NN-Office of Controller and Mr. Norbert Nez, DCD, regarding the pros & cons of the MIP system.

Critical Issue Analysis (CIA)- The CIA included a memorandum concurred by NN President, the Honorable Russell Begaye, from Mr. Carl Smith, Director, DCD, to Mr. Johnson, Department Director II, ASC. This memo was in regards to a MANDATE: MIP REVIEW.

Perhaps this memo was more appropriate under Audits, MIP v. FMIS as it spoke to systematic problems of misuse of funds. This memo also directed the study of the centralization of MIP accounting to ASC-Eight (8) area offices. Additional documents in this CIA section were documentation of a specific Chapter Official's abuse of power terminating all employees, to listings of predatory lenders, followed by newspaper clippings of Chapter activities showing misuse of funds. Lastly, there is an analysis regarding the qualifications of elected officials and recommendations to keep CSC/AMS under the strict supervision of ASC.

Supervisory Authority- A four (4) page legal opinion from the Department of Justice (DOJ) dated 02/21/17 is attached which explicitly implies (page 1 &3) that ASC-DCD has direct supervision and authority to discipline CSC/AMS. Attached also are excerpts of RDC resolution RDCO-77-16, along with a SPPS Job Vacancy Announcement (JVA) detailing "Duties and Responsibilities" highlighted at bullet #2. Additionally, attached are DCD's Master POO (page 1&2) highlighting Section IV. Personnel and Organization (p.1), and Section V.A.6. detailing authority to delegate. Lastly attached are ASC's POO (p.1&2) detailing in Section III.A.2. (authority to hire personnel as needed) and Section III.A.3 (hiring according to DPM Policies Manual).

ASC-NN Capacity Building- Is an in-depth section consisting of:

1. Action and Training Plans for New Employees (SPPS/OS/CSC/AMS) (3pages)
2. Pledge for all CSC/AMS to comply with NN Personnel Policies (all 13 bullet points are verbiage from NN Personnel Policies, culminating to bullet #14) (2 pages)
3. General survey results of a budget work session from Ft. Defiance and CrownPoint Agencies (3 pages)
4. ASC notes and summary of Budget and Finance Committee (BFC) report 04/03/18 and RDC-Leadership session on 04/27/18 (4 pages)
5. Survey from thirty-nine respondents Chapter Officials (CO) & Chapter Staff (CSC/AMS). Roughly eighteen of the respondents were CO. The questions of the survey were as follows:
 - A. How do you view supervision of the CSC and AMS by a designated Chapter Official? Explain.
 - B. How should supervision be implemented at the local level? Explain.
 - C. Should Chapter governance be restructured? Explain.
 - D. Is Local Governance Act (Title 26) working? Explain.
 - E. What is your understanding of mismanagement of Chapter funds, as presented in the media? Explain.
6. Proposed Rules for Disputes Involving Chapter Officials on purple paper (unfortunately in very light print as the Xerox machine ran out of ink)
7. A survey report of #5 above, summarizing thirty-nine respondents

INTRODUCTION

The NN-LGA was deemed approved on April 20, 1998. Twenty (20) years to date only 41% of the Chapters have been LGA certified with sixty-five (65) Chapters not LGA certified. The principle NN Department charged with the implementation of the LGA was the LGSC.

LGSC was phased out in 2014 and then came the evolution of the ASC-POO whom hired nearly thirty-three (33) staff yet however, due to attrition, the 33 staff all resigned except for five

(5) staff members who have either been reclassified or in the process of being reclassified from Accountants to SPPS or Administrative Service Officers (ASO). In 2016, after the severe attrition, DCD reorganized under a Master POO in which ASC's POO was amended.

In January 2017, under the newly amended ASC-POO, Mr. Johnny Johnson, Department Director II, was hired, this is after nearly 4.3M\$ was appropriated of which 2.5M\$ was reverted back to General Funds in or about October 2015.

To date, 5/16/18, ASC is in jeopardy of reverting funds again spending at a 17% rate while nearly half way into FY-2018. Per NN Budget Status Report dated 04/30/18, ASC has 1.8M\$ in available budget. As a reminder, the FY-2018 ASC budget came with a condition of appropriation which was to amend the ASC – POO.

According to the Auditor General, the problem is the escalating frequency of funds mismanagement in the amount of 7M\$ and nearly 75M\$ in unspent funds by Chapters across the NN. Is the problem an inability of ASC-DCD to account for the unlawful expenditure of these funds? Additionally, another problem is the escalating frequency of disputes among CO, CSC, & AMS. If this is the case, what is the cause of the problem? Micro-management, ASC & Chapters unable to spend its funds? What or who is preventing expenditures? Or does ASC and the Chapters not know how to spend funds or red tape?

Another major issue is supervisory authority of the CSC/AMS. Is it appropriate that CSC/AMS are directly supervised by ASC with quasi supervision from the CO? Is it appropriate that dual supervision is provided? Or rather, what is preventing ASC-SPPS from attaining direct supervision? As a result of this ambiguity, the turn-over of CSC/AMS are increasing perhaps because there is no training or equity in the CSC/AMS positions.

ASC has reached out to the RDC and BFC, as well as the Chapters (CO, CSC/AMS) and the feedback and findings have culminated into this report.

PROPOSED ACTIONS

The proposed actions are based on the 2nd PPP, Action Plan For Local Governance, which outlines the following PRIORITIES below:

- A. Supervisory authority for the SPPS
- B. Curing Chapters under sanctions and assisting non-LGA certified Chapter attain LGA certification
- C. Containing Financial Mismanagement
- D. Requesting Budget Transfers within the FY-2018 funds
- E. Outreach and Public Hearing
- F. Post-LGA Certification Process

Supervisory authority for the SPPS- RDC resolution RDCO-77-16 specifically outlined DCD and ASC authorities to hire personnel as needed. RDC resolution RDCO-77-16 outlined authority to delegate and ASC and DCD appropriately obtained for SPPS authority to supervise via DPM. As the DOJ opinion confirms (*Supervisory Authority*), the DCD Executive Director and the ASC-Department Director need only to delegate supervisory authority to the ASC-SPPS over CSC/AMS. The DPM in authorizing the ASC-SPPS JVA also approved supervisory

authority for the ASC-SPPS. The ASC-SPPS need the delegation of the Supervisory Authority to monitor AMS/CMS activities to reduce misuse of funds and increase AMS/CSC accountability.

Curing Chapters under sanctions and assisting non-LGA certified Chapter attain LGA certification – The newly hired SPPS have demonstrated to the Chapters that ASC-SPPS are visible, mediating, are ensuring accountability. CO and Chapter staff have welcomed ASC-SPPS's new presence. The ASC-SPPS has met the strong need for technical assistance from the Chapters. By delegating supervisory authority to the ASC-SPPS more monitoring and compliance can be given to Correction Action Plans paving the way to the guidance of Chapters to LGA certification. Again, delegation to the SPPS to oversee the AMS/CSC will do much in seeing Chapters out of sanctions and onto LGA certification.

Containing Financial Mismanagement- The NN-OAG revealed Chapter misuse of funds in the amount of 7M\$, (*Audits, MIP v. FMIS*). This is compounded by the fact that ASC and the Chapters are underspending. With nearly all ASC accountants being reclassified as ASO, ASC is dependent of the DCD "Accountant" who is actually is classified as a SPPS. With only one key DCD finance personnel, a tremendous work load is exacted on ASC. It is the proposed action of the ASC that a Finance Officer specific for ASC be procured to contain the considerable degree of funds misuse. A finance director will also be able to help the Chapters with effective tracking system on account types as a system administrator.

Requesting Budget Transfers within FY 2018 funds- There is no doubt that funds are underspent, as stated, ASC is currently spending at 17% nearing half way into FY-2018. A good majority of these funds are tied up in ASO hiring funds. Given that ASO have not been hired per a "hiring freeze" directive from the DCD Director, it is the request of ASC to reprogram these funds to hire a Finance Director and a Human Resource Director to meet ASC critical demands. It is the aim of the ASC to create experts through the hiring of qualified Human Resources Director to begin training the SPPS to begin a "train the trainer" program for CO, CSC, and AMS.

Outreach and Public Hearing- The real issues raised by the LWS were:

1. Is there a need for a Chapter Vice-President?
2. Is there a need for an AMS if MIP is centralized?
3. Can ASC be a Division under NNC 26?
4. Why are simple ordinance request from certified Chapter like pet control being denied by DOJ?

Among other sensitive issues, the only way to justify a substantive answer to these questions and to seek proactively, improvement strategies to better assist the Chapter government is to outreach and conduct public hearings.

Given that the LWS was conducted at the Fire Rock Casino, only McKinley County, NM, Chapters were a majority in attendance. It would only be fair to conduct this LWS at a couple other locations on the Arizona portion of the NN to hear and obtain well rounded input from those Chapters.

Post-LGA Certification Process- It has been reported that Tuba City is the only one with taxation ordinances. Other chapters have attempted regulatory ordinances and in the review

process has been "shut down". Two Grey Hills tried to do a cat and dog ordinance, Mexican Water developed a business site leasing ordinance but both of these initiatives did not go well with DOJ and Division of Economic Development.

RECOMMENDATION / CONCLUSION

Recommendations are based on the six (6) priorities identified in the ASC Action plan which are:

1. The delegation of supervisory authority to the SPPS to oversee the AMS/CSC is critical to curing Chapters under sanctions and assisting non-LGA certified Chapter attain LGA certification. The delegation of supervisory authority to the SPPS is equally critical to containing financial mismanagement. The ASC-SPPS with supervisory authority will be able to track personnel and project progress, employ monitoring tools and system, be out in the field and visible, be able to provide technical assistance and accountability, and be in positions to provide outreach and assistance. Moreover, with supervisory authority, SPPS will be able to ensure compliance with the Auditor General's other NN standards allowing progression towards post LGA certification initiatives. The frequency with which Chapters appear in the media for funds mismanagement is alarming because there is no accountability.

2. Requesting Budget Transfers within FY-2018 funds to hire:

A. A Human Resource Director to train all ASC staff and develop experts at local levels, complete hiring process expeditiously (CSC/AMS), perform personnel actions (disciplinary), coordinate training for officials, initiate continuous training for compliance and accountability, and perform desk and performance audits for Chapter staff.

B. A Finance Director to track and contain funds mismanagement & waste, track expenditures, reconcile unspent funds, ensure compliance and guidelines of the BIM fund types and Appendix "M", oversee agency MIP stations, and replace ITG

C. To fund outreach and public hearings as described below in bullet #3.

3. Outreach and Public Hearing for LGA improvement is needed to develop strategic objectives, to refine ASC priorities, to eliminate duplication of services, to assess and prioritize community government needs, make chapter government more effective and efficient, and reduce mismanagement for more accountability.

4. Post-LGA Certification Process- This is the ideal, it is the goal to get the remaining sixty-five (65) Chapters LGA certified, however, although ASC has the capacity to facilitate post-LGA certification there is a vicious cycle as to what was presented and articulated at the LWS as problem areas. Supervisory authority to ASC-SPPS, approval of the ASC POO, the reprogramming of funds to hire a finance and human resource director will work to solidify ASC initiatives that post-LGA assistance Chapters are needing.

Finally, in conclusion, if the image of ASC is seemingly bad, what are the probabilities of it getting worse if ASC is phased out? It is no doubt our dear Navajo People need help, not only monetarily, socially, governmentally, etc. With the advent of misuse of Chapter funds, the help our NN people need is diminished as the NN have been living with a disease call poverty for many decades. Are these trends acceptable?

As each NN area is unique and different based on environment, it is the aim of ASC to get a larger understanding of the NN Chapter's position as ASC presses forward to see the authorization of a POO that can be deemed more than sufficient. How do we empower our Chapters and our People? Most CO, CSC/AMS, Council Delegates have been sitting at the table for well over five (5) years and longer. Given the LWS at the Fire Rock Casino, ASC can confidently conclude that what is reported herein is consistent and accurate as to that which was supported by the LWS participants.

DCD/ASC SURVEY REPORT

1. How do you view supervision of the CSC and AMS by a designated Chapter Official? Explain.		
Response:	Results:	Comments:
Positive	13	CO are available on a daily basis to supervise and monitor projects. CO and staff are aware of work assignments. It's good without nepotism; otherwise, it's a problem. Chapter operation will be more efficient and staff will be more effective. Staff become uncooperative or ignorance because they are Tribal employees. Chapter funds should be used for staff at the Chapter level. Only without demanding attitude. CO supervise Chapter Manager and CM supervise Administrative Assistant. No problem with the CO. Does not apply to our Chapter. It works but CO get into Chapter operation.
Negative	14	CO will micromanagement. CO are only available during Chapter and Planning Meetings. CO can't even run a meeting so why supervision of staff. CO do not comply with policies and overstep or interfere with Chapter operations. CO complain, and bad mouth one another. CO do not have the education, skills, knowledge and expertise to supervise staff and Chapter operation. CO demand and will favor community members. Chapter officials are always asking for trainings. CO will demand and overrule staff. HR is complicated for CO. CO's families are community bullies. CO will abuse their powers in financial areas. CO and Staff have problems and continuously disagree. According to Title 26 CO cannot supervisor the 2 staff.
Maybe	7	<u>Non LGA Certified Chapter:</u> Supervisor is constantly on hand to give guidance.
Not Applicable	5	Respondent did not answer the question but made other comments.
Total	39	

2. How should supervision be implemented at the local level? Explain.		
Response:	Results:	Comments:
By Chapter Officials	8	By MOU through Chapter resolution. All Chapter Officials/Commissioner should supervise not just one. According to Chapter FMS. Need to happen immediately, staff are not accountable of their time
By NN Policies and Procedures	24	Supervisor should be knowledgeable of policies and laws. By chain of command and in accordance with NN Personnel Policies and Procedures (NNPPP); otherwise, retaliation and lawsuits will happen. With an assistance from ASC Director using NNPPP. Provide HR trainings from management. ASC to provide supervision over CSC and CSC to supervise AMS and temporary employees. Assign individual from DCD to supervise Chapter staff. Supervision for Chapter Managers (Certified Chapters) should be from DCD. Revisit and use the LGSC Plan of Operation.
Not Applicable	7	Respondent did not answer the question but made other irrelevant

		comments.
Total	39	

3. Should Chapter governance be restructured? Explain.		
Responses:	Results	Comments:
Yes	26	The current system allows staff to overrule CO leading to miscommunication. To make LGA work. Title 26 is outdated. Establish agency office for better access to resources/services. Revisit the LGSC Plan of Operation. ASC to provide supervision. Identify oversight for LGA Certified Chapters. ASC to provide supervisory authority to Chapter staff. Only personnel should remain with the Nation. Redefine roles and responsibilities of CO and make them earn their stipends. Certification allows Chapters to misuse funds. ASC to communicate and provide more trainings. Update and comply with policies and laws. Hire additional staff at the Chapter level.
No	7	DCD to work with Chapters and meet with staff periodically. No one adheres to policies. It's good the way it is. Abolish the VP position. Chapters need to get LGA Certified.
Maybe	6	Make LGA work. Elected officials make the changes once they get elected. Identify the specific areas first. If there are major problems with staff and CO then it can be reorganized. NN Committees should restructure the governance. The Tribal President should know the laws and have better supervision over staff.
Total	39	

4. Is Local Governance Act (Title 26) working? Explain.		
Response:	Results:	Comments:
Yes	18	Some CO are doing their jobs. It makes management easier and keeps CO from taking over Chapter administration. It works if interpreted and used correctly. It's an opportunity for the people. Other services need to come to the Chapter level. Working but micromanagement becomes an issue. CO to have at least 1500 of hours on Title 26 and 24 hours of college credit hours
No	11	No one adheres to Title 26. Law is not enforced by CO. CO duties and responsibilities needs amendment. LGA power and authority is still at Central level. Amended version need to come with training for CO. The Law is confusing. It's ineffective but I still use it to do my job. Some CO don't care of their duties and responsibilities.
Maybe	10	Maybe helping Chapters with their projects. I don't know Title 26. Title 26 needs clarity and words need to be defined ex: direct involvement. Chapters do not have full authority. Depends on how dedicated the NN President is the People. Sometimes Chapters are not in compliance. Supervision and authority is the main issue.
Total	39	

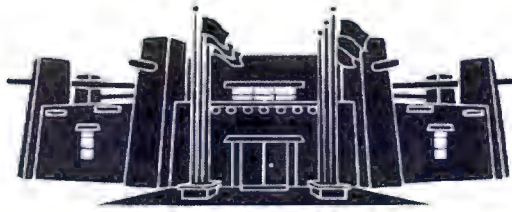
5. What is your understanding of mismanagement of Chapter funds, as presented in the media? Explain.

Response:	Results:	Comments:
Answers to the question	6	It's ugly and disgusting. Reported if it's every Chapter taking money and puts down the Chapter officials, Council Delegates and Staff. It shames the Nation. It's embarrassing. As a community member of another Chapter I was embarrassed and appalled to hear of my Chapter in the media. Please do not include Chapters that are not mismanaging funds. Laws are too weak for justice. Maximize punishment for CO and Staff that misuse funds.
Other comments, recommendations and possible solution.	32	Media gets involve when Chapter officials & staff embezzle/misuse/management funds, with no supporting documents, used as personal gain, staff are bullied by Officials to make it happen, staff transfer funds without community approval, ASC & OAG not reviewing financial reports. No background check for Staff and CO, rehiring of staff and reelecting same CO at different Chapters. Policies/laws not followed. Low caliber of personnel & lack of training. CSC should not sign checks and CO should not have full time jobs. Lack of oversight and supervision, policy enforcements. CO and employees in office too long. Manipulating the MIP (accounting systems and equipment. No internal control and segregation of duties at the Chapter. Micromanagement by CO. CO and Staff not providing financial reports to membership. Using funds for relatives or exchange for favors.
Not Applicable	1	Respondent did not answer the question.
Total	39	

Chapters that responded to the survey questionnaire:

- | | |
|---------------------|--------------------------------|
| 1. Cornfields – 2 | 13. Low Mountain - 1 |
| 2. Tohajiilee – 3 | 14. Red Valley - 1 |
| 3. New Comb – 4 | 15. Bodaway/Gap - 2 |
| 4. Oljato – 1 | 16. Black Mesa - 1 |
| 5. Tolikan – 1 | 17. Sanostee - 1 |
| 6. Rocksprings – 3 | 18. Upper Fruitland - 1 |
| 7. Tohatchi – 2 | 19. Toadlena/Two Greyhills - 1 |
| 8. Hard Rock – 2 | 20. Coalmine - 1 |
| 9. Red Mesa – 1 | 21. Crownpoint - 1 |
| 10. Nazlini – 1 | 22. Huerfano – 2 |
| 11. Ramah – 1 | 23. Steamboat - 1 |
| 12. Littlewater – 5 | |

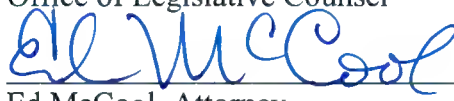
TOTAL = 39



MEMORANDUM

TO: Honorable Walter Phelps
23rd Navajo Nation Council Delegate

FROM: 
Candace French, Attorney
Office of Legislative Counsel

THRU: 
Ed McCool, Attorney
Office of Legislative Counsel

DATE: May 23, 2018

RE: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT
COMMITTEE; AMENDING AND APPROVING THE PLAN OF
OPERATION FOR THE ADMINISTRATIVE SERVICE CENTERS

Per your request, attached is the above-reference proposed resolution and associated legislative summary sheet. Based on existing law and the documents submitted, the resolution as drafted is legally sufficient. However, as with all legislation, the proposed resolution is subject to review by the courts in the event of a challenge.

The Office of Legislative Counsel recommends the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601, and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration. 2 N.N.C. § 164(A)(5).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If you approve, please sign as "Primary Sponsor" and submit it to the Office of Legislative Services where the proposed resolution will be given a tracking number and referred to the Office of the Speaker. If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like to make to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0184-18__

SPONSOR: Walter Phelps

**TITLE: An Action Relating To Resources And Development Committee; Amending
And Approving The Plan Of Operation For The Administrative Service Centers**

Date posted: May 25, 2018 at 10:50 AM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0184-18

SPONSOR: Honorable Walter Phelps

TITLE: An Action Relating To Resources And Development Committee; Amending And Approving The Plan Of Operation For The Administrative Service Centers

Posted: May 25, 2018 at 10:50 AM

5 DAY Comment Period Ended: May 30, 2018

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>



**Legislative Secretary II
Office of Legislative Services**

5/31/2018 8:10am

Date/Time