

LEGISLATIVE SUMMARY SHEET

Tracking No. 0426-18

DATE: December 13, 2018

SUBJECT: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; ACCEPTING THE FOLLOW-UP REVIEW OF DILKON CHAPTER CORRECTIVE ACTION PLAN IMPLEMENTATION; IMPOSING SANCTIONS FOR NOT IMPLEMENTING THE CORRECTIVE ACTION PLAN

PURPOSE: The purpose of this legislation is to accept the follow-up review of Dilkon Chapter's corrective action plan and approve sanctions upon the chapter and its officials.

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 review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: 5:54pm 12/15/18
Posting End Date: 12/23/2018
Eligible for Action: 12/24/2018

Resources & Development Committee
Thence
Budget & Finance Committee

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

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0426-18

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND
FINANCE COMMITTEES; ACCEPTING THE FOLLOW-UP REVIEW OF DILKON
CHAPTER CORRECTIVE ACTION PLAN IMPLEMENTATION; IMPOSING
SANCTIONS FOR NOT IMPLEMENTING THE CORRECTIVE ACTION PLAN

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee serves as the oversight committee for Chapter of the Navajo Nation. 2 N.N.C § 501(C)(1).
- B. The Auditor General's Plan of Operation, codified in 12 NNC §§ 1-10, provides that "12 months after the release of the audit report, the Auditor General conduct a follow-up to determine the status of implementation [of the corrective action plan.]" 12 N.N.C. § 7(G).
- C. The Budget and Finance Committee is charged with receiving post-audit follow-up reports from the Auditor General. 12 N.N.C §§ 6(B) and 7(H).
- D. As part of the follow-up report, the Auditor General shall recommend action to be taken by the Budget and Finance Committee and present the report to the standing committee or committees having oversight responsibility for the audited program. 12 N.N.C. § 7 (G).

- 1 E. Based on the follow-up review and any recommendations made by the standing
2 committee having oversight responsibility for the audited program, the Budget and
3 Finance Committee will determine what actions should be taken. 12 N.N.C. § 7(I).
- 4 F. The Auditor General Plan of Operation provides for the imposition of sanctions under
5 12 N.N.C. §§ 9(B) and (C), upon the recommendation of the Auditor General in
6 accordance with 12 N.N.C. § 7(G).
- 7 G. The Auditor General Plan of Operation provides that “[a]ny director or chapter official
8 whose salary or other payments are withheld pursuant to § 9(C) shall have the right to
9 have the withholding reviewed by the Navajo Nation Office of Hearing and Appeals.”
10 12 N.N.C. § 9(D).

11 12 **SECTION TWO. FINDINGS**

- 13 A. The Auditor General previously conducted an internal audit of Dilkon Chapter. The
14 Budget and Finance Committee approved the audit report and the corrective action
15 plan on July 5, 2016 in resolution BFJY-20-16, which is attached as **Exhibit A**.
- 16 B. The Auditor General conducted a follow-up review to determine if the corrective
17 action plan had been implemented. The Auditor General’s report titled, “A Follow-
18 up Review of the Dilkon Chapter Corrective Action Plan Implementation” (Report
19 No. 18-34, September 24, 2018) is attached as **Exhibit B**.
- 20 C. The corrective action plan listed forty-nine (49) corrective measures to address
21 twenty-five (25) audit issues. Dilkon Chapter implemented 27 (or 55%) of the
22 corrective measures in the corrective action plan. As a result, the Chapter’s
23 corrective action plan has not been implemented.
- 24 D. The Auditor General recommended sanctions be imposed upon Dilkon Chapter and
25 its officials in accordance with 12 N.N.C. §§ 9(B) and 9(C). The Budget and
26 Finance Committee is authorized to make the final determination on what actions
27 should be taken.

28 29 **SECTION THREE. ACCEPTANCE AND APPROVAL**

30

- 1 A. The Navajo Nation hereby accepts **Exhibit B**, Auditor General’s Report, “A Follow-
2 Up Review of the Dilkon Chapter Corrective Action Plan Implementation” (Report
3 No. 18-34, September 2018).
- 4 B. The Navajo Nation Controller shall cause ten percent (10%) of monies payable from
5 any governmental fund of the Navajo Nation as defined at 12 N.N.C. § 810 (S) to be
6 withheld after the recommended sanction is approved by the Budget and Finance
7 Committee and issued to Dilkon Chapter until such time as the Dilkon Chapter
8 demonstrates to the Auditor General that the corrective action plan has been
9 implemented per 12 N.N.C. § 9(B).
- 10 C. The Navajo Nation Controller shall cause twenty percent (20 %) of the chapter
11 officials stipend payments to be withheld per 12 N.N.C. § 9 (C).
- 12 D. The chapter officials may appeal the imposition of sanctions immediately in
13 accordance with 12 NNC. § 9(D).
- 14 E. Dilkon Chapter shall provide proof of implementation of the corrective action plan at
15 which time the Auditor General shall immediately report the compliance to the
16 Controller who shall then release all withheld funds in accordance with 12 N.N.C. §§
17 9(B) and (C).
- 18
19
20
21
22
23
24
25
26
27
28
29
30

RESOLUTION OF THE
BUDGET AND FINANCE COMMITTEE
OF THE NAVAJO NATION COUNCIL

23RD NAVAJO NATION COUNCIL - Second Year, 2016

AN ACTION
RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE AND THE BUDGET
AND FINANCE COMMITTEE; ACCEPTING THE INTERNAL AUDIT OF THE DILKON
CHAPTER SUBMITTED BY THE OFFICE OF THE AUDITOR GENERAL AND APPROVING
THE CORRECTIVE ACTION PLAN SUBMITTED BY THE DILKON CHAPTER

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee (RDC) is a standing committee of the Navajo Nation Council with oversight authority over the Chapters of the Navajo Nation. 2 NNC §§ 500 (A), 501 (B) (1), 501 (C) (1).
- B. The RDC as the oversight committee of the Chapters of the Navajo Nation is to receive audit reports and corrective action plans. 12 NNC §7 (E).
- C. The Budget and Finance Committee (B&F) is a standing committee of the Navajo Nation Council and is charged with receiving and approving chapter audit reports from the Auditor General. 2 NNC § 300 (A), 12 NNC §§ 6 (A), 7 (D).

SECTION TWO. FINDING

- A. Pursuant to 12 N.N.C § 7 (D), the Auditor General submits an audit report of the Dilkon Chapter and Dilkon Chapter's Corrective Action

Plan for approval. See Exhibit A (Audit Report 16-13, Mar. 2016); See also Exhibit B (Corrective Action Plan).

- B. The internal audit of Dilkon Chapter was conducted by the Office of the Auditor General with the assistance of Finley & Cook, certified Public Accountants, to determine whether Dilkon Chapter was implementing sound internal controls in managing chapter finances. See Exhibit A.
- C. The objective of the audit was to test Dilkon Chapter's day to day operations versus the approved Five Management System policies and procedures. See Exhibit A.
- D. Dilkon Chapter is a Certified Local Government Agency (LGA). See TCDCD-49-10.
- E. The internal audit findings lists twenty-five (25) findings for the twenty-two (22) month period review from October 1, 2013 through July 31, 2015. See Exhibit A.
- F. The twenty-five (25) findings are as follows:
 - 1. Expenditures were made without approved annual budgets for fiscal year 2014 and 2015.
 - 2. Expenditures were made without proper support documentation to justify the expense.
 - 3. Purchases were made without obtaining the proper quotes from three different vendors.
 - 4. The required documentation established by fund program checklists for Veterans, Housing Discretionary, and Scholarship funds were missing from the support provided for multiple transactions.

5. Payroll duties have been performed solely by the Acting Chapter Manager since May 1, 2015.
6. Requisition forms were not prepared or attached to the supporting documentation on several expenditures tested.
7. Debit card transactions were not supported by backup documentation and the existence of the debit card was unknown to Chapter officials as reported by Chapter staff.
8. Subpoenaed documentation received from vendors did not match payments recorded by the Chapter and were not budgeted.
9. Capital assets were not recorded by fund source.
10. There are outstanding travel advances dating back to March 2015.
11. Travel advance records did not contain proof of insurance or a driver's license for those using personal vehicles.
12. Cash is not being deposited in an accurate and timely manner.
13. As of May 1, 2015, the Acting Chapter Manager is the sole custodian of cash.
14. Bank reconciliations within the MIP accounting software did not agree with the trial balance.
15. Payroll checks were issued outside of the established pay dates for fiscal year 2014.
16. Health insurance premiums were not paid timely to the Navajo Nation and included payments on behalf of terminated employees.
17. Timesheets were missing from some of the payroll samples selected.

18. Personnel Action Forms (PAF) not provided for some of the payroll samples selected.
19. Hourly rates on employees paychecks varied from the rates stated on PAF in their personnel file.
20. PAF are missing proper signatures.
21. A financial audit has not occurred for the Chapter since it was certified as a LGA Certified Chapter in December 2010.
22. Arizona state unemployment returns and contributions were not paid in a timely manner.
23. Quarterly Federal payroll reporting was not filed timely and the monthly Federal tax deposits were not paid timely.
24. Checks were issued before fund approval forms were signed.
25. Several payroll and expenditure items selected for testing were not provided during fieldwork or after an additional two weeks was granted to provide the information requested.

G. Based on the audit report and the recommendations the Dilkon Chapter Corrective Action Plan was completed. See Exhibit B.

SECTION THREE. ACCEPTANCE AND APPROVAL

- A. The Navajo Nation hereby accepts the Audit Report No. 16-13, Audit of the Dilkon Chapter, attached hereto as Exhibit A, and approves the Dilkon Chapter Corrective Action Plan, attached hereto as Exhibit B.

- B. The Navajo Nation hereby directs that copies of the Dilkon Chapter Corrective Action Plan be provided to the Office of the President and the Vice President and the Resources and Development Committee, as part of their oversight responsibility for the Dilkon Chapter.
- C. The Navajo Nation hereby directs the Dilkon Chapter to submit a written status report on its progress in implementation of the Corrective Action Plan to the Office of the Auditor General six months after the approval of this resolution.
- D. The Navajo Nation hereby directs the Office of the Auditor General to review the written status report to be submitted by the Dilkon Chapter and report to the Resources and Development Committee, as well as the Budget and Finance Committee.
- E. The Navajo Nation hereby directs the Office of the Auditor General to conduct a follow-up review twelve months after the approval of this resolution to verify to actions claimed to have been taken by the Dilkon Chapter, to issue a written follow-up report indicating the Dilkon Chapter progress in implementing the Corrective Action Plan, and to make recommendations to the Resources and Development Committee, as well as the Budget and Finance Committee.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Budget and Finance Committee of the Navajo Nation Council at a duly called meeting held at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 4 in favor, 0 opposed, this 5th day of July, 2016.



Honorable Dwight Witherspoon, Vice Chairperson
Budget and Finance Committee

Motion: Honorable Tom T. Chee

Second: Honorable Tuchoney Slim, Jr.



OFFICE OF THE AUDITOR GENERAL

The Navajo Nation

A Follow-Up Review of the Dilkon Chapter Corrective Action Plan Implementation

**Report No. 18-34
September 2018**

**Performed by:
Finley & Cook CPAs**



September 24, 2018

Lorenzo Lee, President
DILKON CHAPTER
HCR-63 Box E
Winslow, AZ 86047

Dear Mr. Lee,

The Office of the Auditor General herewith transmits Audit Report No. 18-34, a Follow-up Review of the Dilkon Chapter's Corrective Action Plan Implementation. This follow-up review was completed in conjunction with Finley & Cook, CPAs.

BACKGROUND

In 2016, the Office of the Auditor General performed an internal audit of the Dilkon Chapter and issued audit report no. 16-13 listing 25 audit issues. A corrective action plan was developed by Dilkon Chapter in response to the internal audit. The corrective action plan listed 49 corrective measures to address the audit issues. The audit report and corrective action plan were approved by the Budget and Finance Committee on July 05, 2016, per resolution no. BFJY-20-16.

OBJECTIVE AND SCOPE

The objective of this review is to determine the status of the corrective action plan implementation based on a 6-month review period of December 1, 2017 to May 31, 2018. The review was based on inquiries, review of records and audit test work.

SUMMARY


Of 49 corrective measures, the Dilkon Chapter implemented 27 (55%) corrective measures, leaving 22 (45%) not implemented. See attached Exhibit A for the detailed explanation of the follow-up results.

CONCLUSION

The Dilkon Chapter did not resolve all issues from the 2016 audit of the Chapter; 15 of 25 audit issues remain unresolved. Therefore, the Office of the Auditor General recommends sanctions on the Dilkon Chapter in accordance with 12 N.N.C. Section 9 b and c for failure to implement the corrective action plan.

In conclusion, we wish to thank the Dilkon Chapter for assisting in this follow-up review.

Sincerely,



Elizabeth Begay, CIA, CFE
Auditor General

xc: Felix Tsinijinnie, Vice-President
Elizabeth Yazzie, Secretary/Treasurer
Marjorie Barton, Chapter Manager
Lee Jack Sr., Council Delegate
DILKON CHAPTER
Johnny Johnson, Department Manager II
ADMINISTRATIVE SERVICE CENTER/DCD
Chrono



September 17, 2018

Elizabeth Begay, CIA, CFE
Auditor General Office of the Auditor General
The Navajo Nation
P.O. Box 708
Window Rock, Arizona 86515

Dear Ms. Begay:

Pursuant to our engagement letter with the Office of the Auditor General, Finley & Cook, PLLC hereby transmits the follow-up report of the Dilkon Chapter implementation of its corrective action plan. The objective of this review was to determine the status of the corrective action plan implementation based on a 6-month review period of December 1, 2017, to May 31, 2018. Our review was based on inquiries, review of records and audit test work.

The results of our review found that the Dilkon Chapter did not resolve all prior audit findings. Of the 49 corrective measures, the Dilkon Chapter implemented 27 (55%) corrective measures, leaving 22 (45%) not implemented. See attached Exhibit A for the detailed explanation of the follow up results.

For additional specifics of each corrective measure, please see Attachments A and B which briefly address each finding and the results of our testing.

Finally, we express our gratitude to the staff of Dilkon Chapter for their cooperation and assistance with this review. If you have any questions about this report, please call our office at (405) 395-5000.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott Huebert".



Scott Huebert, CPA
Partner








REVIEW RESULTS
Dilkon Chapter Corrective Action Plan Implementation
Review Period: December 1, 2017 to May 31, 2018

Audit Issues	Total # of Corrective Measures	# of Corrective Measures Implemented	# of Corrective Measures Not Implemented	Audit Issue Resolved?	Review Details
1. Expenditures were made without approved annual budgets.	4	4	0	Yes	Attachment A
2. Payroll duties performed solely by the Acting Chapter Manager.	2	2	0	Yes	
3. Debit card transactions were not supported by backup documentation and existence of the card was unknown to Chapter officials.	2	2	0	Yes	
4. Outstanding travel advances.	2	2	0	Yes	
5. Travel advance records did not contain proof of insurance or a drivers license for those using personal vehicles.	1	1	0	Yes	
6. Acting Chapter Manager is sole custodian of cash.	3	3	0	Yes	
7. Bank reconciliations within MIP system did not agree with the trial balance.	3	3	0	Yes	
8. Timesheets were missing from some of the payroll samples.	2	2	0	Yes	
9. Several payroll and expenditure items selected for testing were not provided.	1	1	0	Yes	
10. Requisition forms were not prepared or attached to supporting documentation for expenditures.	2	2	0	Yes	
11. Expenditures made without proper supporting documentation.	1	0	1	No	Attachment B
12. Purchases made without proper quotes from vendors.	1	0	1	No	
13. Required documentation established by fund program checklists for Veterans, Housing Discretionary, and Scholarship funds missing from the documentation.	3	1	2	No	

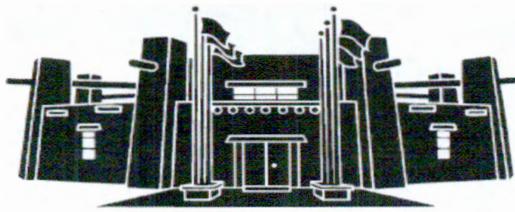
Audit Issues	Total # of Corrective Measures	# of Corrective Measures Implemented	# of Corrective Measures Not Implemented	Audit Issue Resolved?	Review Details
14. Documentation received from vendors did not match payments recorded.	2	0	2	No	Attachment B
15. Capital assets are not recorded by fund source.	1	0	1	No	
16. Cash is not being deposited in an accurate and timely manner.	2	0	2	No	
17. Payroll checks issued outside of established pay dates.	1	0	1	No	
18. Health insurance premiums were not paid timely and included payments on behalf of terminated employees.	3	2	1	No	
19. Personnel Action Forms not provided for some of the payroll samples selected.	2	0	2	No	
20. Hourly rates on employee paychecks varied from the rates stated on Personnel Action Forms.	1	0	1	No	
21. Personnel Action Forms are missing proper signatures.	1	0	1	No	
22. A financial audit has not occurred for the Chapter since it was certified as a Local Government Agency.	2	0	2	No	
23. Arizona state unemployment returns and contributions were not filed or paid in a timely manner.	3	1	2	No	
24. Quarterly Federal payroll reporting and tax deposits were not filed or paid timely.	3	1	2	No	
25. Checks were issued before fund approval forms were signed.	1	0	1	No	
TOTAL:	49	27	22	10 - Yes 15 - No	

WE DEEM CORRECTIVE MEASURES: **Implemented** where the Chapter provided sufficient and appropriate evidence to support all elements of the implementation; and **Not Implemented** where evidence did not support meaningful movement towards implementation, and/or where no evidence was provided.

 2018 Status	Issue 1: Expenditures were made without approved annual budgets. RESOLVED
Per review of Chapter minutes for the period reviewed and fiscal year 2018 budgets, it was noted that all budgets were presented to the membership and approved by Resolution at various meetings. The 2018 General Fund budget was approved in September 2017 and other budgets approved as the funding was made available to the Chapter.	
 2018 Status	Issue 2: Payroll duties performed solely by the Acting Chapter Manager. RESOLVED
Per interview with Administrative Assistant, Charmayne Billy, the appropriate segregation of duties for the payroll process have been re-established. The steps taken to process payroll demonstrate and verify adequate internal controls have been restored.	
 2018 Status	Issue 3: Debit card transactions were not supported by backup documentation and existence of the card was unknown to Chapter officials. RESOLVED
There were no debit card transactions recorded on the bank statements for the period December 2017 - May 2018.	
 2018 Status	Issue 4: Outstanding travel advances dating back to March 2015. RESOLVED
For the audit period, we examined 4 of 17 of travel advances issued totaling \$1,762.52 and verified that the travelers are reconciling their advances in a timely manner.	
 2018 Status	Issue 5: Travel advance records did not contain proof of insurance or a drivers license for those using personal vehicles. RESOLVED
All travel advances and travel expenditures tested (9) had the appropriate supporting documentation including proof of insurance or a driver's license for those using personal vehicles.	
 2018 Status	Issue 6: Acting Chapter Manager is sole custodian of cash. RESOLVED
Per interview with Administrative Assistant and office staff, the appropriate segregation of duties for cash handling have been re-established. The procedures/steps Chapter staff are following provide adequate internal controls for cash handling and safeguarding of cash receipts.	
 2018 Status	Issue 7: Bank reconciliations within MIP system did not agree with the trial balance. RESOLVED
Per review of each of the bank reconciliations for the period tested, the bank reconciliations agreed with the trial balance at the time of the reconciliation. It was noted that two months (March and April 2018) did not agree with the monthly trial balances ran on August 7, 2018. This appeared to be due to a subsequent voided check in March 2018 and transactions posted after the April 2018 reconciliation was completed. However, the May 2018 reconciliation agreed to the trial balance ran on August 7, 2018.	
 2018 Status	Issue 8: Timesheets were missing from some of the payroll samples. RESOLVED
Of the samples selected for the audit period, each payroll check had an approved timesheet attached.	
 2018 Status	Issue 9: Several payroll and expenditure items selected for testing were not provided. RESOLVED
All items selected for testing during our review were provided by Chapter staff.	
 2018 Status	Issue 10: Requisition forms were not prepared or attached to supporting documentation for expenditures. RESOLVED
We examined 20 expenditures and found that all of the expenditures had a fund approval form in lieu of a requisition form.	

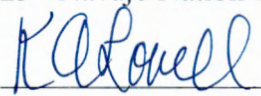
 2018 Status	Issue 11: Expenditures made without proper supporting documentation. NOT RESOLVED
Of the 20 samples selected for testing, 4 checks failed to have proper support attached. One check had only page 1 of 8 page invoice. Two items did not have an invoice attached at all. One check was made payable to Wal-Mart for food and supplies for the Community Christmas dinner but had receipts attached from multiple vendors and the receipts did not total the amount of the check issued.	
 2018 Status	Issue 12: Purchases made without proper quotes from vendors. NOT RESOLVED
Of the 20 samples selected for testing, 7 checks failed to have any quotes attached, 10 checks did not require a quote to be provided due to the type of expenditure incurred and 3 checks had quotes to support the purchase.	
 2018 Status	Issue 13: Required documentation established by fund program checklists for Veterans, Housing Discretionary, and Scholarship funds missing from the documentation. NOT RESOLVED
Of the 10 samples selected for testing, 2 checks were missing the required documentation needed for the Housing Discretionary program. Two (2) checks selected did not meet the criteria to complete a checklist and 6 checks had the proper supporting documentation as required by the respective checklists for each program.	
 2018 Status	Issue 14: Documentation received from vendors did not match payments recorded. NOT RESOLVED
We examined 20 expenditures and found 3 checks that failed to match invoices for items purchased. Two checks were issued from a quote and no invoice or receipt furnished after the purchase made. One check was made payable to Wal-Mart from a quote but the attached receipts were from multiple vendors and did not total amount of check issued.	
 2018 Status	Issue 15: Capital assets are not recorded by fund source. NOT RESOLVED
Per review of the current inventory listing, capital assets are not recorded by fund source. It was also noted that the fixed assets have not been recorded in the accounting system.	
 2018 Status	Issue 16: Cash is not being deposited in an accurate and timely manner. NOT RESOLVED
Per review of the six (6) bank statements in the review period, it was noted that 1 or 2 deposits were made each month for the cash receipts collected. Of the 9 deposits or cash receipts tested, it was noted that weekly deposits were not being made and it could not be determined what business dates were included in the respective deposits.	
 2018 Status	Issue 17: Payroll checks issued outside of established pay dates. NOT RESOLVED
We examined 18 payroll checks and found one (1) check that was issued outside of the established pay dates. A check was issued on March 2, 2018 for hours worked that should have been paid on March 28, 2018.	

 2018 Status	Issue 18: Health insurance premiums were not paid timely and included payments on behalf of terminated employees. NOT RESOLVED
We examined 2 months of health insurance premium payments and found that both invoices had past due amounts. Therefore, an indication the premium payments were not paid by the due date to be reflected on the current month's invoice. Our examination of the general ledger also found that February's premiums were not paid until June 2018. It could not be determined if the Chapter was paying for health insurance coverage for terminated employees because the billing is no longer itemized by employee.	
 2018 Status	Issue 19: Personnel Action Forms (PAF) not provided for some of the payroll samples selected. NOT RESOLVED
We selected 13 samples for testing and found 1 missing PAF.	
 2018 Status	Issue 20: Hourly rates on employee paychecks varied from the rates stated on Personnel Action Forms (PAF). NOT RESOLVED
We selected 13 samples for testing and found 2 employee pay rates did not agree to the rate on the PAF. Of the two that didn't agree, one sample had no PAF provided and the other sample had a pay rate change during the pay period that was not recognized on the employee's check.	
 2018 Status	Issue 21: Personnel Action Forms are missing proper signatures. NOT RESOLVED
We selected 13 samples and found two (2) issues. One PAF was not signed and the other was never provided for review and testing.	
 2018 Status	Issue 22: A financial audit has not occurred for the Chapter since it was certified as a Local Government Agency. NOT RESOLVED
Per inquiry of Administrative Assistant, a financial audit has not been conducted of the Chapter house since becoming a certified Local Government Agency.	
 2018 Status	Issue 23: Arizona state unemployment returns and contributions were not filed or paid in a timely manner. NOT RESOLVED
There were two quarters available for testing during the six (6) month audit scope. The fourth quarter 2017 report was filed and paid timely. The first quarter 2018 report was filed on time but there was no evidence of a payment made within the reports provided or review of the April 2018 bank statement.	
 2018 Status	Issue 24: Quarterly Federal payroll reporting and tax deposits were not filed or paid timely. NOT RESOLVED
There were two quarters available for testing during the six (6) month audit scope. The fourth quarter 2017 941 report was filed and paid timely. The first quarter 2018 941 report was filed untimely on August 17, 2018 but payroll tax deposits were made timely.	
 2018 Status	Issue 25: Checks were issued before fund approval forms were signed. NOT RESOLVED
Of the 20 expenditures selected for sample, we found 9 checks that were issued before the fund approval forms were signed. The Chapter House would appear to be preparing checks for signature before the fund approval forms are signed and hoping to obtain the signatures on the fund approval form and check from both Chapter Officials the same day for the check.	



MEMORANDUM

TO: Honorable Lee Jack, Sr.
23rd Navajo Nation Council

FROM: 
Kristen Lowell, Principal Attorney
Office of Legislative Counsel

DATE: December 13, 2018

SUBJECT: **AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND
BUDGET AND FINANCE COMMITTEES; ACCEPTING THE FOLLOW-
UP REVIEW OF DILKON CHAPTER CORRECTIVE ACTION PLAN
IMPLEMENTATION; IMPOSING SANCTIONS FOR NOT
IMPLEMENTING THE CORRECTIVE ACTION PLAN**

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

Please ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) 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).

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0426-18__

SPONSOR: Lee Jack

TITLE: An Action Relating To Resources And Development Committee And Budget And Finance Committees; Accepting The Follow-Up Review Of Dilkon Chapter Corrective Action Plan Implementation; Imposing Sanctions For Not Implementing The Corrective Action Plan

Date posted: December 18, 2018 at 5:56 PM

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.: 0426-18

SPONSOR: Honorable Lee Jack

TITLE: An Action Relating To Resources And Development Committee And Budget And Finance Committees; Accepting The Follow-Up Review Of Dikoni Chapter Corrective Action Plan Implementation; Imposing Sanctions For Not Implementing The Corrective Action Plan

Posted: December 18, 2018 at 5:56 PM

5 DAY Comment Period Ended: December 23, 2018

Digital Comments received:

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



Legislative Secretary II
Office of Legislative Services

12/24/2018 8:30am

Date/Time

**RESOURCES AND DEVELOPMENT COMMITTEE
23rd NAVAJO NATION COUNCIL**

FOURTH YEAR 2018

COMMITTEE REPORT

Mr. Speaker,

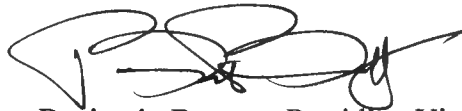
The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

Legislation # 0426-18: An Action Relating to Resources and Development and Budget and Finance Committees; Accepting the Follow-Up Review of Dilkon Chapter Corrective Action Plan Implementation; Imposing Sanctions for Not Implementing the Corrective Action Plan. *Sponsor: Honorable Lee Jack, Sr.*

Has had it under consideration and reports a **DO PASS** with no amendment;

And thereafter the legislation was referred to Budget and Finance Committee.

Respectfully submitted,



Benjamin Bennett, Presiding Vice-Chairperson
Resource and Development Committee of
the 23rd Navajo Nation Council

Date: December 26, 2018 – Regular Meeting

Meeting Location: Navajo Nation Council Chambers, Window Rock, Arizona

MAIN MOTION:

M: Walter Phelps
voting to break tie.)

S: Jonathan Perry

Vote: 3-2-0 (Vice Chairperson

YEAS: Davis Filfred, Walter Phelps and Benjamin Bennett

NAYS: Jonathan Perry and Leonard Pete

EXCUSED: Alton Joe Shepherd

RESOURCES AND DEVELOPMENT COMMITTEE
Regular Meeting

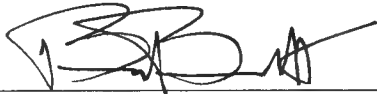
ROLL CALL
VOTE TALLY SHEET:

Legislation # 0426-18: An Action Relating to Resources and Development and Budget and Finance Committees; Accepting the Follow-Up Review of Dilkon Chapter Corrective Action Plan Implementation; Imposing Sanctions for Not Implementing the Corrective Action Plan. *Sponsor: Honorable Lee Jack, Sr.*

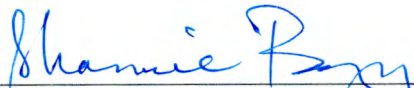
MAIN MOTION:

M: Walter Phelps S: Jonathan Perry Vote: 3-2-0 (Vice Chairperson voting to break tie.)
YEAS: Davis Filfred, Walter Phelps and Benjamin Bennett
NAYS: Jonathan Perry and Leonard Pete
EXCUSED: Alton Joe Shepherd

Date: December 26, 2018 – Regular Meeting
Meeting Location: Navajo Nation Council Chambers, Window Rock, Arizona



Honorable Benjamin Bennett, Presiding Vice-Chairman
Resources and Development Committee



Shammie Begay, Legislative Advisor
Office of Legislative Services

23rd NAVAJO NATION COUNCIL

Fourth Year 2018

Mr. Speaker:

The **BUDGET & FINANCE COMMITTEE** to whom has been assigned

NAVAJO LEGISLATIVE BILL # 0426-18:

An Action Relating To Resources And Development Committee And Budget And Finance Committees; Accepting The Follow-Up Review Of Dilkon Chapter Corrective Action Plan Implementation; Imposing Sanctions For Not Implementing The Corrective Action Plan
Sponsored by Lee Jack, Sr., Council Delegate

has had it under consideration and reports the same with the recommendation that It **Do Pass** with 1 amendment.

1. On Page 3, Line 4 add new paragraph B:
B. Dilkon Chapter's CAP is extended until March 31, 2019. The Auditor General will conduct a review after March 31, 2019 in order to determine if the CAP has been successfully implemented. In consideration of the Chapter's request for an extended time frame to complete its CAP and the expedited review requested by the Auditor General, Dilkon Chapter shall pay the costs of the Auditor General's review.
2. On Page 3, Paragraphs B through E shall be re-lettered in accordance with the additions above.
3. G. Paragraphs C-F shall go into effect if the Auditor General's review determines the CAP has not been implemented after its review.
Motion: Lee Jack, Sr. Second: Tom T. Chee Vote: 3-0; Yeas: Lee Jack, Sr., Tom T. Chee, Jimmy Yellowhair

Respectfully submitted,


Seth A. Damon, Chairman

Adopted: 
Legislative Advisor

Not Adopted: _____
Legislative Advisor

27 December 2018

The vote was **3** in favor **0** opposed yeas: Lee Jack, Sr., Jimmy Yellowhair, Tom T. Chee
Motion: Jimmy Yellowhair
Second: Tom T. Chee

BUDGET AND FINANCE COMMITTEE

27 December 2018

Special Meeting

VOTE TALLY SHEET:

Legislation No. 0426-18:

An Action Relating To Resources And Development Committee And Budget And Finance Committees; Accepting The Follow-Up Review Of Dilkon Chapter Corrective Action Plan Implementation; Imposing Sanctions For Not Implementing The Corrective Action Plan
Sponsored by Lee Jack, Sr., Council Delegate

Motion: Jimmy Yellowhair

Second: Tom T. Chee

Vote: 3-0, Chairman not voting

Vote Tally:

Seth A. Damon		
Jimmy Yellowhair	yay	
Tom T. Chee	yay	
Lee Jack, Sr.	yay	
Leonard Tsosie		
Tuchoney Slim, Jr.		

Absent: *Leonard Tsosie, Tuchoney Slim Jr.*


Seth A. Damon, Chairman
Budget & Finance Committee
Peggy Nakai, Legislative Advisor
Budget & Finance Committee