

LEGISLATIVE SUMMARY SHEET

Tracking No. 0138-18

DATE: April 11, 2018

SUBJECT AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE; RECOGNIZING AND CONCURRING WITH THE ALAMO NAVAJO CHAPTER'S CONCERN REGARDING ALLEDGED FINANCIAL IRREGULARITIES BY THE ALAMO NAVAJO SCHOOL BOARD AND THE NECESSITY OF CONDUCTING A FORENSIC AUDIT OF THE ALAMO NAVAJO SCHOOL BOARD AND FORMALLY REQUESTING THE BUREAU OF INDIAN EDUCATION TO CONDUCT SUCH AUDIT IN A TIMELY MANNER PURSUANT TO MEETING WITH THE COMMITTEE

PURPOSE: The purpose of this legislation is to request a forensic audit of the Alamo Nation School Board be conducted by the Bureau of Indian Education pursuant to a requested meeting with the Committee.

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: 4:00pm 4/20/18

Posting End Date: 4/25/2018

Eligible for Action: 4/24/2018

PROPOSED NAVAJO NATION COMMITTEE RESOLUTION

23rd NAVAJO NATION COUNCIL – Fourth Year, 2018

INTRODUCED BY

N-M B, II

(Prime Sponsor)

TRACKING NO. 0138-18

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE;
RECOGNIZING AND CONCURRING WITH THE ALAMO NAVAJO CHAPTER'S
CONCERN REGARDING ALLEDGED FINANCIAL IRREGULARITIES BY THE
ALAMO NAVAJO SCHOOL BOARD AND THE NECESSITY OF CONDUCTING A
FORENSIC AUDIT OF THE ALAMO NAVAJO SCHOOL BOARD AND
FORMALLY REQUESTING THE BUREAU OF INDIAN EDUCATION TO
CONDUCT SUCH AUDIT IN A TIMELY MANNER PURSUANT TO MEETING
WITH THE COMMITTEE

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Health, Education and Human Services Committee of the Navajo Nation Council has legislative oversight with respect to education on the Navajo Nation, including all respective school boards within the Navajo Nation. 2 N.N.C. §§ 400, 401

SECTION TWO. FINDINGS

A. The Health, Education and Human Services Committee of the Navajo Nation Council has received numerous complaints regarding the Alamo Navajo School Board in the areas of alleged financial irregularities.

- 1 B. The Navajo Nation has made repeated efforts to conduct the proper fiscal analysis of the
2 Alamo Navajo School Board and has been repeatedly blocked by representatives of that
3 Board and denied access to any financial data.
- 4 C. The Alamo Navajo School Board is the receiving entity for all funds regarding education
5 from the Bureau of Indian Education.
- 6 D. The Alamo Navajo School Board is the receiving entity for all funds regarding the
7 providing of health services as a 638 Contractor with the Indian Health Service.
- 8 E. The Health, Education and Human Services Committee of the Navajo Nation Council
9 and the Alamo Navajo Chapter Government have expressed concerns about the co-
10 mingling of such monies as well as their possible misuse.
- 11 F. The Navajo Nation and the Alamo Navajo Chapter Government have not been allowed to
12 review and examine the financial accounting regarding the use and distribution of any of
13 these funds.
- 14 G. The Health, Education and Human Services Committee of the Navajo Nation Council has
15 been petitioned by Resolution ANC-04-2018-02 of the Alamo Navajo Chapter to request
16 a forensic audit of the Alamo Navajo School Board. See Exhibit A.
- 17 H. The Health, Education and Human Services Committee of the Navajo Nation Council
18 finds it to be in the best interest of the Navajo Nation to formally request the Bureau of
19 Indian Education to conduct said forensic audit to insure the proper use of all monies
20 granted to the Alamo Navajo School Board.
- 21 I. The Health, Education and Human Services Committee of the Navajo Nation Council
22 further requests a meeting with the appropriate officials of the Bureau of Indian
23 Education as soon as possible to discuss the concerns of the Navajo Nation in this matter.
24

25 **SECTION THREE. APPROVAL**

26 The Health, Education and Human Services Committee of the Navajo Nation Council
27 hereby formally requests of the Bureau of Indian Education that it conduct a forensic
28 audit of the Navajo Nation School Board and that the appropriate officials of the Bureau
29 meet with the Committee as soon as possible.
30



Alamo Navajo Chapter

Inez Apachito-Community Service Coordinator
Vacant-Accountant Maintenance Specialist
P.O. Box 827
Magdalena, NM 87825
(575) 854-2686
(575) 854-2685- Fax



Buddy Mexicano
Chapter President

Earl Apachito
Vice-President

Angela Apachito
Secretary/Treasurer

Norman M. Begay
Council Delegate

Steve Apachito
Land Board

Chancey Martinez
LDA-Representative

ALAMO NAVAJO CHAPTER

RESOLUTION # ANC- 04-2018-02

March 20, 2018

The Alamo Navajo Chapter demands of the Navajo Nation Governmental Departments, Regulatory Organizations who have Legislative, Executive and Governmental Authority to Conduct an immediate investigation of what can only be described as Abuse of Power, Use of Elected office for Personal Gain while inflicting harm and duress upon Alamo Community members and employees through Threats, Intimidation, Fear Mongering and Dictatorial behavior by the Elected School Board members of the Alamo Navajo Community School.

Whereas;

- The Alamo Navajo Community Chapter is sanctioned by the Navajo Nation Council through Resolution See attach that was adopted in April 04,1979; and
- Alamo Navajo as a sanctioned body of the Navajo Nation and has invested authority to plan and established programs that is needed in the Community of Alamo Navajo; and
- Alamo Navajo Chapter on March 1999 through resolution See attach officially authorized the operation of Alamo Navajo School Board, Inc. and all affiliated programs contracted by the Alamo Navajo Community; and
- Alamo Navajo School Board, Inc. through Navajo Nation Board of Education was authorized to operate the school as a Contract/ School through Resolution on March 1989; and
- Alamo Navajo School Board's authority is authorized by Public Law 100-297 and contracted programs' are authorized through Public Law 93-638; and
- Federal funds received by Alamo Navajo School are to be expended according to varying Federal Laws enacted and implemented through Federal Legislative actions and as such developed and deployed strict laws and regulations in accordance to pertinent legislative actions; and
- For several years, Alamo Navajo Chapter has received continuous complaints from community members, Alamo Navajo Community School staff members and other stake holders against Alamo Navajo School Board, Inc.; and
- The Non-compliance by the Alamo Navajo School Board, Inc. include: Conflict of Interests, Nepotism, violation of Navajo Labor Relations Laws, Navajo Preference in Employment Act and non-compliance with the authorizing federal legislation and Titles of the Navajo Nation that include: Navajo Nation School Board Stipend and Travel Policies, Navajo Nation Election Laws, Navajo Nation Ethics and Rules, Navajo Nation Labor Relations laws, Fraud and Falsification of federal funds and A-87, Federal Procurement Laws.

- The Present Alamo Navajo School Board, Inc. School Board members have abused their power as elected officials to award themselves multiple pay increases for personal gain and received travel funds that have dwarfed past administrative expenditures, have placed personnel on administrative leave when deemed a threat to this activity, retaliated against persons through non-employment strategies contrary to Navajo Preference Employment Act and have taken Board actions without Community knowledge or support and have met and comprised a quorum outside of Alamo Navajo and taken actions and directed personnel to obey their edicts under threat and placed duress.

NOW THEREFORE BE IT RESOLVED;

1. Alamo Navajo Chapter and other Alamo Navajo Stake Holders have requested for assistance and investigation of these critical issues. Communication has been made with Navajo Nation Department of Education (DODE); Navajo Nation Board of Education; Health Education and Human Services Committee (HEHSC), Office of the Navajo Nation Ethics and Rules (ONLR), Department of Justice (DOJ); and the Navajo Nation Board of Elections Office, all to no avail.
2. Alamo Navajo Chapter now demands that all Navajo Nation entities with the recognized authority to come together and conduct an official forensic audit investigation of the charges against the- Alamo Navajo School Board, Inc. back several years, and
3. In the meantime all the travel and any compensation should be put on hold during the investigation.


Furthermore, be it resolved:

1. The Navajo Nation Auditor General and the Navajo Nation Attorney General should be directed to authorize an immediate forensic audit of all funds received by the Alamo Navajo School Board, Inc.

CERTIFICATION

The undersigned officials of the Alamo Navajo Chapter certify that, at a duly-called meeting, the foregoing resolution was considered and approved by the Alamo Navajo Chapter by vote of 28 opposed 0 and 1 abstentions that 20th day of March, 2018.


Buddy Mexicano, Chapter President


Earl Apachito, Vice President


Angela Apachito, Secretary/Treasurer

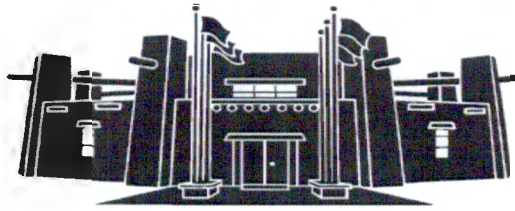
Steve Apachito, Land Board

Norman M. Begay, Council Delegate

Chancey Martinez, LDA-Representative

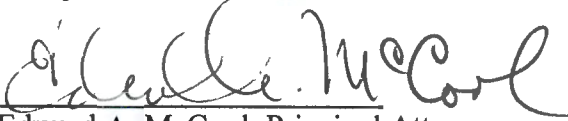
Motion: Carol Vicente

Second: Beatrice Guerro



MEMORANDUM

TO: Honorable Norman Begay
Navajo Nation Council

FROM: 
Edward A. McCool, Principal Attorney
Office of Legislative Counsel

DATE: April 11, 2018

SUBJECT: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE; RECOGNIZING AND CONCURRING WITH THE ALAMO NAVAJO CHAPTER'S CONCERN REGARDING ALLEDGED FINANCIAL IRREGULARITIES BY THE ALAMO NAVAJO SCHOOL BOARD AND THE NECESSITY OF CONDUCTING A FORENSIC AUDIT OF THE ALAMO NAVAJO SCHOOL BOARD AND FORMALLY REQUESTING THE BUREAU OF INDIAN EDUCATION TO CONDUCT SUCH AUDIT IN A TIMELY MANNER PURSUANT TO MEETING WITH THE COMMITTEE

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. §§500, 501. 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: 0138-18 _____ SPONSOR: Norman Begay

TITLE: An Action Relating to Health, Education and Human Services Committee; Recognizing and concurring with the Alamo Navajo Chapter's concern regarding alleged financial irregularities by the Alamo Navajo School Board and the necessity of conducting a forensic audit of the Alamo Navajo School Board and formally requesting the Bureau of Indian Education to conduct such audit in a timely manner pursuant to meeting with the Committee

Date posted: April 20, 2018 at 4:10pm

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) 871-7590**

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.*