



NAVAJO NATION DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

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Fiscal Year 2025, First Quarter

Report of the Attorney General

The Office of the Attorney General (OAG) is led by Heather L. Clah, the Acting Attorney General (Acting AG), and Kris O. Beecher, the Acting Deputy Attorney General (Acting DAG). OAG oversees and works in collaboration with the Office of the Prosecutor (OTP) and the 7 Units of the Department of Justice (DOJ). Pursuant to 2 N.N.C. §§ 1961-1965, the Navajo Nation Department of Justice provides legal services to the three governmental branches of the Navajo Nation Government, including its chapters and entities, in matters in which the Navajo Nation government has an interest. The Attorney General also initiates and defends all litigation against the Navajo Nation and supervises all outside attorney contractors who assist the Nation with various cases. The First Quarter of FY2025 was very productive for OAG, OTP, and the Units within DOJ. DOJ's key accomplishments included the following:

Office of the Prosecutor

The Office of the Prosecutor (OTP), alongside the Major Crimes Unit (MCU), achieved significant progress during the first quarter of 2025, addressing critical challenges and advancing justice across the Navajo Nation. This quarter highlighted the OTP's unwavering dedication to its mission, even as it navigated disparities in case distribution and resource allocation.

The OTP's ability to handle high-stakes cases effectively was demonstrated through its management of complex prosecutions. One such case was the Alery Reid matter, involving severe allegations of domestic violence, sexual assault, and kidnapping. The OTP coordinated efforts to ensure Reid was denied bail and collaborated with federal investigators to secure a federal arrest warrant, showcasing its ability to transition seamlessly between tribal and federal jurisdictions. Similarly, in *Navajo Nation v. Benjamin Johnson*, the MCU secured a pretrial detention order for a defendant charged with homicide while awaiting federal detainer processing. These examples underscore the OTP's proactive approach to ensuring justice in major crime cases.

Collaboration played a central role in the OTP's efforts. By working closely with federal partners, including the FBI and U.S. Attorney's Office, the OTP enhanced evidence transfer and coordination for major crime investigations. Engagements such as the USAO Open House further strengthened these partnerships, fostering a unified commitment to public safety.

Legislative advocacy also marked a key focus for the OTP this quarter. On October 31, 2024, the office convened stakeholders to advance revisions to Title 17 of the Navajo Nation Criminal Code. These targeted amendments addressed critical areas such as family and child safety while introducing new offenses to modernize the legal framework. Among the proposed updates were measures to strengthen statutes of limitations for crimes involving children, introduce a rape shield law to protect victims during trials, and expand protections against animal cruelty, particularly when

linked to family violence. These efforts reflect the OTP's dedication to aligning legal standards with federal benchmarks while safeguarding the values of the Diné people.

The Victim Witness Advocacy (VWA) program played a vital role in providing support to victims during this period. The program prioritized swift action, ensuring that victims were contacted within hours of referral to provide access to essential resources. A significant number of individuals received services, with many cases involving family or non-family abuse. Referrals were made as needed to connect victims with additional support systems. To strengthen these services, the OTP submitted a draft Victims of Crime (VOC) policy and began hiring additional advocates through a grant provided by the U.S. Department of Justice. Around-the-clock availability further ensured that victims could access help whenever they needed it.

The OTP also made significant advancements in its IT infrastructure. IT staff provided critical support by configuring systems such as JustWare, two-factor authentication, and VPN access across multiple devices. The installation of StarLink internet systems enhanced connectivity at district offices, improving operational efficiency. Progress continued on the OTP's website, which is set to feature resources for the public, complaint filing capabilities, and a "Most Wanted" page to aid in identifying fugitives.

One persistent challenge the OTP faced this quarter was the uneven distribution of cases received across districts. While some districts experienced significantly heavy workloads, others managed far fewer cases. This imbalance, driven by factors beyond the OTP's control, required careful resource management. The OTP remained committed to addressing these disparities by strategically allocating resources to ensure high-demand districts received necessary support while maintaining services in smaller districts. This balanced approach reflects the OTP's dedication to delivering equitable and efficient justice for the Diné people.

Despite the challenges, the first quarter of 2025 showcased the OTP's resilience, innovation, and commitment to its mission. Through effective case management, strategic partnerships, legislative advancements, and victim-centered services, the OTP continued to uphold its promise to protect the Diné people and promote justice across the Navajo Nation.

Natural Resources Unit

The Natural Resources Unit (NRU) handles in general all legal matters pertaining to the development and use of the Nation's land and natural resources and protection of the environment. NRU provides legal assistance to Division of Natural Resources, the Navajo Nation Environmental Protection Agency and the Navajo Division of Transportation. This quarter work featured a significant amount of HighQ document reviews (rights-of-way, leases, contracts, memorandum of agreements, intergovernmental agreements, grant applications and agreements with various federal agencies), meetings, legal research, and addressing procurement.

NRU continues to monitor the issue surrounding the approval of the Homesite Lease Regulation Amendments. The NLD-Homesite Section worked on amendments for Section 9, Existing Homes Prior to October 4, 2016. These amendments would address issues that have come up in reference to ARPA projects serving homes without homesite leases. RDC approved the HSL amendments on January 31, 2024. After RDC approved the amendments, the Acting BIA Regional Director Shirley

contacted the Navajo Nation indicating the Homesite Lease amendments must go to BIA for review and approval. A response was sent to BIA indicating the Nation's position that the Nation received leasing authority under the General Leasing Regs of 2013, which included leases for residential purposes. The NLD received a response form the Acting Regional Director on July 30, 2024; and the BIA is still taking the position that the HSL regulations require approval from the Secretary of the Interior if the Nation wishes to issue homesite leases. The Nation filed an Appeal on August 29, 2024, before the Interior Board of Indian Appeals, arguing that the decision is in direct conflict with the Nation's clear authority, and adversely affects the Nation's self-determination, self-sufficiency, and inherent sovereign authority over its own citizens on its own land. A Motion for Stay on the Briefing Schedule was filed and the BIA has agreed to have settlement discussions. We are coordinating with the Litigation Unit to set up a meeting with DNR and NLD to discuss this issue in more detail and get their position on the matter before setting up a meeting with BIA.

NRU also attended several meetings with RDC, BIA and NNDA to discuss two main grazing issues in Eastern Navajo. The first was the waiver of the bond. The BIA is in the process of renewing grazing permits for 2025 in the Eastern Navajo Agency. However, the grazing permittees were not obtaining bonds or other forms of surety related to grazing as required under the regulations. There was concern by the RDC that imposing bonding or other surety requirements on the permittees would create a financial hardship. As a result, RDC passed RDCN-44-24 requesting a waiver of the bond requirement for grazing permits for a ten- year period in Eastern Navajo Agency. The second issue pertained to the grazing rental rate. The Navajo Nation had approved a fee of \$2.00/AUM for Eastern in 2015. The BIA was recommending that the rate be increased to \$8/AUM with a minimum rate of \$6/AUM for tribal trust and individual Indian Allotments. Again, there was concern that this would create a financial burden to permittees, so the Naabik'iyati Committee passed legislation NABIN-57-24 keeping the rate at \$2.00/AUM for a ten-year period in Eastern Navajo Agency.

Highlights for the quarter include the Expenditure Plan for the Navajo Nation Water Resources Development Trust Fund completing Section 164 Review (now pending Navajo Nation Council and secretarial approval) which will provide necessary funding for water infrastructure development projects and support, re-engaging with Canyon de Chelly joint management planning, and establishing working relationships with the Department of Energy and its various programs in which the Nation has an interest.

The President signed the Expenditure Plan for the Navajo Nation Water Resources Development Trust Fund, including a support letter, and Delegate Rickie Nez will sponsor the accompanying legislation. The Water Development Trust Fund Expenditure Plan includes funding for the upsizing of Reaches 2 and 3 of the Navajo-Gallup Water Supply Project consistent with the goals of the water rights settlements and other important uses of the Trust Fund for water infrastructure projects. A Navajo Nation Council resolution approving the Expenditure Plan and Secretarial approval is needed before the funds may be withdrawn and spent. Since February, the working cost estimates for some projects to be paid with the Fund have already increased. Therefore, it is important to ensure the resolution affords the Department of Water Resources Department the administrative flexibility to ensure that it can cover budget deficits and be used in accordance with the purpose of the Fund.

NRU also resolved outstanding language issues with the Reclamation Solicitor for an encroachment agreement for NGWSP turnouts. This is the construction component of the Nation, NTUA, and their contractors, to "tie-in" to the main NGWSP line that is subject to a permanent easement. We now have a template for current and future encroachment agreements.

Continuing critical issues includes resolving the transfer of funds from the Nation to NTUA pursuant to CO-62-17 and BFD-51-18 (OM&R funds), which is important and necessary for the success of the new water infrastructure construction projects. Pursuant to the Fund Management Plan, no funds shall be expended until the combined Funds (accounts) reach \$10 million or December 27, 2028, whichever comes first. With all the new investments in water and wastewater infrastructure, it is in both the best interest of the Nation and NTUA, as the sole owner and operator of water and wastewater infrastructure, to have the funds regularly disbursed to NTUA. The other relates to the establishment of an Energy Office and updating the Energy Policy of 2013 especially after the rescission of Executive Order 02-2023. Various companies have approached the Navajo Nation and provided presentations to chapters, RDC and OPVP on potential projects. There is currently no office where all these proposals can go to for vetting and there has been no other process established for the review of energy proposals. The Energy Policy could use some updating as there are some types of energy projects that were not contemplated under the 2013 Policy and doesn't clearly address tax issues, waivers, local community benefits, and equity/ownership projects.

Water Rights Unit

This quarter, the Navajo Nation had four water rights bills waiting for Congressional approval: Northeastern Arizona Indian Water Rights Settlement Act (NAIWRSA), the Rio San Jose Stream Systems Water Rights Settlement Act (RSJSSWRSA), the Navajo Gallup Water Supply Project Amendments Act (NGWSPAA), Technical Corrections to the Northwestern New Mexico Rural Water Projects Act, Taos Pueblo Indian Water Rights Settlement Act, and Aamodt Litigation Settlement Act. NAIWRSA is a bill for the Nation's comprehensive water rights settlement in Arizona while the other three bills address the Nation's water rights in New Mexico. The Nation was seeking the passage of all four water rights bills by Congress by the end of 2024. The Nation's New Mexico bills were set to be approved by Congress however the appropriation bills being considered to fund all twelve tribal water rights bills was not considered by the end of 2024. The NGWSP cost ceiling was raised for the period of the Continuing Resolution through March, which allowed the Bureau of Reclamation to access the Reclamation Water Settlement Funds and avoid construction delays for one year. The full appropriation needed was not addressed and the bill will need to be reintroduced in 2025. In the Nation's New Mexico San Juan River Settlement, the Seven Basin States of the Colorado River provided Congress a consensus letter to move the legislation in Congress. This same action of a consensus letter is being sought from the Seven Basin States to again move NAIWRSA through Congress.

During the last three months of calendar year 2024, there were daily meetings, including weekends, to strategize the Congressional passage and appropriation of NAIWRSA. Public Outreach events occurred this Quarter at colleges and universities (University of Utah, NAU, N4WPP Water Symposium, Dine College, UNM Gallup, NTU, San Juan College, Fort Lewis College, ASU, UA, University of Denver, and CU Boulder) to continue to keep the membership of the Nation updated on the movement of the Settlements. Outreach included meeting with the Native American Rights

Fund (NARF) that lead to support by NCAI and NARF for all twelve of the tribal water rights settlement bills before Congress. In all the outreach efforts there was a call to action for individuals to write their congressional representation in support of the water rights bills. WRU also continues to be involved in adjudication and implementation efforts for the Navajo Utah Water Rights Settlement which is scheduled to have the Nation's court ordered decreed water right by the beginning of 2025. There is additional litigation and assignments related to water and drought mitigation matters being handled by WRU continuously.

Litigation Unit

The Litigation Unit (LU) had a busy first quarter with a high volume of employment-related Request for Services (RFS), cases, and hearings. LU received several favorable decisions from Window Rock District Court, OHA, and federal courts this quarter. The Navajo Nation Supreme Court has also docketed some of our long pending cases, which has provided us the opportunity to file multiple briefs and attend status conferences this quarter.

We finalized an updated draft of the Personnel Policies Manual (PPM), secured a sponsor for the legislation, and presented the amendments to HEHSC this quarter as well. The amendments to the PPM are aimed at protecting the Nation, reducing liability, and streamlining employment matters. We also finalized the collective bargaining agreements (CBAs) and the President, and the union signed them. Finally, we work to respond to clients in a timely manner to a high volume of employment-related Requests for Service.

SUMMARY OF ACCOMPLISHMENTS

1. Finalized an updated draft of the Personnel Policies Manual
2. Finalized and executed the new collective bargaining agreement
3. Won an appeal in the *Clark v. Haaland* case in the 10th circuit
4. Successfully argued a motion to compel in federal bankruptcy court in the Corley Nissan litigation
5. Worked with outside counsel on the opioid litigation, which has brought the Nation approximately \$17 million this quarter
6. Filed amicus briefs in the United States Supreme Court and state Supreme Courts

AMICUS BRIEFS

1. This quarter, LU signed on to two briefs in the United States Supreme Court and received a favorable decision in another Supreme Court case that we participated as amicus. We also signed on to an amicus relating to ICWA in state Supreme Court. LU participates in amicus briefs in the highest courts of the United States to protect the Nation's interest in litigation that may impact the Nation, though we are not parties in the case.

OTHER PROJECTS

1. Uranium Transport

- a. LU has participated in discussions with Energy Fuels regarding uranium transport across the Nation. LU is working to protect the Nation's sovereignty and jurisdiction against unregulated uranium transport across the Nation.
2. NNPPM Amendments
 - a. LU has been working with NNPPM to update the NNPPM. We were able to finalize a draft this quarter, obtain a sponsor for the legislation, and attend a work session with HEHSC. The amendments to the PPM are aimed at protecting the Nation, reducing liability, and streamlining employment and hiring.

Tax & Finance Unit

SUMMARY OF MAJOR ACCOMPLISHMENTS

The following are TFU's notable projects for the first quarter of FY2025. TFU responded to approximately 25 legal requests that were not submitted as formal Requests for Services (RFS) and completed six RFSs. TFU advised the Fiscal Recovery Fund Office (FRFO), the Office of the Controller (OOC), the Office of Management and Budget (OMB), the Office of the Navajo Tax Commission (ONTC), the Office of the President and Vice President (OPVP), the Investment Committee (IC), the Budget and Finance Committee (BFC), and the Navajo Nation Council. TFU advised the BFC, Branch Chiefs, OPVP, OMB, and OOC on budget related matters involving the comprehensive budget process and the hybrid continuing resolution (CR). TFU advised clients on the CR approved through CS-39-24 and the Presidential line-item vetoes. TFU drafted a memo for OMB to issue to all Navajo Nation branches, divisions, departments, and offices regarding completing budget revision requests to prevent layoffs that would otherwise result from lack of a comprehensive budget. TFU advised clients on FRF-related matters, such as interpretation of Treasury guidance, FRF-eligibility, Council resolution CMY-28-24 that recaptured and reallocated FRF, timely obligation of FRF, FRF procurement and contracts, and FRF for central support services and regulatory offices. TFU participated in numerous meetings to discuss FRF-related matters and to give reports, provide legal advice, and respond to questions. After the passage of Council's recent FRF-related resolution, CD-54-24, TFU edited the interagency agreement, attached as Exhibit A to the resolution, to ensure that the agreement was legally sufficient before it was executed by the Speaker and the President.

Economic & Community Development Unit

SUMMARY

There was significant voting rights work during the 1st Quarter of 2025 due to the general election on November 4, 2025. Most of November was dedicated to voting rights work due to election monitoring, coordination, and litigation, which included two lawsuits filed by the Navajo Nation against Apache County and an amicus brief filed by the Navajo Nation in a lawsuit initiated by the American Civil Liberties Union.

DIVISION OF COMMUNITY DEVELOPMENT (DCD)

ECDU continues its usual review of legal documents for the Capital Project Management Department (CPMD). ECDU reviews various construction and architecture/engineering services

contracts, grant agreements, subawards, and New Mexico Intergovernmental Agreements. It works with the program, contracting party, and opposing counsel, as needed, to address legal concerns with these agreements. ECDU has started drafting a plan of operations for an administrative hearing body who will hear disputes under the Navajo Nation's international building code. ECDU is looking at the possibility of this hearing body also being tasked with hearing all construction related matters, in order to create a hearing body with construction expertise that can expeditiously hear and resolve disputes. Once this plan of operations is created it will be submitted to Council for approval. The creation of this hearing body will inform the development of template construction contracts ECDU is working on with DCD. ECDU also continues to work with DCD on its' administration and oversight of Fiscal Recovery Fund (FRF) projects. ECDU provided legal guidance to DCD on FRF related matters. It also worked with the Tax and Finance Unit to review proposed legislative changes to FRF projects. ECDU assisted in drafting the Interagency Agreement for Speaker and President's signature as well as the legislation passed by council reallocating more monies to DCD's bathroom additions.

DIVISION OF ECONOMIC DEVELOPMENT (DED)

Business Site Leases. ECDU continues to assist DED in negotiating, drafting, and reviewing business site leases. ECDU works with DED's Approving Committee when business site leases come before the Committee for approval to address the Committee's concerns. This quarter ECDU worked on several leases including Lone Pine Enterprises, LLC, a Priority 1 business that will continue operations of a convenience store and fuel station in Navajo, New Mexico that was historically operated by the parents of the lessee business owners; Navajo Nation Hospitality Enterprise lease for a fuel center at Nahata Dziil Shopping Center, which included obtaining Navajo Hopi Land Commission approval of rental rate and Office of Navajo and Hopi Indian Relocation concurrence on; and Wells Fargo Bank, N.A. lease for the Tuba City branch.

Intellectual Property. This quarter saw continued action on Navajo intellectual property and Indian Arts and Crafts Act enforcements, including new reported violations; trademark registration or expiration; and completion of a memo to the office of the President and Vice President advising of the options available to the Navajo Nation in deciding how to enforce protection of the Navajo government symbols – the flag and the Great Seal of the Navajo Nation. Both government symbols are fully registered trademarks owned by the Navajo Nation but are pending submittal for inclusion on the federal tribal insignia database, which provides clear notice to the public of status as tribal insignia beyond just that of a standard trademark. The enforcement actions this Quarter included continuation of communications and actions with companies such as 1st Dibs, Karen Kane, Cisco Gallery; and issuance of initial cease and desist letters for newly reported violations, such as O'Malley Musical Instruments and Navajo Mesa Farms. In all cases, except with 1st Dibs, the enforcement is in its initial stages with communications being sent regarding the violations and seeking proposed resolutions.

Antelope Point Marina. Supported DED in selection of Navajo Nation Hospitality Enterprise to pursue sole source concession contract and new business site lease for marina operations. Advised and coordinated information sharing in compliance with Navajo Nation Access to Information and Privacy Act and attended meetings to support negotiations among DED, National Park Service (NPS), Navajo Nation Hospitality Enterprise (NNHE), and Antelope Point Holdings, LLC (APH). Provided support for extension of current lease operations by APH during negotiation period.

Monitored and provided updates to DED and NNHE regarding APH's ongoing negotiation with NPS re Leasehold Surrender Interest valuation.

Navajo Small Business Credit Initiative. Supported DED's preparation of amendments to main program application to clarify the scope of qualified borrower and increase the ceiling amount of loan guaranties and loan participations administered by Change Labs; these amendments were approved by U.S. Treasury. Supported DED in technical assistance grant application review and planning; finalized proposed subrecipient and subaward agreement for Dineh Chamber of Commerce to administer the NSBCI technical assistance program. Continued working on the participating lender agreement with Native American Bank for DED's portion of the NSBCI programs. Provide ongoing support to DED in its oversight role for Change Labs. Attended bi-weekly check-in meetings with DED and the U.S. Treasury regarding the Loan Guaranty Program and Loan Participation Program.

Dook'o'oosliid Office and Retail Building Lease. Researched United States Department of Justice debt collection procedures and provided overview to DED for strategy development. Upon USDOJ's initiation of enforcement proceedings against the debtor/lessor, DED will coordinate negotiations for a proposed workout plan involving the lessor, Navajo Nation Shopping Centers, Inc, and the United States.

Administrative and Management Plan Amendments. Continued to consult with DED stakeholders, advise on legal requirements and procedural matters, and draft amendments to Administrative Plan, Management Plan, and form lease agreement.

UCC Code revisions. ECDU is working to draft revisions to the UCC to match the current Model Tribal UCC. It hopes to have a draft code by March 2025.

GAMING

Navajo Gaming Regulatory Office. ECDU continues to work with the Navajo Nation Gaming Regulatory Office ("NNGRO") on its day-to-day matters, including holding bi-weekly meetings to address concerns or outstanding issues. ECDU reviewed proposed amendments from NNGRO for Title V of the Navajo Gaming Regulations. Review included a full read, with comments and edits, of the amendment file and a two-day, in-person work session with NNGRO to address areas of concern or questions and provide overall guidance on the structure of the amendments. ECDU received the updated amendment file for review at the conclusion of this quarter and will be reviewing it in the second quarter.

Lower Highway 89 Trust Acquisition. Completed coordination work with BIA Navajo Regional Office and Office of Indian Gaming for the Lower Highway 89 fee-to-trust application. The Notice of Decision by Assistant Secretary – Indian Affairs was published in the Federal Register on November 14, 2024. The trust deed was executed by President Nygren, accepted into trust by the Secretary of the Interior, and recorded in the BIA's Land Title and Records Office and Coconino County Land Records. Prepared and transmitted a notice of trust acquisition from President Nygren to all easement holders with recorded interest in the Coconino County land records. The Regional Office should soon provide a final document to confirm the federal process is complete for this trust acquisition.

Twin Arrows Road Settlement. Together with the Attorney General, Litigation Unit, and Navajo Nation Gaming Enterprise (NNGE), developed strategy and provided briefing and information sharing session with Navajo stakeholders, including NNGE, Navajo Nation Shopping Centers, Navajo Tribal Utility Authority, and representatives from Office of the President and Vice President and Navajo Nation Council. Worked on Mediation Statement with Litigation Unit and NNGE. Prepared a comprehensive easement summary for use by mediation/negotiation team.

Naabik'iyati' Gaming Subcommittee. Coordinated with Office of Legislative Counsel to provide support for Gaming Subcommittee in areas involving Transfer Pool Agreements, Arizona Gaming Compact implementation, and proposed next steps from Navajo Nation Gaming Enterprise.

VOTING RIGHTS

Pre-Election Day Efforts. Worked with the Arizona Counties to the lead up of the 2024 General Election, including making sure the Counties and Chapters had a point of contact on Election Day. Worked with Apache County Deputy Recorder to augment county effort to cure voter registrations for voters on the suspense list, including efforts to identify temporary election workers for the County. Communicated with Apache County outside counsel to confirm the County's application of state election law, and to request confirmation that (i) the County would provide adequate phone service for voters to contact the Recorder's Office, and (ii) poll workers were trained to use accessible voting device for out-of-precinct voters. Served as a liaison between Navajo County and Administrative Services Center / Navajo Nation Chapters regarding polling place concerns. Observed poll worker training session in Navajo County. Attended coordination and strategy meetings with Intertribal Coalition of Arizona, All Voting Is Local, and Arizona State University (ASU) Native Vote Clinic.

Election Day. Provided volunteer service for Native Vote Election Protection to poll watch at Rock Point polling location and at the ASU virtual headquarters from 6 a.m. to 9 p.m. on Election Day. Worked with Delegates and poll observers to respond to issues at various polling locations in Apache County, including the malfunction of printers, long lines, and the exhaustion of pre-printed ballots. Provided field support for litigation to extend voting hours in Apache County at polling locations with documented evidence of delay due to equipment malfunction. Worked with ASU Native Vote Clinic and Litigation Unit to draft, review, and edit the complaint requesting that the poll location remain open an additional two hours due to the printer malfunctions which resulted in extreme wait times for voters. Filed Complaint, represented the Nation as emergency hearing, and received a positive ruling to allow certain poll locations in Apache County to remain open for two additional hours. This resulted in hundreds more Navajos being able to vote on Election Day.

Post-Election Day. Worked with Litigation Unit and ASU Indian Law Clinic to file an amicus brief with the Arizona Supreme Court on need to prolong to cure period of Navajo Voters. Contributed to the amicus brief by working with Sage Metoxen from the Litigation Unit to prepare a first draft of the amicus brief. Contacted Navajo voters on suspense list and with mismatched signatures to try and cure registration and ballot signature issues. Supported emergency litigation filing to extend time to cure ballots by providing evidence/declarations, research/analysis, and drafting support. Drafted letter from Attorney General to United States Department of Justice regarding General Election concerns at polling places on Navajo Nation. Worked with Litigation Unit, ASU Indian Law Clinic, and the Attorney General on second lawsuit against Apache County to extend the early

ballot curing period, including drafting application for Temporary Restraining Order and researching issues for reply to Defendants' Answer and Motion to Dismiss.

OFFICE OF NAVAJO TAX COMMISSION (ONTC)

Tobacco Products Tax and Nicotine Products and Electronic Smoking Products Tax. Worked with Delegate Slater, Office of Navajo Tax Commission, and Office of Legislative Counsel to revise proposed legislation to increase tobacco products tax and establish a new nicotine and electronic smoking products tax. Provided summary of proposed legislation to Tax Commissioner Geraldine Kee Yazzie. The revised legislation was passed by Navajo Nation Council as Resolution CO-47-24 and signed into law by President Nygren.

Model Local Tax Ordinance. In consultation with Chapter Unit AAG, worked on revising the Model Local Tax Ordinance for the Tax Commission to provide to the Chapters when they considering passing their own tax ordinance.

OFFICE OF THE CONTROLLER (OOC)

ECDU continues to assist the Tax and Finance Unit in providing legal services to the Office of the Controller. This quarter ECDU provided assistance in matters related to the Investment Program and Procurement. ECDU worked on the necessary amendments to allow Chapters to opt into the Nation's Investment Policy. ECDU received a draft sub-policy for the Chapter Investments program in November 2024, made redline edits to the policy, and obtained input from Chapter Unit AAG on the policy. Next steps are to make redline edits to the sub-policy and amendments to the Master Investment Policy.

ECDU worked with OOC and the Business Regulatory Department (BRD) of DED to streamline the procurement process. ECDU created a Maximum Feasible Price/Price Analysis form to fully comply with the Procurement Act and Regulations. The form was provided to Navajo Nation executive branch programs as a tool to assist them with conducting a price analysis as part of the procurement process. ECDU also provided legal guidance to BRD detailing the requirements it must follow when reviewing a contract packet for Navajo Business Opportunity Act compliance, namely, that a contract packet review should be reviewed according to the procurement method the office submitting the contract review noted it used. ECDU also provided in-house training to DOJ to on Direct and Solo Source to make sure all attorneys were reviewing these procurement methods in a consistent manner.

RETIREMENT SERVICES

ECDU provides legal representation to Retirement Services including attending RPAC meetings. This quarter ECDU continued to assist Retirement Services with addressing the Judicial Branch's request to allow retired judges to return to service to assist with the Branch's backlog of cases. The Judicial Branch would like the judges to be paid through an increase in their retirement benefits. ECDU researched questions about the legality of paying judges increased retirement benefits rather than a salary and the proper classification of retired judges. ECDU continues to work with Retirement Services on how to streamline the Qualified Domestic Relation Orders (QDRO) review process within Retirement Services. There are currently no policies in place for how QDRO's are

reviewed for the retirement plan. ECDU is working with Retirement Services to put in place the necessary policies to guide the program on their review to ensure consistent, speedy, and transparent reviews of QDROs.

NAVAJO-HOPI LEGAL SERVICES

ECDU provides legal representation to the Navajo-Hopi Land Commission Office (NHLCO) and oversees the Navajo-Hopi Legal Services cases pending in federal courts. ECDU consistently attends Navajo-Hopi Land Commission meetings and Voices of the Peoples, which is made up of Navajo HPL residents, meetings when available. This Quarter ECDU worked with NHLCO and OLC to finalize the Office's Plan of Operations. The Plan of Operations was presented to, and adopted by, the NHLC in December 2024. The next step is for the Naabik'iyat'i' Committee to approve the Plan of Operation. Navajo-Hopi Legal Services secured two victories in the 9th Circuit Court of Appeals this quarter for relocatees, *Benally v. ONHIR* and *Goldtooth v. ONHIR*, in which the Court found that the ONHIR hearing officer's credibility findings against the relocatees was not based on substantial evidence and remanded the cases back to the agency to reevaluate the credibility of the relocatees.

Human Services & Government Unit

To assist with the safety and public welfare of our Navajo People, HSGU continues to provide assistance to the Navajo Police Department with the negotiation and review of various law enforcement agreements with surrounding state, county, and tribal agencies. Through HSGU and NPD monthly meetings, HSGU has been able to move agreements forward with direction and communication from NPD. To continue the Navajo Nation's self-government, HSGU continues working with departments/divisions regarding the submission of P.L. 93-638 documents to ensure continuation of those federally-funded services. HSGU also continues to provide assistance to outside counsel for litigation, working with internal programs to provide appropriate requested information necessary to continue litigation (financial-related documents for the contract support costs and discovery documents in the Forestry Management Program).

To provide for the best interest of our Navajo children and families, HSGU continues to assist Department of Child Support Services to increase its ability to collect child support by creating and advancing several other policies/remedies to encourage non-compliant non-custodial parents to meet their child support obligation. In this quarter, HSGU prosecuted 169 child support cases that provide child support payments to custodial parents. HSGU has also assisted the ICWA Program (ICWAP) with reviewing and providing guidance on the state ICWA laws in Utah and Colorado for the legislative session in the respective states, along with conducting case staffing and providing guidance on ICWA matters. HSGU also continues to facilitate discussion between the ICWAP and Office of Vital Records to ensure there is consistent, clear, and timely communication on eligibility and enrollment of our Navajo children on ICWA matters.

In assisting with the overall best interests and protection of the Navajo Nation, HSGU continues to work, not only with the Navajo Nation Insurance Commission on financial and programmatic matters, but also with the Risk Management Program and other Navajo Nation departments on the defense of Federal Tort Claims Act claims in federal and tribal court, as well as ensuring workers compensation claims are reviewed consistently with Navajo Nation law and policies. Within this

quarter, NNIC also approved the CY 2025 life insurance and stop loss renewal rates with effective January 1, 2025, along with several health benefits modification adjustments (increased enhancements with reduced co-pays and deductibles), and Employee Benefits Program benefit user fees adjustments for Plan Year 2025. HSGU successfully defended the Workers Compensation Program in an action in front of the Office of Hearings and Appeals that ensures compliance with the Workers Compensation Act. HSGU continues to provide amendments, guidance, and reviews of various policies, rules, and regulations for Navajo Nation divisions and departments.

Chapter Unit

Most, but not all, CU work is generated from legal service requests submitted through the DOJ online portal (High Q). Additionally, CU also provides legal guidance to other Navajo Nation Government Officials and Staff on subject matters related to Chapter governments. In total, the CU successfully completed forty-five (45) requests for legal services (“RFS”) this quarter. CU/DOJ attended all Agency Council Meetings and provided oral and/or written reports. CU had a couple of notable accomplishments this quarter: 1) CU finalized a template Emergency Operations Plan which included templates for intragovernmental agreements between Chapters and a Fund Management Plan for Chapter Emergency Funds; and 2) CU was the primary drafter for Navajo Nation Council Resolution CD-55-24 which is intended to ensure the continuity of Chapter governmental services by allowing Chapters to appoint a *pro tempore* to serve until their replacements are sworn into office. CU plans to complete the following projects in the next quarter: A) create a Chapter Meeting Rules of Order template; and B) finalized draft amendments to the Chapter Five Management System (FMS) for Property Management. CU requests for continued support from Navajo Leadership for additional permanent attorney staff.

For additional detail on the work of OAG, OTP, DOJ, or NHLSP, please contact OAG at x6345.