

Effective 7/1/2015

51-10-204 Trust administrator duties.

- (1) Under the direction of the board, the trust administrator shall:
 - (a) review the documents and decisions highlighting the history of the fund, including:
 - (i) the Nelson report, prepared as part of the Bigman v. Utah Navajo Development Council, Inc. C77-0031;
 - (ii) the November 1991 performance audit of the fund by the legislative auditor general;
 - (iii) Sakezzie v. Utah Indian Affairs Commission, 198 F. Supp. 218 (1961);
 - (iv) Sakezzie v. Utah Indian Affairs Commission, 215 F. Supp. 12 (1963);
 - (v) the September 8, 1977, consent decree, the stipulation dated November 29, 1984, modifying the consent decree, and the court's memorandum opinion dated September 25, 1978, in Bigman v. Utah Navajo Development Council, Inc. C77-0031; and
 - (vi) rulings related to Pelt v. Utah;
 - (b) review all potential sources of fund revenues;
 - (c) prepare annual projections of money that will be available for Navajo programs;
 - (d) identify the property owned by the fund;
 - (e) establish and maintain a record system and retention schedule to retain records relating to the fund's property and operations, including:
 - (i) records related to the ethics and conflict policy developed under Subsection (2)(c);
 - (ii) requests for proposals and proposals received;
 - (iii) contracts awarded;
 - (iv) project progress and completion reports;
 - (v) invoices; and
 - (vi) purchasing records;
 - (f) review the existing and proposed programs financed by the fund;
 - (g) evaluate whether the programs described in Subsection (1)(f) are the most practical and cost-efficient means to provide the desired benefit to Navajos;
 - (h) consult regularly with the administrators of the programs financed by the fund to obtain progress reports on the programs;
 - (i) attend all meetings of:
 - (i) the Diné Advisory Committee; and
 - (ii) the board;
 - (j) certify that the expenditures of the fund:
 - (i) comply with the state's fiduciary responsibilities as trustee of the fund; and
 - (ii) are consistent with this section;
 - (k) make an annual report:
 - (i) to the:
 - (A) board;
 - (B) governor; and
 - (C) Native American Legislative Liaison Committee, created in Section 36-22-1; and
 - (ii) that:
 - (A) identifies the source and amount of the revenue received by the fund;
 - (B) identifies the recipient, purpose, and amount of the expenditures from the fund;
 - (C) identifies specifically each of the fund's investments and the actual return and the rate of return from each investment; and
 - (D) recommends any necessary statutory changes to improve administration of the fund or to protect the state from liability as trustee;
 - (l) submit a written annual report to the:

- (i) Division of Indian Affairs;
 - (ii) Navajo Nation;
 - (iii) United States Bureau of Indian Affairs; and
 - (iv) United States Secretary of the Interior;
 - (m) establish, in conjunction with the state treasurer and the Division of Finance, appropriate accounting practices for the fund receipts, expenditures, and investments according to generally accepted accounting principles;
 - (n) provide summary records of fund receipts, expenditures, and investments to the board and to the Diné Advisory Committee at each of their meetings;
 - (o) pay administrative expenses from the fund;
 - (p) report monthly to the board about:
 - (i) the trust administrator's activities; and
 - (ii) the status of the fund; and
 - (q) call additional meetings of the Diné Advisory Committee when necessary.
- (2) In conjunction with the Diné Advisory Committee and under the direction of the board, the trust administrator shall:
- (a) before the beginning of each fiscal year, establish a list of the needs of Navajos for that year to be used for the annual budget;
 - (b) before the beginning of each fiscal year, develop and approve an annual budget for the fund;
 - (c) develop an ethics and conflict of interest policy that emphasizes the need to avoid even the appearance of conflict of interest or impropriety that is to apply to:
 - (i) the trust administrator;
 - (ii) the trust administrator's staff; and
 - (iii) the Diné Advisory Committee;
 - (d) require the trust administrator, each of the trust administrator's staff, and each member of the Diné Advisory Committee to sign and keep on file written documentation that acknowledges:
 - (i) their receipt of the ethics and conflict of interest policy described in Subsection (2)(c); and
 - (ii) their willingness to abide by the ethics and conflict of interest policy described in Subsection (2)(c); and
 - (e) make expenditures from the fund:
 - (i) "for the health, education, and general welfare of the Navajo Indians residing in San Juan County" as required by:
 - (A) Pub. L. No. 72-403, 47 Stat. 1418 (1933);
 - (B) Pub. L. No. 90-306, 82 Stat. 121 (1968); and
 - (C) this chapter; and
 - (ii) including expenditure for roads and utilities.
- (3) The trust administrator, under direction of the board, may:
- (a) contract with public and private entities; and
 - (b) unless prohibited by law or this chapter, acquire and hold money and other property received in the administration of the fund.

Enacted by Chapter 319, 2015 General Session