## LEGISLATIVE SUMMARY SHEET Tracking No. O252-19

DATE: August 15, 2019

TITLE OF RESOLUTION: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACTION RELATING TO NAABIK'IYÁTI' AND NAVAJO NATION COUNCIL; APPOINTING DANA BOBROFF AS CHIEF LEGISLATIVE COUNSEL

PURPOSE: If approved by the Navajo Nation Council, this legislation would confirm the appointment of Ms. Dana Bobroff as Chief Legislative Counsel.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.
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Posting End Date:
Eligible for Action: $8-25-19$

PROPOSED NAVAJO NATION COUNCIL RESOLUTION $24^{\text {th }}$ NAVAJO NATION COUNCIL - First Year, 2019


RELATING TO NAABIK'İYÁTI' AND NAVAJO NATION COUNCIL; APPOINTING DANA BOBROFF AS CHIEF LEGISLATIVE COUNSEL

## BE IT ENACTED:

## Section One. Authorities

A. Naabik'iyáti' is a Navajo Nation standing committee and as such recommends to the Navajo Nation Council the Chief Legislative Counsel's appointment. 2 N.N.C. § 700 (A) and 2 N.N.C. § 963 (A).
B. The Navajo Nation Council appoints the Chief Legislative Counsel. 2 N.N.C. § 963 (A).

## Section Two. Findings

A. The Navajo Nation Code at 2 N.N.C. Section 963 states the manner and requirements for the appointment of a Chief Legislative Counsel. Specifically, 2 N.N.C. $\S \S 963$ (A), (B) and (C) state: 2 N.N.C. § 963. Personnel
A. There is hereby established the position of Chief Legislative Counsel, who shall be a state-licensed attorney, appointed by the Navajo Nation Council upon recommendation of the Naabik'iyati' (formerly, Intergovernmental Relations) Committee of the Navajo Nation Council.

The Chief Legislative Counsel shall serve at the pleasure of the Navajo Nation Council at a negotiated salary. The appointment shall be effective upon the approval of the Navajo Nation Council. The Chief Legislative Counsel shall not be allowed to engage in the private practice of law.
B. A state-licensed attorney or firm, selected in accordance with Navajo preference laws, may be hired as the Chief Legislative Counsel under a contract. Such contract shall not exceed one year and shall be approved by the Navajo Nation Council upon recommendation of the Naabik'iyati' (formerly, Intergovernmental Relations) and the Budget and Finance Committees of the Navajo Nation Council. Such attorney contract shall require the training of a qualified Navajo replacement within the term of the contract.
C. A non-Navajo licensed attorney may be hired only if a licensed Navajo attorney cannot be found to fill the position of Chief Legislative Counsel.
B. The Department of Personnel Management received applications from persons interested in the position of Chief Legislative Counsel. The Department of Personnel Management stated in its memorandum attached as Exhibit A: "Pursuant to your request, the Chief Legislative Counsel position was advertised from May 24, 2019 to June 10, 2019. A total of 3 application(s) were received at our office on or before June 10, 2019. Our qualification assessment revealed that there [were] 2 who met the minimum qualification requirements established for the position." The two applicants deemed qualified by Department of Personnel Management were both non-Navajo.
C. The Speaker and the Selection Committee selected applicant, Ms. Dana Bobroff, a non-Navajo. Memorandum of Department of Personnel Management, as well as employment documents, attached hereto as Exhibit A.

## Section Three. Appointment

The Navajo Nation Council appoints Ms. Dana Bobroff as the Chief Legislative Counsel, Office of Legislative Counsel, to serve at the pleasure of the Navajo Nation Council. 2 N.N.C. § 963 (A).

## Section Four. Effective Date

The appointment shall be effective upon the Navajo Nation Council's approval. 2 N.N.C. § 963 (A).

## THE NAVAJO NATION

JONATHAN NEZ|PRESIOENT MYRONLIZER|GEGAESIDENT

MEMORANDUM

TO : LaShawna Tso, Chief of Staff Legislative Branch Legislative Branch

FROM

DATE
June 20, 2019
SUBJECT : REFERRAL OF APPLICANT QUALIFIED NON NAVAJO
RE : Chief Legislative Counsel
231898, Window Rock, AZ
LB00317936
Pursuant to your request, the Chief Legislative Counsel position was advertised from May 24, 2019 to June 10, 2019. A total of 3 application(s) were recelved at our office on or hefore June 10. 2019. Our qualification assessment reveaned that there 2 who met the minimum qualification requirements established for the position
** HIRING OF A NON-NAVAJO WILL BE GOVERNED BY THE NAVAJO PREFERENCE IN EMPLOYMENT ACT
Please review the attached listing and the applications and select the applicant you feel is best qualified for the position A person who did not submit their application to our office on or before the closing date and who was not referred by our office cannot be considered for the position If you are unable to make a selection from this applicant pool, you will need to re-advertise the position for an additional ten days.

Please give the reason(s) why the successful applicant was selected Also, state the reason(s) why the other applicant(s) were not selected

You are also responsible for formally notifying the unsuccessful applicant referred by our office. Copies of the notification letters must be submitted with the justification for hire memorandum

If you wish to re-advertise the position please contact DPM Recruitment at (928) 871-7591 prior to the publication date of the next job vacancy announcement. If you have any questions regarding the referrals please do not hesitate to call us
xc: Position File

# DEPARTMENT OF PERSONNEL MANAGEMENT Listing of Qualified Non-Navajo Applicants 

| REQUISITION NO: LB00317936 |  |  | CLOSING DATE: 6/10/2019 |  |
| :---: | :---: | :---: | :---: | :---: |
| POSITION NO: 231898 |  |  |  |  |
| CLASS CODE: 0211 Chief Legislative Counsel |  |  |  |  |
| REQID | NAME | SSN | APP DATE | QA |
| Bobroff Dana L |  |  | C6.10/2019 | Y |
|  |  |  | 06/10/2019 | Y |





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| :---: | :---: | :---: |
| NAVAJO NATION | 01/11/2011 ${ }^{\text {FR0/ }}$ | Deputy Attorney General |
| OFFICE OF THE ATTORNEY GENERAL | (928) 871-6177 | political appointment ended |
| P.O. Box 2010, Window Rock, AZ 86515 | Harrison Tsosie |  |
|  |  |  |
| Managing attorney of the Navajo Nation Dept. of Justice; supervised 20+ state licensed attorneys and $15+$ legal |  |  |
| advocates and support staff; advised the President, Navajo Nation Council and programs within all 3 branches on |  |  |
| significant legal issues and decisions; principal Navajo Nation attorney in major litigation against the U.S.: lead |  |  |
| attorney in negotiations for the NGS lease and Navajo Mine purchase; and supervisor of the Special Prosecutor. |  |  |




Contracted by the Attorney General to represent the Navajo Nation in the negotiation of twenty-one P.L. 93-638 contract renewals; an appeal of a P.L. 93-638 contract declination; and revision of the deferred compensation, defined benefit and defined contribution plans consistent with the Pension Protection Act of 2006.

EMPLOYER'S NAME AND WALIOG ADORESS<br>NAVAJO NATION DEPT. OF JUSTICE<br>P.O. Box 2010, Window Rock, AZ 86515

| OATES ENPLOYED (sumorryri |  |
| :---: | :---: |
| $10 / 30 / 2002$ | 09/01/2006 |
| (928) 871-6177 |  | Donovan Brown and Britt Clapham

##  <br> Re3DPreminties

Managing attorney for DOJ's Government Services Unit; supervised 4 state licensed attorneys and 2 tribal court advocates; directly represented the Budget \& Finance Committee, Office of the Controller, Office of Management \& Budget and Retirement Services Department.

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THE INFORMATON THAT HAVE PROVDED ON THIS APPLICATION IS TRUE AND COMPLETE TO THE BEST OF MY KHOWLEDGE ANY MISREPRESENTATION OR OMISSION OF ANY FACT IN MY APPLICATION OR ANY OTHER MATERLALS USED IN THE APPLICATION PRDOCESS OR INFORMAYON OFFERED DURING ANY INTERVIEWS. CAN BE JUSTIFICATION FOR REFUSAL OF EMPLOIMENT OR IF EMPLOYED. TERMNATION FROM EMPLOYMENT WITI IHE NAVAJO NATION M: SGMATURE EELOW AUTHJRIZES THE NAVAJD NATIO: TO CONTACT ANY OF MY FR.OR EMFLCVERS FOR REFEREVCE PURPOSES

IUTIDERSTAND THAT I MAY BE SUEJECT TO A BACKGROUND CHECK, ANO HEREBYAUTHORIZE NAVAJO NATION TO INVESTIGATE MY BACKGROUNO TO DETERVINE ANIY AND ALL INFORMATION OF CONCERN AS TO MY RECORD, WHF THER SAME If OF RECORD OR NOT. AND I RELEASE EMFLOYERS AND PERSONS NAMED IN MI AMPLIGATION FFOM ALL LAABMUTY FOR ANY DAMAGES ON ACCOUMT OF HISHER FURNISHINGS SAMD INF ORMATION
AODFIONALLY YOU ARE HEREB' ALTHORIZED TO MAKE AHY H:OESTIGATIOV OF MY FEPSONAL MISTORY, EDUCATHONAL EACKGROUNO MLTARY REZORE



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DNIE
06/10/2019

# DANA LEE BOBROFF 

Albuquerque, New Mexico 87114
b)yahoo.com


#### Abstract

PROFILE Practicing attorney with an accounting background who represents Tribal Governments, including the Navajo Nation, in matters related to trust responsibilities; financing; investment of funds; budgeting; independent audits; contracts; pension plans; selfinsurance; federal funding agreements, including Indian Self-Determination \& Education Assistance Act and Indirect Cost Rate negotiations; tax disputes; and labor/employment disputes; as well as sovereignty issues and the implementation and development of tribal laws and regulations; and has litigated on behalf of the Navajo Nation and tribal members in tribal, state, and federal courts, as well as federal administrative tribunals, at both the trial court and appellate court levels.


LICENSURE Licensed to practice law in New Mexico (2004); and the Navajo Nation (2000). Licensed as Certified Public Accountant in Arizona (1996 to 2010).

## LEGAL <br> EXPERIENCE LAW OFFICES OF DANA BOBROFF, LLC <br> Albuquerque, New Mexico

Proprietor and Managing Attorney: April 2019 to present

- Providing legal representation and consultation to Navajo entities and members and non-tribal entities concerning Navajo laws and regulations, specifically including project implementation and funding within Navajo jurisdictional boundaries


## NAVAJO NATION OFFICE OF LEGISLATIVE COUNSEL \& OFFICE OF THE SPEAKER

Window Rock, Arizona
Contract Attorney: June 2015 to March 2019

- Contracted by the Office of Legislative Counsel \& Office of the Speaker as outside legal counsel for the Síhasin Fund and Title Two Subcommittees of the Naabik'iyati' Committee of the 23rd Navajo Nation Council and other legal assignments, including implementation of projects funded through the Permanent Trust Fund Income legislation.
- Developed and drafted seven (7) Sihasin Fund legislations and the attendant Expenditure Plans which funded over three hundred (300) projects totaling a little more than three hundred forty-five million dollars $(\$ 345,000,000)$.
- Assisted the Office of the Speaker, Executive Branch programs and Navajo Nation entities in the implementation of projects funded through the Síhasin Fund and Permanent Trust Fund Income legislations, including the development of an operational structure for each of the complex Expenditure Plans and all necessary Memorandums of Agreements.


## DANA LEE BOBROFF

Deputy Assistant Attorney General: October 2002 to September 2006

- Supervising attorney of four (4) state licensed attorneys and two (2) tribal licensed attorneys who advised and represented the tribal government, both the executive and legislative branches, in the areas of human services, including health, public safety, education, social services, etc., and tribal government.


## Assigned Responsibilities

- Represented and advised the Office of the Controller; Office of Management and Budget; Budget and Finance Committee; Investment Committee, which oversees investment of the permanent fund, trust fund and pension funds; Insurance Services Department; Insurance Commission, which oversees the tribal self-insurance (central government and tribal enterprises) program, including insurance defense, for property/casualty, employee benefits, and workers' compensation; Retirement Services Department; Retirement Plan Administration Committee; and Intergovernmental Relations Committee Redistricting Subcommittee.
- Negotiated Public Law $93-638$ contracts and initiated/defended related litigation.


## Staff Attorney: January 2000 to October 2002

- Represented and advised, including the drafting of legislation, the Budget and Finance Committee; Investment Committee; Purchasing Department; Credit Services Department; Retirement Services Department; and Retirement Plan Administrative Committee.
- Negotiated and reviewed contracts, including intergovernmental agreements.
- Drafted assorted motions and briefs for senior counsel in assorted civil litigation, including challenges to tribal jurisdiction in federal district court.
- Directed outside counsel in Arizona redistricting litigation.
- Represented the tribal government in labor/employment disputes in tribal administrative courts.


## CASA MARIA LEGAL CLINIC (aka Legal Clinic for the Homeless)

Tucson, Arizona
Student Attorney Volunteer/Founder: September 1997 to August 1999

- In conjunction with two other law students, established and operated a legal clinic at homeless shelters serving homeless and low income residents.
- Under the direction of volunteer attorneys, law students provided legal consultation to over one hundred (100) persons primarily in the areas of federal and state benefits and services; trespass and loitering citations; and criminal warrants.


## UNIV. OF ARIZONA COLLEGE OF LAW CRIMINAL DEFENSE CLINIC <br> Tucson, Arizona

Student Attorney - City of Tucson Public Defenders Office: Spring 1999

- Under the direction of a supervising attorney, represented indigent defendants charged with misdemeanors at bench and jury trials and plea bargain conferences.
- Drafted appellate brief on the statute of limitation related to Driving Under The Influence.

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 hand and affix this seal of the Supreme © ©ourt at

this 25th day of fflap , 2000


IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

## STATE OF NEW MEXICO \} <br> SUPREME COURT \}

I, JOEY D. MOYA, Chief Clerk of the Supreme Court of the State of New Mexico, hereby certify that, upon passing a written examination prescribed by the New Mexico Board of Bar Examiners, DANA LEE BOBROFF was admitted to practice law in the Supreme Court and other courts of the State of New Mexico on October 1, 2004, and has at all times since been and is now a member of the Bar of said Supreme Court in good standing.
"Good standing" means that the attorney is current on payment of State Bar dues, has complied with Minimum Continuing Legal Education requirements, and is not presently under either administrative or disciplinary suspension. No disciplinary action involving professional misconduct has been taken against the attorney's law license. This certification expires 30 days from this date, unless sooner revoked or rendered invalid by operation of rule or law.

WITNESS, My official signature and the scal of said Court this 5th day of June, 2019.


## THE UNIVERSITY <br> The, Arizona Board of Regents

by virtue of the authority vested in it by law and on recommendation of the University Faculty does hereby confer on

## Dana Lee Bobroff

who has satisfactorily completed the Studies prescribed therefor the degree of

## uris 'Doctor

with all Rights, Privileges, and Honors thereunto appertaining.




Sta regular Term of the Supreme Count of the State of Near Mexico, held as Santa Fe, on the Two Thousand Form

Petra Jimenez Macs Chief Justice, and the Homonatle Pamela B Minzner. Autricio M. Serra. Richard C Boston, Edward L. Chávez Justices.

Dana Lee Bobroff
having duly qualified on motion of Presiliano A. Torres of the Count, and the said Dana Lee Bobroff
appeared in open Count and took the official cath pivescrited by the rules of the Count.
In Testimony Whereof, I have hereunto str my hand and affixed the seal of said Count al Santa Fe. N. Al. this low day of Cetieter d. D. 2004


## MEMORANDUM

TO: $\quad$| Honorable Seth Damon |
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|  |
| Speaker, $24^{\text {th }}$ Navajo Nation Council |

FROM:


DATE: August 15,2019
SUBJECT: AN ACTION RELATING TO NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL; APPOINTING DANA BOBROFF AS CHIEF LEGISLATIVE COUNSEL

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting.

The legislation was drafted after my memoranda to you and the Selection Committee dated August 2, 2019 and August 15, 2019. As with any action of government, the proposed resolution can be subject to review by the courts in the event of proper challenge.

The Office of Legislative Counsel confirms the appropriate standing committees) based on the standing committees powers outlined in 2 N.N.C. $\S \S 301,401,501,601$ 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).

You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

THE NAVAJO NATION
LEGISLATIVE BRANCH INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0252-19 $\qquad$ SPONSOR: Seth Damon

## TITLE: An Action Relating To Naabik'íyáti' And Navajo Nation Council; Appointing Dana Bobroff As Chief Legislative Counsel

## Date posted: August 19, 2019 at 5:25pm

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

Written comments may be mailed to:

Executive Director<br>Office of Legislative Services<br>P.O. Box 3390<br>Window Rock, AZ 86515<br>(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.

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