# LEGISLATIVE SUMMARY SHEET Tracking No. Ohlolo-19 

DATE: August 30, 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.

5-DAY BILL HOLD PERIOD:
380 website Posting Time/Date: $5: 04 \mathrm{Pm} \quad 9-5-19$

## Naa'bik'íyáti' Committee

Posting End pate: $9 / 101 / 9$
Eligible for Action: $9 / 11 / 19$

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

Hame 2.280 (Prime Sponsor)

RELATING TO AABIA 'ÍYÁTI' AND NAVAJO NATION COUNCIL;
APPOINTING DANABOBROFF 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. §§ 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| DRESIDENT MYRONLIZER | ICE-FRESIGENT


MEMORANDUM

| TO | : | LaShawna Tso, Chief of Staff |
| :---: | :---: | :---: |
|  |  | Legislative Branch |
|  |  | Legislative Branch Cateva avs |
| FROM | ; | Latreva Largo, HR Technician |
|  |  | Department of Personnel Management |
| 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 received at our office on or before une 10. 2019 Our qualification assessment revealed 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 inting 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 successfu applicant was selected Also, state the reason(s) why the other applicant(s) were not selccted

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
$x$ : Position File
P.O. BOX 7080 , WINDOW ROCK, ARIZONA 86515

## 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 | APPDATE |
| Bobroff Dana L |  | QA |



| Emplover's MAME ARD Maling adoress | DATES EMPLOYED (WNDODYYY) | Joe TTLLE |
| :---: | :---: | :---: |
| NAVAJO NATION | $1 / 20 / 2011$ $05 / 13 / 2015$ | Deputy Attorney General |
| OFFICE OF THE ATTORNEY GENERAL | $(928) 871-6177$ | political appointment ended |
| P.O. Box 2010, Window Rock, AZ 86515 |  |  |
| 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. |  |  |



Supervised discovery, including prosecuting and defending pre-trial motions in the Navajo Nation's trust mismanagement litigation and arbitration against the United States; represened tribal governments, including the Navajo Nation, in Indian Self-Determination Act (P.L. 93-638) contract and compact negotiations and declination appeals, as well as Indirect Cost proposals and challenges

| emploters mame ano mallig nodress | DATESEAPLOYEO (MEMDDMYYY) | Job rite |
| :---: | :---: | :---: |
| NAVAJO NATION DEPT. OF JUSTICE | 09/15/2006 | Contract Attorney |
| P.O. Box 2010, Window Rock, AZ 86515 | (928) 871-6177 | Accept Nordhaus position |
|  | Nuta | Louis Denetsosie |

## ESCRBE DOTIESAA

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.

<br>NAVAJO NATION DEPT. OF JUSTICE<br>P.O. Box 2010. Window Rock. AZ 86515<br>Rrom<br>10/30/2002 09/01/2006<br>Deputy Asst. Attorney General Move to $A B Q$ for family reasons Donovan Brown and Britt Clapham<br>\section*{<br><br>}<br>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.

## 

THE INFORM ON THAT HAVE PROMDED ON THIS APPLICATION IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE ANY MISREPRESENTATION OR CMIISSION OF ANY FACT IN MY APPLICATION OR ANY OTHER MATERIALS USEO IN THE APPLICATION PROCESS OR INFORMATION OFFERED DURING AMY INTERVIEWS. CAN BE JUSTIFICATION FOR REFUSAL OF EMPLOIMENT OR IF EMPLOYED. TERSLINATION FROM EMPLOYMENT WITIH THE NAVAJO MATION II: SIGNATURE BELOW AUTHORIZES THE NAVAJO NATID: TO CONTACT ANY CF MY FRIOR EMFLOYERS FCR REFERENCE PURPOSES

IURDERSTATID THAT I MAY BE SUBJECT TO A BACKGROUND CHECK. ANO HEREBYAUTHORIZE NAVAJO NATIOH TO INVESTIGATE AY BACKGROUND TO DETERVINE AMI AND ALL INFORMATION OF CONGERN AS TO MY RECORD, WHIFTHER SAME IS OF RECORD OR NOT. AND I RELEASE EMPLOTERS AND PERSUNS NAMED IN MY ATPIGAHON FFOM ALL LAEMUTY FOR ANY DAMAGES ON ACCOUMI OF HISHER F URWISHING SALD INFOPMATION




ONTE
06/10/2019


# DANA LEE BOBROFF 

Albuquerque, New Mexico 87114
Dyahoo.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 <br> 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) Síhasin 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 Sihasin 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 

Page 3 of 4

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) <br> 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.




Bu Testimoup 讯herenf, đ haur hereunta set my hand ant affix this seal of the Supreme Court at

this 25th dan of ftlap 2000



IN THE SUPREME COURT OF THE STATE OF NEW MEXICO


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

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.

Joey D. Moya


Chief Deputy Clerk



Starequlax Term of the Supreme Court of the State of Near Mexico. held at Sanka Fe, on the Fist day of $\frac{\text { Qctibere }}{\text { To wa }}$. Thousand Fore.
Tofone the Honorable

Petra Jimenez Macs Chief Justice, and the Honorable Pamela B Minzmer. Futricio M. Serra. Richard C Bosson, Edward L Chóvez Justices. Dana Lee Bobroff
having duly qualified on motion of Presiliono A Torse: $\qquad$ Gas rads admilled lo pixadice as an Slltoxney and Counsellox of the Court, and the said Dana Lee Bobroff appeared in open Count and took the official cath presosited by the myles of the Coaxes.
In Testimony Whereof. I have hereunto tot my hand and affixed the seat of said Couxi al Santa Fe. N. II. This low' day of Getter d. D. 2004


## MEMORANDUM

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\begin{array}{ll}
\text { TO: } & \begin{array}{l}
\text { Honorable Seth Damon } \\
\text { Speaker, 24 } 4^{\text {th }} \text { Navajo Nation Council }
\end{array} \\
\text { FROM: } & \begin{array}{l}
\text { Mariana Kahn, Attorney } \\
\text { Office of Legislative Counsel }
\end{array} \\
\text { DATE: } & \text { August 30, 2019 } \\
\text { SUBJECT: } & \begin{array}{l}
\text { AN ACTION RELATING TO NAABIK'ÍYÁTI AND NAVAJO NATION } \\
\text { COUNCIL; APPOINTING DANA BOBROFF AS CHIEF LEGISLATIVE } \\
\text { COUNSEL }
\end{array}
\end{array}
$$

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. 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 committees) 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.

LEGISLATION NO: _0266-19 $\qquad$ SPONSOR: Seth Damon

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

## Date posted: September 5, 2019 at 5:04pm

## 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.

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## THE NAVAJO NATION <br> LEGISLATIVE BRANCH INTERNET PUBLIC REVIEW SUMMARY

## LEGISLATION NO.: $\underline{0266-19}$

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

Posted: September 05, 2019 at 5:04 PM
5 DAY Comment Period Ended: September 10, 2019
Digital Comments received:

| Comments Supporting | 1) Mexican Water Chapter |
| :---: | :--- |
| Comments Opposing | None |
| Inconclusive Comments | 1) Lawrence Ruzow, Flagstaff, AZ |



Legislative Tracking Secretary Office of Legislative Services

Date/Time

## Legislation 0266-19

## Mexican Water Chapter [mexicanwater@navajochapters.org](mailto:mexicanwater@navajochapters.org)

Tue 9/10/2019 3:06 PM

To comments [comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov):

The Mexican Water Chapter is in support of hiring of Dana Bobroff as Chief Legislative Counsel, the Navajo Nation has worked with Ms. Bobroff and is very well knowledgeable of the Navajo Nation government and its laws.

# 0266-19--Appointment of Dana Bobroff as Chief Legislative Counsel 

Lawrence Ruzow [laruzow@gmail.com](mailto:laruzow@gmail.com)
Tue 9/10/2019 7:03 AM

To comments [comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov);

Good Morning:
These are my personal comments and do not represent the views of any past or present client or employer.
Dana Bobroff will make a superb Chief Legislative Counsel. She will bring years of experience in Navajo and Federal Indian Law to the job.

I think we all appreciate the good work that Ed McCool who has served as Acting Chief Legislative Counsel since Levon Henry left in January has brought to the Legislative Counsel's office and I hope he decides to stay with the office.

I agree that it is sad a that a highly qualified Navajo attorney did not apply for the position. It might well be appropriate for the Council to undertake a study of why no such person applied.

Larry
Lawrence A. Ruzow
P.O. Box

Flagstaff, AZ 86002


[^0]:    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. $\S 374$ et. seq.

