Tracking No. <u>O366-19</u>

DATE: August 30, 2019

TITLE OF RESOLUTION: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACTION RELATING TO NAABIK'ÍYÁTI' 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	Finish OF IA	nmittee Thence
	Navajo Nation C	
Eligible for Actio	on: 9/1/19	Journon
1	PROPOSED NAVAJO NATION COUNCIL RESOLUTION	
2	24th NAVAJO NATION COUNCIL - First Year, 2019	
3	INTRODUCED BY	<u>,</u>
4	My James Jergan	Lay
5	1 And	
6	James 2. 200 (Prime Sponsor)	
8	TRACKING NO. 036619 Walter 19	
9	La & Spomas Walker . In.	•
10	AN ACTION	
11	RELATING TO MAABIN'ÍYÁTI' AND NAVAJO NATION COUNCIL;	a
12	APPOINTING DANA BOBROFF AS CHIEF LEGISLATIVE COUNSEL	
13		
14	BE IT ENACTED:	
15	Section One. Authorities	
16	A. Naabik'íyáti' is a Navajo Nation standing committee and as such recommends	
17	to the Navajo Nation Council the Chief Legislative Counsel's appointment. 2	
18	N.N.C. § 700 (A) and 2 N.N.C. § 963 (A).	
19	B. The Navajo Nation Council appoints the Chief Legislative Counsel. 2 N.N.C.	
20	§ 963 (A).	
21		
22	Section Two. Findings	
23	A. The Navajo Nation Code at 2 N.N.C. Section 963 states the manner and	
24	requirements for the appointment of a Chief Legislative Counsel.	
25	Specifically, 2 N.N.C. §§ 963 (A), (B) and (C) state:	
26	2 N.N.C. § 963. Personnel	
27	A. There is hereby established the position of Chief Legislative	
28	Counsel, who shall be a state-licensed attorney, appointed by the Navajo	
29	Nation Council upon recommendation of the Naabik'iyati' (formerly,	
20	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 | PRESIDENT MYRON LIZER | VICE-PRESIDENT



MEMORANDUM

TO

LaShawna Tso, Chief of Staff

Legislative Branch

Legislative Branch

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 June 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 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

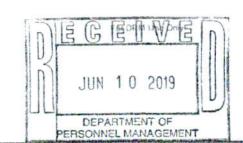
REQID NAME	SSN	APP DATE	QA
Bobroff, Dana L.	*	06/10/2019	Y
		06/10/2019	Υ



THE NAVAJO NATION

Employment Application

PLEASE PRINT ALL INFORMATION



		PERSONA	LINEORN				
SOCIAL SECURITY NUMBER		FIRST NAME DANA		L L	BOI	BROFF	
JIMER NAMES USED IF APPLIANBLE	/ M	MAILING ADDRESS		ALBUQUERC		NM	87108
DHIVER'S LICENSE NUMBER	TYPI.	CDI OPERATOR	D	STATE NM	EXPIR	ATION DATE IM	MEDAYYY
TELEPHONE NUMBER		MESSAGE NUM	nen		E-MAIL ADOR	ESS	
ARE YOU AN ENROLLED MEMBER OF THE NAVAJO			ICATE CENSUS NON	I (REQUIRED)		DATE OF THE	THE MEMORITY OF THE
ARE YOU A VETERAN			Search and Control of Control	LAM VETERANS' PREFERENC tes to Application for Veteralis' Employ	NO NO		
ARE YOU CURRENTLY EMPLOYED WITH THE NAV		DN7	☐ YES 🗵	NO		will the same of t	
		POSITION	INFORM	ATION	POSITION II		
LBOO317936		231898		CHIEF LE			NSEL
		巨	LICATION				
NAME AND LOCATION OF SCHOOL		DATES A (MV	MY) FO	GED/DIPLOMA/DEGREE RECEIVED		MAJORAN	OR
Valley High School	7.7× 5.41	08/1974	05/1978	Diploma			
Albuquerque, NM							
New Mexico State University	У	08/1978	05/1993	Baccalaureate	Accounting		ng
Las Cruces, NM	W-12-7-19						
University of Arizona College of	Law	08/1996	05/1999	Juris Doctorate	e	Law	Law
Tucson, AZ	100 Q +17, 42.						
LIST ADDITIONAL JOB RELATED TRAINING	INCLUDE	DATES OF TRAIN	IINO				all the state
THE STATE OF THE S	THE PER AND						
Representation of tribal governme	1	members in	tribal state	and federal courts	and admi	inistrative	tribunals:
drafing and implementation of triba							
agreements, including intergovern							
senior and associate attorneys and		*****************					

The Navajo Nation gives preference to elegable and qualified applicants in incordance with the Navajo Preference in Employment Act (NPCA) and the Vermans Preference

	DATES EMPLOYED	
EMPLOYER'S NAME AND MAILING ADDRESS	(MM/DD/YYY) FROM 1 TO	JOB TITLE
NAVAJO NATION	01/11/2011 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	MAN DIATE SUPERVISOR	Harrison Tsosie
RESPONDING TES		
Managing attorney of the Navajo Nation Dept. of Ju	stice; supervised 20+ state	licensed attorneys and 15+ legal
advocates and support staff; advised the President,	Navajo Nation Council and	programs within all 3 branches or
significant legal issues and decisions; principal Nav	ajo Nation attorney in major	litigation against the U.S.; lead
attorney in negotiations for the NGS lease and Nav	ajo Mine purchase; and sup	ervisor of the Special Prosecutor.
	DATES EMPLOYED	JOB TITLE
EMPLOYER'S NAME AND MAILING ADDRESS	(MMOD/YYYY) FROM TO	
NORDHAUS LAW FIRM	01/15/2007 01/11/2011	Senior Attorney REASON FOR LEAVING
6705 Academy Road NE	(505) 243-4275	Accept Deputy AG position
Albuquerque, NM 87109	AMEDIATE SUFERVISOR	Alan Taradash
CESCIPIEE DUTES AND RESPONDENTIES		
Supervised discovery, including prosecuting and de	fending pre-trial motions in	the Navajo Nation's trust
mismanagement litigation and arbitration against the	e United States; represened	tribal governments, including the
Navajo Nation, in Indian Self-Determination Act (P.I	L. 93-638) contract and com	pact negotiations and declination
appeals, as well as Indirect Cost proposals and cha	illenges.	
	DATES EMPLOYED	JOB TITLE
EMPLOYER'S NAME AND MAILING ADDRESS	(YYYY\OOMM) OT RORT	Contract Attorney
NAVAJO NATION DEPT. OF JUSTICE	09/15/2006 01/05/2007	REASON FOR LEAVING
P.O. Box 2010, Window Rock, AZ 86515	(928) 871-6177	Accept Nordhaus position
	ERS CHAIT SUPERVISOR	Louis Denetsosie
CESCRIBE DUTIES AND RESPONSEBILITIES		
Contracted by the Attorney General to represent the	e Navajo Nation in the nego	tiation of twenty-one P.L. 93-638
contract renewals; an appeal of a P.L. 93-638 contr	act declination; and revision	of the deferred compensation,
defined benefit and defined contribution plans cons	istent with the Pension Prote	ection Act of 2006.
EMPLOYER'S NAME AND MAILING ADORESS	DATES EMPLOYED	3.TIT BOL
	FROM TO TO	Deputy Asst. Attorney General
NAVAJO NATION DEPT. OF JUSTICE	10/30/2002 09/01/2006	REASON FOR LEAVING
P.O. Box 2010, Window Rock, AZ 86515	(928) 871-6177	Move to ABQ for family reason:
	SMEDIATE SERVIS ↔ DO	novan Brown and Britt Clapham
CESCRIFE DUTIES AND RESPONDIFICATION		
Managing attorney for DOJ's Government Services	Unit; supervised 4 state lice	ensed attorneys and 2 tribal court
advocates; directly represented the Budget & Finan	nce Committee, Office of the	Controller, Office of Managemen
Budget and Retirement Services Department. PRE EMPLOYMENT STATEMENT PLEAS HE INFORMATION THAT I HAVE PROVIDED ON THIS APPLICATION IS MISSION OF ANY FACT IN MY APPLICATION OR ANY OTHER MATE ITERVIEWS. CAN BE JUSTIFICATION FOR REFUSAL OF EMPLOYMENT ISONATURE BELOW AUTHORIZES THE NAVAJO NATION TO CONTACT AND	TRUE AND COMPLETE TO THE BEST (RIALS USED IN THE APPLICATION PH T OR IF EMPLOYED, TERMINATION FF	DE MY KNOWLEDGE ANY MISREPRESENTATION ROCESS, OR INFORMATION OFFERED DURING ROM EMPLOYMENT WITH THE NAVAJO NATION
UNDERSTAND THAT I MAY BE SUBJECT TO A BACKGROUND CHECK, AN MY AND ALL INFORMATION OF CONCERN AS TO MY RECORD, WHETHE MPPLICATION FROM ALL LIABILITY FOR ANY DAMAGES ON ACCOUNT OF I	R SAME IS OF RECORD OR NOT, AND	LIKETENZE EMISTOLEHO WITH LEBOOLIO HYWITH

ADDITIONALLY, YOU ARE HEREBY AUTHORIZED TO MAKE ANY INVESTIGATION OF MY PEPSONAL HISTORY, EDUCATIONAL BACKGROUND MILITARY RECORD MOTOR VEHICL RECORDS CRIMINAL RECORDS INDICATED THIS DORN THROUGH AN INVESTIGATIVE OR CREDIT AGENCY OR BUREAU OF YOUR CHOICE I AUTHORIZE THE PELEASE OF THIS INFORMATION BY THE PROPRIATE ASENCIES TO THE INVESTIGATING SERVICE

SIGNATURE

DATE

06/10/2019

DANA LEE BOBROFF

Albuquerque, New Mexico 87114

dyahoo.com

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; self-insurance; 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 EXPERIENCE

LAW OFFICES OF DANA BOBROFF, LLC

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 Sihasin 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 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

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)

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

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.

Supreme Court of the Rabajo Rakion

Dana Lee Bobroff

having exhibited to the Supreme Court of the Navajo Nation satisfactory evidence of good moral character and the qualifications to practice law,

is hereby authorized to practice as a counselor in the Supreme Court and all other Courts of the Navajo Aution for and during good behavior in said practice.

Bindow Rock, Nutajo Nation, (Arizona),

hand and affix this seal of the Supreme Court at In Testimony Whereat, I have hereunto set my

this 25th day of

Benienita R. Nates Supreme Court Clerk

Supreme Court of the Navajo Nation Chieffustite Robert Buzzie



IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

Certificate

STATE OF NEW MEXICO	}	
	}	SS
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.

> > Joey D. Moya

Chief Clerk of the Supreme Court

of the State of New Mexico

Chief Deputy Clerk



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

Juris 'Doctor

with all Rights, Privileges, and Honors thereunto appertaining. Given at Tucson, this fifteenth day of May 1999.

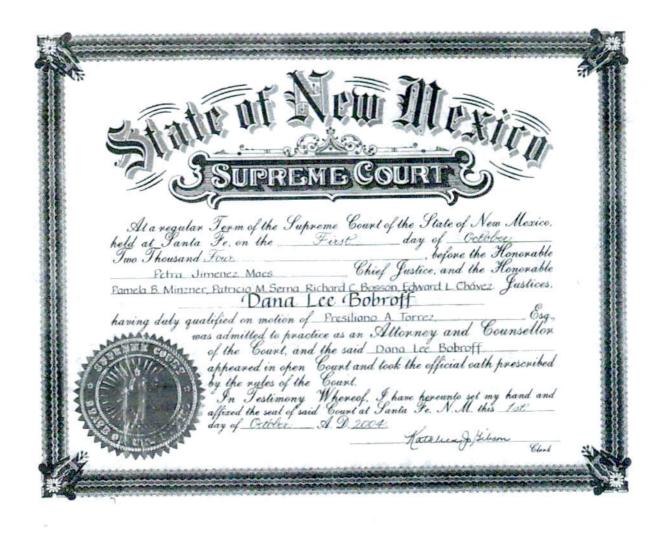
Jane Hee Wall

President of the Board



President of the University

Secretary of the Faculty





Honorable Seth Damon Speaker 24th Navajo Nation Council

MEMORANDUM

TO: Honorable Seth Damon

Speaker, 24th Navajo Nation Council

FROM:

Mariana Kahn, Attorney

Office of Legislative Counsel

DATE: August 30, 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. 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 committee(s) based on the standing committees powers outlined in 2 N.N.C. §§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: _0266-19____ SPONSOR: Seth Damon

TITLE: 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.

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.

THE NAVAJO NATION LEGISLATIVE BRANCH INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 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 >

Tue 9/10/2019 3:06 PM

To:comments <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>

Tue 9/10/2019 7:03 AM

To comments < 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.

Lawrence A. Ruzow P.O. Box Flagstaff, AZ 86002