

THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

May 30, 2020

Hon. Seth Damon
Office of the Speaker
Post Office Box 3390
Window Rock, AZ 86515

RE: CMY-39-20, *An Action Relating to Law and Order, Health, Education and Human Services, Naabik'iyati' and the Navajo Nation Council; Amending Dine College Board of Regents Qualifications Provisions at 10 N.N.C. §§ 2003, 2004, 2005 and 2008; Superintendent and Board of Education Members*

Dear Speaker Damon,

Pursuant to the authority vested in the Navajo Nation President, I am vetoing CMA-39-20.

Education is an important element in our society and we support the development of our education system which in turn supports our Navajo children. We are thankful for the Head Start, Elementary, and High School teachers who work tirelessly to provide the best for our children. These are the ones with the knowledge of what it takes to keep our education system functioning at its high level. The educators are where we look for guidance and this should be where Diné College should look for expertise. The Navajo Nation Superintendent of Schools is an invaluable resource, as are others on the Navajo Board of Education, and our colleges and universities could benefit from their experience.

Additionally, we have expressed the need to review Title 10, the Education Code, to update for the present day. This coronavirus pandemic has raised issues in education that need to be addressed for the future development of our students; such issues as distance learning, tele-education, WiFi busses, and other upgrades to help our students.

I'm vetoing CMA-39-20, however, I also ask that we work together to address the larger issue of revamping our Education code.

Sincerely,

A handwritten signature in black ink that reads "Jonathan Nez".

Jonathan Nez, President
THE NAVAJO NATION

A handwritten signature in black ink that reads "Myron Lizer".

Myron Lizer, Vice President
THE NAVAJO NATION

RESOLUTION OF THE
NAVAJO NATION COUNCIL
24th NAVAJO NATION COUNCIL - SECOND YEAR, 2020

AN ACT RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN SERVICES, NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; AMENDING DINÉ COLLEGE BOARD OF REGENTS QUALIFICATIONS PROVISIONS AT 10 N.N.C. §§ 2003, 2004, 2005 AND 2008; SUPERINTENDENT AND BOARD OF EDUCATION MEMBERS

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Law and Order Committee is a standing committee of the Navajo Nation Council with authority to "review and make recommendations to the Navajo Nation Council on proposed amendments to and enactments in the Navajo Nation Code." 2 N.N.C. § 601(B) (14).
- B. The Health, Education and Human Services Committee has oversight authority over "the Navajo Nation Board of Education, colleges, and universities within the Navajo Nation." 2 N.N.C. § 401(C) (3).
- C. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 700(A). All proposed legislation requiring final action by the Navajo Nation Council are assigned to the committee. 2 N.N.C. § 164 (A) (9).
- D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102. It is authorized to amend laws applicable to the Diné College and its Board of Regents. 10 N.N.C. § 2017 and 2022.

SECTION TWO. FINDINGS

- A. Pursuant to 10 N.N.C. § 2001, "Diné College is chartered and established as a nonprofit educational institution wholly owned by the Navajo Nation, to act for and on behalf of the Navajo Nation Council within its areas of responsibility as defined by [10 N.N.C. § 2001 et seq]."

- B. Pursuant to 10 N.N.C. § 2003(A), the "full authority and control over Diné College, and responsibility for accomplishment of its purposes, is delegated to a Board of Regents. Subject to other applicable laws, employees and officials of the Navajo Nation and candidates for Navajo Nation offices, shall not interfere with or interrupt the day-to-day activities of the Board of Regents or Diné College employees carrying out college education programs."
- C. The Navajo Nation finds it necessary to amend eligibility and membership provisions of law applicable to the Diné College Board of Regents.

SECTION THREE. AMENDING 10 N.N.C. §§ 2003, 2004, 2005 AND 2008

The Navajo Nation hereby amends 10 N.N.C. §§ 2003, 2004, 2005 and 2008 as follows:

§ 2003. Board of Regents; selection

- B. The Board of Regents shall consist of ~~eight~~ seven members, including the Chairperson of the Health, Education and Human Services Committee or the committee's designee, ~~the Navajo Nation Superintendent of Schools,~~ and the President of the Diné College Student Body who shall be full official members. Five shall be enrolled members of the Navajo Nation and subject to confirmation and removal by the Naabik'íyáti' Committee of the Navajo Nation Council to each of the five agencies of the Navajo Nation. In the event that the Naabik'íyáti' Committee within thirty (30) days declines or fails for any reason to pass a resolution confirming an appointment made by the President, the appointee shall not sit as a Regent and the President shall submit an alternative appointee within two weeks of the Naabik'íyáti' Committee action declining to confirm the appointment, or the expiration of the thirty (30) day period for confirmation.
- C. Qualifications for Diné College Board of Regents Candidates:
 - 1. All appointed members of the Board of Regents must meet the following qualifications:

- a. Must maintain continuous residence and voter registration within a Chapter within the Agency of the Navajo Nation which they are appointed to represent, during the period of their term; and
- b. Must be at least eighteen (18) years of age at the time of the appointment; and
- c. Must not be an employee of the Diné College; and
- d. Must not have a conflict of interest arising from any Navajo Nation, state, or federal laws regarding his or her appointment; and
- e. Must not have been convicted of a felony within the five (5) years preceding the date of appointment ; and
- f. Shall not be a member of the Navajo Board of Education.

§ 2004. Tenure

- A. The Chairperson of the Health, Education and Human Services Committee; ~~the Navajo Nation Superintendent of Schools,~~ and the President of the Student Body shall serve while they hold their respective offices

§ 2005. Resignation and removal

Any Regent, except the Chairperson of the Health, Education and Human Services Committee, ~~the Navajo Nation Superintendent of Schools,~~ and the President of the Student Body, may resign at any time by giving written notice to the President of the Board of Regents. Such resignation shall take effect at the time specified in the notice without the necessity of acceptance. Any appointed member may be removed by the Naabik'iyáti' Committee when, in their judgment, the best interests of Diné College will be served thereby.

§ 2008. Quorum

A quorum for any meeting of the Board shall be ~~five~~ four members, and no formal action of the Board shall be valid unless a quorum is present. The quorum requirement shall be met only by actual physical presence of Regents and not by any other representation or proxy, except that the chairperson of the Education Committee of the Navajo Nation Council may send the Vice Chairperson or a member of the Education Committee.

SECTION FOUR. EFFECTIVE DATE

This action of the Navajo Nation Council herein shall be effective pursuant to 2 N.N.C. § 221 (B). Further, the "President's authority to sign into law or veto legislation shall be deemed waived if not exercised within ten calendar days after certification of the legislation by the Speaker or Speaker Pro Tem and the legislation shall be deemed enacted and become effective pursuant to 2 N.N.C. § 221." 2 N.N.C. § 1005(C)(12).

SECTION FIVE. CODIFICATION

The provisions of these amendments of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amendments in the next codification of the Navajo Nation Code.

SECTION SIX. SAVINGS CLAUSE

Should any provision of these amendments be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation without appeal to the Navajo Nation Supreme Court, those amendments that are not determined invalid shall remain the law of the Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 24th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 21 in Favor, and 00 Opposed, on this 15th day of May 2020.


Honorable Seth Damon, Speaker
24th Navajo Nation Council

May 20, 2020
DATE

Motion: Honorable Pernell Halona
Second: Honorable Paul Begay


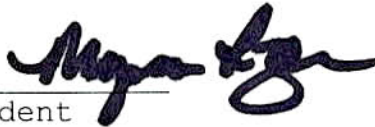
Speaker Seth Damon not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this _____ day of _____, 2020.

Jonathan Nez, President
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this 30th day of MAY, 2020 for the reason(s) expressed in the attached letter to the Speaker.

 
Jonathan Nez, President
Navajo Nation

**24th Navajo Nation Council
Special Session
Teleconference**

ACTION: Legislation 0042-20

MOTION: Pernell Halona

SECOND: Paul Begay

	Yea	Nay
1. Elmer P. Begay	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Kee Allen Begay, Jr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Paul Begay	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Nathaniel Brown	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Eugenia Charles-Newton	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Amber Kanazbah Crotty	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Herman M. Daniels	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Seth Damon	<input type="checkbox"/>	<input type="checkbox"/>
9. Mark A. Freeland	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Pernell Halona	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Jamie Henio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Vince R. James	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13. Rickie Nez	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Carl R. Slater	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Raymond Smith, Jr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Wilson C. Stewart, Jr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Daniel E. Tso	<input checked="" type="checkbox"/>	<input type="checkbox"/>
18. Charlaine Tso	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Eugene Tso	<input type="checkbox"/>	<input type="checkbox"/>
20. Otto Tso	<input checked="" type="checkbox"/>	<input type="checkbox"/>
21. Thomas Walker, Jr.	<input type="checkbox"/>	<input type="checkbox"/>
22. Edison J. Wauneka	<input checked="" type="checkbox"/>	<input type="checkbox"/>
23. Edmund Yazzie	<input checked="" type="checkbox"/>	<input type="checkbox"/>
24. Jimmy Yellowhair	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TOTAL:	<u>21</u>	<u>0</u>

CERTIFICATION:


Honorable Speaker Seth Damon

5.15.2020
Date