LEGISLATIVE SUMMARY SHEET
Tracking No. 0368-19

DATE: December 2, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION, AND HUMAN SERVICES COMMITTEE AND BUDGET AND FINANCE COMMITTEE; RESCINDING BFAP-11-14, WHICH IMPOSED SANCTIONS UPON THE DEPARTMENT MANAGER OF THE NAVAJO DEPARTMENT OF WORKFORCE DEVELOPMENT; RELEASING ALL SALARY PAYMENTS WITHHELD PURSUANT TO BFAP-11-14

PURPOSE: The purpose of this resolution is to rescind Resolution BFAP-11-14 and to release all salary payments withheld pursuant to that Resolution.

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: _____
Website Posting Time/Date: 6:07pm 12-03-19
Posting End Date: 12-08-19
Eligible for Action: 12-09-19

Health Education & Human Services Committee
Thence
Budget & Finance Committee

PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL—First Year, 2019

INTRODUCED BY

Primary Sponsor

TRACKING NO. 0368-19

AN ACTION

RELATING TO HEALTH, EDUCATION, AND HUMAN SERVICES COMMITTEE AND BUDGET AND FINANCE COMMITTEE; RESCINDING BFAP-11-14, WHICH IMPOSED SANCTIONS UPON THE DEPARTMENT MANAGER OF THE NAVAJO DEPARTMENT OF WORKFORCE DEVELOPMENT; RELEASING ALL SALARY PAYMENTS WITHHELD PURSUANT TO BFAP-11-14

BE IT ENACTED:

Section One. Authority

A. The Navajo Department of Workforce Development is a department within the Navajo Nation Division of Human Resources. The Health, Education, and Human Services Committee is the oversight committee for the Navajo Division of Human Resources. 2 N.N.C. § 400(C)(1).

B. The Budget and Finance Committee is charged with receiving and approving audit reports from the Auditor General. 12 N.N.C. §6(A) and 12 N.N.C. §7(D). The Budget and Finance Committee also, "determines what action should be taken" after the follow-up review conducted by the Auditor General and based on any recommendations by the oversight committee. 12 N.N.C. § 7(I).

Section Two. Findings

A. The Budget and Finance Committee approved the Navajo Department of Workforce Development's ("NDWD") Corrective Action Plan pursuant to Budget and Finance Committee resolution BFCF-03-09, "Accepting the Special Review of the Navajo Department of Workforce Development Submitted by the Office of the Auditor General and Approving the Corrective Action Plan Submitted by the Navajo Department of Workforce Development," on February 17, 2009, which is attached as **Exhibit A.**

B. The Budget and Finance Committee imposed sanctions upon the NDWD Department Manager on April 1, 2014 through Resolution BFAP-11-14, "Accepting the Follow-Up Review of the Navajo Department of Workforce Development Corrective Action Plan Implementation and Imposing Sanctions Against the Department Manager." This resolution is attached as **Exhibit B**.

C. The Office of the Auditor General's Plan of Operation provides, "[o]nce proof of implementation of the corrective action plan is demonstrated, the Auditor General shall immediately report this compliance to the Controller and, where applicable, the chapter government, who shall then release the withheld salary to the director of the program, division, enterprise or entity or to the chapter official." 12 N.N.C. § 9(C).

D. To date, NDWD has been unable to successfully implement the corrective action plan. As a result, the Auditor General is not able to report its compliance to the Controller.

E. The Department Manager, who was sanctioned in 2009, is no longer employed with the Navajo Nation and is unable to oversee the implementation of NDWD's corrective action plan. As a result, all payments withheld pursuant to Resolution BFAP-11-14 shall be returned.

Section Three. Rescinding BFAP-11-14, "Accepting a Follow-Up Review of the Navajo Department of Workforce Development Corrective Action Plan Implementation and Imposing Sanctions Against the Department Manager"

The Navajo Nation hereby rescinds BFAP-11-14, which imposed sanctions on the Department Manager of NDWD.

Section Four. Directive to the Office of the Auditor General to Conduct a Follow-Up Review

The Navajo Nation hereby directs the Office of the Auditor General to conduct a follow-up review upon NDWD the within one year from the date this resolution and to make recommendations to the oversight committee and to the Budget and Finance Committee.

Section Five. Directive to the Office of the Controller to return payments held pursuant to BFAP-11-14

The Office of the Controller is directed to release all salary payments withheld pursuant to BFAP-11-14 to all individuals impacted by BFAP-11-14 at the earliest possible pay cycle after the approval of this legislation.

EXHIBIT
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A

RECEIVED
MAY 13 2009
OFFICE OF THE AUDITOR GENERAL

BFCF-03-09

**RESOLUTION OF THE
BUDGET AND FINANCE COMMITTEE
OF THE NAVAJO NATION COUNCIL**

21ST NAVAJO NATION COUNCIL – THIRD YEAR, 2009

AN ACTION
RELATING TO FINANCE; ACCEPTING THE SPECIAL REVIEW OF THE NAVAJO DEPARTMENT OF WORKFORCE DEVELOPMENT SUBMITTED BY THE OFFICE OF THE AUDITOR GENERAL AND APPROVING THE CORRECTIVE ACTION PLAN SUBMITTED BY THE NAVAJO DEPARTMENT OF WORKFORCE DEVELOPMENT

BE IT ENACTED:

1. The Navajo Nation hereby accepts Audit Report No. 08-27, the Special Review of the Navajo Department of Workforce Development, and approves the Navajo Department of Workforce Development corrective action plan, hereto attached as Exhibits A and B, respectively.

2. The Navajo Nation hereby directs that copies of the Navajo Department of Workforce Development corrective action plan be provided to the Office of the President/Vice-President, and the Human Services Committee, as part of their oversight responsibilities for the Navajo Department of Workforce Development.

3. The Navajo Nation hereby directs the Navajo Department of Workforce Development to submit a written status report on their progress in implementation of the corrective action plan to the Office of the Auditor General six months after the approval of this resolution.

4. The Navajo Nation hereby directs the Office of the Auditor General to review the written status report to be submitted by the Navajo Department of Workforce Development and report to the Human Services Committee, as well as the Budget and Finance Committee.

5. The Navajo Nation hereby directs the Office of the Auditor General to conduct a follow-up review twelve months after the approval of this resolution to verify actions claimed to have been taken by the Navajo Department of Workforce Development, to issue a written follow-up report indicating the Navajo Department of Workforce Development progress in implementing the corrective action plan, and to make recommendations to the Human Services Committee, as well as the Budget and Finance Committee.

BFCF-03-09

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Budget and Finance Committee of the Navajo Nation Council at a duly called meeting held at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 6 in favor, 0 opposed, this 17th day of February, 2009

LoRenzo C. Bates, Chairman
Budget and Finance Committee

Motion: Hoskie Kee
Second: Ralph Bennett, Jr.

EXHIBIT
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B

BFAP-11-14

RESOLUTION OF THE
BUDGET AND FINANCE COMMITTEE
OF THE NAVAJO NATION COUNCIL

22ND NAVAJO NATION COUNCIL - Fourth Year, 2014

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE; ACCEPTING THE FOLLOW UP REVIEW OF THE NAVAJO DEPARTMENT OF WORKFORCE DEVELOPMENT CORRECTIVE ACTION PLAN IMPLEMENTATION AND IMPOSING SANCTIONS AGAINST THE DEPARTMENT MANAGER IN ACCORDANCE WITH 12 N.N.C. SECTIONS 9(B) AND (C) FOR FAILURE TO IMPLEMENT THE CORRECTIVE ACTION PLAN

BE IT ENACTED:

1. The Navajo Nation hereby accepts the Follow Up Review of the Navajo Department of Workforce Development Correction Action Plan Implementation, attached hereto as Exhibit A, which was implemented pursuant to BFCF-03-09, attached hereto as Exhibit B.

2. The Navajo Nation hereby imposes sanctions against the Department Manager for failure to implement the Corrective Action Plan in accordance with 12 N.N.C. §§ 9(B) and 9(C).

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Budget and Finance Committee of the Navajo Nation Council at a duly called meeting held at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 3 in favor, 2 opposed, this 1st day of April, 2014.

LoRenzo C. Bates, Chairperson
Budget and Finance Committee

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576



Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO: Honorable Vince James
24th Navajo Nation Council

FROM: _____
Kristen Lowell, Principal Attorney
Office of Legislative Counsel

DATE: December 2, 2019

SUBJECT: **AN ACTION RELATING TO HEALTH, EDUCATION, AND HUMAN SERVICES COMMITTEE AND BUDGET AND FINANCE COMMITTEE; RESCINDING BFAP-11-14, WHICH IMPOSED SANCTIONS UPON THE DEPARTMENT MANAGER OF THE NAVAJO DEPARTMENT OF WORKFORCE DEVELOPMENT; RELEASING ALL SALARY PAYMENTS WITHHELD PURSUANT TO BFAP-11-14**

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

Please ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

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).

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0368-19_____ SPONSOR: Vince James

TITLE: An Action Relating to Health, Education and Human Services Committee and Budget and Finance Committee; Rescinding BFAP-11-14, which imposed sanctions upon the department manager of the Navajo Department of Workforce Development; releasing all salary payments withheld pursuant to BFAP-11-14

Date posted: December 3, 2019 at 6:07pm

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.: 0368-19

SPONSOR: Honorable Vince R James

TITLE: An Action Relating to Health, Education and Human Services Committee and Budget and Finance Committee; Rescinding BFAP-11-14, which imposed sanctions upon the department manager of the Navajo Department of Workforce Development; releasing all salary payments withheld pursuant to BFAP-11-14

Posted: December 03, 2019 at 6:07 PM

5 DAY Comment Period Ended: December 08, 2019

Digital Comments received:

Comments Supporting	*None*
Comments Opposing	*None*
Inconclusive Comments	*None*

Legislative Tracking Secretary
Office of Legislative Services

12-09-19 9:05AM

Date/Time

Committee Report

THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL to whom has been assigned;

LEGISLATION NO. 0368-19

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE AND BUDGET AND FINANCE COMMITTEE; RESCINDING BFAP-11-14, WHICH IMPOSED SANCTIONS UPON THE DEPARTMENT MANAGER OF THE NAVAJO DEPARTMENT OF WORKFORCE DEVELOPMENT; RELEASING ALL SALARY PAYMENTS WITHHELD PURSUANT TO BFAP-11-14

(Note: Eligible for Committee Action December 09, 2019)

Sponsor: Honorable Vince James

Has had under consideration and report the same with the recommendation that Legislation 0368-19 PASS with no Amendment and no Directive; and therefore referred the same to the **BUDGET AND FINANCE COMMITTEE**

Respectfully Submitted,

Daniel E. Tso

Daniel E. Tso, Chairperson
Health, Education and Human Services Committee

January 08, 2020 - Main Motion
Motion by: Honorable Pernell Halona
Seconded by: Honorable Charlaine Tso
Vote: 3 in favor; 1 Opposed; Chairperson Not Voting
Yeas: Pernell Halona; Charlaine Tso; Carl Slater
Nays: Edison J. Wauneka
Not Voting: Paul Begay, Jr.
Absent (excused): All present

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
Regular Meeting
December 18, 2019

Roll Call
Vote Tally Sheet

LEGISLATION NO. 0368-19

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE AND BUDGET AND FINANCE COMMITTEE; RESCINDING BFAP-11-14, WHICH IMPOSED SANCTIONS UPON THE DEPARTMENT MANAGER OF THE NAVAJO DEPARTMENT OF WORKFORCE DEVELOPMENT; RELEASING ALL SALARY PAYMENTS WITHHELD PURSUANT TO BFAP-11-14

(Note: Eligible for Committee Action December 09, 2019)

Sponsor: Honorable Vince James

January 08, 2020 - Main Motion
Motion by: Honorable Pernell Halona
Seconded by: Honorable Charlaine Tso
Vote: 3 in favor; 1 Opposed; Chairperson Not Voting
Yeas: Pernell Halona; Charlaine Tso; Carl Slater
Nays: Edison J. Wauneka
Not Voting: Paul Begay, Jr.
Absent (excused): All present

Daniel E. Tso, Chairperson
Health, Education and Human Services Committee

Beverly Martinez, Legislative Advisor
Health, Education and Human Services Committee