



23rd NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

I, Jonathan L. Hale, Primary
Sponsor of proposed legislation hereby withdraw my
sponsorship of the proposed legislation. The legislation
tracking number is 0192-18

If there are any co-sponsors, they may re-sponsor the same
bill by beginning a new legislation.

SPONSOR SIGNATURE:

DATE:

*per the Agents of
Government Development*
[Signature]
9/6/18

LEGISLATIVE SUMMARY SHEET

Tracking No. 0192-18

DATE: June 5, 2018

TITLE OF RESOLUTION: AN ACT RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; APPROVING AND AUTHORIZING AN ELECTION REFERENDUM ON AMENDING 2 N.N.C §§ 970 THROUGH 978, COMMISSION ON NAVAJO GOVERNMENT DEVELOPMENT

PURPOSE: This bill will approve and authorizing an election referendum on amending 2 N.N.C §§ 970 through 978, Commission on Navajo Government Development.

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: None
Website Posting Time/Date: 2:40pm 6/13/18
Posting End Date: 6/13/2018
Eligible for Action: 6/14/2018

Law & Order Committee
Thence
Naa'bik'iyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
23rd NAVAJO NATION COUNCIL – Fourth Year, 2018

INTRODUCED BY


(Prime Sponsor) ✓

TRACKING NO. 0192-18

AN ACT

RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' AND THE NAVAJO
NATION COUNCIL; APPROVING AND AUTHORIZING AN ELECTION
REFERENDUM ON AMENDING 2 N.N.C §§ 970 THROUGH 978,
COMMISSION ON NAVAJO GOVERNMENT DEVELOPMENT

BE IT ENACTED:

SECTION ONE. AUTHORITIES

- A. The Law and Order Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 600. The committee has the authority to review and make recommendations to the Navajo Nation Council on proposed amendments to and enactments to the Navajo Nation Code. 2 N.N.C. §601(B)(14).
- B The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 700. Under Navajo Nation law, "a proposed resolution that requires final action by the Navajo Nation Council [must] be assigned to standing committee(s) having authority over the subject matter at issue and the Naabik'iyáti' Committee." 2 N.N.C. § 164(A)(9). The committee has oversight over the Commission on Navajo Government Development. 2 N.N.C. § 970.
- C. The Navajo Nation Council is an elected body empowered, among other statutory duties and responsibilities, to state policy and enact laws of the Navajo Nation.

1 See generally, 2 N.N.C. § 164. The Council is authorized to refer referendum
2 measures to voters of the Navajo Nation. 11 N.N.C. § 403.

- 3 D. The Navajo Board of Election Supervisors, pursuant to the Navajo Nation
4 Election Code, ensures that measures referred for referendum are not exempt from
5 the referendum process. 11 N.N.C. § 403(A). Regarding a matter referred by the
6 Council, the board is authorized to amend the language for clarification purposes
7 only. 11 N.N.C. § 403(A).

8 9 **SECTION TWO. FINDINGS**

- 10 A. The Commission on Navajo Government Development was created in 1989 by
11 the Navajo Nation Council. CD-68-89. The enactment provided, "[t]he
12 Commission is special entity created by the Navajo Nation Council with quasi-
13 independent authority to accomplish the Council's project of instituting reforms
14 necessary to ensure an accountable and responsible government." 2 N.N.C. §
15 970. In 1994, an amendment provided that a purpose of the commission is "to
16 review and evaluate all aspects of the existing government structure of the Navajo
17 Nation including laws, rules and regulations, practices, functions, goals and
18 objectives of the central government as it relates to Chapters, and local
19 communities and the relationship of Chapters and local communities and the
20 relation of chapters and local communities to the central government.." 2 N.N.C.
21 § 971, CJY-65-94.

- 22 B. The Commission on Navajo Government Development is seeking a referendum
23 election on its proposed amendments to its enabling legislation. Among proposed
24 amendments is the adoption of a "Navajo Nation Sustainability Governance
25 Principle and Practice for transition to sustainability in governance processes and
26 targets." The commission defines sustainable development as "development that
27 meets the needs of the present without compromising the ability of future
28 generations to meet their own needs." See, CNGD-0302-18 (footnote 1 to the
29 Commission's proposed amendment at 2 N.N.C. § 971-D).

- 1 C. A 2/3rds vote of the Navajo Nation Council is required in order to refer this
2 measure for referendum vote.
- 3 D. Pursuant to Navajo Nation Supreme Court, this referendum legislation must be
4 referred for review by the Navajo Nation President. The President may sign the
5 legislation or he can veto it.
- 6 E. It is in the best interests of the Navajo Nation to refer to the voters of the Navajo
7 Nation the issue of whether Navajo Nation law as it applies to the Commission on
8 Navajo Government Development should be amended and updated.
- 9

10 **SECTION THREE. REFERRAL OF REFERENDUM MEASURE**

11 Pursuant to the requirements of the Navajo Nation Election Code, and subject to
12 the authority of the Navajo Nation Board of Election Supervisors, the Navajo Nation
13 Council hereby adopts the following ballot language for purposes of the referendum
14 measure authorized and referred herein for public vote:

15

16 **Official Title:** "Amending 2 N.N.C. § 970 through 971, provisions of Navajo
17 Nation law applicable to the Commission on Navajo Government
18 Development."

19 **Descriptive Summary:** The Commission on Navajo Government
20 Development is seeking amendments to its enabling legislation. Among
21 proposed amendments is the adoption of a "Navajo Nation Sustainability
22 Governance Principle and Practice for transition to sustainability in
23 governance processes and targets." The commission defines sustainable
24 development as "development that meets the needs of the present without
25 compromising the ability of future generations to meet their own needs."

26 **Brief Statement of Legal Effect:**

27 A "YES" vote is in favor of amending 2 N.N.C. § 970 through 971, provisions
28 of Navajo Nation law applicable to the Commission on Navajo Government
29 Development.

30

1 A "NO" vote is against amending 2 N.N.C. § 970 through 971, provisions of
2 Navajo Nation law applicable to the Commission on Navajo Government
3 Development.

4 **Referendum Ballot Question:**

5 Should 2 N.N.C. § 970 through 971, provisions of Navajo Nation law
6 applicable to the Commission on Navajo Government Development, be
7 amended?

8
9 _____ "YES"

10 _____ "NO"

11 _____

12
13 **SECTION FOUR. COMPLETE TEXT OF PROPOSED LEGISLATION**
14 **REFERRED BY REFERENDUM MEASURE**

15 The Navajo Nation Council hereby refers the complete text of proposed
16 referendum measure to amend 2 N.N.C. § 970 through 971 as follows:

17 _____

18
19 **Title 2. Navajo Nation Government**

20 **Chapter 3. Legislative Branch**

21 **Subchapter 12. Legislative Offices**

22 **Article 3. Diné Bil Nahat'á Commission ~~on Navajo~~**

23 **~~Government Development~~ and the Office of Diné Bil Nahat'á**

24 **~~Navajo Government Development~~**

25
26 **§ 970. Establishment**

27 The Diné Bil Nahat'á Commission ("Commission") ~~on Navajo Government~~
28 ~~Development~~ is established within the Legislative Branch. The Commission is a
29 special entity created by the Navajo Nation Council with quasi-independent authority
30 to accomplish the Council's People's project initiative of instituting reforms

1 necessary to ensure an accountable, ~~and~~ transparent, and representative ~~responsible~~
2 government. The Commission shall be responsible directly to the Navajo Nation
3 Council with respect to its overall activities. The ~~Intergovernmental Relations~~
4 Naabik'íyáti Committee of the Navajo Nation Council shall have legislative oversight
5 authority.

6 7 **§ 971. Purposes**

8 The purpose of the Diné Bił Nahat'á Commission ~~on Navajo Government~~
9 ~~Development~~ shall be as follows:

10 A. To review, ~~and~~ evaluate, and cultivate all aspects of the existing government
11 structure of the Navajo Nation including laws, rules and regulations, practices,
12 functions, goals and objective of the central government as it relates to Chapters, and
13 local communities and the relationship of Chapters and local communities, ~~and the~~
14 ~~relationship of Chapters and local communities to the central government.~~

15 B. To develop recommendations and proposals for alternative forms of Chapter
16 government and Chapter ~~empowerment~~ self-determination or local community self-
17 determination ~~empowerment in pursuit of Chapter certification~~ for consideration and
18 possible adoption by the Navajo Diné people through a referendum vote.

19 C. To promote, enhance, honor, and to apply the Diné Fundamental Laws (Diné Bi
20 Beenahaz'äänii) 1 N.N.C. § 201-206.

21 D. To adopt a Navajo Nation Sustainable Governance Principle and Practices, so to
22 transition toward sustainability in governance processes and established objective
23 targets; the Commission initiates the following goals in twelve (12) area of
24 sustainable practices:

- 25 1. Green building and facilities
- 26 2. Awareness education and engagement
- 27 3. Transportation
- 28 4. Climate protection
- 29 5. Sustainable operations
- 30 6. Waste reduction and recycling

1 7. Environmentally preferable purchasing

2 8. Sustainable food production

3 9. Sustainable energy transition

4 10. Diné Language and Culture

5 11. Natural habitat and ecosystem

6 12. Social equity and justice

7 E. The Commission hereby promotes leadership in sustainability principles and
8 practices at the central governmental institutions as it relates to local communities and
9 Chapters; and, the Commission aims to make incremental progress towards a more
10 fundamental system change with vision and high ethical standards to adopt a
11 transition approach that is equitable and resilient, which shall embody Diné
12 traditional lifeway and values so to strengthen political and cultural sovereignty for
13 future generations.

14
15 **§ 972. Membership; officers; term; qualifications**

16 A. The Commission shall consist ~~12~~ 11 Navajo members to be confirmed by and
17 serve at the pleasure of the Navajo Nation Council as follows:

18 1. One member shall be nominated by Executive Branch through the President
19 of the Navajo Nation to serve a term of ~~two~~ four years from the date of
20 confirmation by the Navajo Nation Council.

21 2. One member shall be nominated by the Judicial Branch through the Chief
22 Justice of the Navajo Nation to serve a term of ~~two~~ four years from the date of
23 confirmation by the Navajo Nation Council; the nominee shall be a licensed
24 attorney and a member of the Navajo Nation Bar Association.

25 3. One member shall be nominated by the Legislative Branch through the
26 ~~Intergovernmental Relations~~ Naabik'iyáti Committee of the Navajo Nation
27 Council to serve a term of ~~two~~ four years from the date of confirmation by the
28 Navajo Nation Council; the nominee shall have prior legislative experience as an
29 official or employee of ~~a state government or any subdivision thereof~~ the
30 legislative branch.

1 4. One member shall be nominated by the Executive Director of the Office of
2 ~~Navajo Government Development~~ Diné Bįł Nahat'á in consultation with the
3 ~~Navajo Government~~ Diné Bįł Nahat'á Commission; the nominee shall be a
4 practitioner of the Navajo Diné healing arts, who will ~~to~~ serve a term of four years
5 from the date of confirmation by the Navajo Nation Council.

6 5. Five members shall be nominated from the five agencies of the Navajo
7 Nation. Each agency council shall nominate one member from recommendations
8 to be submitted Chapters in each agency, said nominees shall be either Chapter
9 officers of Grazing Committee/Land Board members. These members shall serve
10 a term of four years from the date of confirmation by the Navajo Nation Council
11 so long as they continue as Chapter officer or Grazing Committee/Land Board
12 member.

13 6. One member shall be nominated by the Student Body Government of ~~the~~
14 ~~Navajo Community~~ Diné College; the nominee shall be a student at ~~Navajo~~
15 ~~Community~~ Diné College and serve so long as said nominee is a full-time student
16 at ~~Navajo Community~~ Diné College, but no longer than two years from the date
17 of confirmation by the Navajo Nation Council.

18 7. One member shall be nominated by the Superintendent of Department of Diné
19 Education ~~Education Committee of the Navajo Nation Council~~; the nominee shall
20 be a graduate college level full-time student from any one of the four states
21 (Arizona, New Mexico, Utah, and Colorado) accredited college or university;
22 such member shall serve so long as said the nominee is a full-time graduate
23 student, but no longer than ~~two~~ four years from the date of confirmation by the
24 Navajo Nation Council.

25 ~~8. One member shall be nominated from the Commission of Navajo Women of~~
26 ~~the Navajo Nation; such member shall serve for a term of two years from the date~~
27 ~~of confirmation by the Navajo Nation Council.~~

28 B. The Chairperson and the Vice-Chairperson of the Commission shall be selected
29 by the members of the Commission and serve terms concurrent with their
30 membership terms.

1 C. A vacancy on the Commission shall be filled in the same manner in which the
2 original appointment was made; a member whose term has expired shall continue to
3 serve on the Commission until such time a successor is duly confirmed.

4 D. Commission members shall be chosen from among individuals who have
5 demonstrated scholarship, a strong sense of ~~public~~ civic interest, knowledge of
6 ~~Navajo Diné~~ history and cultural heritage, spiritual leadership, leadership in the
7 ~~Navajo Diné governance government~~ and ~~abilities~~ competencies likely to contribute
8 to the fulfillment and advancement ~~of the duties~~ of the Commission.

9
10 **§ 973. Duties and Responsibilities**

11 A. The Commission shall have powers necessary and proper to carry out the
12 purposes set forth herein or as otherwise authorized by the Navajo Nation Council.

13 B. The Commission shall have the powers:

14 1. To develop a series of recommendations and proposals for alternative forms
15 of Chapter government and Chapter self-determination at local level
16 ~~empowerment~~ or other local community ~~empowerment~~ self-sufficiency for
17 consideration by the Navajo Nation Council and the ~~Navajo Diné~~ People by
18 examining and utilizing the concepts of the separation of powers and the
19 delegation of authority to provide for the appropriate checks and balances in
20 ~~Navajo Diné Government~~ Governance structure; to establish the responsibility of
21 the ~~Navajo Diné~~ government to protect the rights and freedoms of the ~~Navajo~~
22 Diné People; to establish limitations on how the ~~Navajo Diné~~ government and its
23 officials may use its powers and to define the powers of the ~~Navajo Diné~~ People.

24 2. To provide short-term and long-term ~~range~~ strategic sustainability
25 comprehensive planning, evaluation and development appropriate to further
26 enhance a ~~Navajo Diné~~ Government that will perpetually accommodate the
27 ~~Navajo Diné~~ People both at the central government level and at the local level by
28 providing for their involvement, promote their general welfare, ensure
29 governmental accountability, integrity, justice, domestic order, and retain
30

1 traditional harmony, cultural respect, heritage, and the protection of ~~personal~~ civil
2 liberties.

3 3. To review, evaluate, and recommend laws, rules and regulations including
4 those of agencies, boards, ~~and commissions, and chapters~~ in order to develop a
5 more comprehensive system of governmental structure for the Navajo Diné
6 people.

7 4. To collect, assemble, evaluate, interpret and distribute information, data
8 statistics and evidence ~~which~~ that accurately describes the present Navajo central
9 Diné government and with emphasis on Chapter governance and ~~local~~
10 empowerment self-sufficiency.

11 5. To encourage the Diné people, Diné governmental entities, and all interested
12 parties to actively participate in carrying out public, hearings and private and
13 public organizations, Chapters, traditional Navajo leaders, including traditional
14 Navajo leaders, including Native ceremonial practitioners (medicinemen), to
15 actively participate in carrying out the purpose of the Commission, and to conduct
16 public hearings. The Commission shall give ~~due~~ strong consideration to
17 traditional values and philosophical views of the Navajo Diné People.

18 6. To encourage ~~appropriate~~ educational curriculums materials designed to
19 educate students, and governmental officials and the general public on the
20 governmental timeline, structure, and development of the Diné Navajo Nation.

21 7. To serve as the oversight authority for the Office of Diné Bił Nahat'á Navajo
22 Government Development.

23 8. To appoint an Executive Director of the Office of Diné Bił Nahat'á Navajo
24 Government Development who shall serve at the pleasure of the Commission.

25 9. To maintain an administrative such staff, including legal counsel and
26 consultants, as it may be provided ~~for~~ in the annual Navajo Nation budget of the
27 Commission and the Office.

28 10. To develop a sustainability policy for the Navajo Nation that enhances
29 sustainable governance, education, community development, economics, energy,
30

climate protection, waste, food systems and renewable energy, natural habitat and ecosystem, social equity and justice.

11. To promote Diné traditional cultural healing, strategies, peace and protection.

§ 974. Meetings; procedure

A. The Commission shall meet on a designate day of each month. Special meetings shall be held on the call of the Chairperson of the Commission.

1. At any meeting, a quorum shall consist of a majority of duly appointed members.

2. All meetings shall be held within the territorial jurisdiction of the in Window Rock, Navajo Nation (Arizona) for the transaction of Commission business. Meetings held elsewhere must be authorized by written permission of the Speaker Chairperson of the Intergovernmental Relations Committee Navajo Nation Council.

B. The Commission is empowered to develop its own rules of procedures for the conduct of meetings, which shall be approved by the Law and Order Ethics and Rules Committee of the Navajo Nation Council.

C. Members shall receive stipend honorarium pay of two one hundred fifty dollars (\$250.00) ~~(\$100.00)~~ for each official meeting as required at 2 N.N.C. § 974 (A) and may be reimbursed for actual or per diem expenses incurred relative to Commission business.

§ 975. Subcommittee

The Commission may establish subcommittees consisting of Commission members selected by the Commission. The subcommittee shall exist until it has completed its assigned task, made recommendations and reported to the Commission. The same provision ~~which~~ applies to all Commission meetings shall also apply to the subcommittee meetings.

§ 976. Powers and Duties of the Executive Director

1 The powers and duties of the Executive Director shall be to:

- 2 A. Develop reports to be transmitted through the Commission to the
3 ~~Intergovernmental Relations Committee and to the Navajo Nation Council by the~~
4 ~~Chairperson of the Commission~~ concerning activities of the Commission,
5 including reports on the implementation of its recommendations;
6 B. Develop the budget and formulate administrative and operating policies of the
7 Office and take action for accomplishment and enforcement thereof;
8 C. Hire and supervise support staff and consultants in accordance with Navajo law,
9 regulations, and procedures. The Director shall employ or engage those person
10 qualified by education and experience necessary to discharge the duties of the
11 Commission.
12 D. Exercise supervisory ~~control~~ authority and direction over the day-to-day operation
13 of the Office.
14 E. Represent the Office in executive level planning.
15 F. Delegate authority to members of staff; and
16 G. Perform other duties as directed by the Commission.

17
18 **§ 977. Office; staff; duties and accountability**

- 19 A. The staff is accountable and reports to the Executive Director. The staff is hired
20 and subject to the Navajo Nation Personnel Policies and Procedures.
21 B. The duties of staff are as follows:
22 1. To provide a full range of administrative and support services to the
23 Commission and the Executive Director.
24 2. To act as resource persons for the Commission.
25 3. To collect information and maintain central files of all information, data,
26 statistics and research materials.
27 4. To assist in preparing for Commission meetings by collecting and confirming
28 information, notifying interested parties and preparation of materials necessary to
29 conduct meetings.
30

1 5. To assist in the coordination of scheduling of Commission and subcommittee
2 meetings and activities.

3 6. Perform other duties as directed by the Executive Director.

4 7. The Office of ~~Navajo Government Development~~ Diné Bįł Nahat'á shall be
5 authorized to procure necessary supplies, services, equipment, furniture, and
6 make contracts as authorized from time to time through the Navajo Nation budget
7 process.

8
9 **§ 978. Amendments**

10 Sections 970-977 herein may be amended by the Navajo Nation Council upon
11 recommendation of the ~~Intergovernmental Relations~~ Naabik'íyáti Committee and the
12 ~~Commission on Navajo Government Development~~ Diné Bįł Nahat'á Commission.
13 _____

14
15 **SECTION FIVE. REFERENDUM ELECTION DATE; VOTE REQUIRED**

16 A. Subject to the authority of the Navajo Board of Election Supervisors, the election
17 for this referendum measure "shall be at the next regularly scheduled Navajo Nation
18 election (primary, general or Navajo Nation-wide chapter election) if such election is
19 scheduled to be held no sooner than 60 days following the adoption of the resolution
20" 11 N.N.C. § 403(A).

21 B. A majority vote of the Navajo Nation voters casting ballots is required for this
22 referendum measure to pass. 11 N.N.C. § 406.

23
24 **SECTION SIX. EFFECTIVE DATE**

25 The amendments enacted herein shall be effective pursuant to 2 N.N.C. §221(B)
26 and, if approved by voters, upon certification of referendum election by the Navajo
27 Nation Board of Election Supervision.
28
29
30

1 **SECTION SEVEN. CODIFICATION**

2 The provisions of these amendments of the Navajo Nation Code shall be codified
3 by the Office of Legislative Counsel, if approved by referendum. The Office of
4 Legislative Counsel shall incorporate such amendments in the next codification of the
5 Navajo Nation Code.

6
7 **SECTION EIGHT. SAVINGS CLAUSE**

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

**RESOLUTION OF THE
COMMISSION ON NAVAJO GOVERNMENT DEVELOPMENT**



AN ACTION TO APPROVED THE PROPOSED AMENDMENTS TO 2 N.N.C. § 970, 971, 972, 973, 974, 975, 976, 977 AND 978 AS PART OF ARTICLE 3: COMMISSION ON NAVAJO GOVERNMENT DEVELOPMENT AND THE OFFICE OF NAVAJO GOVERNMENT DEVELOPMENT SUBSECTIONS (1994 AS AMENDED). THE PROPOSED AMENDEMENTS IS SUBJECT TO THE APPROVAL OF THE NAAIBIK'ÍYÁTI' COMMITTEE OF THE NAVAJO NATION COUNCIL AND RECOMMENDED FOR A REFERENDUM ELECTION BY THE NAVAJO PEOPLE IN THE 2018 PRIMARY ELECTION OR THE 2018 GENERAL ELECTION.

WHEREAS:

1. Pursuant to CD-68-89, the Navajo Nation Council established the Commission ("Commission") on Navajo Government Development including the Office of Navajo Government Development with quasi-independent authority to accomplish the Navajo Nation Council's project of instituting reforms necessary to ensure an accountable and responsible government; and,
2. Pursuant to 2 N.N.C. § 971 (1994 as amended), the purpose of the Commission on Navajo Government Development shall be as follow: (A) To review and evaluate all aspects of the existing government structure of the Navajo Nation including laws, rules and regulations, practices, functions, goals and objectives of the central government as it relates to Chapters, and local communities and the relationship of Chapters and local communities and the relationship of Chapters and local communities to the central government; and,
3. Pursuant to the Navajo Nation 2017 Comprehensive Budget passed by the 23rd Navajo Nation Council Resolution CN-58-16, Condition of Appropriation (COA) No. 18: *"All Division, Departments, Offices and Programs, by the end of the 3rd quarter, shall bring their respective plans of operation up to date if the plan of operation is unchanged within the past eight (8) years or later and shall present, to their respective oversight committees, amendments to their respective plans of operation to bring the plan of operation up to date;"* and,
4. In accordance with the Navajo Nation Supreme Court decision in *Shirley v. Morgan*, Opinion and Order on Reconsideration. No. SC-CV-10 (Nav.Sup.Ct., July 16, 2010), the Court issued an opinion that any substantial changes to this particular part of Title 2 will need to be approved by referendum vote by the Navajo People; and,
5. The Commission and Office understands the need to update their plan of operation while cooperatively working together and with new commissioners insight and perspectives

with varying educational, political, ideological and cultural background so to capture a diverse and long-term sustainable framework; and,

6. The Commission and the Office of Navajo Government Development in two separate work sessions dutifully worked together to update 2 N.N.C. Article 3 – Plan of Operation, hereto attached as Exhibit “A”; and,
7. The Commission’s proposed amendment to 2 N.N.C. Article 3 – Plan of Operation is subject to approval by the Naabik’iyáti’ Committee of the 23rd Navajo Nation Council in a referendum election for final approval by the Navajo People.

NOW THEREFORE IT BE RESOLVED THAT:

1. The Commission on Navajo Government Development hereby approves the proposed amendments to 2 N.N.C. § 970, 971, 972, 973, 974, 975, 976, 977 and 978 as part of Article 3 – Plan of Operation for the Commission on Navajo Government Development and the Office of Navajo Government Development (1994 as amended).

C E R T I F I C A T I O N

I, hereby certify that the foregoing resolution was duly considered by the Commission on Navajo Government Development at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that same was passed by a vote of 5 in favor, 0 opposed, 3 and abstained, this 21st day of April, 2018.



JoAnn Dedman, Chair
Commission on Navajo Government Development

Motion: Charlotte Begaye

Second: Henry Fowler

N.N.C. Title 2, Article 3

Article 3. Diné Bi Nahaat'a Commission ~~Navajo Government Development and the Office of Diné Bi Nahaat'a Navajo Government Development~~

§ 970. Establishment

The Diné Bi Nahaat'a Commission (Commission) ~~on Navajo Government Development~~ is established within the Legislative Branch. The Commission is a special entity created by the Navajo Nation Council with quasi-independent authority to accomplish the Council's People's project initiative of instituting reforms necessary to ensure an accountable, and transparent, and representative ~~responsible~~ government. The Commission shall be responsible directly to the Navajo Nation Council with respect to its overall activities. The ~~Intergovernmental Relations~~ Naabik'iyáti ~~Naabik'iyáti~~ Committee of the Navajo Nation Council shall have legislative oversight authority.

§ 971. Purposes

The purpose of the Diné Bi Nahaat'a Commission ~~on Navajo Government Development~~ shall be as follows:

- A. To review, and evaluate, and cultivate all aspects of the existing government structure of the Navajo Nation including laws, rules and regulations, practices, functions, goals and objective of the central government as it relates to Chapters, and local communities and the relationship of Chapters and local communities, and the relationship of Chapters and local communities to the central government.
- B. To develop recommendations and proposals for alternative forms of Chapter government and Chapter empowerment self-determination or local community self-determination empowerment in pursuit of Chapter certification for consideration and possible adoption by the Navajo Diné people through a referendum vote.
- C. To promote, enhance, honor, and to apply the Diné Fundamental Laws (Diné Bi Beenahaz'àanii) 1 N.N.C. § 201-206.
- D. To adopt a Navajo Nation Sustainable Governance Principle and Practices for transition to sustainability¹ in governance processes and

¹ Sustainability definition: Our Common Future, "A global agenda for change" – this was what the World commission on Environment and Development was asked to formulate. It was an urgent call by the General Assembly of the United Nations known as The Brundtland report (1987); offered the following definition of sustainable development: "Development that meets the needs of the present without compromising the ability of future generations to meet their own needs."

targets; the Commission initiates the following goals in twelve (12) areas of sustainable practices:

1. Green building and facilities
2. Awareness education and engagement
3. Transportation
4. Climate protection
5. Sustainable operations
6. Waste reduction and recycling
7. Environmentally preferable purchasing
8. Sustainable food production
9. Sustainable energy transition
10. Diné Language and Culture
11. Natural habitat and ecosystem
12. Social equity and justice

The Commission hereby promotes leadership in sustainability principles and practices at the central governmental institutions as it relates to local communities and Chapters; and, the Commission aims to make incremental progress towards a more fundamental system change with vision and high ethical standards to adopt a transition approach that is equitable and resilient, which shall embody Diné traditional lifeway and values so to strengthen political and cultural sovereignty.

§ 972. Membership; officers; term; qualifications

- A. The Commission shall consist of ~~42~~ 11 Navajo members to be confirmed by and serve at the pleasure of the Navajo Nation Council as follows:
1. One member shall be nominated by Executive Branch through the President of the Navajo Nation to serve a term of two years from the date of confirmation by the Navajo Nation Council.
 2. One member shall be nominated by the Judicial Branch through the Chief Justice of the Navajo Nation to serve a term of ~~four~~ two years from the date of confirmation by the Navajo Nation Council; the nominee shall be a licensed attorney and a member of the Navajo Nation Bar Association.
 3. One member shall be nominated by the Legislative Branch through the Intergovernmental Relations Committee of the Navajo Nation Council to serve a term of two years from the date of confirmation by the Navajo Nation Council, the nominee shall have prior experience as an official or employee of a state government or any subdivision thereof.

4. One member shall be nominated by the Director of the Office of ~~Diné Bit Nahaat'a Navajo Government Development~~ in consultation with the ~~Navajo Government~~ Diné Bit Nahaat'a Commission; the nominee shall be a practitioner of the ~~Navajo~~ Diné healing arts to serve a term of four years from the date of confirmation by the Navajo Nation Council.
 5. Five members shall be nominated from the five agencies of the Navajo Nation. Each agency council shall nominate one member from recommendations to be submitted Chapters in each agency, said nominees shall be either Chapter officers of Grazing Committee/Land Board members. These members shall serve a term of four years from the date of confirmation by the Navajo Nation Council so long as they continue as Chapter officer or Grazing Committee/Land Board member.
 6. One member shall be nominated by the Student Body Government of the Navajo Community College; the nominee shall be a student at Navajo Community College and serve so long as said nominee is a full-time student at Navajo Community College, but no longer than two years from the date of confirmation by the Navajo Nation Council.
 7. One member shall be nominated by the ~~Superintendent of Department of Diné Education~~ Education Committee of the Navajo Nation Council; the nominee shall be a graduate college level full-time student from any one of the four states (Arizona, New Mexico, Utah and Colorado) accredited college or university, such member shall serve so long as said the nominee is a full-time graduate student, but no longer than ~~two~~ four years from the date of confirmation by the Navajo Nation Council.
 8. ~~One member shall be nominated from the Commission of Navajo Women of the Navajo Nation; such member shall serve for a term of two years from the date of confirmation by the Navajo Nation Council.~~
- B. The Chairperson and the Vice-Chairperson of the Commission shall be selected by the members of the Commission and serve terms concurrent with their membership terms.
- C. A vacancy on the Commission shall be filled in the same manner in which the original appointment was made; a member whose term has expired shall continue to serve on the Commission until such time a successor is duly confirmed.

- D. Commission members shall be chosen from among individuals who have demonstrated scholarship, a strong sense of public civic interest, knowledge of Navajo Diné history and cultural heritage, spiritual leadership, leadership in the Navajo Diné governance government and abilities competencies likely to contribute to the fulfillment and advancement of the duties of the Commission.

§ 973. Duties and Responsibilities

- A. The Commission shall have powers necessary and proper to carry out the purposes set forth herein or as otherwise authorized by the Navajo Nation Council.

- B. The Commission shall have the powers:

1. To develop a series of recommendations and proposals for alternative forms of Chapter government and Chapter self-determination at local level empowerment or other local community empowerment self-sufficiency for consideration by the Navajo Nation Council and the Navajo Diné People by examining and utilizing the concepts of the separation of powers and the delegation of authority to provide for the appropriate checks and balances in Navajo Diné Government Governance structure; to establish the responsibility of the Navajo Diné government to protect the rights and freedoms of the Navajo Diné People; to establish limitations on how the Navajo Diné government and its officials may use its powers and to define the powers of the Navajo Diné People.
2. To provide short-term and long-term range strategic sustainability comprehensive planning, evaluation and development appropriate to further enhance a Navajo Diné Government that will perpetually accommodate the Navajo Diné People both at the central government level and at the local level by providing for their involvement, promote their general welfare, ensure governmental accountability, integrity, justice, domestic order, and retain traditional harmony, cultural respect, heritage, and the protection of personal civil liberties.
3. To review, evaluate, and recommend laws, rules and regulations including those of agencies, boards, and commissions in order to develop a comprehensive system of government for the Navajo Diné people.
4. To collect, assemble, evaluate, interpret and distribute information, data statistics and evidence which that accurately describes the

present Navajo Diné government with emphasis on Chapter and local empowerment self-sufficiency.

5. To encourage the Diné people, Diné governmental entities, and all interested parties to actively participate in carrying out public hearings and, private and public organizations, Chapters, traditional Navajo leaders, including traditional Navajo leaders, including Native ceremonial practitioners (medicinemen), to actively participate in carrying out the purpose of the Commission, and to conduct public hearings. The Commission shall give due consideration to traditional values and philosophical views of the Navajo Diné People.
6. To encourage appropriate educational curriculums materials designed to educate students, and governmental officials and the general public on the governmental development of the Diné Navajo Nation.
7. To serve as the oversight authority for the Office of Diné Bit Nahaat'a Navajo Government Development.
8. To appoint a Director of the Office of Diné Bit Nahaat'a Navajo Government Development who shall serve at the pleasure of the Commission.
9. To maintain an administrative such staff and consultants, including legal counsel and consultants, as it may be provided for in the annual Navajo Nation budget of the Commission and the Office.
10. To develop a sustainability policy for the Navajo Nation that enhances sustainable governance, education, community development, economics, energy, climate protection, waste, food systems and renewable energy, natural habitat and ecosystem, social equity and justice.
11. To promote Diné traditional cultural healing, strategies, peace and protection.

9.

§ 974. Meetings; procedure

A. The Commission shall meet on a designate day of each month. Special meetings shall be held on the call of the Chairperson of the Commission.

1. At any meeting, a quorum shall consist of a majority of duly appointed seven members.

2. All meetings shall be held within the territorial jurisdiction of the in Window Rock, Navajo Nation (Arizona) for the transaction of Commission business. Meetings held elsewhere must be authorized by written permission of the Speaker Chairperson of the Intergovernmental Relations Committee, Navajo Nation Council.
- B. The Commission is empowered to develop its own rules of procedures for the conduct of meetings, which shall be approved by the Law and Order Ethics and Rules Committee of the Navajo Nation Council.
- C. Members shall receive stipend honorarium pay of two one hundred fifty dollars (\$250.00) (\$100.00) for each official meeting as required at 2 N.N.C. § 974 (A) and may be reimbursed for actual or per diem expenses incurred relative to Commission business.

§ 975. Subcommittee

The Commission may establish subcommittees consisting of Commission members selected by the Commission. The subcommittee shall exist until it has completed its assigned task, made recommendations and reported to the Commission. The same provision ~~which~~ applies to all Commission meetings shall also apply to the subcommittee meetings.

§ 976. Powers and Duties of the Executive Director

The powers and duties of the Executive Director shall be to:

- A. Develop reports to be transmitted through the Commission to the ~~Intergovernmental Relations Committee and to the Navajo Nation Council by the Chairperson of the Commission~~ concerning activities of the Commission, including reports on the implementation of its recommendations;
- B. Develop the budget and formulate administrative and operating policies of the Office and take action for accomplishment and enforcement thereof;
- C. Hire and supervise support staff and consultants in accordance with Navajo law, regulations, and procedures. The Director shall employ or engage those person qualified by education and experience necessary to discharge the duties of the Commission.
- D. Exercise supervisory ~~control~~ authority and direction over the day-to-day operation of the Office.

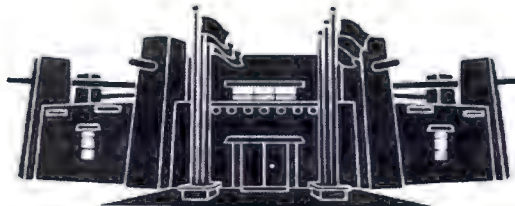
- E. Represent the Office in executive level planning.
- F. Delegate authority to members of staff; and
- G. Perform other duties as directed by the Commission.

§ 977. Office; staff; duties and accountability

- A. The staff is accountable and reports to the Executive Director. The staff is hired and subject to the Navajo Nation Personnel Policies and Procedures.
- B. The duties of staff are as follows:
 - 1. To provide a full range of administrative and support services to the Commission and the Executive Director.
 - 2. To act as resource persons for the Commission.
 - 3. To collect information and maintain central files of all information, data, statistics and research materials.
 - 4. To assist in preparing for Commission meetings by collecting and confirming information, notifying interested parties and preparation of materials necessary to conduct meetings.
 - 5. To assist in the coordination of scheduling of Commission and subcommittee meetings and activities.
 - 6. Perform other duties as directed by the Director.
 - 7. The Office of ~~Navajo Government Development~~ Diné Bít Nahaat'a shall be authorized to procure necessary supplies, services, equipment, furniture, and make contracts as authorized from time to time through the Navajo Nation budget process.

§ 978. Amendments

Sections 970-977 herein may be amended by the Navajo Nation Council upon recommendation of the Intergovernmental Relations Naabik'iyáti Committee and the Commission on Navajo Government Development Diné Bi Nahaat'a Commission.



MEMORANDUM

To : Hon. Jonathan Hale, Council Delegate
Navajo Nation Council

From : 
Ron Haven, Attorney
Office of Legislative Counsel

Date : June 05, 2018

Re : AN ACT RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' AND THE
NAVAJO NATION COUNCIL; APPROVING AND AUTHORIZING AN
ELECTION REFERENDUM ON AMENDING 2 N.N.C §§ 970 THROUGH
978, COMMISSION ON NAVAJO GOVERNMENT DEVELOPMENT

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution drafted is legally sufficient, although, as with all legislation, challenges are possible in the courts. You are advised and encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction. If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. As you may be aware, the Speaker is authorized to refer this proposed resolution to other committees than those stated in the title.

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. Ahéhee'.

OLC # 18-275-1

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0192-18_____ SPONSOR: Jonathan Hale

TITLE: An Action Relating to Law and Order, Naabik'iyati' and the Navajo Nation Council; Approving and Authorizing an Election Referendum on Amending 2 N.N.C. §§ 970 through 978, Commission on Navajo Government Development

Date posted: June 8, 2018 at 2:10pm

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.: 0192-18

SPONSOR: Honorable Jonathan L. Hale

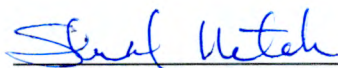
TITLE: An Act Relating to Law and Order, Naabik'iyati' and the Navajo Nation Council; Approving and Authorizing an Election Referendum on Amending 2 N.N.C. §§ 970 through 978, Commission on Navajo Government Development

Posted: June 8, 2018 at 2:10pm

5 DAY Comment Period Ended: June 13, 2018

Digital Comments received:

Comments Supporting (3)	<i>1. Ryan Johnson, ASU Executive Director 2. Bonnie Christiansen, Weber State University 3. Percy Deal</i>
Comments Opposing	<i>None</i>
Inconclusive Comments (1)	<i>Emmett Kerley, Cameron Chapter Vice President</i>



**Office Assistant
Office of Legislative Services**

6.14.18 @ 9:43am

Date/Time

supporting Legislation No: 0192-18

Ryan Johnson <Ryan.M.Johnson@asu.edu>

Tue 6/12/2018 3:50 PM

To: comments <comments@navajo-nsn.gov>;

Dear Navajo Lawmakers,

This comment is offered to support to Legislation No: 0192-18, which would, via referendum, enable the adoption of a Navajo Nation Sustainability Governance Principle and Practice for transition to sustainability in governance processes and targets. This proposed referendum appears to be a historic first and would enable Navajo government to embrace sustainability across twelve important domains. These are important domains – many of which have had the support of ASU scholars and students for many years. We share the Navajo Nation's enthusiasm for sustainability principles and practices. As you may know, Arizona State University strongly supports sustainability initiatives and efforts locally, Arizona-wide, and worldwide through the Julie Ann Wrigley Global Institute of Sustainability and the first degree-granting School of Sustainability in the U.S. We stand ready to support the Navajo people and government with this historic legislation and encourage its passage.

Thank you for this opportunity to comment.

Respectfully,

Ryan M. Johnson

Executive Director, Executive and Professional Education



P.O. Box 875502 | Tempe, Arizona USA | 85287-5502

Direct: 480-965-2976 | Mobile: 480-612-3783 | Skype: RyanJohnsonRMJ

<https://schoolofsustainability.asu.edu/degrees/professional-custom-education/>

Comments on Sustainability in Legislation No 0192-18

Bonnie R. C. <utahbonnie@gmail.com>

Wed 6/13/2018 10:37 PM

To: comments <comments@navajo-nsn.gov>;

To Whom it may concern,

I am grateful to see that the LEGISLATION NO: _0192-18 is seeking to include sustainability.

While my comments are personal in nature, I have witnessed the progress that Weber State University has made since incorporating sustainability practices. In 2007, President Ann Millner committed the university to go carbon neutral by 2050. Since that time the university has incorporated green building practices, which have cut our carbon emissions by over 30%, our utility bills by over 40%, and have saved the university over \$10 million in energy costs since 2009. I believe that similar results are possible in other regions and could be helpful to any community.

It gives me great pleasure that his legislation is also considering the social justice and climate protection as one part of the legislation. Navajo leadership can help to inspire other's action in these arenas, and I look forward to a vote in favor of a well rounded approach to sustainability.

Thank you for your time and consideration.

Best regards, Bonnie

....

Bonnie R. Christiansen

Academic Sustainability Coordinator, Weber State University

Phone: 385-220-5764

Legislation 0192-18

Percy Deal <deal.percy@gmail.com>

Wed 6/13/2018 11:16 PM

to: comments <comments@navajo-nsn.gov>;

Members of the Honorable Navajo Nation Council, I'm submitting comments regard Legislation 0192-18 "Approving and Authorizing an Election Referendum on Amending 2 NNC, Section 970 through 978" for your consideration for amendments as follows:

- Page 6, Section 971. Purpose. Under Section D add a new # 13 **"Preservation of Precious Water"**
- Page 7, Section 972. Membership. Under Section A-5, third line after the word either insert **"retired or currently serving"**

This legislation is about sustainability, Dine' everywhere say water is life and without no water there in no life. Our precious water must be reserved for the future, for the unborn hundredth of years ahead. We can not compromise their needs.

Most of the current serving officials are employed by Navajo Nation, BIA, IHS and other employers. They simply have very little time for their elective offices. By restricting the appointment to the commission to only the current officials will only worsen their time as chapter officials. The consideration of retired officials should be allowed.

I fully support the legislation and urge the Council to approve the measure with my comments and let the Dine' voters decide it's final adoption. I also want to thank the office of Government Development and the Commission for their outstanding work.

Thank you very much, Percy Deal.

Memorandum

Date: June 13, 2018

From: Emmett Kerley, Vice President Cameron Chapter

Subject: Commenting on the, "THE NAVAJO NATION LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION LEGISLATION NO: 0192-18"

TITLE: An Action Relating to Law and Order, Naabik'iyati' and the Navajo Nation Council; Approving and Authorizing an Election Referendum on Amending 2 N.N.C. §§ 970 through 978, Commission on Navajo Government Development

Navajo Nation, Federal, State and local governments attract the best and brightest of our Dine' young people, but fewer and fewer seemed interested in working in our Navajo Nation's capital. Most headed for private nonprofits and for-profits. Public service seems to be going out of style, replaced by the ambition-fueled corporate world.

Today, Navajo Government at all levels seems a place of stronghold intrigue, mindboggling policy debates, selling out campaigns and a political spin on everything and everyone. For me, the final breaking point was when Navajo election referendum language created and utilized to say that no means yes in the approval of Navajo Game Legislation after several unsuccessful attempts.

With this as the background, within our Sacred Mountains we are trapped in an economic system based on the one-time use of extractive fuels and other material resources. The population of our Navajo Nation and the planet has grown since Hweeldi 300,000 plus to 3 billion respectively. We need to develop and use technology to create a renewable resource-based economy. We simply cannot continue using up materials and dumping the waste in our ecosystem.

The private sector cannot make the transition from a waste-based economy to a renewable one by itself. This transition can only happen if we create a public-private partnership. This is nothing new; we've been through this before. The transformation from an agrarian economy to an industrial economy could not have been done under the laissez-faire economic philosophy of the early industrial age. United States President Teddy Roosevelt and his contemporaries understood that and began to regulate the marketplace. Food, drugs, labor and monopolies were regulated at the start of the 20th century. Franklin Delano Roosevelt continued the process of increasing the role of government in our diverse economy. The United States Government was needed to establish the rules of the game, a social safety net, along with transportation, energy and water infrastructure. Now, as we begin the transition from a fossil fuel-based economy to one based on renewable energy and other reusable resources, our government has a critical role to play.

I am focusing here on the role of government, it is important to understand that the private sector has a much larger and even more important role to play in the transition to a sustainable economy. It is the private sector that produces the goods and services that modern living relies on. We like and want these goods and services and without capitalistic power to motivate and reduce inefficiency, there would be fewer of these goods and services to consume. This is not saying that government knows best. It is the

argument that effective competition requires rules, referees and meaningful penalties for anti-social and criminal behavior. I am saying that in a complex economy on a crowded land and planet, we need a set of rules that respond to the complexity and stress that our global economy has created. Just as the regulation of Wall Street builds confidence in the public marketplace for capital, we need rules to ensure that economic life does not destroy the planet that provides us with basic necessities.

The role of government in building the sustainable economy includes:

1. Funding basic science needed for renewable energy and renewable resource technology.
2. By means of user fees and tax system, government purchasing power and other financial tools to steer private capital toward investment in renewable energy and other sustainability technologies and businesses.
3. Investment in sustainability infrastructure, such as smart grids, electric vehicle charging stations, mass transit, waste management facilities, water filtration systems and sewage treatment systems.
4. Effectively regulating land use and other private behaviors to minimize destruction of ecosystems.
5. Working with private organizations as well as state and local government to ensure that the transition is well-managed in the real world.
6. Measuring our Dine' society's progress toward sustainability by developing and maintaining a system of generally accepted sustainability metrics. This in turn should facilitate the integration of sustainability into our overall management of the economy along with the setting of Navajo Nation sustainable economic policy.
7. Transferring sustainability technologies to the so called developing countries and governments.

The future well-being of this our Dine' land and of the planet as a whole depends on our Navajo Nation government providing a more strategic and future-oriented role to bring about the transition to a renewable resource-based economy. Dine' seems to do its best work when confronted with a crisis. The crisis has arrived, many people do not believe it is here. We need to be not only a national, but a world leader willing to communicate the need for change and a strategy for getting from here to there. While no one leader immediately comes to mind, perhaps someone will emerge.

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0192-18

SPONSOR: Honorable Jonathan L. Hale

TITLE: An Act Relating to Law and Order, Naabik'iyati' and the Navajo Nation Council; Approving and Authorizing an Election Referendum on Amending 2 N.N.C. §§ 970 through 978, Commission on Navajo Government Development

Posted: June 8, 2018 at 2:10pm

5 DAY Comment Period Ended: June 13, 2018

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing (1)	<ol style="list-style-type: none"> 1. Navajo Women's Commission resolution opposing CDGD-0302-18 2. Northern Navajo Agency Council Resolution No. NNAC-74-061618
Inconclusive Comments	<i>None</i>



**Legislative Secretary II
Office of Legislative Services**

6/28/18 4:45pm

Date/Time

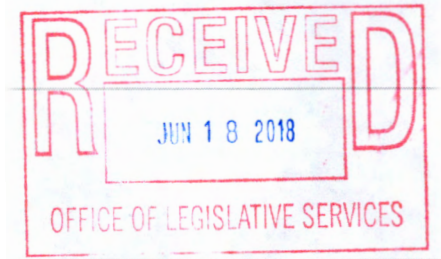
Subject: Navajo Women's Commission and CNGD

From: varviso@comcast.net

To: cschneider@nndoj.org

Cc: charlottebegaye@yahoo.com

Date: Thursday, May 31, 2018, 11:25:59 AM MDT



Good Morning Mr. Schneider -

I am writing at request of Charlotte Begaye, Interim Pro Tem Chairperson, of the Navajo Women's Commission. Ms. Begaye wanted me to relay our discussion yesterday to you on the May 17, 2018, memo as you are working with her on a response to Resolution CNGD-0302-18. You may already have reviewed for this situation. Please know that my comments are personal and only intended to be supportive of the Women's Commission of which I formerly was Chair.

Basically, Charlotte and I discussed that there are two items to be addressed. One is the "dual role" of a representative from one commission serving as a member of another commission. This is politically driven rationale as Navajo code for CNGD specifies this arrangement for membership in their commission. I don't know any past or existing legislation that prohibits such a situation from occurring.

The other item is "duplicative representation" from the Executive Branch being one person from the Women's Commission and the other slot labeled Executive Branch which is appointee representing the Office of the President.

There is a vast difference in representation in that commissioners on the Women's Commission are selected by the President and confirmed by the Navajo Nation Council as a representative of their agency. The appointee from the Executive Branch is made by the President only. Not the same representation.

I would like to also point out that if that is their concern, they have overlooked the same "duplicative representation" presented by the Legislative Branch in which a member of Health, Education and Human Services is a representative on CNGD as well as a second person designated separately as representing the Legislative Branch who is likely an appointee of the Speaker. Without taking legislative action to eliminate "duplicative representation" in both Executive and Legislative Branches, the CNGD proposed resolution is discriminatory and focused solely on harming the Navajo Women's Commission who have served faithfully on CNGD despite having no staff or travel funds to attend agency meetings as requested.

This proposed legislation is very negative and unusual in its approach. I encourage you and Charlotte to help bring light on the weakness and unhealthy reasoning in this legislation. Thank you very much.

Vivian Arviso


**LEGISLATIVE BRANCH
NAVAJO NATION**

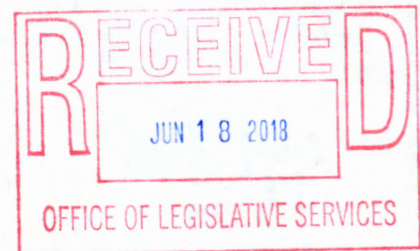


HONORABLE LORENZO BATES
Speaker 23rd Navajo Nation Council

MEMORANDUM

TO: LoRenzo Bates, Speaker
THE 23RD NAVAJO NATION COUNCIL

FROM: 
Edward K. Dee, Executive Director
Office of Navajo Government Development



DATE: May 17, 2018

SUBJECT: Resolution CNGD-0302-18, Abolished representative from Commission of Navajo Women to the Commission on Navajo Government Development

The Commission on Navajo Government Development passed Resolution No. CNGD-0302-18 with a vote of 5-0-3, motioned by Charlotte Begaye and seconded by Henry Fowler, on April 21, 2018, as part of approving and proposing to amend 2 N.N.C. § 970-978 (1994 as amended) – Article 3: Commission on Navajo Government Development and the Office of Navajo Government Development Plan of Operation.

The Office and Commission worked on the Plan of Operation amendment for 18-months after three work sessions: September 2016 at Sky City, November 2016 at Twin Arrows, and March 2018 at Twin Arrows. At each of these work sessions there had been a consensus by commissioners to abolish the Navajo Women's Commission representative to the Commission on Navajo Government Development.

The fundamental reason, as expressed by past and current commissioners, to abolish the Navajo Women's Commission representative is the dual role of a "commissioner" serving on another commission, i.e., Commission of Navajo Women serving on the Commission on Navajo Government Development.

Additionally, under 2 N.N.C. § 972(1) one member of the Commission is nominated by the Executive Branch through the Office of the President, while under 2 N.N.C. § 1121(A) there is essentially another nominee under the Executive Branch of the Navajo Nation Government—Navajo Women's Commission member; whereby, there exists a duplicative representative by the Executive Branch to the Commission on Navajo Government Development.

CONCURRENCE:



JoAnn Dedman, Chairperson
Commission on Navajo Government Development

cc: Navajo Women's Commission
Office of the President & Vice-President, Navajo Nation
File

**RESOLUTION OF THE
NAVAJO WOMEN'S COMMISSION**

**OPPOSING RESOLUTION CNGD-0302-18 AND RECOMMENDING A MEMBER OF THE
NAVAJO WOMEN'S COMMISSION TO SERVE ON THE GOVERNMENT
DEVELOPMENT COMMISSION FOR A TERM OF TWO TO FOUR YEARS**

WHEREAS:

1. Pursuant to GSCJY-61-99, the Navajo Women's Commission is established under the Executive Branch of the Navajo Nation Government. Codified at 2 N.N.C. § 1121 (A); and
2. Pursuant to 2 N.N.C. § 1121 (B) (1) and (3), the purposes of the Navajo Women's Commission are as follow:
 - a. Support improvement in the status of Navajo women, men, youth, children and their families; and
 - b. Assist in setting government policies related to Navajo women, men, youth, children and their families [These people constitute the Navajo people]; and
3. Pursuant to 2 N.N.C. § 1121 (D) (4), the Navajo Women's Commission is authorized to review, evaluate, and recommend laws, rules and regulations of the Navajo Nation Government in order to improve direct service delivery systems for Navajo women and families [These people constitute the Navajo people]; and
4. By Resolution CNGD-0302-18, the Government Development Commission approved amendments to 2 N.N.C. § 972 (8) by deleting the entire subsection pertaining to the Navajo Women's Commission. A copy of Resolution CNGD-0302-18 is attached as Exhibit "A"; and
5. If the Legislative Oversight Committee, the Naa'bik'íyáti' Committee, and the Navajo Nation Council approve the amendment of 2 N.N.C. § 972 (8), by removing the Navajo Women's Commission, there will be no Navajo Women's Commission representative on the Government Development Commission. The removal of the Navajo Women's Commission will negate and make it ineffective the authorities of Navajo Women's Commission as set forth in 2 N.N.C. § 1121 (B) and (D) (4).

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Navajo Women's Commission hereby opposes the Government Development Commission's Resolution No. CNGD-0302-18. The Government Development Commission adopted Resolution No. CNGD-0302-18 without consulting with the Navajo Women's Commission.
2. The Navajo Women's Commission further recommends and approves a member of the Navajo Women's Commission to serve on the Government Development Commission for a term of two to four years, uninterrupted. This will allow the Navajo Women's Commission to continue exercising its authority without interruptions.

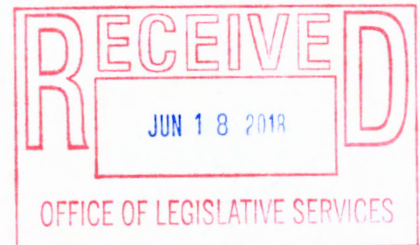
CERTIFICATION

I hereby certify that the foregoing Resolution was duly considered by the Navajo Women's Commission at a duly called meeting in Window Rock, Arizona, at which a quorum was present and that the same was passed by a vote of 2 in favor, 0 opposed and 01 abstained the 14th day of May, 2018.

Charlotte Jane Begaye
Charlotte Jane Begaye, Vice-Chairperson
Navajo Women's Commission

Motion by: Shirley Mantoya

Second by: Ramona Begay



RESOLUTION OF THE
COMMISSION ON NAVAJO GOVERNMENT DEVELOPMENT



AN ACTION TO APPROVED THE PROPOSED AMENDMENTS TO 2 N.N.C. § 970, 971, 972, 973, 974, 975, 976, 977 AND 978 AS PART OF ARTICLE 3: COMMISSION ON NAVAJO GOVERNMENT DEVELOPMENT AND THE OFFICE OF NAVAJO GOVERNMENT DEVELOPMENT SUBSECTIONS (1994 AS AMENDED). THE PROPOSED AMENDEMENTS IS SUBJECT TO THE APPROVAL OF THE NAAIBIK'ÍYÁTI' COMMITTEE OF THE NAVAJO NATION COUNCIL AND RECOMMENDED FOR A REFERENDUM ELECTION BY THE NAVAJO PEOPLE IN THE 2018 PRIMARY ELECTION OR THE 2018 GENERAL ELECTION.

WHEREAS:

1. Pursuant to CD-68-89, the Navajo Nation Council established the Commission ("Commission") on Navajo Government Development including the Office of Navajo Government Development with quasi-independent authority to accomplish the Navajo Nation Council's project of instituting reforms necessary to ensure an accountable and responsible government; and,
2. Pursuant to 2 N.N.C. § 971 (1994 as amended), the purpose of the Commission on Navajo Government Development shall be as follow: (A) To review and evaluate all aspects of the existing government structure of the Navajo Nation including laws, rules and regulations, practices, functions, goals and objectives of the central government as it relates to Chapters, and local communities and the relationship of Chapters and local communities and the relationship of Chapters and local communities to the central government; and,
3. Pursuant to the Navajo Nation 2017 Comprehensive Budget passed by the 23rd Navajo Nation Council Resolution CN-58-16, Condition of Appropriation (COA) No. 18: *"All Division, Departments, Offices and Programs, by the end of the 3rd quarter, shall bring their respective plans of operation up to date if the plan of operation is unchanged within the past eight (8) years or later and shall present, to their respective oversight committees, amendments to their respective plans of operation to bring the plan of operation up to date;"* and,
4. In accordance with the Navajo Nation Supreme Court decision in *Shirley v. Morgan*, Opinion and Order on Reconsideration. No. SC-CV-10 (Nav.Sup.Ct., July 16, 2010), the Court issued an opinion that any substantial changes to this particular part of Title 2 will need to be approved by referendum vote by the Navajo People; and,
5. The Commission and Office understands the need to update their plan of operation while cooperatively working together and with new commissioners insight and perspectives

with varying educational, political, ideological and cultural background so to capture a diverse and long-term sustainable framework; and,

6. The Commission and the Office of Navajo Government Development in two separate work sessions dutifully worked together to update 2 N.N.C. Article 3 – Plan of Operation, hereto attached as Exhibit “A”; and,
7. The Commission’s proposed amendment to 2 N.N.C. Article 3 – Plan of Operation is subject to approval by the Naabik’íyáti’ Committee of the 23rd Navajo Nation Council in a referendum election for final approval by the Navajo People.

NOW THEREFORE IT BE RESOLVED THAT:

1. The Commission on Navajo Government Development hereby approves the proposed amendments to 2 N.N.C. § 970, 971, 972, 973, 974, 975, 976, 977 and 978 as part of Article 3 – Plan of Operation for the Commission on Navajo Government Development and the Office of Navajo Government Development (1994 as amended).

CERTIFICATION

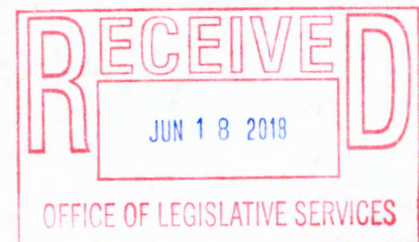
I, hereby certify that the foregoing resolution was duly considered by the Commission on Navajo Government Development at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that same was passed by a vote of 5 in favor, 0 opposed, 3 and abstained, this 21st day of April, 2018.



JoAnn Dedman, Chair
Commission on Navajo Government Development

Motion: Charlotte Begaye

Second: Henry Fowler



N.N.C. Title 2, Article 3

Article 3. Diné ~~iiHótal~~ ('Nahaat'a) Commission ~~Navajo Government Development~~ and the Office of Diné Bi Nahat'a ~~Navajo Government Development~~

§ 970. Establishment

The Diné Bi Nahaat'a Commission (Commission) ~~on Navajo Government Development~~ is established within the Legislative Branch. The Commission is a special entity created by the Navajo Nation Council with quasi-independent authority to accomplish the Council's People's project initiative of instituting reforms necessary to ensure an accountable, and transparent, and representative responsible government. The Commission shall be responsible directly to the Navajo Nation Council with respect to its overall activities. The Intergovernmental Relations ~~Naabik'iyati~~ Naabik'iyáti Committee of the Navajo Nation Council shall have legislative oversight authority.

§ 971. Purposes

The purpose of the Diné Bi Nahaat'a Commission ~~on Navajo Government Development~~ shall be as follows:

- A. To review, and evaluate, and cultivate all aspects of the existing government structure of the Navajo Nation including laws, rules and regulations, practices, functions, goals and objective of the central government as it relates to Chapters, and local communities and the relationship of Chapters and local communities, and the relationship of Chapters and local communities to the central government.
- B. To develop recommendations and proposals for alternative forms of Chapter government and Chapter empowerment self-determination or local community self-determination empowerment in pursuit of Chapter certification for consideration and possible adoption by the Navajo Diné people through a referendum vote.
- C. To promote, enhance, and honor, and to apply the Diné Fundamental Laws (Diné Bi Beenahaz'aanii) 1 N.N.C. § 201-206.
- D. To adopt a Navajo Nation Sustainable Governance Principle and Practices for transition to sustainability¹ in governance processes and

¹ Sustainability definition: Our Common Future, "A global agenda for change" – this was what the World commission on Environment and Development was asked ~~for~~ to formulate. It was an urgent call by the General Assembly of the United Nations known as The Brundtland report (1987); offered the following definition of sustainable development: "Development that meets the needs of the present without compromising the ability of future generations to meet their own needs."

targets; the Commission initiates the following goals in ~~nine~~ twelve (12) areas of sustainable practices:

1. Green building and facilities
2. Awareness education and engagement
3. Transportation
4. Climate protection
5. Sustainable operations
6. Waste reduction and recycling
7. Environmentally preferable purchasing
8. Sustainable food production
9. Sustainable energy transition
10. Diné Language and Culture
11. Natural habitat and ecosystem
12. Social equity and justice



The Commission hereby promotes leadership in sustainability principles and practices at the central governmental institutions as it relates to local communities and Chapters; and, the Commission aims to make incremental progress towards a more fundamental system change with vision and high ethical standards to adopt a transition approach that is equitable and resilient, which shall embody Diné traditional lifeway and values so to strengthen political and cultural sovereignty.

§ 972. Membership; officers; term; qualifications

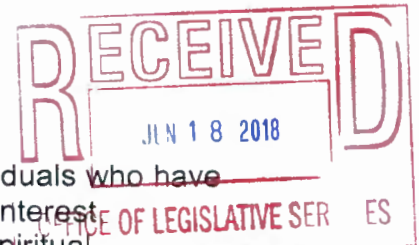
- A. The Commission shall consist of ~~42~~ 9-11 Navajo members to be confirmed by and serve at the pleasure of the Navajo Nation Council as follows:
1. One member shall be nominated by Executive Branch through the President of the Navajo Nation to serve a term of two years from the date of confirmation by the Navajo Nation Council.
 2. One member shall be nominated by the Judicial Branch through the Chief Justice of the Navajo Nation to serve a term of ~~four~~ two years from the date of confirmation by the Navajo Nation Council; the nominee shall be a licensed attorney and a member of the Navajo Nation Bar Association.
 3. One member shall be nominated by the Legislative Branch through the Intergovernmental Relations Committee of the Navajo Nation Council to serve a term of two years from the date of confirmation by the Navajo Nation Council, the nominee shall have prior experience as an official or employee of a state government or any subdivision thereof.

4. One member shall be nominated by the Director of the Office of Diné Bi Nahaat'a Navajo Government Development in consultation with the Navajo Government Diné Bi Nahaat'a Commission; the nominee shall be a practitioner of the Navajo Diné healing arts to serve a term of four years from the date of confirmation by the Navajo Nation Council.
5. Five members shall be nominated from the five agencies of the Navajo Nation. Each agency council shall nominate one member from recommendations to be submitted Chapters in each agency, said nominees shall be either Chapter officers of Grazing Committee/Land Board members. These members shall serve a term of four years from the date of confirmation by the Navajo Nation Council so long as they continue as Chapter officer or Grazing Committee/Land Board member.
6. One member shall be nominated by the Student Body Government of the Navajo Community College; the nominee shall be a student at Navajo Community College and serve so long as said nominee is a full-time student at Navajo Community College, but no longer than two years from the date of confirmation by the Navajo Nation Council.

~~7.~~ 4. One member shall be nominated by the Superintendent of Department of Diné Education~~Education Committee of the Navajo Nation Council~~; the nominee shall be a graduate college level full-time student from any one of the four states (Arizona, New Mexico, Utah and Colorado) accredited college or university, such member shall serve so long as said the nominee is a full-time graduate student, but no longer than ~~two~~ four years from the date of confirmation by the Navajo Nation Council.

~~8.7. One member shall be nominated from the Commission of Navajo Women of the Navajo Nation; such member shall serve for a term of two years from the date of confirmation by the Navajo Nation Council.~~

- B. The Chairperson and the Vice-Chairperson of the Commission shall be selected by the members of the Commission and serve terms concurrent with their membership terms.
- C. A vacancy on the Commission shall be filled in the same manner in which the original appointment was made; a member whose term has expired shall continue to serve on the Commission until such time a successor is duly confirmed.



- D. Commission members shall be chosen from among individuals ~~who have~~ demonstrated scholarship, a strong sense of ~~public~~ civic interest, knowledge of Navajo Diné history and cultural heritage, spiritual leadership, leadership in the Navajo Diné ~~government~~ governance and abilities competencies likely to contribute to the fulfillment and advancement of the duties of the Commission.

§ 973. Duties and Responsibilities

- A. The Commission shall have powers necessary and proper to carry out the purposes set forth herein or as otherwise authorized by the Navajo Nation Council.
- B. The Commission shall have the powers:
1. To develop a series of recommendations and proposals for alternative forms of Chapter government and Chapter self-determination at local level empowerment or other local community empowerment self-sufficiency for consideration by the Navajo Nation Council and the Navajo Diné People by examining and utilizing the concepts of the separation of powers and the delegation of authority to provide for the appropriate checks and balances in Navajo Diné ~~Government~~ Governance structure; to establish the responsibility of the Navajo Diné government to protect the rights and freedoms of the Navajo Diné People; to establish limitations on how the Navajo Diné government and its officials may use its powers and to define the powers of the Navajo Diné People.
 2. To provide short-term and long-term range strategic sustainability comprehensive planning, evaluation and development appropriate to further enhance a Navajo Diné Government that will perpetually accommodate the Navajo Diné People both at the central government level and at the local level by providing for their involvement, promote their general welfare, ensure governmental accountability, integrity, justice, domestic order, and retain traditional harmony, cultural respect, heritage, and the protection of ~~personal~~ civil liberties.
 3. To review, evaluate, and recommend laws, rules and regulations including those of agencies, boards, and commissions in order to develop a comprehensive system of government for the Navajo Diné people.
 4. To collect, assemble, evaluate, interpret and distribute information, data statistics and evidence which that accurately describes the

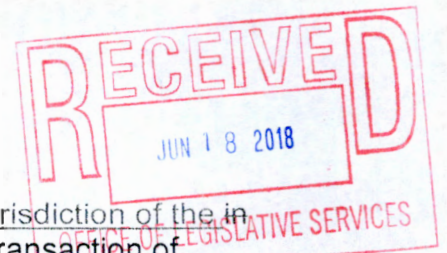
present Navajo Diné government with emphasis on Chapter and ~~local empowerment~~ self-sufficiency.

5. To encourage the Diné people, Diné governmental entities, and all interested parties to actively participate in carrying out public hearings and, private and public organizations, Chapters, traditional Navajo leaders, including traditional Navajo leaders, including Native ceremonial practitioners (medicinemen), to actively participate in carrying out the purpose of the Commission, and to conduct public hearings. The Commission shall give due consideration to traditional values and philosophical views of the Navajo Diné People.
6. To encourage ~~appropriate educational curriculums~~ materials designed to educate students, and governmental officials and the general public on the governmental development of the Diné Navajo Nation.
7. To serve as the oversight authority for the Office of Diné Bi Nahaat'a Navajo Government Development.
8. To appoint a Director of the Office of Diné Bi Nahaat'a Navajo Government Development who shall serve at the pleasure of the Commission.
9. To maintain an administrative such staff and consultants, including legal counsel and consultants, as it may be provided for in the annual Navajo Nation budget of the Commission and the Office.
10. To develop a sustainability policy for the Navajo Nation that enhances sustainable governance, education, community development, economics, energy, climate protection, waste, food systems and renewable energy, natural habitat and ecosystem, social equity and justice.
11. To promote Diné traditional cultural healing, strategies, peace and protection.

9.

§ 974. Meetings; procedure

- A. The Commission shall meet on a designate day of each month. Special meetings shall be held on the call of the Chairperson of the Commission.
 1. At any meeting, a quorum shall consist of a majority of duly appointed seven members.



2. All meetings shall be held within the territorial jurisdiction of the in
~~Window Rock, Navajo Nation (Arizona)~~ for the transaction of
Commission business. Meetings held elsewhere must be
authorized by written permission of the Speaker Chairperson of the
~~Intergovernmental Relations Committee~~. Navajo Nation Council.
- B. The Commission is empowered to develop its own rules of procedures for
the conduct of meetings, which shall be approved by the Law and Order
~~Ethics and Rules~~ Committee of the Navajo Nation Council.
- C. Members shall receive stipend honorarium pay of two one hundred fifty
dollars (\$250.00) ~~(\$100.00)~~ for each official meeting as required at 2
N.N.C. § 974 (A) and may be reimbursed for actual or per diem expenses
incurred relative to Commission business.

§ 975. Subcommittee

The Commission may establish subcommittees consisting of Commission members selected by the Commission. The subcommittee shall exist until it has completed its assigned task, made recommendations and reported to the Commission. The same provision ~~which~~ applies to all Commission meetings shall also apply to the subcommittee meetings.

§ 976. Powers and Duties of the Executive Director

The powers and duties of the Executive Director shall be to:

- A. Develop reports to be transmitted through the Commission to the
~~Intergovernmental Relations Committee and to the Navajo Nation Council~~
~~by the Chairperson of the Commission~~ concerning activities of the
Commission, including reports on the implementation of its
recommendations;
- B. Develop the budget and formulate administrative and operating policies of
the Office and take action for accomplishment and enforcement thereof;
- C. Hire and supervise support staff and consultants in accordance with
Navajo law, regulations, and procedures. The Director shall employ or
engage those person qualified by education and experience necessary to
discharge the duties of the Commission.
- D. Exercise supervisory ~~control~~ authority and direction over the day-to-day
operation of the Office.



NORTHERN NAVAJO AGENCY COUNCIL RESOLUTION

NNAC-74-061618

SUPPORT THE REQUEST TO OPPOSE THE NAVAJO GOVERNMENT DEVELOPMENT COMMISSION'S REMOVAL OF THE NAVAJO WOMEN'S COMMISSION, 2 N.N.C. §972

WHEREAS:

1. Pursuant to IGRD-269-05, the Northern Navajo Agency Council is a recognized political subdivision of the Navajo Nation and has the authority to advocate and make appropriate recommendations on behalf of the 20 Northern Navajo Agency Chapters to the Navajo Nation Government, Federal, State, and local entities for appropriate action; and
2. The Northern Navajo Agency Council has been informed that the Commission on Navajo Government Development was created in 1998 by the Navajo Nation Council CD-79-89. The enactment provided "(t)he Commission is a special entity created by the Navajo Nation Council with quasi-independent authority to accomplish the Council's project of instituting reforms necessary to ensure an accountable and responsible government" 2. N.N.C. §970; and
3. The Northern Navajo Agency Council has been informed that in 1994, an amendment provided that a purpose of the commission is "to review and evaluate all aspects of the existing government structure of the Navajo Nation including laws, rules and regulations, practices, functions, goals and objectives of the central government as it relates to Chapters, and local communities and the relationship of Chapters and local communities and the relation of chapters and local communities to the central government" 2 N.N.C. §970; and
4. The Northern Navajo Agency Council has been informed that the Commission on Navajo Government Development is seeking a referendum election on its proposed amendments to its enabling legislative "An Act Relating to Law and Order, Naabik'iyati and the Navajo Nation Council; Approving and Authorizing an Election Referendum on Amending 2 N.N.C. §§ 970 through 978, Commission on Navajo Government Development." Which includes the removal of the Commission of Navajo Women of Navajo Nation representation; and
5. The Northern Navajo Agency Council finds pursuant to 2 N.N.C. § 1121 (B)(3) and (8), the purposes of the Navajo Women's Commission are as follows:
 - a. Assisting in setting government policies related to Navajo men, women, youth, children, and their families;
 - b. Securing and/or seeking tribal state and federal funding to provide awareness and prevention, intervention against domestic violence, youth violence and abuse against elderly.
6. The Northern Navajo Agency Council finds the Navajo Women's Commission opposes the Navajo Government Development Commission Resolution CNGD-0302-18 and did not consult with the Navajo Women's Commission.

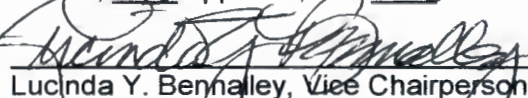
NOW, THEREFORE BE IT RESOLVED THAT:

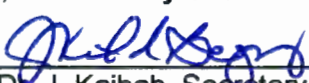
1. The Northern Navajo Agency Council Opposes the Navajo Government Development Commission to remove the Navajo Women's Commission, 2 N.N.C. §§972.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Northern Navajo Agency Council at a duly called meeting at Two Grey Hills Chapter (Navajo Nation) New Mexico at which a quorum was present. A motion was made by David John and seconded by Harry Descheen and the same was passed by a vote of 33 in favor, 03 opposed, and 02 abstained, this 16th day of June 2018.


Rick Nez, Chairperson


Lucinda Y. Bernhaley, Vice Chairperson


Dr. J. Kaibah, Secretary

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0192-18

SPONSOR: Honorable Jonathan L. Hale

TITLE: An Act Relating to Law and Order, Naabik'iyati' and the Navajo Nation Council; Approving and Authorizing an Election Referendum on Amending 2 N.N.C. §§ 970 through 978, Commission on Navajo Government Development

Posted: June 8, 2018 at 2:10pm

5 DAY Comment Period Ended: June 13, 2018

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing (2)	<ol style="list-style-type: none"> 1. Fort Defiance Agency Council Resolution No. 18-07-003 2. West Navajo Agency Council Resolution No. WNAC18-06-NB05
Inconclusive Comments	<i>None</i>



Legislative Secretary II
Office of Legislative Services

7/12/2018 4:53 pm

Date/Time

FORT DEFIANCE AGENCY COUNCIL
NAVAJO NATION

Linda Youvella, President
Lorenzo Curley, Vice President
Francis Lester, Secretary
(Host), Sergeant-At-Arm



District 17 Council
District 18 Council
District 07 Council
Chapter President

RESOLUTION OF THE FORT DEFIANCE AGENCY COUNCIL

Resolution No: 18-07-003

**RESOLUTION OF THE FORT DEFIANCE NAVAJO AGENCY COUNCIL, OPPOSING
THE COMMISSION ON GOVERNMENT DEVELOPMENT REMOVAL OF THE
NAVAJO WOMEN'S COMMISSION FROM THE NAVAJO GOVERNMENT
DEVELOPMENT COMMISSION.**

WHEREAS:

1. The Fort Defiance Agency Council is a consortium of duly elected Chapter Officials of twenty-eight (28) certified/non-certified Navajo Nation Chapter that advocate, promote, and support common goals and interest of the respective Chapters; and
2. The Fort Defiance Agency Council is comprised of elected officials from twenty-eight (28) Navajo Nation Chapters within the Fort Defiance Agency and has the responsibility and authority to address matters and projects that will benefit the chapters; and
3. Pursuant to 26 N.N.C.; The Fort Defiance Agency Council is duly recognized as certified Agency Council of the Navajo Nation Government, Listed at 11 N.N.C. Part 1, Section 10; and
4. Pursuant to 26 N.N.C.; The Fort Defiance Agency Council is vested with the authority to review and adhere to all matters relating and affecting the Twenty-eight (28) Navajo Communities and chapters at which this council is made of; and make appropriate actions when need be; and
5. Fort Defiance Agency Council finds the Commission on Navajo Government Development was created in 1989 by the Navajo Nation Council CD-68-89. The enactment provided, "the Commission is a special entity created by the Navajo Nation Council with quasi-independent authority to accomplish the Council's project of instituting reforms necessary to ensure an accountable and responsible government" 2 N.N.C & 970; and
6. The Fort Defiance Agency Council finds in 1994, an amendment provided that a purpose of the commission is "to review and evaluate all aspects of the existing government structure of the Navajo Nation including laws, rules and regulations, practices, functions, goals and objectives of the central government as it relates to chapters, and local and the relationship of chapters and local communities and the relationship of chapters and local Communities to the central government" 2 N.N.C. & 970.
7. The Fort Defiance Agency Council finds the Commission on Navajo Government Development is seeking a referendum election on its proposed amendments to its

enabling legislation "An Act Relating to Law and Order, Naabik'iyati and the Navajo Nation Council; Approving and Authorizing an Election Referendum on Amending 2.N.N.C. & 970 through 978. Commission on Navajo Government Development." This includes the removal of the Commission of Navajo Woman of Navajo Nation representative.

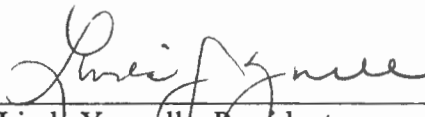
8. The Fort Defiance Agency Council finds pursuant to 2 N.N.C. & 1121 (B) (3) and (8) , the purposes of the Navajo Women's Commission area as follows:
 - a. Supporting improvement in the status of Navajo women, men, youth, children and their families
 - b. Assisting in setting government policies related to Navajo men, women, youth, children and their families.
 - c. Securing and/or seeking the tribal, state and federal funding to provide awareness and prevention, intervention against domestic violence, drug and alcohol and suicide and to promote resiliency and self-worth in Dine' family system.
9. The Fort Defiance Agency Council finds the Navajo Women's Commission opposes the Navajo Government Development Commission Resolution: CNGD-0302-18 and did not consult with the Navajo Women's Commission.
10. The Fort Defiance Agency Council finds the Navajo Women's Commission opposes the Health Education and Human Resource Legislation No: 0192-18.

NOW, THEREFORE, BE IT RESOLVED THAT:

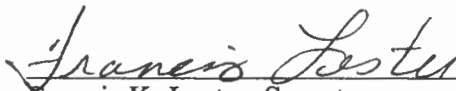
The Fort Defiance Agency Council hereby opposing the Commission on Government Navajo Government removal of the Navajo Women Commission; 2.N.N.C. & 972.

CERTIFICATION


We, hereby certify that the foregoing resolution was duly considered by and moved for adoption by Janis Damon, Second by Felix Tsinijinnie, thoroughly discussed and adopted by a vote of 23 in favor, 00 opposed and 02 abstained at a duly called meeting at Indian Teesto Chapter, the NAVAJO NATION, Tse Bonito, New Mexico (St. Michaels Chapter) on this 7th day of July, 2018.



Linda Youvella, President
Fort Defiance Agency Council



Francis K. Lester, Secretary
Fort Defiance Agency Council



Lorenzo Curley, Vice-President
Fort Defiance Agency Council



WESTERN NAVAJO AGENCY COUNCIL



RESOLUTION OF THE WESTERN NAVAJO AGENCY COUNCIL RESOLUTION NO: WNAC18-06-NB05

RESOLUTION OF THE WESTERN NAVAJO AGENCY COUNCIL, OPPOSING THE COMMISSION ON NAVAJO GOVERNMENT DEVELOPMENT REMOVAL OF THE NAVAJO WOMAN'S COMMISSION FROM THE NAVAJO GOVERNMENT DEVELOPMENT COMMISSION.

WHEREAS:

1. The Western Navajo Western Navajo Agency Council, representative of the eighteen (18) chapters of the Western Navajo Agency is one of five Agency Councils on the Navajo Nation established to review and make appropriate recommendations on behalf of such chapters to the Navajo Nation Government, Federal, State and local entities; and
2. The Western Navajo Agency Council is comprised of elected officials from eighteen (18) Navajo Nation Chapters in the Western Navajo Agency and has the responsibility and authority to address matters and projects that will benefit the 18 chapters of the Western Navajo Agency of the Navajo Nation; and
3. Pursuant to 26 N.N.C. Section 3(A), the Western Agency Council is a duly recognized certified agency of the Navajo Nation government, as listed at 11 N.N.C. Section 10; and
4. The Western Agency Council finds the Commission on Navajo Government Development was created in 1989 by the Navajo Nation Council CD-88-89. The enactment provided, "the Commission is a special entity created by the Navajo Nation with quasi-independent authority to accomplish the Council's project of instituting reforms necessary to ensure an accountable and responsible government 2 N.N. C. & 970; and
5. The Western Agency Council finds in 1994, an amendment provided that a purpose of the commission is "to review and evaluate all aspects of the existing government structure of the Navajo Nation including laws, rules and regulations, practices, functions, goals and objectives of the central government as it relates to chapters, and local and the relationship of chapter and local communities and the relationship of chapters and local communities to the central government 2 N.N. C. & 9970; and
6. The Western Agency Council finds the Commission on Navajo Government Development is seeking a referendum election on its proposed amendments to its



WESTERN NAVAJO AGENCY COUNCIL



enabling legislation "An Act Relating to Law and Order, Naabik'iyati' and the Navajo Nation Council; Approving and Authorizing an Election Referendum on Amending 2 N.N.C.&& 970 through 978, commission on Navajo Government Development" which includes the removal of the Commission of Navajo Woman of Navajo Nation representative; and

7. The Western Agency Council finds pursuant to 2. N. N. C. & 1121 (b) and (3) and (8), the purposes of the Navajo Women Commission are as follows:
 - a. Supporting improvement in the status of Navajo women, men, youth, children and their families;
 - b. Assisting in setting government policies related to Navajo women, men, youth, children and their families.
 - c. Securing and/or seeking tribal, state and federal funding to provide awareness and prevention, intervention against domestic violence, drug/alcohol and suicide and to promote resiliency and self-worth in Dine' family system.
8. The Western Agency Council finds the Navajo Women Commission opposes the Navajo Government Commission Resolution CNGD-302018 and did not consult with the Navajo Women Commission.


NOW THEREFORE BE IT RESOLVED:

The Western Agency Council hereby opposing the Commission on Government on Navajo Government Development removal of the Navajo Women Commission; 2 N.N.C. & 972.

CERTIFICATION

We, hereby, certify that the foregoing resolution was duly considered by the Western Agency Council at a duly called authorized meeting at the Chilchinbeto Community School, Navajo Nation, Arizona, at which a quorum was present and that it was passed by a vote of 25 in favor, 0 oppose, and 1 abstained, this 16th day of June, 2018.

Motion by: Martha Tate
Second by: Eugene Bedonie


Hank Stevens, President
Western Navajo Agency

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0192-18

SPONSOR: Honorable Jonathan L. Hale

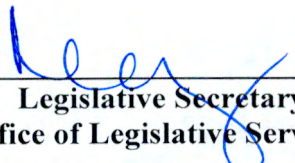
TITLE: An Act Relating to Law and Order, Naabik'iyati' and the Navajo Nation Council; Approving and Authorizing an Election Referendum on Amending 2 N.N.C. §§ 970 through 978, Commission on Navajo Government Development

Posted: June 8, 2018 at 2:10pm

5 DAY Comment Period Ended: June 13, 2018

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing (1)	1. Chinle Agency Council Resolution No. CAC-07/18-07
Inconclusive Comments	<i>None</i>



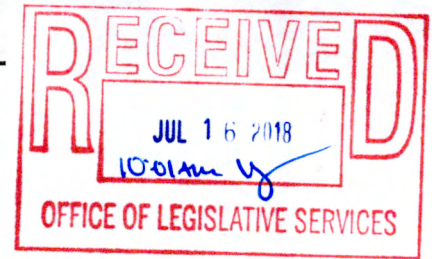
**Legislative Secretary II
Office of Legislative Services**

7/14/2018 10:35am

Date/Time



**CHINLE AGENCY COUNCIL
THE NAVAJO NATION**



Russell Begaye, Navajo Nation President

Jonathan Nez, Navajo Nation Vice-President

Zane James
CAC President

Timothy Johnson
CAC Vice-President

Valencia Edgewater
CAC Secretary

**RESOLUTION OF THE
CHINLE AGENCY COUNCIL
Resolution No: CAC-07/18-07**

RESOLUTION OF THE CHINLE AGENCY COUNCIL, OPPOSING THE COMMISSION ON THE NAVAJO GOVERNMENT DEVELOPMENT REMOVAL OF THE NAVAJO WOMEN'S COMMISSION, 2.N.N.C. §§ 972

WHEREAS:

1. The Chinle Agency Council is a Consortium of duly elected chapter officials of sixteen (16) chapters certified chapters located within the Chinle Agency, plus Council Delegates that addresses and advocates for what is in the best interest, and needs for its constituents; and
2. The Chinle Agency Council finds the Commission on Navajo Government Development was created in 1989 by Navajo Nation Council CD-68-89. "The enactment provided, The Commission is a special entity created by the Navajo Nation Council with quasi-independent authority to accomplish the Council's project of instituting reforms necessary to ensure an accountable and responsible government" 2.N.N.C. § 970; and
3. The Chinle Agency Council finds in 1994, an amendment provided that a purpose of the commission is "to review and evaluate all aspects of the existing government structure of the Navajo Nation including laws, rules and regulations, practices, functions, goals and objectives of central government as it relates to Chapters, and local communities and the relationship of Chapters and local communities and the relation of chapters and local communities to the central government" 2.N.N.C. § 970; and
4. The Chinle Agency Council finds the Commission on Navajo Government Development is seeking a referendum election on its proposed amendments to its enabling legislation "An Act Relating to Law and Order, Naabik'iyati' and the Navajo Nation Council; Approving and Authorizing an Election Referendum on Amending 2.N.N.C. § 970 through 978, Commission on Navajo Government Development." Which includes the removal of the Commission of Navajo Woman of Navajo Nation representative; and
5. The Chinle Agency Council finds pursuant to 2.N.N.C. § 1121 (B) (1) (3) and (8), the purposes of the Navajo Nation Women's Commission are as follows:

- a. Supporting improvement in the status of Navajo women, men, youth, children and their families.
 - b. Assisting in setting government policies related to Navajo women, men, youth, children and their families.
 - c. Securing and/or seeking tribal, state and federal funding to provide awareness and prevention, intervention against domestic violence, drug/alcohol and suicide to promote resiliency and self-worth in Dine' family system.
6. The Chinle Agency Council finds the Navajo Women Commission opposes the Navajo Government Commission Resolution CNGD-302-18 and did not consult with the Navajo Women's Commission.
7. The Chinle Agency Council finds the Navajo Women's Commission opposes the Health, Education and Human Services Legislation No: 0192-18.

NOW, THEREFORE, BE IT RESOLVED THAT:

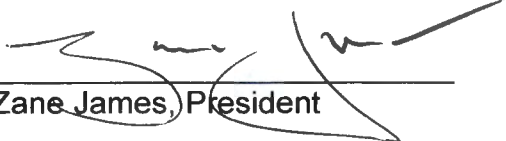
1. The Chinle Agency Council hereby opposing the Commission on Navajo Government Development's Removal of the Navajo Women Commission 2.N.N.C. §§ 972.

CERTIFICATION

I hereby certify that the foregoing resolution was considered at a duly called Chinle Agency Council meeting at the Nazlini Chapter in Nazlini, Navajo Nation, Arizona at which a quorum was present and the same time passed by a vote of 24 in favor 0 opposed and 5 abstained on this 14th Day of July, 2018.

Motioned By: Kellywood Harvey

Seconded By: Fern Bunally


Zane James, President


Timothy Johnson, Vice-President


Valencia Edgewater, Secretary

**LAW AND ORDER COMMITTEE
23RD NAVAJO NATION COUNCIL**

FOURTH YEAR 2018

COMMITTEE REPORT

Mr. Speaker,

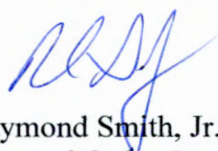
The **LAW AND ORDER COMMITTEE** to whom has been assigned:

Legislation No. 0192-18: An Act Relating to Law and Order, Naabik'iyati' and the Navajo Nation Council; Approving and Authorizing an Election Referendum on Amending 2 N.N.C. §§ 970 through 978, Commission on Navajo Government Development – *Sponsor: Honorable Honorable Jonathan L. Hale*

Has had it under consideration and reports the same with the recommendation that it **DO PASS** without amendment

And thereafter referred to Naabik'iyati' Committee

Respectfully submitted,



Raymond Smith, Jr., Vice Chairperson
Law and Order Committee
23rd Navajo Nation Council

Date: July 23, 2018

Main Motion: Honorable Herman M. Daniels
Second : Honorable Kee A. Begay, Jr.
Vote : 2-0-1 (Vice Chairperson not voting)

LAW AND ORDER COMMITTEE
Regular Meeting
July 23, 2018

VOTE TALLY SHEET:

Legislation No. 0192-18: An Act Relating to Law and Order, Naabik'iyati' and the Navajo Nation Council; Approving and Authorizing an Election Referendum on Amending 2 N.N.C. §§ 970 through 978, Commission on Navajo Government Development – *Sponsor: Honorable Honorable Jonathan L. Hale*

Main Motion: Herman M. Daniels

Second: Kee A. Begay, Jr.

Vote: 2-0-1

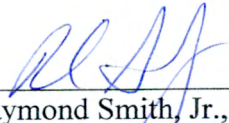
VOTE TALLY:

YEAS: Herman M. Daniels/Kee A. Begay, Jr.


NAYS:

NOT VOTING: Raymond Smith, Jr.

EXCUSE: Edmund Yazzie/Otto Tso



Raymond Smith, Jr., Vice Chairperson
Law and Order Committee



Laureen Spencer, Legislative Advisor
Law and Order Committee

23rd NAVAJO NATION COUNCIL NAABIK'ÍYÁTI' COMMITTEE REPORT Fourth Year 2018

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0192-18

An Act Relating to Law and Order, Naabik'íyáti' and the Navajo Nation Council; Approving and Authorizing an Election Referendum on Amending 2 N.N.C. §§ 970 through 978, Commission on Navajo Government Development

Sponsored by: Honorable Jonathan L. Hale

Has had it under consideration and reports that a **QUORUM WAS LOST WITH ONE (1) APPROVED AMENDMENT AND ONE (1) PENDING AMENDMENT; THEREFORE, LEGISLATION STAYS WITH THE NAABIK'ÍYÁTI' COMMITTEE.**

Respectfully Submitted,



*Honorable Jonathan L. Hale, Chairman Pro Tem
NAABIK'ÍYÁTI' COMMITTEE*

23 AUGUST 2018

MAIN MOTION

Motioned by: Honorable Walter Phelps

Seconded by: Honorable Edmund Yazzie

Vote: Vote Pending

PENDING AMENDMENT

Amendment #2

Page 7, line 7, after "member" insert "." strike "~~from recommendations~~"

Page 7, strike all of line 8,

Page 9, Line 9, strike, "~~officers of grazing committee/land board members.~~"

Page 7, Line 10, insert "." After "council"

Page 7, Strike all of line 11 and 12.

Page 6, line 16, strike words "be confirmed by and"

Page 6, line 20, 23, 28, replace Navajo Nation Council with Naabik'iyáti'

Page 7, line 5, 10, 17, 24, 27 replace Navajo Nation Council with Naabik'iyáti'

Page 10, line 3, strike all of #11

Motioned by: Honorable Walter Phelps

Seconded by: Honorable Jonathan L. Hale

Vote: Pending

AMENDMENT #1

Page 6, line 16, un-strike "12" and strike "11"

Page 7, un-strike all of lines 25 through 27

Motioned by: Honorable Otto Tso

Seconded by: Honorable Jonathan Perry

Vote: 8 in favor, 4 opposed (Chairman Pro Tem Hale Not Voting)

=====

FAILED AMENDMENT:

Amendment #1

Page 10, line 18, strike "~~two~~", unstrike "one", Strike "fifty"

Page 10, line 19, strike "~~(\$250.00)~~" and unstrike "(\$100.00)"

Motioned by: Honorable Otto Tso

Seconded by: Honorable Edmund Yazzie

Vote: 05 in Favor, and 07 Opposed (Chairman Pro Tem Hale Not Voting)