



## 23<sup>rd</sup> Navajo Nation Council

### MEMORANDUM

To : Manuel Rico, Senior Programs and Projects Specialist  
OFFICE OF LEGISLATIVE SERVICES

From : 1-711  
Tom Platero, Executive Director  
OFFICE OF LEGISLATIVE SERVICES

Date : January 9, 2019

Subject : ***23<sup>rd</sup> Navajo Nation Council Expired Legislation***

Pursuant to 2 N.N.C. § 164 (A) (1), "The last day for consideration of resolutions shall be December 31<sup>st</sup> of the year immediately preceding the swearing in of the new Council", the following legislation need to be closed out and labeled as "expired":

#### NAVAJO NATION COUNCIL:

0399-17	0424-17	0098-18	0136-18
0183-18	0224-18	0328-18	0344-18
0356-18	0358-18	0367-18	0373-18
0385-18	0393-18	0404-18	0416-18
0422-18			

#### NAABIK'YATI' COMMITTEE:

0224-15	0361-16	0341-18	0406-18
0418-18	0427-18		

**BUDGET AND FINANCE COMMITTEE:**

0021-17	0392-17	0099-18	0261-18
0287-18	0398-18	0435-18	0436-18

**HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE:**

0414-18	0419-18	0451-18
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**LAW AND ORDER COMMITTEE:**

0114-17	0031-18	0217-18	0307-18
0353-18	0360-18	0364-18	0437-18

**RESOURCES AND DEVELOPMENT COMMITTEE:**

0402-15	0104-16	0121-16	0183-16
0282-16	0296-16	0370-16	0384-16
0135-17	0176-17	0386-17	0400-17
0076-18	0395-18	0415-18	0443-18

Legislation need to be closed out as soon as possible. If you have any questions, please let me know.

**CONCURRENCE:**



**Honorable LoRenzo C. Bates, Speaker**  
**23<sup>rd</sup> Navajo Nation Council**

COPIES: Pete K. Atcitty, Chief of Staff, Office of the Speaker  
Ed McCool, Acting Chief Legislative Counsel, Office of Legislative Counsel  
Files

**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0418-18

**DATE:** December 11, 2018

**SUBJECT: AN ACTION RELATING TO BUDGET AND FINANCE COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE, AND NAVAJO NATION COUNCIL; AMENDING CS-68-18, THE NAVAJO NATION FISCAL YEAR 2019 COMPREHENSIVE BUDGET FOR THE DINE URANIUM REMEDIATION ADVISORY COMMISSION**

**PURPOSE:** The purpose of this legislation is to approve an amendment to the Navajo Nation Fiscal Year 2019 Comprehensive Budget for the Dine Uranium Remediation Commission.

**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 review the proposed resolution in detail.**

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
23<sup>rd</sup> NAVAJO NATION COUNCIL – Fourth Year 2018

INTRODUCED BY



(Primary Sponsor)

TRACKING NO. 0418-18

AN ACTION  
RELATING TO BUDGET AND FINANCE COMMITTEE, NAABIK'ÍYÁTI'  
COMMITTEE, AND NAVAJO NATION COUNCIL;  
AMENDING CS-68-18, THE NAVAJO NATION FISCAL YEAR 2019  
COMPREHENSIVE BUDGET FOR THE DINE URANIUM REMEDIATION  
ADVISORY COMMISSION

BE IT ENACTED:

**Section One. Authority**

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).
- B. The Naabik'iyáti' Committee is assigned proposed resolutions that require final action by the Navajo Nation Council. 2 N.N.C. §164(A)(9).
- C. The Budget and Finance Committee shall make recommendations concerning the budget and submits it to the Navajo Nation Council for deliberation and approval. 12 N.N.C. §840(A).

**Section Two. Findings**

1 A. The Navajo Nation Council approved CS-68-18, the Navajo Nation Fiscal Year 2019  
2 Comprehensive Budget, on September 10, 2018 and the Navajo Nation President  
3 signed CS-68-18 on September 21, 2018. Resolution CS-68-18 was amended by CO-  
4 78-18 and was deemed enacted by statute pursuant to 2 N.N.C. § 221. Resolutions CS-  
5 68-18 and CO-78-18 are attached as **Exhibits A and B**, respectively.

6 B. The amendment to the Navajo Nation Fiscal Year 2019 Comprehensive Budget is  
7 needed for the Dine Uranium Remediation Advisory Commission, which was  
8 established through Resolution CAP-14-15. The Commission's Plan of Operation was  
9 approved by NABIAU-52-15, and amended by CJA-14-17, which is attached as  
10 **Exhibit D**.

11 C. The Commission's Plan of Operation provides that its purpose is to study and reach  
12 conclusions about the impacts of uranium and mining processing on the Navajo Nation  
13 and to make recommendations to the President of the Navajo Nation and the Navajo  
14 Nation Council for policies, laws, and regulations to address those impacts.

15  
16 **Section Three. Amending CS-68-18, the Navajo Nation Fiscal Year 2019**  
17 **Comprehensive Budget**

18 The Navajo Nation Council hereby amends CS-68-18, the Navajo Nation Fiscal Year  
19 2019 Comprehensive Budget as follows:

- 20 A. The Navajo Nation hereby approves an appropriation in the amount of \$406,078 from  
21 the Hazardous Substances Special Revenue Fund, as indicated in **Exhibit C**.
- 22 B. This appropriation is to establish the Dine Uranium Remediation Advisory Commission,  
23 BU # NEW for the following:
- 24 1. Personnel Expenses of \$261,082,
  - 25 2. Travel Expenses of \$69,727,
  - 26 3. Supplies of \$26,430,
  - 27 4. Lease and Rental of \$18,700,
  - 28 5. Communications and Utilities of \$10,520,
  - 29 6. Repairs and Maintenance of \$2,550,
  - 30 7. Contractual Services of \$3,600, and

1           8.       Special Transactions of \$13,469.

2  
3       **Section Four. Effective Date**

4       The Navajo Nation Amended Fiscal Year 2019 Comprehensive Budget enacted herein  
5       shall be effective pursuant to 2 N.N.C. §§ 164(A)(17) and 221(B).



CS-68-18

**RESOLUTION OF THE  
NAVAJO NATION COUNCIL**

**23rd NAVAJO NATION COUNCIL -- Fourth Year, 2018**

**AN ACTION**

**RELATING TO BUDGET AND FINANCE COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE,  
AND NAVAJO NATION COUNCIL; APPROVING THE NAVAJO NATION FISCAL YEAR  
2019 COMPREHENSIVE BUDGET; WAIVING 12 N.N.C. §§ 820(I) AND 860 AND  
CF-07-11**

**BE IT ENACTED:**

**Section One. Authority**

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).
- B. The Naabik'iyáti' Committee is assigned proposed resolutions that require final action by the Navajo Nation Council. 2 N.N.C. §164(A)(9).
- C. The Budget and Finance Committee shall make recommendations concerning the budget and submit it to the Navajo Nation Council for deliberation and approval. 12 N.N.C. §840(A).

**Section Two. Adopting Navajo Nation Fiscal Year 2019 Budget**

The Navajo Nation hereby adopts the Navajo Nation Fiscal Year 2019 Comprehensive Budget as follows:

- A. The Navajo Nation approves the appropriation of 12% of the Fiscal Year 2019 revenue in the amount of \$24,692,000 to the Navajo Nation Permanent Fund; 4% of Fiscal Year 2019 revenue in the amount of \$8,231,000 to the Navajo Veterans Trust Fund; 2% of Fiscal Year 2019 revenue in the amount of \$4,115,000 to the Navajo Nation Land Acquisition Trust Fund; \$2,000,000 of Fiscal Year 2019 revenue to the Capital Outlay Match Funding Special Revenue Fund; \$2,000,000 of Fiscal Year 2019 revenue to the Water Rights Claim Fund; and \$12,400,000 of Fiscal Year 2019 revenue to the Diné Higher Education Grant Fund.
- B. The Navajo Nation hereby approves the appropriation of \$767,606,125 as the Navajo Nation Fiscal Year 2019 Operating Budget, as set forth in the attached **Exhibit A**, which constitutes \$168,813,082 of General Funds, \$21,500,000 Indirect Cost Credit; \$12,400,000 in Higher Education set aside funds; \$7,543,170 Personnel Savings; \$62,828,841 Proprietary Fund; \$77,800,009 Fiduciary Funds; \$35,820,059 Special Revenue



Internal Funds; and \$377,100,964 Special Revenue External Funds, summarized as follows:

1. Legislative Branch: \$16,163,890 as the Navajo Nation Fiscal Year 2019 Operating Budget, as set forth in the attached **Exhibit B**, which includes \$14,643,003 General Fund Revenue; \$1,234,417 Indirect Cost Credit; \$60,000 Proprietary Funds; \$226,470 Personnel Savings Fund; \$ 0 Fiduciary Funds, \$ 0 Special Revenue Internal Funds; \$ 0 Special Revenue External Funds, for the Navajo Nation Council, various Standing Committees, boards, commissions, offices, programs, and activities within the Legislative Branch.
2. Judicial Branch: \$16,085,825 as the Navajo Nation Fiscal Year 2019 Operating Budget, as set forth in the attached **Exhibit C**, which includes \$14,373,994 of General Funds; \$143,432 Indirect Cost Credit; \$ 0 Proprietary Funds; \$ 0 Fiduciary Funds; \$ 0 Special Revenue Internal Funds and \$1,568,399 Special Revenue External Funds, for the Navajo Nation Supreme Court, district courts, family courts, various offices, programs and activities within the Judicial Branch.
3. Executive Branch: \$706,819,106 as the Navajo Nation Fiscal Year 2019 Operating Budget, as set forth in the attached **Exhibit D**, which includes \$119,937,229 of General Funds; \$13,843,703 Indirect Cost Credit; \$12,400,000 Higher Education Set Aside Funds; \$4,316,700 Personnel Savings Fund; \$62,768,841 Proprietary Funds; \$77,800,009 Fiduciary Funds; \$35,820,059 Special Revenue Internal Funds; and, \$375,532,565 Special Revenue External Funds; for the various divisions, departments, programs and offices within the Executive Branch.
4. Fixed Costs: \$24,737,304 which includes \$15,458,856 General Funds, \$6,278,448 Indirect Cost Credit; and \$3,000,000 Personnel Savings Fund as set forth in the attached **Exhibit E**.
5. Capital Improvement Funds which includes \$3,800,000 Capital Outlay Match, to be used at the Chapter's discretion, with the exception that these funds are not to be used for recurring expenses, as set forth in the attached **Exhibit F**.
6. Chapter Non-Administrative Costs: \$12,040,299 for non-administrative costs. This does not include chapter



official's stipends, permanent personnel costs, and travel expenses of chapter officials and chapter staff.

7. External Funds Cash Match: \$4,400,000 for external funds cash match obligations for grant agreements and contracts.

The FY 2018 External Fund Cash Match, BU# 118024, unexpended fund balance shall be carried over to FY 2019 to maintain a fund balance for cash match needs during the 2019 Fiscal Year.

- C. The Navajo Nation Resolution, CF-07-11, *Establishing and Designating the Personnel Accounts Savings as Restricted Carryover Funds to be Used for Administering and Maintaining the Classification and Pay Plans by the Department of Personnel Management and Further, Implementing a Moratorium on Any Future Proposed Budget Revisions and/or Re-Allocations From the General Fund Personnel Accounts Saving*, established a moratorium on any future proposed Budget Revisions and/or Reallocations from the General Funds Personnel Accounts Savings and required those Savings go to an annual General Wage Adjustment, step increase and other salary adjustments to the Pay Plan; in addition, that any excess or surplus funds shall be deposited to the Unreserved, Undesignated Fund Balance (UUFB).

The Navajo Nation Controller projects the Personnel Lapse amount is \$9,268,518. The Navajo Nation adopts a General Wage Adjustment, **Exhibit G**, and waives the requirement of excess and surplus funds deposit to the UUFB and hereby approves funding from the Fiscal Year 2019 Personnel Savings Fund as follows:

- |  |             |
|--|-------------|
| 1. General Wage Adjustment (Exhibit G)         | \$1,725,348 |
| 2. Retirement Plan Account, BU #118018         | \$3,000,000 |
| 3. ISD-Group Health Benefit Fund, BU #112015   | \$2,000,000 |
| 4. Scholarship, BU #109008                     | \$1,600,000 |
| 5. Department of Justice, BU #104001           |             |
| a. To address unmet need for attorney salary   | \$600,000   |
| 6. Office of Management and Budget, BU #105001 |             |
| a. To address staff salary adjustment          | \$116,700   |
| 7. Office of the Speaker, BU # 101015          |             |
| a. To address preparation for 2020 U.S. Census | \$126,470   |

8. Navajo Election Administration, BU # 101021
  - a. To address education for voter participation in elections at national, state and Tribal levels \$100,000
- D. The Navajo Nation hereby approves the carryover of excess Indirect Cost Credit, if any, from Navajo Nation Fiscal Year 2018 into Fiscal Year 2019.
- E. The Navajo Nation hereby approves the carryover of unexpended Capital Improvement Project Funds from Fiscal Year 2018 to Fiscal Year 2019.
- F. The Navajo Nation hereby approves any carryover of General Fund unexpended balances from Navajo Nation Fiscal Year 2018 into Fiscal Year 2019:
  1. \$4,500,000 for the Government Branches (Executive, Legislative, Judicial) from their respective unexpended balances, if available, as follows:
    - a) Executive: \$2,500,000  
The Division of Community Development shall receive priority allocation of \$1,372,958 to cover chapter official stipends of the 110 Chapters of the Navajo Nation.
    - b) Legislative: \$1,500,000
    - c) Judicial: \$500,000
  2. Other unexpended operating fund balances for Divisions, Departments and Programs listed in **Exhibit H**. The carryover of unexpended funds are restricted from reallocation to other business units and shall only be expended by the respective business unit identified in Exhibit H.
- G. The Navajo Nation hereby approves \$3,345,918 from the Permanent Fund Income for deposit into the Permanent Fund Five-Year Contingency Fund to be used as needed for subsequent fiscal years. 12 N.N.C. § 2601 et seq., CO-54-16.
- H. The Navajo Nation Council and its standing committees, through its oversight authorities, are responsible to the Navajo Nation to ensure that the Navajo Nation Divisions, Departments and Programs provide timely, professional, updated, appropriate services to the Navajo People. One very pragmatic, effective method to assure quality services is to prompt the Divisions,

Departments and Programs through the use of Conditions of Appropriations. Condition of Appropriation means a condition placed on an appropriation or expenditure by the Navajo Nation Council at the time the appropriation or expenditure is made, which requires performance of a specific task by a program within a specific time period within the fiscal year. The condition requires the performance of specific tasks within the time period set out by the Navajo Nation Council. Failure to perform within the specified time period may result in restrictions on future expenditure of the funds until the condition is met. 12 N.N.C. §810(I), Amended by CS-52-17

The Navajo Nation Council has included Conditions of Appropriation in the 2019 Comprehensive Budget. These Conditions of Appropriations are attached as **Exhibit I**. The Navajo Nation Council hereby adopts the Conditions of Appropriation identified in **Exhibit I**.

- I. The Navajo Nation hereby approves the Legislative Concerns for Navajo Nation Fiscal Year 2019, as set forth in the attached **Exhibit J**.
- J. The Navajo Nation hereby acknowledges that all federal, state, and local government funds addressed in the Navajo Nation Fiscal Year 2019 Comprehensive Budget are provided primarily for information purposes, as directed in the Budget Instructions and Policies Manual, and should not be deemed to limit the expenditure authority for any program, provided additional funds are accepted pursuant to 2 N.N.C. §164(B), 2 N.N.C. §301(B)(15), and 2 N.N.C. §701(A)(10).
- K. The Navajo Nation hereby authorizes monthly drawdowns of all funds deposited into BIA Account, PL7341701, Navajo Tribe, Arizona/New Mexico, which are considered Navajo Nation General Funds as part of the overall revenue projection for support of the operations of the Navajo Nation Government.
- L. The Navajo Nation hereby authorizes the Office of Management and Budget to carry-over available budget amounts to cover any prior year open contracts carried into Fiscal Year 2019 by the Office of the Controller. Further, the Office of the Controller shall ensure that the budgeted funds carried over are used specifically, and only for, those open encumbrances. The Office of the Controller shall also inform the Office of Management and Budget, in writing, of any cancelled or reduced prior year open encumbrances so that the Office of Management and Budget can make the appropriate budget adjustments.

- M. The Navajo Nation hereby directs the Branch Chiefs of the Executive, Legislative and Judicial Branches to prioritize the unmet needs of their respective branches and to prepare appropriate budgets for such prioritized needs for consideration by the appropriate Standing Committee with oversight for potential supplemental appropriations in Fiscal Year 2019, in accordance with 12 N.N.C. § 820(L).
- N. The Navajo Nation hereby waives 12 N.N.C. §§ 820(I) and 860 for the purpose of passing a comprehensive budget because the Capital Improvement Plan is not available.
- O. The Navajo Nation hereby approves the Fiscal Year 2019 Budget Detail, included as **Exhibit K**.

**Section Three: Restrictions**

- A. The Navajo Nation Council directs that the current Administration of the Office of the President and Vice-President shall expend no more than 33% of the Fiscal Year 2019 operating budget which will take them to 12:00 noon on Tuesday, January 8, 2019. The Controller is directed not to authorize payments in excess of the 33% of the Fiscal Year 2019 budget past January 08, 2019. On the swearing in of the new Administration the Controller shall release the remaining Fiscal Year 2019 budgeted appropriation.
- B. The Navajo Nation Council directs that the current administration and elected officials of the Legislative Branch shall expend no more the 33% of the Fiscal Year 2019 operating budget which will take them to 12:00 noon on Tuesday, January 08, 2019. The Controller is directed not to authorize payments in excess of the 33% of the Fiscal Year 2019 budget past January 08, 2019. On the swearing in of the 24<sup>th</sup> Navajo Nation Council the Controller shall release the remaining Fiscal Year 2019 budgeted appropriation.

**Section Four. Directive to the Office of Management and Budget**

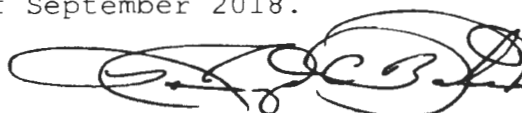
- A. The Navajo Nation directs the Office of Management and Budget to recalculate the final monetary totals such that the figures conform to the amendments passed by the Navajo Nation.
- B. The Navajo Nation directs the Office of Management and Budget to make any other changes to the exhibits such that they conform to the amendments passed by the Navajo Nation Council.

**Section Five. Effective Date**

The Navajo Nation Fiscal Year 2019 Comprehensive Budget enacted herein shall be effective pursuant to 2 N.N.C. §§ 164(A)(17) and 221(B).

**CERTIFICATION**

I, hereby, certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 21 in favor and 00 opposed, on this 04<sup>th</sup> day of September 2018.



LoRenzo C. Bates, Speaker  
23rd Navajo Nation Council

Sept. 10, 2018

Date

Motion: Honorable Lee Jack, Sr.

Second: Honorable Norman M. Begay

Speaker LoRenzo C. Bates not voting

**ACTION BY THE NAVAJO NATION PRESIDENT:**

1. I, hereby, sign into law the foregoing Resolution, pursuant to 2 N.N.C. §1005 (c)(10), on this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

\_\_\_\_\_  
Russell Begaye, President  
Navajo Nation

2. I, hereby, veto the foregoing Resolution, pursuant to 2 N.N.C. §1005 (c)(11), on this \_\_\_\_\_ day of \_\_\_\_\_ 2018 for reason(s) expressed in the attached letter to the Speaker

\_\_\_\_\_  
Russell Begaye, President  
Navajo Nation

3. I hereby exercise line item veto pursuant to the 2010 Certified Initiative over the supplemental appropriations approved herein by the Navajo Nation Council on this 21<sup>st</sup> day of September 2018.

\_\_\_\_\_  
  
Russell Begaye, President  
Navajo Nation





# THE NAVAJO NATION

RUSSELL BEGAYE **PRESIDENT**  
JONATHAN NEZ **VICE PRESIDENT**

## MEMORANDUM

**TO:** Honorable LoRenzo Bates, *Speaker*  
23<sup>rd</sup> Navajo Nation Council

**FROM:**   
Russell Begaye, *President*  
**THE NAVAJO NATION**

**DATE:** September 21, 2018

**SUBJECT: Resolution No. CS-68-18: RELATING TO BUDGET AND FINANCE COMMITTEE; NAABIK'IYATI COMMITTEE, AND NAVAJO NATION COUNCIL; APPROVING THE NAVAJO NATION FISCAL YEAR 2019 COMPREHENSIVE BUDGET; AND WAIVING 12 N.N.C. 820(I) AND CF-07-11**

Pursuant to 2 N.N.C. 1005(C)(10), action for Legislation CS-68-18 is being submitted to the Navajo Nation Council, through the Office of the Speaker, within the ten (10) days requirement. Furthermore, the Navajo Nation President has line item veto authority for budget items within the annual Navajo Nation Comprehensive Budget or Supplemental appropriations, which are not subject to override by the Navajo Nation Council. 2 N.N.C. 164(A)(17).

After careful consideration and consultation with the Divisions, I have decided to exercise my line-veto for the following:

1. **Section Two. Adopting the Navajo Nation Fiscal Year 2019 Budget; B.; Items within Exhibit A, as described herein.**
2. **Section Two. Adopting the Navajo Nation Fiscal Year 2019 Budget; B. (1); Items within Exhibit B, as described here.**
3. **Section Two. Adopting the Navajo Nation Fiscal Year 2019 Budget B. (3); Items within Exhibit D, As described herein.**
4. **Section Two. Adopting the Navajo Nation Fiscal Year 2019 Budget B. (4); Items within Exhibit E, as described herein.**

5. **Section Two. Adopting the Navajo Nation Fiscal Year 2019 Budget F. (1)(a); line-item the language: The Division of Community Development shall receive priority allocation of \$1,372,958 to cover chapter official stipends of the 110 Chapters of the Navajo Nation.**
6. **Section Two. Adopting the Navajo Nation Fiscal Year 2019 Budget F. (2); Items within Exhibit H, as described herein.**
7. **Section Two. Adopting the Navajo Nation Fiscal Year 2019 Budget G. line item the language: The Navajo Nation hereby approves \$3,345,918 from the Permanent Fund Income for deposit into the Permanent Fund Five-Year Contingency Fund to be used as needed for subsequent fiscal years. 12 N.N.C. 2601 et seq., CO-54-16.**
8. **Section Two. Adopting the Navajo Nation Fiscal Year 2019 Budget H.; Items within Exhibit I, as described herein.**
9. **Section Two. Adopting the Navajo Nation Fiscal Year 2019 Budget O. (3); Items within Exhibit K, as described herein.**
10. **Section Three: Restrictions A. The Navajo Nation Council directs that the current Administration of the Office of the President and Vice-President shall expend no more than 33% of the Fiscal Year 2019 operating budget which will take them to 12:00 noon on Tuesday, January 8, 2019. The Controller is directed not to authorize payments in excess of the 33% of the Fiscal Year 2019 budget past January 08, 2019. On the swearing in of the new Administration the Controller shall release the remaining Fiscal Year 2019 budgeted appropriation.**
11. **Exhibit A; The Navajo Nation Fiscal Year 2019 Budget Summary; Items within Business Unit 1. 100xxx Executive Branch; Items within Business Unit 2. 101xxx Legislative Branch as described herein.**
12. **Exhibit B; The Navajo Nation Fiscal Year 2019 Legislative Branch Budget Summary; Items within Business Unit 101001; Business Unit 101003; Business Unit 101015; Business Unit 101025; Business Unit 101030; Business Unit 101033; Business Unit 101034, as described herein.**
13. **Exhibit D; The Navajo Nation Fiscal Year 2019 Executive Branch Budget Summary; Items within Business Unit No. 103xxx; Business Unit No. 108xxx; Business Unit No. 110xxx; Business Unit No. 113xxx; Business Unit No. 116xxx.**
14. **Exhibit E; The Navajo Nation Fiscal Year 2019 Fixed Costs Budget Summary; Items within Business Unit No. 118019, as described herein.**
15. **Exhibit I; FY 2019 CONDITION OF APPROPRIATIONS; Condition of Appropriation No. 1; Exhibit I-1; B. Judicial Branch – Administration Office of the Courts**

16. **Exhibit I; FY 2019 CONDITION OF APPROPRIATIONS; Condition of Appropriation No. 6; The Water Resources Program, BU#115011, by the end of the first quarter, shall develop a plan to repair or replace windmills and to repair earthen dams, at each quarter shall report on the location of the repaired or replaces windmills and the location of the repaired earthen dams, and shall establish a quarterly goal of the number of repaired or replaced windmills and repaired earthen dams. The plan and report shall be given to the Resources and Development Committee and the Budget and Finance Committee. If this Condition of Appropriation is not complied with by the end of the stated quarter, the Office of the Controller and Office of Management and Budget, by oversight Committee Resolution, shall freeze the Responsible Entity's travel funds. If this Condition of Appropriation is not complied with by the end of the stated quarter the withholding will be forfeited. Responsible Entity: Water Resources.**
17. **Exhibit J, FISCAL YEAR 2019 LEGISLATIVE CONCERNS; line item the following:**
  - a. **LEGISLATIVE CONCERN NO. 1; The DALTC will report to the Health, Education and Human Services Committee and the Budget and Finance Committee each quarter.**
  - b. **LEGISLATIVE CONCERN NO. 2; The DALTC will report to the Health, Education and Human Services Committee and the Budget and Finance Committee each quarter.**
  - c. **LEGISLATIVE CONCERN NO. 3; and the Budget and Finance Committee**
  - d. **LEGISLATIVE CONCERN NO. 6; Division of Social Services Navajo Children and Family Services, ICWA Unit The Navajo Children and Family Services, ICWA Unit, will report on the progress of establishing regional offices in Albuquerque, New Mexico and Phoenix, Arizona. The Navajo Children and Family Services, ICWA Unit, will report to the Health, Education and Human Services Committee by the end of the first quarter.**
  - e. **LEGISLATIVE CONCERN NO. 7; The Navajo Nation Environmental Protection Agency Superfund Program will complete and provide such reports to the Resources and Development Committee each quarter.**
18. **Exhibit K, Fiscal Year 2019 Budget Detail binder. DIVISION OF COMMUNITY DEVELOPMENT; Business Unit 108081; 6810 Architecture/Design (non cap) in the amount of \$12,064.**
19. **Exhibit K 2019 Budget Detail binder. DIVISION OF PUBLIC SAFETY; Business Unit No. 116019; 3210 Vehicle Rental in the amount of 500; 3230 Personal Travel in the amount of 13,081; 3310 Air in the amount of 1,000; 4120**

- Office Supplies in the amount of 2,000; 4200 Non Capital Assets in the amount of 3,000; 4410 Operating Supplies in the amount of 9,363; 4610 Supplies in the amount of 2,621; 4700 Fuel in the amount of 1,000; 5520 Telephone in the amount of 5,000; 5570 Internet in the amount of 5,000; 5610 Wireless in the amount of 7,000; 7110 Programs in the amount of 10,000; 7410 Media in the amount of 5,000.**
- 20. Exhibit K 2019 Budget Detail binder. FIXED COSTS; Business Unit No. 118019; 6300 and 7510 in the amount of 134,160 for Amendment No. 6.**
- 21. Exhibit K 2019 Budget Detail binder. NAVAJO NATION VETERANS ADMINISTRATION:**
- a. Business Unit No. 103015; 3810 Meetings in the amount of \$40,000;**
  - b. Business Unit No. 103016; NNVA – CHINLE AGENCY; 1156 Program Supervisor in the amount of 41,018;**
  - c. Business Unit No. 103018; NNVA – FT. DEFIANCE AGENCY; 1112 Veterans Claims Examiner in the amount of 41,018; 9050 Building in the amount of 80,000.**
- 22. Exhibit K Budget Detail binder; DIVISION OF ECONOMIC DEVELOPMENT;**
- a. Business Unit No. 110005; 6830 Other Technical Services in the amount of 12,612;**
  - b. Business Unit No. 110006; 6830 Other Technical Services in the amount of 12,612;**
  - c. Business Unit No. 110009; 6830 Other Technical Services in the amount of 12,612;**
  - d. Business Unit No. 110010; 6830 Other Technical Services in the amount of 12,612;**
  - e. Business Unit No. 110011; 6830 Other Technical Services in the amount of 12,612.**
- 23. Exhibit K Budget Detail binder; DIVISION OF ECONOMIC DEVELOPMENT; Real Estate Department; Business Unit No. 110015 in the amount of 42,558 for Amendment No. 16.**
- 24. Exhibit K Budget Detail binder; DEPARTMENT OF HEALTH; Business Unit No. 113010 (DALTC Administration) in the amount of 327,821 for Amendment No. 21.**
- 25. Exhibit K Budget Detail binder; NAVAJO NATION WASHINGTON OFFICE; Business Unit No. 103002; 6520 Consulting in the amount of 140,000.**



26. **Exhibit K Budget Detail binder; Business Unit No. 101001 NAVAJO NATION COUNCIL; 2410 Stipends – NNC Council in the amount of 964,680; 6520 Consulting in the amount of 7,000; 6660 Attorneys in the amount of 13,500; 6910 Other Contractual Services in the amount of 2,000.**
27. **Exhibit K Budget Detail binder; Business Unit No. 101003 BUDGET AND FINANCE COMMITTEE; 3520 Special Meetings in the amount of 13,062; Sub-Committee Meetings in the amount of 14,791.**
28. **Exhibit K Budget Detail binder; Business Unit No. 101015 OFFICE OF THE SPEAKER; 6520 Consulting in the amount of 91,500; Other Contractual Services in the amount of 4,000; 6660 Attorneys in the amount of 105,364.**
29. **Exhibit K Budget Detail binder; Business Unit No. 101025 NAVAJO/HOPI LAND COMMISSION; 6520 Consulting in the amount of 4,501.**
30. **Exhibit K Budget Detail binder; Business Unit No. 101033 NAA'BIK'I'YA'TI COMMITTEE; 6520 Consulting in the amount of 22,500; 6660 Attorneys in the amount of 10,500; Other Contractual Services in the amount of 1,584.**
31. **LEGISLATIVE DISTRICT ASSISTANTS, LEGISLATIVE BRANCH Business Unit 101034 in the amount of \$1,552,849.**

The justification for use of the President's line-item veto is set forth below.

As consistently stated by this Administration, the Division's budget are based on their strategic plan to carry out the priorities of the Navajo Nation. We have stated since day one of our Administration that in order for our Government to be effective and be able to carry out our priorities we must develop a budget that is strategic. As such, we continue to maintain that position and preserve the budget that was submitted by our Executive Branch, as it is the budget needed and advocated by our Division Directors to carry out the needs and priorities of the Navajo Nation Government. In addition, with the potential closure of the Navajo Generating Station and lower revenues we must also reevaluate and restructure our Nation.

1. Section Two. Adopting the Navajo Nation Fiscal Year 2019 Budget F. (1)(a); line-item the language: The Division of Community Development shall receive priority allocation of \$1,372,958 to cover chapter official stipends of the 110 Chapters of the Navajo Nation.

There are many priorities for the Executive Branch which are based on the four (4) pillars of this Administration. The Executive Branch is in the best position on those priorities and best use of the carryover funds. As stated above, this Administration has always positioned itself based on

strategy. In use of the carryover, this Administration will consult with each Division Director on the priority allocation for the Executive Branch carry over.

As such, I exercise my line-item veto.

2. Section Two. Adopting the Navajo Nation Fiscal Year 2019 Budget G. line item the language: The Navajo Nation hereby approves \$3,345,918 from the Permanent Fund Income for deposit into the Permanent Fund Five-Year Contingency Fund to be used as needed for subsequent fiscal years. 12 N.N.C. 2601 et seq., CO-54-16.

The Three Branch Chiefs agreement approved \$500,000.00, not \$3,345,918. As a Branch Chief, I will only support the agreement that was approved and signed by the three Branch Chiefs.

Therefore, I must exercise my line-item veto power.

3. Section Three: Restrictions A. The Navajo Nation Council directs that the current Administration of the Office of the President and Vice-President shall expend no more than 33% of the Fiscal Year 2019 operating budget which will take them to 12:00 noon on Tuesday, January 8, 2019. The Controller is directed not to authorize payments in excess of the 33% of the Fiscal Year 2019 budget past January 08, 2019. On the swearing in of the new Administration the Controller shall release the remaining Fiscal Year 2019 budgeted appropriation.

As stated in previous line-item veto messages and veto messages, it has been the constant position of the Office of the President and Vice President ("OPVP") that the Navajo Nation Council has no authority to issue directives to this Office. In reverse, the OPVP does not make directives to the Navajo Nation Council. I will continue to advocate for the separation of powers this government is based upon and protect the powers of the President.

Therefore, I must exercise my line-item veto.

4. Exhibit I; FY 2019 CONDITION OF APPROPRIATIONS; Condition of Appropriation No. 1; Exhibit I-I; B. Judicial Branch – Administration Office of the Courts

The Condition of Appropriations ("COA") are important and supported by this Administration. However, as stated above, we must maintain a clear separation of powers. I



recently received a memorandum from Chief Justice Joann Jayne. I fully support her position taken in the memorandum.

Therefore, I must exercise my line-item veto.

5. Exhibit I; FY 2019 CONDITION OF APPROPRIATIONS; Condition of Appropriation No. 6; The Water Resources Program, BU#115011, by the end of the first quarter, shall develop a plan to repair or replace windmills and to repair earthen dams, at each quarter shall report on the location of the repaired or replaces windmills and the location of the repaired earthen dams, and shall establish a quarterly goal of the number of repaired or replaced windmills and repaired earthen dams. The plan and report shall be given to the Resources and Development Committee and the Budget and Finance Committee. If this Condition of Appropriation is not complied with by the end of the stated quarter, the Office of the Controller and Office of Management and Budget, by oversight Committee Resolution, shall freeze the Responsible Entity's travel funds. If this Condition of Appropriation is not complied with by the end of the stated quarter the withholding will be forfeited. Responsible Entity: Water Resources.

After consulting with Division of Natural Resources, this COA will potentially expend monies that do not exist or provided for this COA. I share concerns the Division will not successfully comply with this COA, not because of non-performance but lack of monies and resources. It would be unfair to penalize the program due to lack of adequate resources. While I would support this effort there must be additional funding provide otherwise the program will be in a poor position to succeed.

Therefore, I must exercise my line-item veto power.

6. Exhibit J, FISCAL YEAR 2019 LEGISLATIVE CONCERNS; line item the following:
  - a. LEGISLATIVE CONCERN NO. 1; The DALTC will report to the Health, Education and Human Services Committee and the Budget and Finance Committee each quarter.
  - b. LEGISLATIVE CONCERN NO. 2; The DALTC will report to the Health, Education and Human Services Committee and the Budget and Finance Committee each quarter.
  - c. LEGISLATIVE CONCERN NO. 3; and the Budget and Finance Committee
  - d. LEGISLATIVE CONCERN NO. 6; Division of Social Services Navajo Children and Family Services, ICWA Unit The Navajo Children and Family Services,

ICWA Unit, will report on the progress of establishing regional offices in Albuquerque, New Mexico and Phoenix, Arizona. The Navajo Children and Family Services, ICWA Unit, will report to the Health, Education and Human Services Committee by the end of the first quarter.

- e. LEGISLATIVE CONCERN NO. 7; The Navajo Nation Environmental Protection Agency Superfund Program will complete and provide such reports to the Resources and Development Committee each quarter.

A shared common concern by both branches is often the lack of quorum at the Council sessions. This will often leave the Executive Branch spending long hours not carrying out their duties but simply waiting. This is a contributing factor to complaints for lack of performance by the Executive Branch. The Executive Branch can continue to provide written reports to Council sessions versus oral reports to allow our staff to carry out their duties.

In addition, the No. 6 is concerning as to the additional costs that could bring to the Program. We are short on funding and this will only deplete the limited resources this Program currently operates on. While this is an important venture, resources can limit the program goals.

Therefore I exercise my line-item veto power.

- 7. Exhibit K, Fiscal Year 2019 Budget Detail binder. DIVISION OF COMMUNITY DEVELOPMENT; Business Unit 108081; 6810 Architecture/Design (non cap) in the amount of \$12,064.

As stated above, the budget was developed strategically. Over the past year, the Division Directors have been working on their plans to restructure so as to be more efficient and accountable to our People. The Division Directors submitted a budget that was requested and needed for them to carry out their services. This Administration stands behind the budgets as requested and advocated by the Directors.

Therefore, I must exercise my line-item veto power.

- 8. Exhibit K 2019 Budget Detail binder. DIVISION OF PUBLIC SAFETY; Business Unit No. 116019; 3210 Vehicle Rental in the amount of 500; 3230 Personal Travel in the amount of 13,081; 3310 Air in the amount of 1,000; 4120 Office Supplies in the amount of 2,000; 4200 Non Capital Assets in the amount of 3,000; 4410 Operating Supplies in the amount of 9,363; 4610 Supplies in the amount of 2,621; 4700 Fuel in the amount of

1,000; 5520 Telephone in the amount of 5,000; 5570 Internet in the amount of 5,000; 5610 Wireless in the amount of 7,000; 7110 Programs in the amount of 10,000; 7410 Media in the amount of 5,000.

I fully support the Amber Alert and the program has shown success as it is in its infancy. However, all the line-items are not necessary. The budget currently is sufficient to operate a successful program. However, I agree with additional funding to parts of the programs that are needed. With the budget slowly depleting we must best use the Nation's funds for other much needed programs.

Therefore, I exercise my line-item veto power.

9. Exhibit K 2019 Budget Detail binder. FIXED COSTS; Business Unit No. 118019; 6300 and 7510 in the amount of 134,160 for Amendment No. 6.

I cannot support the transfer of funds between branches. The three branch chiefs have agreed to the distribution of funds to each branch. This is a transfer from executive branch to the judicial branch budget. I will stand behind the agreement made between the three branches.

Therefore, I must exercise my line-item veto power.

10. Exhibit K 2019 Budget Detail binder. NAVAJO NATION VETERANS ADMINISTRATION:

- a. Business Unit No. 103015; 3810 Meetings in the amount of \$40,000;
- b. Business Unit No. 103016; NNVA – CHINLE AGENCY; 1156 Program Supervisor in the amount of 41,018;
- c. Business Unit No. 103018; NNVA – FT. DEFIANCE AGENCY; 1112 Veterans Claims Examiner in the amount of 41,018; 9050 Building in the amount of 80,000.

The Navajo Veterans Advisory Council ("NVAC") is the advisor to the President. By statute, the NVAC have quarterly meetings with the President. The budget provided is for meetings beyond the number of meetings held each quarter. As stated above with the impending closure of Navajo Generating Station and lost of revenue we must be efficient within the existing legal structure.

In addition, each NNVA office should be equivalent and fair in the services offered to our veterans. In reviewing the budget, some Offices have more staff and resources in those agencies and that should not be the case. Each office should offer the same amount of services to our Veterans.

Lastly, the building renovations is a one-time funding. I would fully support UUFB be used for the \$80,000 to renovate the Fort Defiance Veterans Office. There are other Veterans Office that need renovations as well. I would support UUFB for renovations of all 5 Agency Veterans Office. That is the better source for this type of transaction.

Therefore I exercise my line-item veto power.

11. Exhibit K Budget Detail binder; DIVISION OF ECONOMIC DEVELOPMENT;

- a. Business Unit No. 110005; 6830 Other Technical Services in the amount of 12,612;
- b. Business Unit No. 110006; 6830 Other Technical Services in the amount of 12,612;
- c. Business Unit No. 110009; 6830 Other Technical Services in the amount of 12,612;
- d. Business Unit No. 110010; 6830 Other Technical Services in the amount of 12,612;
- e. Business Unit No. 110011; 6830 Other Technical Services in the amount of 12,612.

As stated above, the budget was developed strategically. The Division Directors have been working on their plans to restructure so as to be more efficient and accountable to our People. I will stand with the Division Directors on the budget that was submitted and advocated by the Directors.

Therefore I must exercise my line-item veto power.

12. Exhibit K Budget Detail binder; DIVISION OF ECONOMIC DEVELOPMENT; Real Estate Department; Business Unit No. 110015 in the amount of 42,558 for Amendment No. 16.

As stated above, the budget was developed strategically. The Division Directors have been working on their plans to restructure so as to be more efficient and accountable to our People. I



will stand with the Division Directors on the budget that was submitted and advocated by the Directors.

Therefore I must exercise my line-item veto power.

13. Exhibit K Budget Detail binder; DEPARTMENT OF HEALTH; Business Unit No. 113010 (DALTC Administration) in the amount of 327,821 for Amendment No. 21.

As stated above, the budget was developed strategically. The Division Directors have been working on their plans to restructure so as to be more efficient and accountable to our People. I will stand with the Division Directors on the budget that was submitted and advocated by the Directors.

Therefore I must exercise my line-item veto power.

14. Exhibit K Budget Detail binder; NAVAJO NATION WASHINGTON OFFICE; Business Unit No. 103002; 6520 Consulting in the amount of 140,000.

As stated above, the budget was developed strategically. The Division Directors have been working on their plans to restructure so as to be more efficient and accountable to our People. I will stand with the Division Directors on the budget that was submitted and advocated by the Directors.

Therefore I must exercise my line-item veto power.

15. Exhibit K Budget Detail binder; Business Unit No. 101001 NAVAJO NATION COUNCIL; 2410 Stipends – NNC Council in the amount of 964,680; 6520 Consulting in the amount of 7,000; 6660 Attorneys in the amount of 13,500; 6910 Other Contractual Services in the amount of 2,000.

As many are aware the Navajo Nation Council receives stipends for each meeting attended, this includes non-Council and committee session meetings. Many of our people have raised concerns on this issue. In fact, a lawsuit was initiated by former Chief Justice Tom Tso questioning the stipends that are paid out to each Delegate. This lawsuit is pending.

It is important that there be transparent to our Navajo people of funds that our expended. As you know the President's salary is \$55,000 and Vice President's salary is \$45,000. Neither the

President or Vice President are permitted to receive a stipend for meetings attended contrary to the Council.

There must be better structure to offer more accountability on the expenditures of these funds. Therefore, I will exercise my line-item veto to bring this issue to attention and be addressed by the Council.

**16. LEGISLATIVE DISTRICT ASSISTANTS, LEGISLATIVE BRANCH Business Unit  
101034 in the amount of \$1,552,849.**

The intent of the people's referendum was to cut costs. This is an unfilled mandate of the Navajo Nation Council. We recommend that the Legislative Branch revisit its own Branch and restructure and reorganize as the Executive Branch has done in reorganizing to also cut costs and become more effective.

As such, I exercise my line-item veto.

I hereby direct the Office of the Management and Budget to make the adjustments as necessary for the line-item vetoes.



RESOLUTION OF THE  
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL -- Fourth Year, 2018

AN ACTION

RELATING TO BUDGET AND FINANCE COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE,  
AND NAVAJO NATION COUNCIL; AMENDING CS-68-18, THE NAVAJO NATION  
FISCAL YEAR 2019 COMPREHENSIVE BUDGET

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A).
- B. The Naabik'íyáti' Committee is assigned proposed resolutions that require final action by the Navajo Nation Council. 2 N.N.C. §164(A)(9).
- C. The Budget and Finance Committee shall make recommendations concerning the budget and submit it to the Navajo Nation Council for deliberation and approval. 12 N.N.C. § 840(A).

Section Two. Amending CS-68-18, the Navajo Nation Fiscal Year  
2019 Budget

- A. The Navajo Nation Council approved CS-68-18, the Navajo Nation Fiscal Year 2019 Comprehensive Budget, on September 10, 2018, and the Navajo Nation President signed CS-68-18 on September 21, 2018. The President line-item vetoed a total of \$7,135,449, which is now unappropriated projected funds. The Navajo Nation hereby amends the Fiscal Year 2019 Comprehensive Budget as indicated in the paragraphs below and summarized in attached **Exhibit A**.
- B. \$500,000 is appropriated for deposit into the Permanent Fund Five Year Contingency Fund to be used as needed for subsequent fiscal years.
- C. The Navajo Nation hereby approves the appropriation for Navajo Nation Fiscal Year 2019 for the Executive Branch for the following items, totaling \$3,272,445, from General Funds, as indicated in **Exhibit B**. Upon approval, each Division/Program will submit a complete budget packet, including authorized signatures, to the Office of the Controller and the Office of Management and Budget based on the appropriation as indicated below:



1. Division of Community Development:
  - a) Tohatchi Chapter, BU #108081.8500, in the amount of \$12,064, for non-capital infrastructure.
  - b) Division of Community Development - Admin. BU # 108001.6520, in the amount of \$42,558, for consulting.
2. Division of Economic Development:
  - a) Small Business Development Department, BU # 110013.6830, in the amount of \$63,060, for other technical services.
  - b) Division of Economic Development - Admin BU # 110001.6520, in the amount of \$177,953, for consulting.
3. Fixed Costs:

Lease Cost Large Equipment, BU # 118025.5160, in the amount of \$169,774, for equipment.
4. The Executive Offices, Navajo Nation Veterans Administration:

Program Supervisor BU #103015, in the amount of \$82,036, for the program supervisor.
5. The Division of Social Services:

Department of Family Services, BU # 117022 in the amount of \$125,000, for special transactions and public assistance.
6. Department of Health:
  - a) Department of Aging & Long Term Care Supervision - Admin, BU # 113010, in the amount of \$43,525, for Personnel Supplies.
  - b) Department of Aging & Long Term Care Services - Chinle, BU # 113011, Personnel \$39,555, for Personnel.
  - c) Department of Aging & Long Term Care Services - Ft. Defiance, BU # 113012, in the amount of \$33,585, for Personnel.

- d) Department of Aging & Long Term Care Services - Crownpoint, BU # 113013, in the amount of \$24,445, for Personnel.
  - e) Department of Aging & Long Term Care Services - Tuba City, BU # 113014, in the amount of \$24,445, for Personnel.
  - f) Department of Aging & Long Term Care Services - Shiprock, BU # 113015, in the amount of \$24,445, for Personnel.
  - g) Non-Emergency Medical Transportation, BU # NEW, in the amount of \$80,000, for Personnel and Operating.
  - h) Navajo Environmental Health and Protection Program, BU # 113005, in the amount of \$80,000, for Personnel and Operating.
7. Office of the Controller:
- a) Office of the Controller, BU # 107022, in the amount of \$159,019, for Personnel and Operating.
  - b) Purchasing Department, BU # 107020 in the amount of \$40,981, for Personnel.
8. Executive Offices:
- a) Washington Office, BU # 103002, in the amount of \$50,000, for Operating.
  - b) NN Youth Advisory Council, BU # NEW, in the amount of \$135,000, for Operating.
9. Division of General Services:
- Fixed Costs - Utilities, BU # 118005, in the amount of \$300,000, for Repairs and Maintenance.
10. Division of Community Development:
- Division of Community Development - Admin, BU # 108001 in the amount of \$250,000, for Public Assistance.
11. Division of Diné Education:
- a) Office of NN Scholarship/Financial Assistance, BU # 109008, in the amount of \$250,000, for Public assistance.

- b) NN Head Start, BU # NEW, in the amount of \$190,000, for past due payment for personnel and services rendered to NNHS.

12. Division of Human Resources:

Department of Personnel Management, BU # 114009, in the amount of \$135,000, for Personnel and Operating.

13. Office of Management and Budget:

Office of Management and Budget, BU # to be provided, in the amount of \$140,000, for Personnel.

14. Division of Transportation:

Division of Transportation, BU # to be provided, in the amount of \$500,000, for Equipment and Supplies.

15. Division of Natural Resources:

NN Energy Offices, BU # NEW, in the amount of \$100,000, for Personnel and Operating.

- D. The Navajo Nation hereby approves the appropriations for Navajo Nation Fiscal Year 2019 as listed here for the Legislative Branch for the following items, totaling \$3,058,049, from General Funds. Upon approval, each Program will submit complete budget packets, including authorized signatures, to the Office of the Controller and the Office of Management and Budget based on the appropriations, as indicated in **Exhibit C** as follows:

Legislative Branch:

- a) Navajo Nation Council, BU # 101001, in the amount of \$987,180.
- b) Naabik'íyáti' Committee, BU # 101033, in the amount of \$34,584.
- c) Budget and Finance Committee, BU # 101003, in the amount of \$27,853.
- d) Office of the Speaker, BU # 101015, in the amount of \$455,583.
- e) Legislative District Assistants, BU # 101034, in the amount of \$1,552,849.

- E. The Navajo Nation hereby approves a carryover for the Navajo Nation Election Office, BU# 101021, to carry out the 2018 General Election. See attached budget as **Exhibit E**.

F. The Navajo Nation hereby approves the appropriation for Navajo Nation Fiscal Year 2019 as listed here for the Judicial Branch for the following items, totaling \$304,955, from General Funds. Upon approval, each Division/Program will submit complete budget packets, including authorized signatures, to the Office of the Controller and the Office of Management and Budget based on the appropriations, as indicated in **Exhibit D** as follows:

- a) Admin. Office of the Courts, BU # 102001, in the amount of \$39,444.
- b) Chinle Judicial District, BU # 102002, in the amount of \$22,350.
- c) Crownpoint Judicial District, BU # 102003, in the amount of \$15,700.
- d) Shiprock Judicial District, BU # 102005, in the amount of \$5,782.
- e) Tuba City Judicial District, BU # 102006, in the amount of \$18,745.
- f) Ramah Judicial District, BU # 102007, in the amount of \$16,470.
- g) Window Rock Judicial District, BU # 102004, in the amount of \$17,000.
- h) Kayenta Judicial District, BU # 102010, in the amount of \$9,820.
- i) Supreme Court, BU # 102008, in the amount of \$14,287.
- j) Peacemaking Program, BU # 102009, in the amount of \$30,000.
- k) Dilkon Judicial District, BU # 102011, in the amount of \$7,307.
- l) Aneth Judicial District, BU # 102012, in the amount of \$10,999.
- m) Tohajiilee Judicial District, BU # 102013, in the amount of \$13,510.
- n) Alamo Judicial District, BU # 102014, in the amount of \$10,167.

- o) Dzil Yijjin Judicial District, BU # 102015, in the amount of \$38,707.
  - p) Pueblo Pintado Judicial District, BU # 102017, in the amount of \$7,070.
  - q) Probation Section, BU # 102018, in the amount of \$17,997.
  - r) Judicial Conduct Commission, BU # 102019, in the amount of \$9,600.
- G. It is in the best interest of the Navajo Nation to approve the amended Navajo Nation Fiscal Year 2019 Comprehensive Budget.

**SECTION THREE. DIRECTIVE TO THE OFFICE OF MANAGEMENT AND BUDGET**

- A. The Navajo Nation directs the Office of Management and Budget to immediately recalculate the final monetary totals such that the figures conform to the amendments passed by the Navajo Nation Council.
- B. The Navajo Nation directs the Office of Management and Budget to make any other changes to the exhibits such that they conform to the amendments passed by the Navajo Nation Council.

**SECTION FOUR. EFFECTIVE DATE**

The Navajo Nation Amended Fiscal Year 2019 Comprehensive Budget enacted herein shall be effective pursuant to 2 N.N.C. §§ 164(A)(17) and 221(B).

**CERTIFICATION**

I, hereby, certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 19 in favor and 01 opposed, on this 30th day of October 2018.



LoRenzo C. Bates, Speaker  
23rd Navajo Nation Council

11-1-18

Date



Motion: Honorable Benjamin L. Bennett

Second: Honorable Nathaniel Brown

Speaker LoRenzo C. Bates not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (c) (10), on this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

---

Russell Begaye, President  
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (c) (11), on this \_\_\_\_\_ day of \_\_\_\_\_ 2018 for reason(s) expressed in the attached letter to the Speaker

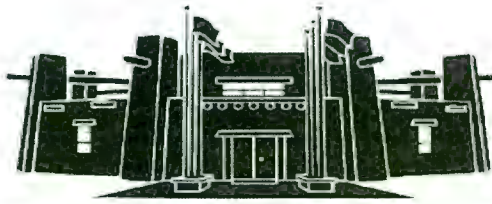
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Russell Begaye, President  
Navajo Nation

3. I, hereby, exercise line item veto pursuant to the 2010, Certified Initiative, over the supplemental appropriations approved herein by the Navajo Nation Council; on this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

---

Russell Begaye, President  
Navajo Nation



November 13, 2018

MEMORANDUM

TO : Tom Platero, Executive Director  
Office of Legislative Services

FROM :   
Levon B. Henry, Chief Legislative Counsel  
Office of Legislative Counsel

RE : CO-78-18– Enacted by Statute

On October 30, 2018 the Navajo Nation Council considered and passed Resolution CO-78-18, *Amending CS-68-18, The Navajo Nation Fiscal Year 2019 Comprehensive Budget*. The Speaker of the Navajo Nation Council certified the resolution on November 1, 2018. On that same day, the Office of the President and Vice-President received the resolution for the President's consideration. 12 days later, on November 13, 2018, the Office of the President and Vice-President returned the resolution to the Office of Legislative Services. Neither the Navajo Nation President nor the Vice-President signed the resolution.

Pursuant to 2 N.N.C. § 221(B) "All resolutions that enact new Navajo law or amend existing Navajo law and are adopted by the Navajo Nation Council shall become effective on the day the President of the Navajo Nation signs it into law or the Navajo Nation Council takes action to override the President's veto..." Resolution CO-78-18 specifically refers to 2 N.N.C. § 221(B). The President's powers include signing "legislation passed by the Navajo Nation Council into Navajo law within ten calendar days after the certification of the legislation by the Speaker..." 2 N.N.C. 1005(C)(10). In addition, "The President's authority to sign into law or veto legislation shall be deemed waived if not exercised within ten calendar days after certification of the legislation by the Speaker...and the legislation shall be deemed enacted and become effective pursuant to 2 N.N.C. § 221." 2 N.N.C. § 1005(C)(12).

The Speaker certified Resolution CO-78-18 on November 1 and the President's office received the resolution that same day. The 10-day period extended to November 11, 2018. The President did not sign the resolution within the 10-day period. Therefore, by law Resolution CO-78-18 is deemed enacted and considered Navajo Nation law.

cc: Hon. LoRenzo Bates, Speaker, 23<sup>rd</sup> Navajo Nation Council  
Council Delegates, 23<sup>rd</sup> Navajo Nation Council  
Pete Atcitty, Chief of Staff, Legislative Branch



RESOLUTION No. CO-78-18/ TRACKING NO. 0345-18

**Legislative Summary:**

An Action Relating to Budget and Finance Committee, Naabik'iyati' Committee, and Navajo Nation Council; Amending CS-68-18, the Navajo Nation Fiscal Year 2019 Comprehensive Budget

DELIVERED TO PRESIDENT'S OFFICE: Thursday, NOVEMBER 01, 2018

RECEIVED BY: Brittany Smith

DATE: 11/1/18

TIME: 2:50 AM/PM

VETO WAIVED AS OF 5:00 PM - Sunday, NOVEMBER 11, 2018

MONTH	DAY 1	DAY 2	DAY 3	DAY 4	DAY 5	DAY 6	DAY 7	DAY 8	DAY 9	DAY 10	YEAR
NOVEMBER	02	03	04	05	06	07	08	09	10	11	2018

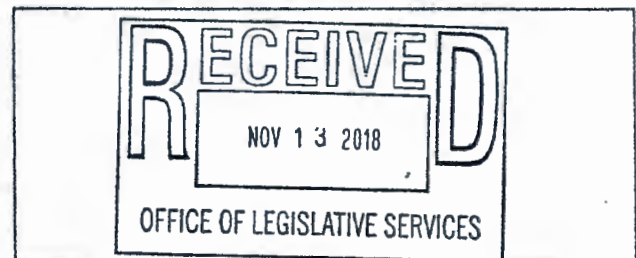
**OFFICE OF LEGISLATIVE SERVICES:**

**RECEIVED DATE STAMP:**

Received From: Brittany Smith

Time: 9:50 AM

OLS Staff: Karen J. Thompson





**THE NAVAJO NATION**

**RUSSELL BEGAYE PRESIDENT**

**JONATHAN NEZ VICE PRESIDENT**

## MEMORANDUM

**TO:** Honorable Delegate Amber Kanazbah Crotty  
The 23<sup>rd</sup> Navajo Nation Council

**FROM:** Nona Baheshone  
Nona Baheshone, Executive Director  
Diné Uranium Remediation Advisory Commission

**DATE:** October 16, 2018

**SUBJECT:** REQUEST SPONSORSHIP OF THE URANIUM COMMISSION BUDGET

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Honorable Delegate Crotty,

On behalf of the Diné Uranium Remediation Advisory Commission, we respectfully request your sponsorship of the FY2019 budget through the approval process by the Navajo Nation Council. I have attached the FY19 budget which has been approved by the Funding Authority, Navajo Nation Office of Management and Budget, and the Office of President and Vice President.

The Office of Legislative Service (OLS) advised the sponsoring delegate must submit the attached budget to the OLS for their preparation of the proposed legislation, public review of the proposed legislation and scheduling review by appropriate oversight committee(s). As such, we are sending the attached budget for you to submit to OLS as sponsoring delegate.

We are grateful for your assistance in processing the Uranium Commission's first budget. It has been difficult to operate in the past year without an operating budget, so thank you for sponsorship. Please feel free to contact me at [nbaheshone@outlook.com](mailto:nbaheshone@outlook.com) or 928-871-7186 if you have any questions.



THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

FY 2019

PART I. Business Unit No.: _____		NEW		Program Title: _____		Diné Uranium Remediation Advisory Commission		Division/Branch: _____		Executive Branch	
Prepared By: _____		Nona Baheshone		Phone No.: _____		928-871-7186		Email Address: _____		nbaheshone@outlook.com	

PART II. FUNDING SOURCE(S)		Fiscal Year	Amount	% of Total	PART III. BUDGET SUMMARY			Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference (Column B - A)
		Term									
Special Revenue "Hazardous Substances"		10/01/18-9/30/19	406,078	100	2001	Personnel Expenses	5		261,082		261,082
					3000	Travel Expenses	5		69,727		69,727
					3500	Meeting Expenses			0		0
					4000	Supplies	5		26,430		26,430
					5000	Lease and Rental	5		18,700		18,700
					5500	Communications and Utilities	5		10,520		10,520
					6000	Repairs and Maintenance	5		2,550		2,550
					6500	Contractual Services	5		3,600		3,600
					7000	Special Transactions	5		13,469		13,469
					8000	Public Assistance			0		0
					9000	Capital Outlay			0		0
					9500	Matching Funds			0		0
					9500	Indirect Cost			0		0
					TOTAL				\$0.00	406,078	406,078

PART IV. POSITIONS AND VEHICLES		(D)	(E)
Total # of Positions Budgeted:			3
Total # of Permanently Assigned Vehicles:			1

PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.

<p><i>Nona Baheshone</i> SUBMITTED BY: Program Manager's Printed Name</p> <p><i>Nona Baheshone</i> SUBMITTED BY: Program Manager's Signature and Date</p>	<p>Nona Baheshone, Executive Director / Russell Begaye, President APPROVED BY: Division Director/Branch Chief's Printed Name</p> <p><i>Nona Baheshone</i> APPROVED BY: Division Director/Branch Chief's Signature and Date</p>
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**THE NAVAJO NATION  
PROGRAM PERFORMANCE CRITERIA**

<b>PART I. PROGRAM INFORMATION:</b>											
Business Unit No.:	NEW	Program Name/Title: Diné Uranium Remediation Advisory Commission									
<b>PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:</b>											
Pursuant to the enabling legislation CJA-14-17 and the Amended Plan of Operation, the purpose of the Uranium Commission is to study and reach conclusions about the impacts of uranium mining and uranium processing on the Navajo Nation and to make recommendations to the President of the Navajo Nation Council for policies, laws and regulations to address those impacts. See attached Amended Plan of Operations.											
<b>PART III. PROGRAM PERFORMANCE CRITERIA:</b>											
1. Goal Statement: Public Participation	Program Performance Measure: Number of citizens, residents, visitors attending regular meeting.	1st QTR		2nd QTR		3rd QTR		4th QTR			
		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
		30			30		30		30		
2. Goal Statement: Technologies to address wastes including potential locations to dispose & isolate uranium waste	Program Performance Measure: Number of public meetings on uranium wastes disposal methods.										
		1		1		2		2		2	
3. Goal Statement: Enhancing employment opportunities in uranium remediation.	Program Performance Measure: Number of meetings on remediation work.										
		1		1		2		2		2	
4. Goal Statement: Study of effects on environmental & health of radiation exposure to uranium wastes.	Program Performance Measure: Community meetings on effects or uranium wastes on environment and human health.										
		1		1		2		2		2	
5. Goal Statement: Consistency in application of Fundamental Law, CERCLA, Radioactive Materials, TEK, etc.	Program Performance Measure: Community meetings on uranium studies & remediation using Navajo Nation laws.										
		1		1		2		2		2	
<b>PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.</b>											
										Nona Baheshone Program Manager's Printed Name	
										Division Director/Branch Chief's Signature and Date Nona Baheshone, Executive Director / Russell Begaye, President Division Director/Branch Chief's Printed Name	
										Division Director/Branch Chief's Signature and Date	



SUB ACCT	POS NO	JOB TYPE	POSITION TITLE	EMP ID	WRKSITE CODE	FY 2018 ACTUAL		FY 2019 PROPOSED	
						G/S	SALARY	HOURS	BUDGET
	2-4145	302 Executive Director		353725	WIN		76,814.40	2,080	76,814.40
	New	3031 Environmental Program Supervisor		Vacant	WIN	A67A	52,852.80	2,080	52,852.80
		1366 Office Specialist		Vacant	WIN	AI58A	24,731.20	2,080	24,731.20

SUBTOTAL: 154,398.40

BUSINESS UNIT TOTAL: 154,398.40

**THE NAVAJO NATION**  
**DETAILED BUDGET AND JUSTIFICATION**

<b>PART I. PROGRAM INFORMATION:</b> Program Name/Title: <u>Diné Uranium Remediation Advisory Commission</u> Business Unit No.: <u>NEW</u>			
<b>PART II. DETAILED BUDGET:</b>			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
<b>2001 PERSONNEL EXPENSES</b>			
	Employee salary, Commission stipend, fringe benefits, salary adjustments and merit payment for eligible personnel.		261,082
2110	Regular	154,398	
2200	Three (3) Regular, Full-time positions	154,398	
	Salary Adjustment		874
2450	Step Increases for eligible employees		
	1001 Executive Director = .42 X 2080 =	874	
	Stipend - Commission		
2710	0.2460 11 Commission members X \$250X 12 =	33,000	
	Merit Bonus		1,000
2900	0.2720 Merit Bonus	1,000	
	Fringe Benefits		
	Regular 1152,194 X 43.85%	67,704	
	Salary Adjustment 874 X 43.85%	383	
	Commission 33,000 X 9.95%	3,284	
	Merit Bonus 1000 X 43.85%	439	
<b>TOTAL</b>		<b>261,082</b>	<b>261,082</b>

**THE NAVAJO NATION**  
**DETAILED BUDGET AND JUSTIFICATION**

<b>PART I. PROGRAM INFORMATION:</b> Program Name/Title: _____ Diné Uranium Remediation Advisory Commission Business Unit No.: _____ NEW			
<b>PART II. DETAILED BUDGET:</b>			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code
	<b>3000 TRAVEL EXPENSES</b>		69,727
	Monthly mileage and fleet rental. Meals, lodging and air fare directly related to program business and other miscellaneous travel expenses.		
3110	Fleet	10,901	
	Monthly/Perm: (Group C Class XV SUV) \$521 X 12 mos. =		6,252
	Mileage: (Group C Class XV SUV) 1200 X .21 X 12 mos. =		375
			6,627
3210	Vehicle Rental	1,500	
	Vehicle Rental (off reservation)		4,032
			242
			4,274
3230	Travel Expenses	54,126	
	\$64/Daily Per Diem X 2 days/mo. X 9 mos. for 3 staff		3,456
	\$64/Daily Per Diem X 2 days/mo. X 9 mos. for 11 Commission members		12,672
	\$64/Daily Per Diem X 12 nights/mp. for 3 staff for training		2,304
	\$93/Night Per Diem X 2 nights/mo. X 9 mos. for 3 staff		5,022
	\$93/Night Per Diem X 2 nights/mo. X 9 mos. for 11 Commission members		18,414
	\$142/Night Per Diem X 6 nights for 3 staff for training		2,556
	POV @ 2400 miles X .545 for staff		1,308
	POV @ 1,200 miles X 0.535 for 11 Commission members		7,194
	Other Incidental Travel Expense		1,200
3310	Air Travel	3,200	
	Commercial Air		
			3,200
<b>TOTAL</b>		<b>69,727</b>	<b>69,727</b>

THE NAVAJO NATION  
DETAILED BUDGET AND JUSTIFICATION

<b>PART I. PROGRAM INFORMATION:</b> Program Name/Title: _____ Business Unit No.: _____ NEW			
<b>PART II. DETAILED BUDGET:</b>			
Object Code (LOD 6) (A)	Object Code Description and Justification (LOD 7) (B)	Total by DETAILED Object Code (C)	Total by MAJOR Object Code (D)
7110	<b>7000 SPECIAL TRANSACTIONS</b> <b>Programs</b> 0.7135 Public Relation/Prgm Outreach Webcast Commission mtgs. @650/mo X 9 m 5,850 0.7130 Promotional Items 500 0.7190 Refreshr Refreshments 1,500	7,850	13,469
7510	<b>TRAINING &amp; PROFESSIONAL DUES</b> 0.7520 Training & Registration Fees 600 X 3 staff 1,800 0.7550 Professional Dues 600	2,400	
7710	<b>Insurance Premiums</b> 0.7772 Property (\$100,000/1000) X .79 79 0.7774 Vehicle - Auto 110 0.7775 Vehicle - Physical Damage 108 0.7765 General Liability (\$200,148/100) X .34 681 0.7766 Deductible Expense \$500 500 0.7767 Workers Comp (\$152,194/100) X .92 1,741	3,219	
<b>TOTAL</b>		13,469	13,469

## PART I. PROGRAM INFORMATION:

Program Name/Title: Diné Uranium Remediation Advisory Commission Business Unit No.: NEW

## PART II. DETAILED BUDGET:

(A)		(B)		(C)	(D)
Object Code (LOD 6)		Object Code Description and Justification (LOD 7)		Total by DETAILED Object Code	Total by MAJOR Object Code (LOD 4)
	4000 SUPPLIES				26,430
	Desktop supplies, folders, envelopes, pens, pencils. Power Point project, laptops and partitions. Computer/Xerox toner cartridges. Printing of manuals, brochures, binding, photocopying and publication subscription.				
4120	Office Supplies			3,000	
	0.4130 General Office Supplies			3,000	
4200	Non Capital Assets			16,350	
	0.4210 Non-Cap Furniture & Equipment				
	3 desktop computers @ 5000 ea., 3 scanners @ 300 ea.,			15,900	
	3 telephones @ 150 ea.			450	
4410	Operating Supplies			5,080	
	0.4420 General Operating Supplies			2,500	
	0.4450 Postage, Courier Shipping: \$350 per quarter			80	
	0.4530 Printing/Binding/Photocopying			2,500	
4610	Supplies			2,000	
	0.463 Tires and Tubes			2,000	
	5000 LEASE & RENTAL				18,700
5110	Office space lease , rental of meeting room for Commission meetings, work sessions, rental of booth space at NNEPA conference.				
	0.512 Office Space rental from Superfund Program 1200/mo. X 12 mos,			14,400	
5310	Building Space Rental			3,400	
	0.532 Meeting Space: Monthly meeting space @ \$200 X 12 mos			2,400	
	0.534 Conference Booth/Trade Show Rental			1,000	
5360	Equipment/Supplies			900	
	0.5370 Equipment Rental: 1 Xerox Copier Rental (BUZHUB C35) X 75/mo. X 12			900	
TOTAL				45,130	45,130



**THE NAVAJO NATION**  
**DETAILED BUDGET AND JUSTIFICATION**

**PART I. PROGRAM INFORMATION:**

Program Name/Title: \_\_\_\_\_ Diné Uranium Remediation Advisory Commission Business Unit No.: \_\_\_\_\_ NEW

**PART II. DETAILED BUDGET:**

(A)		(B)		(C)		(D)	
Object Code (LOD 6)		Object Code Description and Justification (LOD 7)		Total by DETAILED Object Code	Total by MAJOR Object Code		
5520	5500 COMMUNICATIONS & UTILITIES - Basic telephone service & line charges. Telephone installation, DSL line service charges, DSL internet service		720	6,920	10,520		
	5520 Telephone basic service \$30/mo. X 2 locations X 12 mos		720				
	5540 Long distance @ 150/mo. 2 locations X 12 mos.		3,600				
	5560 Hardware install one time fee		800				
	5580 DSL 75/mo X 12 mos.		900				
	5560 Internet Services 75/mo. X 12 mos.		900				
5710	Utilities						
	5720 Electric 200/mo. X 12 mos.		2,400				
5750	Services						
	5760 Water 100/mo. X 12 mos.		1200				
	6000 REPAIRS & MAINTENANCE				2,550		
	Annual repair & maintenance fees for furniture, equipment and computer upgrades						
6040	0.605 Building 50/mo. X 12 mos		600				
6130	Services						
	0.614 1 Xerox Copier Maintenance (BIZHUB C35)		1,200				
6300	Technology						
	0.632 Software Support: 3 employees X \$250		750				
	CONTRACTUAL SERVICES						
6910	0.6912 Professional services for traditional practitioner 400/mo X 9 mos. 200/mtg X 9 mtgs + 200 for mileage, per diem for 9 mtgs		3,600				
TOTAL				16,670	16,670		

RESOLUTION OF THE  
NAVAJO NATION COUNCIL

23<sup>rd</sup> NAVAJO NATION COUNCIL - Third Year, 2017

AN ACTION

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABIAU-52-15, THE PLAN OF OPERATION FOR THE DINÉ URANIUM REMEDIATION ADVISORY COMMISSION

BE IT ENACTED:

Section One. Authority

- A. The Naabik'íyáti' Committee of the Navajo Nation Council is a standing committee of the Navajo Nation Council. 2 N.N.C. § 700 (A).
- B. The Naabik'íyáti' Committee of the Navajo Nation Council exercises legislative oversight for the Diné Uranium Remediation Advisory Commission with the authority to approve the Diné Uranium Remediation Advisory Commission's Plan of Operation. 2 N.N.C. § 3582, CAP-14-15 attached as Exhibit 3.

Section Two. Findings

- A. The Naabik'íyáti' Committee adopted the Plan of Operation for the Diné Uranium Remediation Advisory Commission. See NABIAU-52-15 attached as Exhibit 2.
- B. The Plan of Operation provided for an initial term of five years beginning in 2014, and for appointment of Commission members within 90 days following the effective date of the legislation.
- C. The Naabik'íyáti' Committee has determined that the Plan of Operation should be amended to modify and extend the process for appointment of Commission members, to provide that the initial five-year term of the Commission should commence when a quorum is established and end on September 30, 2021, and to correct minor drafting errors.
- D. It is in the best interest of the Navajo Nation that the Plan of Operation of the Diné Uranium Remediation Advisory Commission be amended.

**Section Three. Approval of the Amendment to the Diné Uranium Remediation Advisory Commission Plan of Operation**

The Naabik'iyáti' Committee of the Navajo Nation Council hereby adopts and approves the Amended Plan of Operation for the Diné Uranium Remediation Advisory Commission, attached hereto as Exhibit 1.

**Section Four. Effective Date**

The effective date of the amendments to the Plan of Operation of the Diné Uranium Remediation Advisory Commission is the date it is certified by the Chairperson or Pro Tem Chairperson of the Naabik'iyáti' Committee of the Navajo Nation Council.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 18 in favor and 0 opposed, this 26<sup>th</sup> day of January 2017.

  
Edmund Yazzie, Speaker Pro Tem  
Navajo Nation Council

08/01/17  
Date

Motion: Honorable Nathaniel Brown  
Second: Honorable Tom Chee



## DINÉ URANIUM REMEDIATION ADVISORY COMMISSION

### Amended Master Plan of Operation

#### I. Establishment

The Diné Uranium Remediation Advisory Commission (herein referred to as the "Commission") is hereby established as an advisory commission in the Executive Branch of the Navajo Nation Government.

#### II. Purpose and Objectives

The purpose of the Commission is to study and reach conclusions about the impacts of uranium mining and uranium processing on the Navajo Nation and to make recommendations to the President of the Navajo Nation and to the Navajo Nation Council for policies, laws and regulations to address those impacts.

The Commission may review and make recommendations on issues including but not limited to the following: remediation and restoration of areas contaminated by past uranium mining and uranium processing; appropriate technologies to address wastes, including potential locations to dispose and isolate uranium wastes; the role of the Navajo Nation in remediation of such sites; opportunities to increase the employment of members of the Navajo Nation in remediation work; the need for and scope of studies of the effects on the environment and human health of exposure to uranium wastes; the potential impacts and risks of new uranium development; and the consistency of new proposed mining with the Fundamental Laws of the Diné, the Diné Natural Resources Protection Act of 2005, Navajo Nation CERCLA, and the Radioactive Materials Transportation Act.

The Commission shall consider the comments and preferences of the citizens of the Navajo Nation, and shall work closely with the Navajo Nation Environmental Protection Agency.

The Commission shall have no regulatory or enforcement authority but shall serve as an advisory body to the President and Navajo Nation Council.

### III. Definitions

1. "Fundamental Laws of the Diné" means the law titled Diné Bi Beehaz'áanii Biste Silei and enacted by the Navajo Nation Council (Resolution CN-69-02) on November 8, 2002, and codified at 1 N.N.C. §§201-206.
2. "Diné Natural Resources Protection Act of 2005", or "DNRPA", means the law enacted by the Navajo Nation Council (Resolution CAP-18-05) on April 19, 2005, and codified at 18 N.N.C. §§1301-1303.
3. "Navajo Indian Country" shall mean (a) all land within the limits of ~~any~~ the Navajo Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running ~~through~~ through the reservation, (b) all dependent Navajo Indian communities within the borders of the United States whether within the original or the subsequently acquired territory thereof, and whether within or without the limits of the state, and (c) all Navajo Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. Title 18 of the U.S. Code, Section 1151 (18 U.S.C. §1151).
4. "Navajo Nation CERCLA" means the law titled Navajo Nation Comprehensive Environmental Response, Compensation and Liability Act and enacted by the Navajo Nation Council (Legislation No. 0691-07) on April 29, 2005, and codified at 4 N.N.C. §§2101-2805.
5. "Radioactive Materials Transportation Act" means the law titled Radioactive and Related Substances Equipment, Vehicles, Persons and Materials Transportation Act of 2012 and enacted by resolution CF-18-12 of the Navajo Nation Council on March 7, 2012, and codified at 18 N.N.C. §§ 1304-1307.
6. "Remediation" shall mean the permanent closure of uranium mining and uranium processing sites, waste piles and associated buildings for the purposes of eliminating or substantially reducing releases of radioactive and toxic substance to the air, land and water in such ways as to prevent or substantially minimize human exposure to such substances now and for future generations. 18 N.N.C. §1302.D.
7. "Restoration" shall mean returning land, vegetation, water and air to its original state, or as close to its original state as is technologically possible, without regard to cost, in accordance with the duty of the Diné to protect and preserve the beauty of the natural world for future generations, as set forth in 1 N.N.C. §205.G.
8. "Uranium mining" shall mean the extraction of uranium or uranium ores by mechanical means including, but not limited to, surface mining, open pit mining or



underground mining. Uranium mining shall not include extraction of uranium or uranium ores by solution mining. 18 N.N.C. §1302.F.

9. "Uranium processing" shall mean the alteration of uranium ores from their natural state by mechanical or chemical means including, but not limited to, crushing, grinding, and in situ leach mining or solution mining. 18 N.N.C. §1302.G.

10. "Uranium waste" means any sludge, effluent, soil, materials or equipment, including contaminated waste water, left over from the extraction of uranium-bearing ores from the earth, by any means, and from the processing of mineral-bearing ores to extract and concentrate uranium, by any means, for later use in military or civilian power applications.

#### IV. Findings

1. In the Diné concept, uranium (łeetso) was conceived at creation. In the 1890s, Marie Curie coined the word "radioactivity" and explored many of the properties of radioactive materials. In 1938, nuclear fission was achieved, releasing large amounts of energy, and łeetso began to take the form of a Nayee, a monster. The Nayee was born, bringing the entire world into the nuclear age, when the first atomic bomb was detonated at Alamogordo, New Mexico on July 16, 1945.

2. Beginning in the 1940s, the Navajo people were recruited by the federal government and private industry to extract uranium from Navajo lands to build this powerful new weapon, the atomic bomb, for military purposes. When the weapon was used on the Japanese people on August 6 and August 9, 1945, łeetso became a full-fledged Nayee. After World War II, the United States and other nations struggled for world dominance by threatening to use the atomic bomb against each other. Once again, the Navajo People were recruited and employed to mine and mill uranium for use in atomic bombs in the 1950s and 1960s and later.

3. Thousands of Navajo people were engaged in uranium mining, processing, ore transportation and related jobs between the early 1940s and the mid-1980s. Studies have shown that these workers contracted lung cancer and other respiratory diseases at much higher rates than the rest of the population. Uranium exposure also increases the risk of kidney damage and kidney disease.

4. Uranium development in the Navajo Nation, which was used almost entirely for military applications, left over 500 discrete mines and five uranium mills, or processing plants, on or next to Navajo lands. In all, more than 1,100 uranium mine features have been identified in Navajo Indian Country, including an enormous amount of uranium waste.

5. Western science provides evidence to support the traditional teachings regarding the Navajo. Uranium has both chemical and radiological properties. Its chemical properties generally allow uranium to exist in Mother Earth without causing great harm or damage if left undisturbed. Uranium minerals exist in sedimentary rocks next to or as part of humate deposits that are low in oxygen. This "reduced" condition leaves uranium in an insoluble form that limits its movement through the subsurface. But once removed from the Earth, uranium is "released" by being exposed to air containing oxygen. Its chemical properties change and uranium becomes highly soluble, meaning it is easily dissolved in the moisture in soils and in surface water, and therefore far more mobile.

6. Uranium also has the property of being "radioactive," meaning it constantly emits unseen radiation and radioactive particles. This property is why uranium was sought for its explosive capabilities for military uses and its energy capabilities for commercial electric power uses. Being "radioactive" also means that uranium changes in time into other unseen radioactive decay "products." These other elements also emit unseen radioactive particles.

7. This "uranium decay chain" produces other radioactive elements, such as radium and radon, which, like uranium, are present throughout nature but in very small quantities. Even then, uranium, radium and radon are considered to be dangerous to human beings. They are classified as "Class A" human carcinogens by USEPA, meaning that they emit radiation that is known to cause cancer in people.

8. Human health risks are associated with exposure to uranium and uranium decay products in soil, dust, air, groundwater, surface water and/or sediment. Pathways include direct exposure to radioactive waste piles during cultural activities (hunting, herb gathering, sheep grazing, and performing ceremonies) and recreational activities (camping, hiking etc.) as well as exposure to radioactive media that have been transported from the waste rock piles to other locations, including building structures. Other exposure pathways include ingestion of and dermal contact with radiologically-impacted surface water and groundwater, and inhalation and/or ingestion of windblown radioactive dust. Finally, open portals, adits, vertical openings, inclines and declines, pits, rim cuts, high walls, and embankments pose the added risk of physical injuries.

9. As of January 2014, more than 70 years after uranium was first produced on the Navajo Nation in Monument Valley, fewer than 5 abandoned uranium mines have been remediated to consolidate or isolate the hazardous chemical and radioactive materials that are contained in uranium wastes. Radioactive and chemically hazardous uranium wastes still exist in uncontrolled piles in all four directions and in the heart of the Navajo Nation. Many of these uranium waste sites are located within a short distance of Navajo homes.

10. Results of recent research conducted by the University of New Mexico and other organizations in collaboration with the Navajo Nation and USEPA indicate that living in close proximity to uranium wastes and having had contact with uranium wastes at multiple times in a person's -life may significantly increase a person's risk of high blood pressure, kidney disease and autoimmune disease. The DiNEH study concluded that "People living in areas with greatest number of mine features can have twice the risk of hypertension when all other significant factors - kidney disease, diabetes, family history of disease, BMI, age and gender - are accounted for as the baseline."<sup>1</sup>

11. The documented impacts of uranium in relation to sacred elements of the Navajo Nation and on the health of the Diné people will help define the Commission's goals of developing measurable objectives and devising practical and publicly acceptable plans for remediation and restoration of the lands to protect current and future generations from uranium mining and processing wastes, in accordance with the Fundamental Laws of the Diné .

## V. Foundation in Fundamental Law

The Commission shall be guided by traditional Navajo governance and planning, particularly the Naabik'iyatí "talking things out" example (2 N.N.C. §110 (M)) and the Fundamental Laws of the Diné.

### A. Navajo Definitions<sup>2</sup>

1. *Hózhó* – Describes a state or a condition in which everything tangible and intangible is in its proper place and functioning well with everything else – a condition -encompassing everything that Navajos consider positive and good, and having all the positive characteristics that Navajos believe will contribute to living life to the fullest. These positive characteristics include beauty, harmony, goodness, socially acceptable -relations, good health, and acquisition of knowledge. (pg. 54).
2. *K'è* – A person's positive relationship with all life forms to maintain *hózhó*. (pg. 41).

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<sup>1</sup> Uranium Legacy Impacts on Health in Eastern Navajo Agency. Diné Network for Environmental Health Project Update. September 15, 2010.

<sup>2</sup> Navajo definitions 1-4 are based on the Hon. Raymond D. Austin's Navajo Courts and the Navajo Common Law. Page numbers refer to the specified pages of that source.



3. *K'ei* – Embedded within *k'e* – a person's positive relationship with all relatives including clan relatives. (pg. 41).
4. *Nayee* – Something that disrupts successful life or *hózhó* and that gets in the way of successful life, anything that causes disharmony. (pg. 205).
5. *Naat'aanii* – Leader.
6. *Łeetso* – literally means "yellow dirt" or "yellow cake," referring to the appearance of uranium as observed by Navajos.
7. *Naat'aahji* – The process of talking and planning, to carefully examine and involve all interests of all people and knowledge holders in the process of decision making. Navajo leadership philosophy considers this one of the key traits of good governance and good leadership.

#### B. Uranium and the Diné Natural Law

1. By enacting the Fundamental Laws of the Diné, the Navajo Nation Council has established that Diné Natural Law in 1 N.N.C. §205 requires the four sacred elements of life — air, light/fire, water and earth/pollen — to "be respected, honored and protected" because they sustain life.
2. The Council also established "the right and freedom of the people that every child and every elder be respected, honored and protected with a healthy physical and mental environment, free from all abuse." 1 N.N.C. §204.E
3. The Council further recognized that all creation, including Mother Earth, Father Sky and other animate and inanimate earth surface beings each have their own laws, rights and freedom to exist. 1 N.N.C. §205.C.
4. The recognition of those elements, their laws and their independent rights and freedoms to exist, create a sacred obligation and duty of the Five Fingered People to respect, preserve and protect Mother Earth as stewards and guardians. Elements are to be observed as a matter of *k'e* with love and respect, without exerting dominance, in recognition of their necessary co-existence, to protect and preserve the beauty of the natural world for future generations.
5. *liná*, or life, is energy that is in all life forms and sentient beings. As such, all of life has the capability and capacity of *hozho* (good or goodness) or *hashkeji* (bad or badness) that must be balanced to achieve beneficial results. It is this balance, known by the Navajo word *hózhó* that the Commission must strive to achieve in carrying out its functions and in its

consideration of remedies and policies related to uranium mining and uranium processing on the Navajo Nation.

6. Our elders have taught that people have freedom to do what they want but that freedom comes with responsibility. We have a responsibility to observe, for example, Natural Law. Our failure to observe Natural Law and to practice *hózhó* results in a disruption of our sacred, shared relationships (*k'ei*) with one another and causes the emergence of certain *Nayee*, or "monsters," that are forces impeding successful outcomes of *liná*. The term *Ba ho za'a* incorporates this principle of responsibility and the consequences of the failure to observe it.
7. The Dine' Journey Narratives speak of two Hero Twins that set about dealing with *Nayee* (Monsters), and confrontations with certain *Nayee* such as hunger and poverty who were spared to co-exist with the Navajo livelihood, thereby continuing *hózhó* and benefitting the Five-Fingered People (*bii-laa-ashjig;aiBilá Ashdlá'*).
8. Some Navajo elders have taught that uranium, or *łeetsó* (literally, "the dirt that is yellow"), is one such *Nayee* that can disrupt life when it is misused or disrespected and its own laws are not observed. This is a violation of *k'e* or a persons' positive relationship with all living beings as mentioned in 1 N.N.C. §§ 201-206. Other elders have said that certain substances in Mother Earth (*doo nalyee dah*) are not to be disturbed from their resting places, and that "the people now know that uranium is one such substance". 18 N.N.C. §1301.D.
9. Accordingly, the Commission, as the agent of the Five Fingered People, who in turn are the stewards of the land and its sacred elements (1 N.N.C. §205.D.), is guided by Fundamental Laws of the Diné to find ways to return *łeetso* to its natural balance within Mother Earth so that it does not harm the sacred elements or the sacred *liná* of the human beings and animal and plant people that exist on Mother Earth. (1 N.N.C. §205).
10. In considering how to address the problems of *łeetso*, the Commission shall act as *Naat'aanii*, or leader, in using traditional characteristics of each of the Four Directions: (i) *Nitsahakees*, for intuition, discovery and thinking of the East (2 N.N.C. §110 (N); *Nahat'a*, or planning (2 N.N.C. §110 (M), and *nahat'a* or *Naat'aaji*, or the talk of planning, of the South to carefully examine and involve all interests and knowledge holders in the process; *jiná* to implement thought and consensual plans actively and for good results in the West (2 N.N.C. §110 (G) ; and *Sihasin*, or reflection and reconsideration, to assess the result of thinking, talking, planning and doing, of the North (2 N.N.C. §110 (T). *Naabik'iyatf* (2 N.N.C. §110 (M).



11. The Four Direction planning process of Navajo tradition is also expressed in modern Western principles of planning and project implementation: the project begins with a concept (a thought or intuition – the East); the concept is then discussed, considered and refined (talk or examine – the South); the refined project is then put into action (implementation – the West); and the results of the project are assessed and evaluated (reflection and reconsideration – the North).
12. In both Navajo and Western traditions, good governance occurs when we observe these important principles: effective participation and consensus among those affected by the decision; accountability to and from government and civil society; transparency through the free flow of information; fairness and equity to all men and women; and adherence to the rule of law. A failure to observe these principles leads to non-responsive governance.
13. *T'aa altso alk'ei daniidii* means that everything in existence has a positive (good) and negative (bad) aspect to it. Everything has both positive and negative, and these must be balanced. Some things are so powerful that they must not be touched—our very involvement with these causes imbalance and harm. The Coyote once enticed the people and persuaded them that certain things were good. The people thought “This really looks good”, not knowing that this very thing, although attractive, would make the people sick and result in death or loss of life. The Navajo elders say that you should never assume that if something looks good up front it really is good for you. *Ba' at'eeh holo*: it has grave consequences. *T'aa altso alk'ei daniidii* – if you contaminate one, you will contaminate everything. The uranium looks good, it can bring wealth but it can also bring, and has brought, serious consequences. Even if we cannot see the consequences now, there are grave consequences for the future, for ourselves as the five-fingered people and our land, and for the well-being of all life forms. Those who use our uranium put themselves and others in grave danger.
14. The Commission shall consider this history as it seeks a path to restore *hózhó*.

## VI. Staffing and Organization

The Commission shall be administered by an Executive Director, who shall be appointed by the President of the Navajo Nation and confirmed by the Navajo Nation Council upon recommendation from the Naabik'iyatí Committee of the Navajo Nation Council.

The Executive Director shall be employed and compensated in accordance with the Navajo Nation Personnel Policies and Procedures of the Executive Branch of the Navajo Nation.

The Executive Director shall be authorized to oversee the daily operations of the Commission, coordinate hearings, analyze data, write reports, and submit his/her findings to the Commissioners, the Naabik'iyatí Committee, and the Navajo Nation Council. The Executive Director shall supervise the office staff to ensure timely completion of established operational goals.

The Executive Director shall hire other personnel as may be deemed necessary to carry out the purposes of the Commission. All personnel shall be subject to the Personnel Policies and Procedures of the Executive Branch of the Navajo Nation.

**VII. Responsibility and Authority of the Executive Director**

The Executive Director of the Commission shall:

1. Be responsible to develop, organize, administer, and coordinate the meetings and the work of the Commission;
2. Chair all meetings and proceedings of the Commission;
3. Collect and compile data from public meetings, prepare and issue minutes, and prepare meeting agendas;
4. Report to the Executive Director of the Navajo Environmental Protection Agency and the President of the Navajo Nation, and shall be responsible to the President;
5. Plan, prepare, and submit budgetary packages;
6. Establish and fill additional positions within the Commission where deemed appropriate and necessary in accordance with established guidelines and budget;
7. Provide effective administrative, managerial, and financial direction to the Commission;
8. Formulate overall administrative and operational policies for the Commission and take action as necessary for their accomplishment;
9. Complete all assignments issued to him/her from the Commission in a timely manner;
10. Establish and maintain effective communications with the various programs of the Navajo Nation Government and with local, chapter, state, and other authorities on matters related to the objectives of the Commission;
11. Prepare, present, and submit appropriate reports and documents for approval.

## VIII. The Commission

1. The initial term of the Commission shall be approximately five (5) years. ~~The term shall end five (5) years after the date of issuance of the Second Five Year Plan entitled "Federal Actions to Address Impacts of Uranium Contamination in the Navajo Nation," expected to be issued by the U.S. Environmental Agency and other federal agencies in the first half of 2014. The term shall begin when a quorum of Commissioners is established, and shall end on September 30, 2021.~~ The Navajo Nation Council may, by majority vote, renew the Commission for a second five-year term, or for such period as the Council may choose.
2. The Commission shall consist of eleven (11) members.
  - a. Three members shall be: The Executive Director of the Navajo Nation Environmental Protection Agency, or his/her designee; the Director of the Navajo Superfund Program, or his/her designee; and the Manager of the Abandoned Mine Lands Reclamation Department, or his/her designee. In the event that any of these members chooses to have a designee act as Commission member in his/her stead, the designee shall be an enrolled member of the Navajo Nation and shall have a background and expertise in environmental science. The designee may be changed or revoked at the will of the agency/department headperson who designated him or her.
  - b. Seven members shall be Community Members, one from each of the six Regions (as defined by the U.S. EPA) affected by past uranium mining – Northern, -North Central, Eastern, Southern, Western, and Central – and one selected as an At-Large Community Representative. These seven members shall all be enrolled members of the Navajo Nation.
  - c. One member shall be a Youth Member, who shall be an enrolled member of the Navajo Nation under the age of 25 years at the inception of his/her term, and who shall have demonstrated a continuing interest in issues to be considered by the Commission.
3. Commission members shall be appointed as follows:
  - a. The Navajo Nation President shall appoint the Youth Member and the At-Large Community Representative.
  - b. The Navajo Nation Council shall appoint the six Members representing the six uranium mining regions.
  - c. ~~All initial Commission members shall be appointed within 90 days following the effective date of this Act. If the Council fails to make its Commission appointments within that ninety (90) day period, the~~



~~President shall appoint them within sixty (60) days thereafter. If the President fails to make his or her Commission appointments within that ninety (90) day period, the Council shall appoint them within sixty (60) days thereafter.~~

~~d.c.~~ The President and the Council may, but are not required to, make a public announcement soliciting letters of interest and statements of qualification for the Commission member positions.

4. The Commissioners' terms shall be coextensive with the initial term of the Commission (approximately five years). In the event the Commission is renewed by the Council, each Commission Member shall be either reappointed or replaced. The appointment process shall follow the same procedure outlined above for the initial appointment.
5. If a member of the Commission retires or becomes unable to serve, a new Commission Member shall be appointed promptly to complete the remainder of his or her term. The appointment shall be made by the person or body that appointed the Member being replaced. The appointment process shall follow the procedure outlined above for the initial appointment.
6. The Commission Members appointed by the Navajo Nation Council may be removed by a majority vote of the Council, for repeated failure to attend meetings, for failure to faithfully conduct Commission business, or for any other just cause. In this case, the Council shall promptly appoint a replacement Commission Member. If the Council fails to fill the Commission seat within ninety (90) days of the vacancy, the President shall appoint a replacement Commission Member within sixty (60) days thereafter.
7. The Commission Members appointed by the President may be removed by the President for repeated failure to attend meetings, for failure to faithfully conduct Commission business, or for any other just cause. In this case, the President shall promptly appoint a replacement Commission Member. If the President fails to fill the Commission seat within ninety (90) days of the vacancy, the Council shall appoint a replacement Commission Member within sixty (60) days thereafter.
8. All members of the Commission shall be voting members. The Executive Director of the Commission shall not be a voting member of the Commission, except in the case of a tie vote of the Commission. In case of a tie vote, the Executive Director shall cast the deciding vote.
9. Any matter requiring decision or formal action by the Commission shall require the presence of a quorum. A quorum shall consist of at least five (5) members of the Commission, and the Executive Director.

**IX. Responsibility and Authority of the Commission**

The Commission shall have the power and authority to conduct studies of problems created by uranium extraction and associated activities in the Navajo Nation, consult with experts and civil society on problems and solutions, render reports to the Navajo Nation Council and to other governmental officials and agencies, conduct governmental and public education programs, hire staff and experts within established annual budgets, solicit public comment and hold public hearings, and otherwise conduct the business of a public agency in light of the purposes and findings of this Act. All of the Commission's work shall be guided by the Fundamental Laws of the Diné as discussed in this Plan of Operation and in the Commission's enabling legislation.

**X. Reports**

The Commission shall prepare and submit quarterly reports to the Navajo Nation Council following public notice and an opportunity for the public to comment and suggest changes. The Commission may also provide recommendations for new or revised policies and proposed legislation to the Council as often ~~and~~ as necessary to fulfill its responsibilities under this Act.

**XI. Creation of Standards for Measuring Progress under Diné Natural Resources Protection Act of 2005**

The Diné Natural Resources Protection Act of 2005 placed a moratorium on uranium mining in Navajo Indian Country until "all adverse economic, environmental and human health effects from past uranium mining and processing have been eliminated or substantially reduced, to the satisfaction of the Navajo Nation Council." The Commission shall draft standards for measuring progress toward this goal. The standards shall reference the number of uranium mines cleaned up, the number of contaminated structures identified and remediated, the number of contaminated water sources identified and alternative water sources provided, and progress toward the other goals identified in the U.S. EPA's Five-Year Plan (2008) and the Five-Year Plan/Report (2014), as well as other measures to be determined by the Commission. The standards for measuring progress shall be submitted to the Council for approval. Following Council approval, the Commission's quarterly reports shall report on progress made during the reporting period and expected progress in the next reporting period or longer.

**XII. Funding, Expenditures and Oversight**

1. The Executive Director of the Navajo Nation Environmental Protection Agency and the Executive Director of the Commission are authorized and directed to seek initial funding for the Commission through grants from the



US Environmental Protection Agency, from funds available to the Navajo Nation for investigation and remediation of uranium mines and mills, and from the Navajo Nation Council.

2. Thereafter, the Commission, acting through its Executive Director, shall have the authority to establish budgets for operations, to seek funding from the Navajo Nation, federal agencies or other sources, to conclude agreements for such funding, to comply with funding requirements and restrictions, and to otherwise responsibly seek funding for operations mandated in this act. The Commission shall prepare and approve annual budgets and funding plans, shall account for all income and expenditures, and shall report its financial status and activities to the Navajo Nation Council and to the public.
3. The Commission is authorized to expend funding for travel and other activities needed to carry out its purpose.
4. Members of the Commission, except members who are Navajo Nation employees attending in the normal course of their employment, shall receive a stipend for each Commission meeting attended, subject to a budget prepared by the Commission.
5. All members of the Commission, the Executive Director and each staff member shall receive reimbursement for documented expenses, including mileage, per diem, and lodging, incurred in attending Commission meetings.
6. Except as provided herein, Commissioners shall receive no compensation for their activities in connection with the Commission.

#### **XIII. Standard of Conduct**

1. Each Commissioner shall be held to the standard of conduct as a fiduciary in charge of their responsibilities and authorities. As fiduciaries, the members of the Commission shall carry out their responsibilities and authorities to promote and protect the human rights of the Navajo people, consistent with the fiscal and governmental responsibilities of the Navajo Nation.
2. Each member of the Commission shall discharge his/her duties with the care, skill, prudence, and diligence under the prevailing circumstances that a prudent person acting in a like capacity and familiar with such matters would use.

#### **XIV. Meetings and Procedures**

1. Meetings of the Commission shall initially be conducted pursuant to rules and procedures stipulated in the "Navajo Nation Council Standing

Committee Rules of Order," until such time as rules are approved for the Commission by the Naabik'iyatí Committee.

2. The Commission shall establish a meeting schedule, which will provide for at least one meeting day per month during the first year after its formation, and at least one meeting day every two months thereafter. During the first two and one-half years of its existence, and again during the second two and one-half years, the Commission shall hold at least one meeting in each of the six Uranium Regions.
3. These scheduled meetings are to be known as "regular meetings" of the Commission. Regular meetings of the Commission shall commence at 10:00 a.m. on a date selected by the Commission.
4. The Commission may hold "special meetings" or call for "executive session" as deemed necessary. All special meetings and executive sessions shall be conducted in accord with the Commission's rules of order.
5. Meetings of the Commission shall be open to the public. When matters before the Commission are protected or confidential, the Commission, upon majority vote of a quorum of the Commission, may hold discussions in executive session which shall be closed to the public.
6. The Commission shall publish the date and location of each meeting ten days in advance of such meeting. The publication requirement shall be satisfied by announcement by radio, in the Navajo Times and on the official Navajo Nation website.
7. Meetings of the Commission shall not commence until a quorum of the Commission is present and the meeting publication requirement has been satisfied.

#### XV. Indemnification

The Navajo Nation shall indemnify and hold the members of the Commission, jointly and severally, harmless for the effects and consequences of their acts, omissions, and conduct in their official capacity, provided that such acts, omissions or conduct arise in the Commissioners' official capacity and in the scope of the enumerated authority. Effects and consequences resulting from their own willful misconduct, breach of good faith, or gross negligence in the performance of their duties shall not be indemnified. The foregoing right of indemnification shall not be exclusive of other rights to which each such member may be entitled as a matter of law, nor waive any immunities conferred by applicable law.

#### XVI. Legislative Oversight

The Naabik'iyatf Committee of the Navajo Nation Council shall be the oversight committee for the Commission.

XVII. Amendments

This Plan of Operation may be amended by the Navajo Nation Council upon the recommendation of the Naabik'iyatf Committee or as deemed necessary.



RESOLUTION OF THE  
NAABIK'ÍYÁTI' COMMITTEE OF THE  
NAVAJO NATION COUNCIL

23<sup>RD</sup> NAVAJO NATION COUNCIL - FIRST YEAR, 2015

AN ACTION

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; ADOPTING THE PLAN OF  
OPERATION FOR THE DINÉ URANIUM REMEDIATION ADVISORY COMMISSION

BE IT ENACTED:

SECTION ONE. FINDINGS

- A. The Navajo Nation Council amended the Navajo Nation Code at 2 N.N.C. § 3580 to establish the Diné Uranium Remediation Advisory Commission. See CAP-14-15 attached as Exhibit A.
- B. The purpose of the Commission is to study and reach conclusions about impacts of uranium mining and uranium processing on the Navajo Nation and to make recommendations to the President of the Navajo Nation and to the Navajo Nation Council for policies, law and regulations to address those impacts. 2 N.N.C. § 3581.
- C. Pursuant to CAP-14-15 and 2 N.N.C. § 3582, the organization of the Navajo Nation Uranium Remediation Advisory Commission shall be set forth in the Plan of Operation adopted by the Naabik'íyáti' Committee of the Navajo Nation Council.
- D. It is in the best interests of the Navajo Nation to adopt the proposed Plan of Operation attached hereto as Exhibit B.

SECTION TWO. ADOPTING THE PLAN OF OPERATION FOR THE DINÉ URANIUM  
REMEDATION ADVISORY COMMISSION

The Naabik'íyáti' Committee of the Navajo Nation Council hereby adopts and approves the Plan of Operation for the Diné Uranium Remediation Advisory Commission, attached hereto as Exhibit B.

SECTION THREE. EFFECTIVE DATE

The action enacted herein shall become effective upon passage and certification by the Naabik'iyáti' Committee.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'iyáti' Committee of the 23<sup>rd</sup> Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 13 in favor and 0 opposed, this 27<sup>th</sup> day of August, 2015.

A handwritten signature in black ink, appearing to read "L. Bates", with a large, stylized initial "L" at the end.

LoRenzo C. Bates, Chairperson  
Naabik'iyáti' Committee

Motion : Honorable Jonathan L. Hale  
Second : Honorable Tuchoney Slim, Jr.





CAP-14-15

RESOLUTION OF THE  
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL - FIRST YEAR, 2015

AN ACTION

RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT AND  
NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING 2  
N.N.C. § 3580 TO CREATE A DINÉ URANIUM REMEDIATION ADVISORY  
COMMISSION

BE IT ENACTED:

SECTION ONE. FINDINGS

- A. The Navajo Nation empowered the Navajo Nation Law and Order Committee to review and recommend proposed Navajo Nation Code enactments and amendments. 2 N.N.C. § 601(B)(14)(2012); see also CO-45-12.
- B. The Resources and Development Committee has the power to promulgate rules and regulations governing environmental protection. 2 N.N.C. § 501(B)(1).
- C. The Navajo Nation Council Speaker shall assign "[a] proposed resolution that requires final action by the Navajo Nation Council to...the Naabik'iyáti' Committee"; this resolution proposes a positive law amendment and requires the Navajo Nation Council's approval. 2 N.N.C. § 164 (A) (9) (2012) and 2 N.N.C. § 164 (A) (2012) see also CO-45-12.
- D. Uranium development in the Navajo Nation, which was used almost entirely for military applications, left over 500 discrete mines and five uranium mills, or processing plants, on or next to Navajo lands. In all, more than 1,100 uranium mine features have been identified in Navajo Indian Country, including an enormous amount of uranium waste.
- E. As of January 2014, more than 70 years after uranium was first produced on the Navajo Nation in Monument Valley, fewer than 5 abandoned uranium mines have been remediated to consolidate or isolate the hazardous chemical and radioactive materials that are contained in uranium wastes. Radioactive and chemically hazardous uranium wastes still exist in uncontrolled piles in all four directions and in the heart of the Navajo Nation.

Many of these uranium waste sites are located within a short distance of Navajo homes.

- F. The documented impacts of uranium in relation to sacred elements of the Navajo Nation and on the health of the Diné people will help define the Commission's goals of developing measurable objectives and devising practical and publicly acceptable plans for remediation and restoration of the lands to protect current and future generations from uranium mining and processing wastes, in accordance with the Fundamental Laws of the Diné. See Proposed Plan of Operation attached as Exhibit A.
- G. The Navajo Nation finds the following Navajo Nation Code amendments to Title 2 in the best interest of the Navajo Nation.

**SECTION TWO: AMENDING NAVAJO NATION CODE TITLE 2**

The Navajo Nation Council hereby amends Navajo Nation code Title 2, as follows:

**NAVAJO NATION CODE ANNOTATED  
TITLE 2. NAVAJO NATION GOVERNMENT  
CHAPTER 5. EXECUTIVE BRANCH**

**SUBCHAPTER 45. DINÉ URANIUM REMEDIATION ADVISORY COMMISSION**

**§ 3580. Establishment**

The Diné Uranium Remediation Advisory Commission (herein referred to as the "Commission") is hereby established as an advisory commission in the Executive Branch of the Navajo Nation Government.

**§ 3581. Purpose**

The purpose of the Commission is to study and reach conclusions about the impacts of uranium mining and uranium processing on the Navajo Nation and to make recommendations to the President of the Navajo Nation and to the Navajo Nation Council for policies, laws and regulations to address those impacts.

§ 3582.     **Organization**

The organization of the Navajo Nation Uranium Remediation Advisory Commission shall be set forth in the Plan of Operation adopted by the Naabik'iyáti' Committee of the Navajo Nation Council.

§ 3583.     **Legislative Oversight**

The Commission shall operate under the legislative oversight of the Naabik'iyatí Committee of the Navajo Nation Council. The Commission shall operate pursuant to a Plan of Operation adopted by the Naabik'iyáti' Committee of the Navajo Nation Council.

§ 3584.     **Amendments**

The enabling legislation for the Commission may be amended by the Navajo Nation Council by majority vote on the recommendation of the Naabik'iyáti' Committee of the Navajo Nation Council.

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**SECTION THREE. EFFECTIVE DATE**

The Navajo Nation Code amendment enacted herein shall be effective pursuant to 2 N.N.C. § 221(B).

**SECTION FOUR. CODIFICATION**

The provisions of this Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

**SECTION FIVE. CONFLICT OF LAWS**

Nothing in this Act is intended to nor shall it be construed to repeal, in whole or in part, the Diné Natural Resources Protection Act, the Radioactive Materials Transportation Act, or the Navajo Nation CERCLA. In the event of any inconsistency between this Act and any of these other statutes, the provisions of the DNRPA, RMTA and Navajo Nation CERCLA shall control.

## SECTION SIX. SAVINGS CLAUSE

If any provision of this Act is held to be invalid by the Navajo Nation Supreme Court or by order of any other court of competent jurisdiction, those portions of this Act that are not held to be invalid shall remain in full force and effect as the law of the Navajo Nation.

## CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 18 in favor and 1 opposed, this 22<sup>nd</sup> day of April 2015.

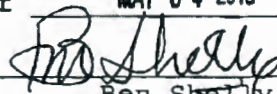
  
Edmund Yazzie, Pro Tem Speaker  
Navajo Nation Council

04/24/15  
Date

Motion: Honorable Kee Allen Begay, Jr.  
Second: Honorable Tuchoney Slim, Jr.

## ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), on this \_\_\_\_\_ day of MAY 04 2015 2015.

  
Ben Shelly, President  
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this \_\_\_\_\_ day of \_\_\_\_\_ 2015 for the reason(s) expressed in the attached letter to the Speaker.

\_\_\_\_\_  
Ben Shelly, President  
Navajo Nation



## DINÉ URANIUM REMEDIATION ADVISORY COMMISSION

### Master Plan of Operation

#### I. Establishment

The Diné Uranium Remediation Advisory Commission (herein referred to as the "Commission") is hereby established as an advisory commission in the Executive Branch of the Navajo Nation Government.

#### II. Purpose and Objectives

The purpose of the Commission is to study and reach conclusions about the impacts of uranium mining and uranium processing on the Navajo Nation and to make recommendations to the President of the Navajo Nation and to the Navajo Nation Council for policies, laws and regulations to address those impacts.

The Commission may review and make recommendations on issues including but not limited to the following: remediation and restoration of areas contaminated by past uranium mining and uranium processing; appropriate technologies to address wastes, including potential locations to dispose and isolate uranium wastes; the role of the Navajo Nation in remediation of such sites; opportunities to increase the employment of members of the Navajo Nation in remediation work; the need for and scope of studies of the effects on the environment and human health of exposure to uranium wastes; the potential impacts and risks of new uranium development; and the consistency of new proposed mining with the Fundamental Laws of the Diné, the Diné Natural Resources Protection Act of 2005, Navajo Nation CERCLA, and the Radioactive Materials Transportation Act.

The Commission shall consider the comments and preferences of the citizens of the Navajo Nation, and shall work closely with the Navajo Nation Environmental Protection Agency.

The Commission shall have no regulatory or enforcement authority but shall serve as an advisory body to the President and Navajo Nation Council.



### III. Definitions

1. "Fundamental Laws of the Diné" means the law titled Diné Bi Beehaz'áanii Biste Silei and enacted by the Navajo Nation Council (Resolution CN-69-02) on November 8, 2002, and codified at 1 N.N.C. §§201-206.
2. "Diné Natural Resources Protection Act of 2005", or "DNRPA", means the law enacted by the Navajo Nation Council (Resolution CAP-18-05) on April 19, 2005, and codified at 18 N.N.C. §§1301-1303.
3. "Navajo Indian Country" shall mean (a) all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or the subsequently acquired territory thereof, and whether within or without the limits of the state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. Title 18 of the U.S. Code, Section 1151 (18 U.S.C. §1151).
4. "Navajo Nation CERCLA" means the law titled Navajo Nation Comprehensive Environmental Response, Compensation and Liability Act and enacted by the Navajo Nation Council (Legislation No. 0691-07) on April 29, 2005, and codified at 4 N.N.C. §§2101-2805.
5. "Radioactive Materials Transportation Act" means the law titled Radioactive and Related Substances Equipment, Vehicles, Persons and Materials Transportation Act of 2012 and enacted by resolution CF-18-12 of the Navajo Nation Council on March 7, 2012, and codified at 18 N.N.C. §§ 1304-1307.
6. "Remediation" shall mean the permanent closure of uranium mining and uranium processing sites, waste piles and associated buildings for the purposes of eliminating or substantially reducing releases of radioactive and toxic substance to the air, land and water in such ways as to prevent or substantially minimize human exposure to such substances now and for future generations. 18 N.N.C. §1302.D.
7. "Restoration" shall mean returning land, vegetation, water and air to its original state, or as close to its original state as is technologically possible, without regard to cost, in accordance with the duty of the Diné to protect and preserve the beauty of the natural world for future generations, as set forth in 1 N.N.C. §205.G.
8. "Uranium mining" shall mean the extraction of uranium or uranium ores by mechanical means including, but not limited to, surface mining, open pit mining or

underground mining. Uranium mining shall not include extraction of uranium or uranium ores by solution mining. 18 N.N.C. §1302.F.

9. "Uranium processing" shall mean the alteration of uranium ores from their natural state by mechanical or chemical means including, but not limited to, crushing, grinding, and in situ leach mining or solution mining. 18 N.N.C. §1302.G.

10. "Uranium waste" means any sludge, effluent, soil, materials or equipment, including contaminated waste water, left over from the extraction of uranium-bearing ores from the earth, by any means, and from the processing of mineral-bearing ores to extract and concentrate uranium, by any means, for later use in military or civilian power applications.

#### IV. Findings

1. In the Diné concept, uranium (leetso) was conceived at creation. In the 1890s, Marie Curie coined the word "radioactivity" and explored many of the properties of radioactive materials. In 1938, nuclear fission was achieved, releasing large amounts of energy, and leetso began to take the form of a Nayee, a monster. The Nayee was born, bringing the entire world into the nuclear age, when the first atomic bomb was detonated at Alamogordo, New Mexico on July 16, 1945.

2. Beginning in the 1940s, the Navajo people were recruited by the federal government and private industry to extract uranium from Navajo lands to build this powerful new weapon, the atomic bomb, for military purposes. When the weapon was used on the Japanese people on August 6 and August 9, 1945, leetso became a full-fledged Nayee. After World War II, the United States and other nations struggled for world dominance by threatening to use the atomic bomb against each other. Once again, the Navajo People were recruited and employed to mine and mill uranium for use in atomic bombs in the 1950s and 1960s and later.

3. Thousands of Navajo people were engaged in uranium mining, processing, ore transportation and related jobs between the early 1940s and the mid-1980s. Studies have shown that these workers contracted lung cancer and other respiratory diseases at much higher rates than the rest of the population. Uranium exposure also increases the risk of kidney damage and kidney disease.

4. Uranium development in the Navajo Nation, which was used almost entirely for military applications, left over 500 discrete mines and five uranium mills, or processing plants, on or next to Navajo lands. In all, more than 1,100 uranium mine features have been identified in Navajo Indian Country, including an enormous amount of uranium waste.

5. Western science provides evidence to support the traditional teachings regarding the Navajo. Uranium has both chemical and radiological properties. Its chemical properties generally allow uranium to exist in Mother Earth without causing great harm or damage if left undisturbed. Uranium minerals exist in sedimentary rocks next to or as part of humate deposits that are low in oxygen. This "reduced" condition leaves uranium in an insoluble form that limits its movement through the subsurface. But once removed from the Earth, uranium is "released" by being exposed to air containing oxygen. Its chemical properties change and uranium becomes highly soluble, meaning it is easily dissolved in the moisture in soils and in surface water, and therefore far more mobile.

6. Uranium also has the property of being "radioactive," meaning it constantly emits unseen radiation and radioactive particles. This property is why uranium was sought for its explosive capabilities for military uses and its energy capabilities for commercial electric power uses. Being "radioactive" also means that uranium changes in time into other unseen radioactive decay "products." These other elements also emit unseen radioactive particles.

7. This "uranium decay chain" produces other radioactive elements, such as radium and radon, which, like uranium, are present throughout nature but in very small quantities. Even then, uranium, radium and radon are considered to be dangerous to human beings. They are classified as "Class A" human carcinogens by USEPA, meaning that they emit radiation that is known to cause cancer in people.

8. Human health risks are associated with exposure to uranium and uranium decay products in soil, dust, air, groundwater, surface water and/or sediment. Pathways include direct exposure to radioactive waste piles during cultural activities (hunting, herb gathering, sheep grazing, and performing ceremonies) and recreational activities (camping, hiking etc.) as well as exposure to radioactive media that have been transported from the waste rock piles to other locations, including building structures. Other exposure pathways include ingestion of and dermal contact with radiologically-impacted surface water and groundwater, and inhalation and/or ingestion of windblown radioactive dust. Finally, open portals, adits, vertical openings, inclines and declines, pits, rim cuts, high walls, and embankments pose the added risk of physical injuries.

9. As of January 2014, more than 70 years after uranium was first produced on the Navajo Nation in Monument Valley, fewer than 5 abandoned uranium mines have been remediated to consolidate or isolate the hazardous chemical and radioactive materials that are contained in uranium wastes. Radioactive and chemically hazardous uranium wastes still exist in uncontrolled piles in all four directions and in the heart of the Navajo Nation. Many of these uranium waste sites are located within a short distance of Navajo homes.



10. Results of recent research conducted by the University of New Mexico and other organizations in collaboration with the Navajo Nation and USEPA indicate that living in close proximity to uranium wastes and having had contact with uranium wastes at multiple times in a person's life may significantly increase a person's risk of high blood pressure, kidney disease and autoimmune disease. The DiNEH study concluded that "People living in areas with greatest number of mine features can have twice the risk of hypertension when all other significant factors - kidney disease, diabetes, family history of disease, BMI, age and gender - are accounted for as the baseline."<sup>1</sup>

11. The documented impacts of uranium in relation to sacred elements of the Navajo Nation and on the health of the Diné people will help define the Commission's goals of developing measurable objectives and devising practical and publicly acceptable plans for remediation and restoration of the lands to protect current and future generations from uranium mining and processing wastes, in accordance with the Fundamental Laws of the Diné .

## V. Foundation in Fundamental Law

The Commission shall be guided by traditional Navajo governance and planning, particularly the Naabik'iyatl "talking things out" example (2 N.N.C. §110 (M)) and the Fundamental Laws of the Diné.

### A. Navajo Definitions<sup>2</sup>

1. *Hózhó* – Describes a state or a condition in which everything tangible and intangible is in its proper place and functioning well with everything else – a condition encompassing everything that Navajos consider positive and good, and having all the positive characteristics that Navajos believe will contribute to living life to the fullest. These positive characteristics include beauty, harmony, goodness, socially acceptable relations, good health, and acquisition of knowledge. (pg. 54).
2. *K'è* – A person's positive relationship with all life forms to maintain *hózhó*. (pg. 41).

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<sup>1</sup> Uranium Legacy Impacts on Health in Eastern Navajo Agency. Diné Network for Environmental Health Project Update. September 15, 2010.

<sup>2</sup> Navajo definitions 1-4 are based on the Hon. Raymond D. Austin's Navajo Courts and the Navajo Common Law. Page numbers refer to the specified pages of that source.

3. *K'ei* – Embedded within *k'e* – a person's positive relationship with all relatives including clan relatives. (pg. 41).
4. *Nayee* – Something that disrupts successful life or *hózhó* and that gets in the way of successful life, anything that causes disharmony. (pg. 205).
5. *Naat'aanii* – Leader.
6. *Łeetso* – literally means “yellow dirt” or “yellow cake,” referring to the appearance of uranium as observed by Navajos.
7. *Naat'aahji* – The process of talking and planning, to carefully examine and involve all interests of all people and knowledge holders in the process of decision making. Navajo leadership philosophy considers this one of the key traits of good governance and good leadership.

#### B. Uranium and the Diné Natural Law

1. By enacting the Fundamental Laws of the Diné, the Navajo Nation Council has established that Diné Natural Law in 1 N.N.C. §205 requires the four sacred elements of life — air, light/fire, water and earth/pollen — to “be respected, honored and protected” because they sustain life.
2. The Council also established “the right and freedom of the people that every child and every elder be respected, honored and protected with a healthy physical and mental environment, free from all abuse.” 1 N.N.C. §204.E
3. The Council further recognized that all creation, including Mother Earth, Father Sky and other animate and inanimate earth surface beings each have their own laws, rights and freedom to exist. 1 N.N.C. §205.C.
4. The recognition of those elements, their laws and their independent rights and freedoms to exist, create a sacred obligation and duty of the Five Fingered People to respect, preserve and protect Mother Earth as stewards and guardians. Elements are to be observed as a matter of *k'e* with love and respect, without exerting dominance, in recognition of their necessary co-existence, to protect and preserve the beauty of the natural world for future generations.
5. *liná*, or life, is energy that is in all life forms and sentient beings. As such, all of life has the capability and capacity of *hozhooji* (good or goodness) or *hashkeji* (bad or badness) that must be balanced to achieve beneficial results. It is this balance, known by the Navajo word *hózhó* that the Commission must strive to achieve in carrying out its functions and in its



consideration of remedies and policies related to uranium mining and uranium processing on the Navajo Nation.

6. Our elders have taught that people have freedom to do what they want but that freedom comes with responsibility. We have a responsibility to observe, for example, Natural Law. Our failure to observe Natural Law and to practice *hózhó* results in a disruption of our sacred, shared relationships (*k'ei*) with one another and causes the emergence of certain *Nayee*, or "monsters," that are forces impeding successful outcomes of *liná*. The term *Ba ho za'a* incorporates this principle of responsibility and the consequences of the failure to observe it.
7. The Dine' Journey Narratives speak of two Hero Twins that set about dealing with *Nayee* (Monsters), and confrontations with certain *Nayee* such as hunger and poverty who were spared to co-exist with the Navajo livelihood, thereby continuing *hózhó* and benefitting the Five-Fingered People (*bii laa ashjg;ai*).
8. Some Navajo elders have taught that uranium, or *leetsó* (literally, "the dirt that is yellow"), is one such *Nayee* that can disrupt life when it is misused or disrespected and its own laws are not observed. This is a violation of *k'e* or a persons' positive relationship with all living beings as mentioned in 1 N.N.C. §§ 201-206. Other elders have said that certain substances in Mother Earth (*doo nalyee dah*) are not to be disturbed from their resting places, and that "the people now know that uranium is one such substance". 18 N.N.C. §1301.D.
9. Accordingly, the Commission, as the agent of the Five Fingered People, who in turn are the stewards of the land and its sacred elements (1 N.N.C. §205.D.), is guided by Fundamental Laws of the Diné to find ways to return *leetsó* to its natural balance within Mother Earth so that it does not harm the sacred elements or the sacred *liná* of the human beings and animal and plant people that exist on Mother Earth. (1 N.N.C. §205).
10. In considering how to address the problems of *leetsó*, the Commission shall act as *Naat'aanii*, or leader, in using traditional characteristics of each of the Four Directions: (i) *Nitsahakees*, for intuition, discovery and thinking of the East (2 N.N.C. §110 (N)); *Nahat'a*, or planning (2 N.N.C. §110 (M)), and *nahat'a* or *Naat'aaji*, or the talk of planning, of the South to carefully examine and involve all interests and knowledge holders in the process; *jiná* to implement thought and consensual plans actively and for good results in the West (2 N.N.C. §110 (G)) ; and *Sihasin*, or reflection and reconsideration, to assess the result of thinking, talking, planning and doing, of the North (2 N.N.C. §110 (T)). *Naabik'iyatí* (2 N.N.C. §110 (M)).

11. The Four Direction planning process of Navajo tradition is also expressed in modern Western principles of planning and project implementation: the project begins with a concept (a thought or intuition – the East); the concept is then discussed, considered and refined (talk or examine – the South); the refined project is then put into action (implementation – the West); and the results of the project are assessed and evaluated (reflection and reconsideration – the North).
12. In both Navajo and Western traditions, good governance occurs when we observe these important principles: effective participation and consensus among those affected by the decision; accountability to and from government and civil society; transparency through the free flow of information; fairness and equity to all men and women; and adherence to the rule of law. A failure to observe these principles leads to non-responsive governance.
13. *T'aa altso alk'ei daniidii* means that everything in existence has a positive (good) and negative (bad) aspect to it. Everything has both positive and negative, and these must be balanced. Some things are so powerful that they must not be touched—our very involvement with these causes imbalance and harm. The Coyote once enticed the people and persuaded them that certain things were good. The people thought "This really looks good", not knowing that this very thing, although attractive, would make the people sick and result in death or loss of life. The Navajo elders say that you should never assume that if something looks good up front it really is good for you. *Ba' at'eeh holo*: it has grave consequences. *T'aa altso alk'ei daniidii* – if you contaminate one, you will contaminate everything. The uranium looks good, it can bring wealth but it can also bring, and has brought, serious consequences. Even if we cannot see the consequences now, there are grave consequences for the future, for ourselves as the five-fingered people and our land, and for the well-being of all life forms. Those who use our uranium put themselves and others in grave danger.
14. The Commission shall consider this history as it seeks a path to restore *hózhó*.

#### VI. Staffing and Organization

The Commission shall be administered by an Executive Director, who shall be appointed by the President of the Navajo Nation and confirmed by the Navajo Nation Council upon recommendation from the Naabik'iyatí Committee of the Navajo Nation Council.

The Executive Director shall be employed and compensated in accordance with the Navajo Nation Personnel Policies and Procedures of the Executive Branch of the Navajo Nation.

The Executive Director shall be authorized to oversee the daily operations of the Commission, coordinate hearings, analyze data, write reports, and submit his/her findings to the Commissioners, the Naabik'iyatl Committee, and the Navajo Nation Council. The Executive Director shall supervise the office staff to ensure timely completion of established operational goals.

The Executive Director shall hire other personnel as may be deemed necessary to carry out the purposes of the Commission. All personnel shall be subject to the Personnel Policies and Procedures of the Executive Branch of the Navajo Nation.

#### **VII. Responsibility and Authority of the Executive Director**

The Executive Director of the Commission shall:

1. Be responsible to develop, organize, administer, and coordinate the meetings and the work of the Commission;
2. Chair all meetings and proceedings of the Commission;
3. Collect and compile data from public meetings, prepare and issue minutes, and prepare meeting agendas;
4. Report to the Executive Director of the Navajo Environmental Protection Agency and the President of the Navajo Nation, and shall be responsible to the President;
5. Plan, prepare, and submit budgetary packages;
6. Establish and fill additional positions within the Commission where deemed appropriate and necessary in accordance with established guidelines and budget;
7. Provide effective administrative, managerial, and financial direction to the Commission;
8. Formulate overall administrative and operational policies for the Commission and take action as necessary for their accomplishment;
9. Complete all assignments issued to him/her from the Commission in a timely manner;
10. Establish and maintain effective communications with the various programs of the Navajo Nation Government and with local, chapter, state, and other authorities on matters related to the objectives of the Commission;
11. Prepare, present, and submit appropriate reports and documents for approval.



# VIII. The Commission

1. The initial term of the Commission shall be approximately five (5) years. The term shall end five (5) years after the date of issuance of the Second Five-Year Plan entitled "Federal Actions to Address Impacts of Uranium Contamination in the Navajo Nation," expected to be issued by the U.S. Environmental Agency and other federal agencies in the first half of 2014. The Navajo Nation Council may, by majority vote, renew the Commission for a second five-year term, or for such period as the Council may choose.
2. The Commission shall consist of eleven (11) members.
  - a. Three members shall be: The Executive Director of the Navajo Nation Environmental Protection Agency, or his/her designee; the Director of the Navajo Superfund Program, or his/her designee; and the Manager of the Abandoned Mine Lands Reclamation Department, or his/her designee. In the event that any of these members chooses to have a designee act as Commission member in his/her stead, the designee shall be an enrolled member of the Navajo Nation and shall have a background and expertise in environmental science. The designee may be changed or revoked at the will of the agency/department head.
  - b. Seven members shall be Community Members, one from each of the six Regions (as defined by the U.S. EPA) affected by past uranium mining – Northern, North Central, Eastern, Southern, Western, and Central – and one selected as an At-Large Community Representative. These seven members shall all be enrolled members of the Navajo Nation.
  - c. One member shall be a Youth Member, who shall be an enrolled member of the Navajo Nation under the age of 25 years at the inception of his/her term, and who shall have demonstrated a continuing interest in issues to be considered by the Commission.
3. Commission members shall be appointed as follows:
  - a. The Navajo Nation President shall appoint the Youth Member and the At-Large Community Representative.
  - b. The Navajo Nation Council shall appoint the six Members representing the six uranium mining regions.
  - c. All initial Commission members shall be appointed within 90 days following the effective date of this Act. If the Council fails to make its Commission appointments within that ninety (90) day period, the President shall appoint them within sixty (60) days thereafter. If the President fails to make his or her Commission appointments within

that ninety (90) day period, the Council shall appoint them within sixty (60) days thereafter.

- d. The President and the Council may, but are not required to, make a public announcement soliciting letters of interest and statements of qualification for the Commission member positions.
4. The Commissioners' terms shall be coextensive with the initial term of the Commission (five years). In the event the Commission is renewed by the Council, each Commission Member shall be either reappointed or replaced. The appointment process shall follow the same procedure outlined above for the initial appointment.
5. If a member of the Commission retires or becomes unable to serve, a new Commission Member shall be appointed promptly to complete the remainder of his or her term. The appointment shall be made by the person or body that appointed the Member being replaced. The appointment process shall follow the procedure outlined above for the initial appointment.
6. The Commission Members appointed by the Navajo Nation Council may be removed by a majority vote of the Council, for repeated failure to attend meetings, for failure to faithfully conduct Commission business, or for any other just cause. In this case, the Council shall promptly appoint a replacement Commission Member. If the Council fails to fill the Commission seat within ninety (90) days of the vacancy, the President shall appoint a replacement Commission Member within sixty (60) days thereafter.
7. The Commission Members appointed by the President may be removed by the President for repeated failure to attend meetings, for failure to faithfully conduct Commission business, or for any other just cause. In this case, the President shall promptly appoint a replacement Commission Member. If the President fails to fill the Commission seat within ninety (90) days of the vacancy, the Council shall appoint a replacement Commission Member within sixty (60) days thereafter.
8. All members of the Commission shall be voting members. The Executive Director of the Commission shall not be a voting member of the Commission, except in the case of a tie vote of the Commission. In case of a tie vote, the Executive Director shall cast the deciding vote.
9. Any matter requiring decision or formal action by the Commission shall require the presence of a quorum. A quorum shall consist of at least five (5) members of the Commission, and the Executive Director.

IX. Responsibility and Authority of the Commission



The Commission shall have the power and authority to conduct studies of problems created by uranium extraction and associated activities in the Navajo Nation, consult with experts and civil society on problems and solutions, render reports to the Navajo Nation Council and to other governmental officials and agencies, conduct governmental and public education programs, hire staff and experts within established annual budgets, solicit public comment and hold public hearings, and otherwise conduct the business of a public agency in light of the purposes and findings of this Act. All of the Commission's work shall be guided by the Fundamental Laws of the Diné as discussed in this Plan of Operation and in the Commission's enabling legislation.

**X. Reports**

The Commission shall prepare and submit quarterly reports to the Navajo Nation Council following public notice and an opportunity for the public to comment and suggest changes. The Commission may also provide recommendations for new or revised policies and proposed legislation to the Council as often and as necessary to fulfill its responsibilities under this Act.

**XI. Creation of Standards for Measuring Progress under Diné Natural Resources Protection Act of 2005**

The Diné Natural Resources Protection Act of 2005 placed a moratorium on uranium mining in Navajo Indian Country until "all adverse economic, environmental and human health effects from past uranium mining and processing have been eliminated or substantially reduced, to the satisfaction of the Navajo Nation Council." The Commission shall draft standards for measuring progress toward this goal. The standards shall reference the number of uranium mines cleaned up, the number of contaminated structures identified and remediated, the number of contaminated water sources identified and alternative water sources provided, and progress toward the other goals identified in the U.S. EPA's Five-Year Plan (2008) and the Five-Year Report (2014), as well as other measures to be determined by the Commission. The standards for measuring progress shall be submitted to the Council for approval. Following Council approval, the Commission's quarterly reports shall report on progress made during the reporting period and expected progress in the next reporting period or longer.

**XII. Funding, Expenditures and Oversight**

1. The Executive Director of the Navajo Nation Environmental Protection Agency and the Executive Director of the Commission are authorized and directed to seek initial funding for the Commission through grants from the US Environmental Protection Agency, from funds available to the Navajo Nation for investigation and remediation of uranium mines and mills, and from the Navajo Nation Council.

2. Thereafter, the Commission, acting through its Executive Director, shall have the authority to establish budgets for operations, to seek funding from the Navajo Nation, federal agencies or other sources, to conclude agreements for such funding, to comply with funding requirements and restrictions, and to otherwise responsibly seek funding for operations mandated in this act. The Commission shall prepare and approve annual budgets and funding plans, shall account for all income and expenditures, and shall report its financial status and activities to the Navajo Nation Council and to the public.
3. The Commission is authorized to expend funding for travel and other activities needed to carry out its purpose.
4. Members of the Commission, except members who are Navajo Nation employees attending in the normal course of their employment, shall receive a stipend for each Commission meeting attended, subject to a budget prepared by the Commission.
5. All members of the Commission, the Executive Director and each staff member shall receive reimbursement for documented expenses, including mileage, per diem, and lodging, incurred in attending Commission meetings.
6. Except as provided herein, Commissioners shall receive no compensation for their activities in connection with the Commission.

**XIII. Standard of Conduct**

1. Each Commissioner shall be held to the standard of conduct as a fiduciary in charge of their responsibilities and authorities. As fiduciaries, the members of the Commission shall carry out their responsibilities and authorities to promote and protect the human rights of the Navajo people, consistent with the fiscal and governmental responsibilities of the Navajo Nation.
2. Each member of the Commission shall discharge his/her duties with the care, skill, prudence, and diligence under the prevailing circumstances that a prudent person acting in a like capacity and familiar with such matters would use.

**XIV. Meetings and Procedures**

1. Meetings of the Commission shall initially be conducted pursuant to rules and procedures stipulated in the "Navajo Nation Council Standing Committee Rules of Order," until such time as rules are approved for the Commission by the Naabik'iyatí Committee.

2. The Commission shall establish a meeting schedule, which will provide for at least one meeting day per month during the first year after its formation, and at least one meeting day every two months thereafter. During the first two and one-half years of its existence, and again during the second two and one-half years, the Commission shall hold at least one meeting in each of the six Uranium Regions.
3. These scheduled meetings are to be known as "regular meetings" of the Commission. Regular meetings of the Commission shall commence at 10:00 a.m. on a date selected by the Commission.
4. The Commission may hold "special meetings" or call for "executive session" as deemed necessary. All special meetings and executive sessions shall be conducted in accord with the Commission's rules of order.
5. Meetings of the Commission shall be open to the public. When matters before the Commission are protected or confidential, the Commission, upon majority vote of a quorum of the Commission, may hold discussions in executive session which shall be closed to the public.
6. The Commission shall publish the date and location of each meeting ten days in advance of such meeting. The publication requirement shall be satisfied by announcement by radio, in the Navajo Times and on the official Navajo Nation website.
7. Meetings of the Commission shall not commence until a quorum of the Commission is present and the meeting publication requirement has been satisfied.

#### **XV. Indemnification**

The Navajo Nation shall indemnify and hold the members of the Commission, jointly and severally, harmless for the effects and consequences of their acts, omissions, and conduct in their official capacity, provided that such acts, omissions or conduct arise in the Commissioners' official capacity and in the scope of the enumerated authority. Effects and consequences resulting from their own willful misconduct, breach of good faith, or gross negligence in the performance of their duties shall not be indemnified. The foregoing right of indemnification shall not be exclusive of other rights to which each such member may be entitled as a matter of law, nor waive any immunities conferred by applicable law.

#### **XVI. Legislative Oversight**

The Naabik'iyatf Committee of the Navajo Nation Council shall be the oversight committee for the Commission.

XVII. Amendments

This Plan of Operation may be amended by the Navajo Nation Council upon the recommendation of the Naabik'iyati Committee or as deemed necessary.



RESOLUTION OF THE  
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL - FIRST YEAR, 2015

AN ACTION

RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT AND  
NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING 2  
N.N.C. § 3580 TO CREATE A DINÉ URANIUM REMEDIATION ADVISORY  
COMMISSION

BE IT ENACTED:

SECTION ONE. FINDINGS

- A. The Navajo Nation empowered the Navajo Nation Law and Order Committee to review and recommend proposed Navajo Nation Code enactments and amendments. 2 N.N.C. § 601(B)(14)(2012); see also CO-45-12.
- B. The Resources and Development Committee has the power to promulgate rules and regulations governing environmental protection. 2 N.N.C. § 501(B)(1).
- C. The Navajo Nation Council Speaker shall assign "[a] proposed resolution that requires final action by the Navajo Nation Council to...the Naabik'íyáti' Committee"; this resolution proposes a positive law amendment and requires the Navajo Nation Council's approval. 2 N.N.C. § 164 (A) (9) (2012) and 2 N.N.C. § 164 (A) (2012) see also CO-45-12.
- D. Uranium development in the Navajo Nation, which was used almost entirely for military applications, left over 500 discrete mines and five uranium mills, or processing plants, on or next to Navajo lands. In all, more than 1,100 uranium mine features have been identified in Navajo Indian Country, including an enormous amount of uranium waste.
- E. As of January 2014, more than 70 years after uranium was first produced on the Navajo Nation in Monument Valley, fewer than 5 abandoned uranium mines have been remediated to consolidate or isolate the hazardous chemical and radioactive materials that are contained in uranium wastes. Radioactive and chemically hazardous uranium wastes still exist in uncontrolled piles in all four directions and in the heart of the Navajo Nation.



Many of these uranium waste sites are located within a short distance of Navajo homes.

- F. The documented impacts of uranium in relation to sacred elements of the Navajo Nation and on the health of the Diné people will help define the Commission's goals of developing measurable objectives and devising practical and publicly acceptable plans for remediation and restoration of the lands to protect current and future generations from uranium mining and processing wastes, in accordance with the Fundamental Laws of the Diné. See Proposed Plan of Operation attached as Exhibit A.
- G. The Navajo Nation finds the following Navajo Nation Code amendments to Title 2 in the best interest of the Navajo Nation.

## SECTION TWO: AMENDING NAVAJO NATION CODE TITLE 2

The Navajo Nation Council hereby amends Navajo Nation code Title 2, as follows:

### NAVAJO NATION CODE ANNOTATED TITLE 2. NAVAJO NATION GOVERNMENT CHAPTER 5. EXECUTIVE BRANCH

#### SUBCHAPTER 45. DINÉ URANIUM REMEDIATION ADVISORY COMMISSION

##### § 3580. Establishment

The Diné Uranium Remediation Advisory Commission (herein referred to as the "Commission") is hereby established as an advisory commission in the Executive Branch of the Navajo Nation Government.

##### § 3581. Purpose

The purpose of the Commission is to study and reach conclusions about the impacts of uranium mining and uranium processing on the Navajo Nation and to make recommendations to the President of the Navajo Nation and to the Navajo Nation Council for policies, laws and regulations to address those impacts.

**§ 3582. Organization**

The organization of the Navajo Nation Uranium Remediation Advisory Commission shall be set forth in the Plan of Operation adopted by the Naabik'iyáti' Committee of the Navajo Nation Council.

**§ 3583. Legislative Oversight**

The Commission shall operate under the legislative oversight of the Naabik'iyatí Committee of the Navajo Nation Council. The Commission shall operate pursuant to a Plan of Operation adopted by the Naabik'iyáti' Committee of the Navajo Nation Council.

**§ 3584. Amendments**

The enabling legislation for the Commission may be amended by the Navajo Nation Council by majority vote on the recommendation of the Naabik'iyáti' Committee of the Navajo Nation Council.

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**SECTION THREE. EFFECTIVE DATE**

The Navajo Nation Code amendment enacted herein shall be effective pursuant to 2 N.N.C. § 221(B).

**SECTION FOUR. CODIFICATION**

The provisions of this Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

**SECTION FIVE. CONFLICT OF LAWS**

Nothing in this Act is intended to nor shall it be construed to repeal, in whole or in part, the Diné Natural Resources Protection Act, the Radioactive Materials Transportation Act, or the Navajo Nation CERCLA. In the event of any inconsistency between this Act and any of these other statutes, the provisions of the DNRPA, RMTA and Navajo Nation CERCLA shall control.

## SECTION SIX. SAVINGS CLAUSE

If any provision of this Act is held to be invalid by the Navajo Nation Supreme Court or by order of any other court of competent jurisdiction, those portions of this Act that are not held to be invalid shall remain in full force and effect as the law of the Navajo Nation.

## CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 18 in favor and 1 opposed, this 22<sup>nd</sup> day of April 2015.



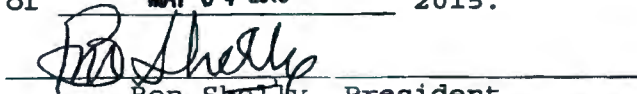
Edmund Yazzie, Pro Tem Speaker  
Navajo Nation Council

04/24/15  
Date

Motion: Honorable Kee Allen Begay, Jr.  
Second: Honorable Tuchoney Slim, Jr.

## ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), on this \_\_\_\_\_ day of MAY 04 2015 2015.



Ben Shelly, President  
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this \_\_\_\_\_ day of \_\_\_\_\_ 2015 for the reason(s) expressed in the attached letter to the Speaker.

Ben Shelly, President  
Navajo Nation



## DINÉ URANIUM REMEDIATION ADVISORY COMMISSION

### Master Plan of Operation

#### I. Establishment

The Diné Uranium Remediation Advisory Commission (herein referred to as the "Commission") is hereby established as an advisory commission in the Executive Branch of the Navajo Nation Government.

#### II. Purpose and Objectives

The purpose of the Commission is to study and reach conclusions about the impacts of uranium mining and uranium processing on the Navajo Nation and to make recommendations to the President of the Navajo Nation and to the Navajo Nation Council for policies, laws and regulations to address those impacts.

The Commission may review and make recommendations on issues including but not limited to the following: remediation and restoration of areas contaminated by past uranium mining and uranium processing; appropriate technologies to address wastes, including potential locations to dispose and isolate uranium wastes; the role of the Navajo Nation in remediation of such sites; opportunities to increase the employment of members of the Navajo Nation in remediation work; the need for and scope of studies of the effects on the environment and human health of exposure to uranium wastes; the potential impacts and risks of new uranium development; and the consistency of new proposed mining with the Fundamental Laws of the Diné, the Diné Natural Resources Protection Act of 2005, Navajo Nation CERCLA, and the Radioactive Materials Transportation Act.

The Commission shall consider the comments and preferences of the citizens of the Navajo Nation, and shall work closely with the Navajo Nation Environmental Protection Agency.

The Commission shall have no regulatory or enforcement authority but shall serve as an advisory body to the President and Navajo Nation Council.

### III. Definitions

1. "Fundamental Laws of the Diné" means the law titled Diné Bi Beehaz'áanii Biste Silei and enacted by the Navajo Nation Council (Resolution CN-69-02) on November 8, 2002, and codified at 1 N.N.C. §§201-206.
2. "Diné Natural Resources Protection Act of 2005", or "DNRPA", means the law enacted by the Navajo Nation Council (Resolution CAP-18-05) on April 19, 2005, and codified at 18 N.N.C. §§1301-1303.
3. "Navajo Indian Country" shall mean (a) all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or the subsequently acquired territory thereof, and whether within or without the limits of the state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. Title 18 of the U.S. Code, Section 1151 (18 U.S.C. §1151).
4. "Navajo Nation CERCLA" means the law titled Navajo Nation Comprehensive Environmental Response, Compensation and Liability Act and enacted by the Navajo Nation Council (Legislation No. 0691-07) on April 29, 2005, and codified at 4 N.N.C. §§2101-2805.
5. "Radioactive Materials Transportation Act" means the law titled Radioactive and Related Substances Equipment, Vehicles, Persons and Materials Transportation Act of 2012 and enacted by resolution CF-18-12 of the Navajo Nation Council on March 7, 2012, and codified at 18 N.N.C. §§ 1304-1307.
6. "Remediation" shall mean the permanent closure of uranium mining and uranium processing sites, waste piles and associated buildings for the purposes of eliminating or substantially reducing releases of radioactive and toxic substance to the air, land and water in such ways as to prevent or substantially minimize human exposure to such substances now and for future generations. 18 N.N.C. §1302.D.
7. "Restoration" shall mean returning land, vegetation, water and air to its original state, or as close to its original state as is technologically possible, without regard to cost, in accordance with the duty of the Diné to protect and preserve the beauty of the natural world for future generations, as set forth in 1 N.N.C. §205.G.
8. "Uranium mining" shall mean the extraction of uranium or uranium ores by mechanical means including, but not limited to, surface mining, open pit mining or



underground mining. Uranium mining shall not include extraction of uranium or uranium ores by solution mining. 18 N.N.C. §1302.F.

9. "Uranium processing" shall mean the alteration of uranium ores from their natural state by mechanical or chemical means including, but not limited to, crushing, grinding, and in situ leach mining or solution mining. 18 N.N.C. §1302.G.

10. "Uranium waste" means any sludge, effluent, soil, materials or equipment, including contaminated waste water, left over from the extraction of uranium-bearing ores from the earth, by any means, and from the processing of mineral-bearing ores to extract and concentrate uranium, by any means, for later use in military or civilian power applications.

#### IV. Findings

1. In the Diné concept, uranium (łeetso) was conceived at creation. In the 1890s, Marie Curie coined the word "radioactivity" and explored many of the properties of radioactive materials. In 1938, nuclear fission was achieved, releasing large amounts of energy, and łeetso began to take the form of a Nayee, a monster. The Nayee was born, bringing the entire world into the nuclear age, when the first atomic bomb was detonated at Alamogordo, New Mexico on July 16, 1945.

2. Beginning in the 1940s, the Navajo people were recruited by the federal government and private industry to extract uranium from Navajo lands to build this powerful new weapon, the atomic bomb, for military purposes. When the weapon was used on the Japanese people on August 6 and August 9, 1945, łeetso became a full-fledged Nayee. After World War II, the United States and other nations struggled for world dominance by threatening to use the atomic bomb against each other. Once again, the Navajo People were recruited and employed to mine and mill uranium for use in atomic bombs in the 1950s and 1960s and later.

3. Thousands of Navajo people were engaged in uranium mining, processing, ore transportation and related jobs between the early 1940s and the mid-1980s. Studies have shown that these workers contracted lung cancer and other respiratory diseases at much higher rates than the rest of the population. Uranium exposure also increases the risk of kidney damage and kidney disease.

4. Uranium development in the Navajo Nation, which was used almost entirely for military applications, left over 500 discrete mines and five uranium mills, or processing plants, on or next to Navajo lands. In all, more than 1,100 uranium mine features have been identified in Navajo Indian Country, including an enormous amount of uranium waste.

5. Western science provides evidence to support the traditional teachings regarding the Navajo. Uranium has both chemical and radiological properties. Its chemical properties generally allow uranium to exist in Mother Earth without causing great harm or damage if left undisturbed. Uranium minerals exist in sedimentary rocks next to or as part of humate deposits that are low in oxygen. This "reduced" condition leaves uranium in an insoluble form that limits its movement through the subsurface. But once removed from the Earth, uranium is "released" by being exposed to air containing oxygen. Its chemical properties change and uranium becomes highly soluble, meaning it is easily dissolved in the moisture in soils and in surface water, and therefore far more mobile.

6. Uranium also has the property of being "radioactive," meaning it constantly emits unseen radiation and radioactive particles. This property is why uranium was sought for its explosive capabilities for military uses and its energy capabilities for commercial electric power uses. Being "radioactive" also means that uranium changes in time into other unseen radioactive decay "products." These other elements also emit unseen radioactive particles.

7. This "uranium decay chain" produces other radioactive elements, such as radium and radon, which, like uranium, are present throughout nature but in very small quantities. Even then, uranium, radium and radon are considered to be dangerous to human beings. They are classified as "Class A" human carcinogens by USEPA, meaning that they emit radiation that is known to cause cancer in people.

8. Human health risks are associated with exposure to uranium and uranium decay products in soil, dust, air, groundwater, surface water and/or sediment. Pathways include direct exposure to radioactive waste piles during cultural activities (hunting, herb gathering, sheep grazing, and performing ceremonies) and recreational activities (camping, hiking etc.) as well as exposure to radioactive media that have been transported from the waste rock piles to other locations, including building structures. Other exposure pathways include ingestion of and dermal contact with radiologically-impacted surface water and groundwater, and inhalation and/or ingestion of windblown radioactive dust. Finally, open portals, adits, vertical openings, inclines and declines, pits, rim cuts, high walls, and embankments pose the added risk of physical injuries.

9. As of January 2014, more than 70 years after uranium was first produced on the Navajo Nation in Monument Valley, fewer than 5 abandoned uranium mines have been remediated to consolidate or isolate the hazardous chemical and radioactive materials that are contained in uranium wastes. Radioactive and chemically hazardous uranium wastes still exist in uncontrolled piles in all four directions and in the heart of the Navajo Nation. Many of these uranium waste sites are located within a short distance of Navajo homes.

10. Results of recent research conducted by the University of New Mexico and other organizations in collaboration with the Navajo Nation and USEPA indicate that living in close proximity to uranium wastes and having had contact with uranium wastes at multiple times in a person's life may significantly increase a person's risk of high blood pressure, kidney disease and autoimmune disease. The DiNEH study concluded that "People living in areas with greatest number of mine features can have twice the risk of hypertension when all other significant factors - kidney disease, diabetes, family history of disease, BMI, age and gender - are accounted for as the baseline."<sup>1</sup>

11. The documented impacts of uranium in relation to sacred elements of the Navajo Nation and on the health of the Diné people will help define the Commission's goals of developing measurable objectives and devising practical and publicly acceptable plans for remediation and restoration of the lands to protect current and future generations from uranium mining and processing wastes, in accordance with the Fundamental Laws of the Diné .

## V. Foundation in Fundamental Law

The Commission shall be guided by traditional Navajo governance and planning, particularly the Naabik'iyatí "talking things out" example (2 N.N.C. §110 (M)) and the Fundamental Laws of the Diné.

### A. Navajo Definitions<sup>2</sup>

1. *Hózhó* – Describes a state or a condition in which everything tangible and intangible is in its proper place and functioning well with everything else – a condition encompassing everything that Navajos consider positive and good, and having all the positive characteristics that Navajos believe will contribute to living life to the fullest. These positive characteristics include beauty, harmony, goodness, socially acceptable relations, good health, and acquisition of knowledge. (pg. 54).
2. *K'è* – A person's positive relationship with all life forms to maintain *hózhó*. (pg. 41).

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<sup>1</sup> Uranium Legacy Impacts on Health in Eastern Navajo Agency. Diné Network for Environmental Health Project Update. September 15, 2010.

<sup>2</sup> Navajo definitions 1-4 are based on the Hon. Raymond D. Austin's Navajo Courts and the Navajo Common Law. Page numbers refer to the specified pages of that source.



3. *K'ei* – Embedded within *k'e* – a person's positive relationship with all relatives including clan relatives. (pg. 41).
4. *Nayee* – Something that disrupts successful life or *hózhó* and that gets in the way of successful life, anything that causes disharmony. (pg. 205).
5. *Naat'aanii* – Leader.
6. *Łeetso* – literally means “yellow dirt” or “yellow cake,” referring to the appearance of uranium as observed by Navajos.
7. *Naat'aahji* – The process of talking and planning, to carefully examine and involve all interests of all people and knowledge holders in the process of decision making. Navajo leadership philosophy considers this one of the key traits of good governance and good leadership.

#### B. Uranium and the Diné Natural Law

1. By enacting the Fundamental Laws of the Diné, the Navajo Nation Council has established that Diné Natural Law in 1 N.N.C. §205 requires the four sacred elements of life — air, light/fire, water and earth/pollen — to “be respected, honored and protected” because they sustain life.
2. The Council also established “the right and freedom of the people that every child and every elder be respected, honored and protected with a healthy physical and mental environment, free from all abuse.” 1 N.N.C. §204.E
3. The Council further recognized that all creation, including Mother Earth, Father Sky and other animate and inanimate earth surface beings each have their own laws, rights and freedom to exist. 1 N.N.C. §205.C.
4. The recognition of those elements, their laws and their independent rights and freedoms to exist, create a sacred obligation and duty of the Five Fingered People to respect, preserve and protect Mother Earth as stewards and guardians. Elements are to be observed as a matter of *k'e* with love and respect, without exerting dominance, in recognition of their necessary co-existence, to protect and preserve the beauty of the natural world for future generations.
5. *liná*, or life, is energy that is in all life forms and sentient beings. As such, all of life has the capability and capacity of *hozhooji* (good or goodness) or *hashkeji* (bad or badness) that must be balanced to achieve beneficial results. It is this balance, known by the Navajo word *hózhó* that the Commission must strive to achieve in carrying out its functions and in its



consideration of remedies and policies related to uranium mining and uranium processing on the Navajo Nation.

6. Our elders have taught that people have freedom to do what they want but that freedom comes with responsibility. We have a responsibility to observe, for example, Natural Law. Our failure to observe Natural Law and to practice *hózhó* results in a disruption of our sacred, shared relationships (*k'ei*) with one another and causes the emergence of certain *Nayee*, or "monsters," that are forces impeding successful outcomes of *liná*. The term *Ba ho za'a* incorporates this principle of responsibility and the consequences of the failure to observe it.
7. The Dine' Journey Narratives speak of two Hero Twins that set about dealing with *Nayee* (Monsters), and confrontations with certain *Nayee* such as hunger and poverty who were spared to co-exist with the Navajo livelihood, thereby continuing *hózhó* and benefitting the Five-Fingered People (*bii laa ashjg;ai*).
8. Some Navajo elders have taught that uranium, or *feetsó* (literally, "the dirt that is yellow"), is one such *Nayee* that can disrupt life when it is misused or disrespected and its own laws are not observed. This is a violation of *k'e* or a persons' positive relationship with all living beings as mentioned in 1 N.N.C. §§ 201-206. Other elders have said that certain substances in Mother Earth (*doo nalyee dah*) are not to be disturbed from their resting places, and that "the people now know that uranium is one such substance". 18 N.N.C. §1301.D.
9. Accordingly, the Commission, as the agent of the Five Fingered People, who in turn are the stewards of the land and its sacred elements (1 N.N.C. §205.D.), is guided by Fundamental Laws of the Diné to find ways to return *feetso* to its natural balance within Mother Earth so that it does not harm the sacred elements or the sacred *liná* of the human beings and animal and plant people that exist on Mother Earth. (1 N.N.C. §205).
10. In considering how to address the problems of *feetso*, the Commission shall act as *Naat'aanii*, or leader, in using traditional characteristics of each of the Four Directions: (i) *Nitsahakees*, for intuition, discovery and thinking of the East (2 N.N.C. §110 (N); *Nahat'a*, or planning (2 N.N.C. §110 (M), and *nahat'a* or *Naat'aaji*, or the talk of planning, of the South to carefully examine and involve all interests and knowledge holders in the process; *jiná* to implement thought and consensual plans actively and for good results in the West (2 N.N.C. §110 (G) ; and *Sihasin*, or reflection and reconsideration, to assess the result of thinking, talking, planning and doing, of the North (2 N.N.C. §110 (T). *Naabik'iyatí* (2 N.N.C. §110 (M).

11. The Four Direction planning process of Navajo tradition is also expressed in modern Western principles of planning and project implementation: the project begins with a concept (a thought or intuition – the East); the concept is then discussed, considered and refined (talk or examine – the South); the refined project is then put into action (implementation – the West); and the results of the project are assessed and evaluated (reflection and reconsideration – the North).
12. In both Navajo and Western traditions, good governance occurs when we observe these important principles: effective participation and consensus among those affected by the decision; accountability to and from government and civil society; transparency through the free flow of information; fairness and equity to all men and women; and adherence to the rule of law. A failure to observe these principles leads to non-responsive governance.
13. *T'aa altso alk'ei daniidii* means that everything in existence has a positive (good) and negative (bad) aspect to it. Everything has both positive and negative, and these must be balanced. Some things are so powerful that they must not be touched—our very involvement with these causes imbalance and harm. The Coyote once enticed the people and persuaded them that certain things were good. The people thought "This really looks good", not knowing that this very thing, although attractive, would make the people sick and result in death or loss of life. The Navajo elders say that you should never assume that if something looks good up front it really is good for you. *Ba' at'eeh holo*: it has grave consequences. *T'aa altso alk'ei daniidii* – if you contaminate one, you will contaminate everything. The uranium looks good, it can bring wealth but it can also bring, and has brought, serious consequences. Even if we cannot see the consequences now, there are grave consequences for the future, for ourselves as the five-fingered people and our land, and for the well-being of all life forms. Those who use our uranium put themselves and others in grave danger.
14. The Commission shall consider this history as it seeks a path to restore *hózhó*.

#### VI. Staffing and Organization

The Commission shall be administered by an Executive Director, who shall be appointed by the President of the Navajo Nation and confirmed by the Navajo Nation Council upon recommendation from the Naabik'iyati Committee of the Navajo Nation Council.

The Executive Director shall be employed and compensated in accordance with the Navajo Nation Personnel Policies and Procedures of the Executive Branch of the Navajo Nation.

The Executive Director shall be authorized to oversee the daily operations of the Commission, coordinate hearings, analyze data, write reports, and submit his/her findings to the Commissioners, the Naabik'iyati Committee, and the Navajo Nation Council. The Executive Director shall supervise the office staff to ensure timely completion of established operational goals.

The Executive Director shall hire other personnel as may be deemed necessary to carry out the purposes of the Commission. All personnel shall be subject to the Personnel Policies and Procedures of the Executive Branch of the Navajo Nation.

#### **VII. Responsibility and Authority of the Executive Director**

The Executive Director of the Commission shall:

1. Be responsible to develop, organize, administer, and coordinate the meetings and the work of the Commission;
2. Chair all meetings and proceedings of the Commission;
3. Collect and compile data from public meetings, prepare and issue minutes, and prepare meeting agendas;
4. Report to the Executive Director of the Navajo Environmental Protection Agency and the President of the Navajo Nation, and shall be responsible to the President;
5. Plan, prepare, and submit budgetary packages;
6. Establish and fill additional positions within the Commission where deemed appropriate and necessary in accordance with established guidelines and budget;
7. Provide effective administrative, managerial, and financial direction to the Commission;
8. Formulate overall administrative and operational policies for the Commission and take action as necessary for their accomplishment;
9. Complete all assignments issued to him/her from the Commission in a timely manner;
10. Establish and maintain effective communications with the various programs of the Navajo Nation Government and with local, chapter, state, and other authorities on matters related to the objectives of the Commission;
11. Prepare, present, and submit appropriate reports and documents for approval.

VIII. The Commission

1. The initial term of the Commission shall be approximately five (5) years. The term shall end five (5) years after the date of issuance of the Second Five-Year Plan entitled "Federal Actions to Address Impacts of Uranium Contamination in the Navajo Nation," expected to be issued by the U.S. Environmental Agency and other federal agencies in the first half of 2014. The Navajo Nation Council may, by majority vote, renew the Commission for a second five-year term, or for such period as the Council may choose.
2. The Commission shall consist of eleven (11) members.
  - a. Three members shall be: The Executive Director of the Navajo Nation Environmental Protection Agency, or his/her designee; the Director of the Navajo Superfund Program, or his/her designee; and the Manager of the Abandoned Mine Lands Reclamation Department, or his/her designee. In the event that any of these members chooses to have a designee act as Commission member in his/her stead, the designee shall be an enrolled member of the Navajo Nation and shall have a background and expertise in environmental science. The designee may be changed or revoked at the will of the agency/department head.
  - b. Seven members shall be Community Members, one from each of the six Regions (as defined by the U.S. EPA) affected by past uranium mining – Northern, North Central, Eastern, Southern, Western, and Central – and one selected as an At-Large Community Representative. These seven members shall all be enrolled members of the Navajo Nation.
  - c. One member shall be a Youth Member, who shall be an enrolled member of the Navajo Nation under the age of 25 years at the inception of his/her term, and who shall have demonstrated a continuing interest in issues to be considered by the Commission.
3. Commission members shall be appointed as follows:
  - a. The Navajo Nation President shall appoint the Youth Member and the At-Large Community Representative.
  - b. The Navajo Nation Council shall appoint the six Members representing the six uranium mining regions.
  - c. All initial Commission members shall be appointed within 90 days following the effective date of this Act. If the Council fails to make its Commission appointments within that ninety (90) day period, the President shall appoint them within sixty (60) days thereafter. If the President fails to make his or her Commission appointments within



that ninety (90) day period, the Council shall appoint them within sixty (60) days thereafter.

- d. The President and the Council may, but are not required to, make a public announcement soliciting letters of interest and statements of qualification for the Commission member positions.
4. The Commissioners' terms shall be coextensive with the initial term of the Commission (five years). In the event the Commission is renewed by the Council, each Commission Member shall be either reappointed or replaced. The appointment process shall follow the same procedure outlined above for the initial appointment.
5. If a member of the Commission retires or becomes unable to serve, a new Commission Member shall be appointed promptly to complete the remainder of his or her term. The appointment shall be made by the person or body that appointed the Member being replaced. The appointment process shall follow the procedure outlined above for the initial appointment.
6. The Commission Members appointed by the Navajo Nation Council may be removed by a majority vote of the Council, for repeated failure to attend meetings, for failure to faithfully conduct Commission business, or for any other just cause. In this case, the Council shall promptly appoint a replacement Commission Member. If the Council fails to fill the Commission seat within ninety (90) days of the vacancy, the President shall appoint a replacement Commission Member within sixty (60) days thereafter.
7. The Commission Members appointed by the President may be removed by the President for repeated failure to attend meetings, for failure to faithfully conduct Commission business, or for any other just cause. In this case, the President shall promptly appoint a replacement Commission Member. If the President fails to fill the Commission seat within ninety (90) days of the vacancy, the Council shall appoint a replacement Commission Member within sixty (60) days thereafter.
8. All members of the Commission shall be voting members. The Executive Director of the Commission shall not be a voting member of the Commission, except in the case of a tie vote of the Commission. In case of a tie vote, the Executive Director shall cast the deciding vote.
9. Any matter requiring decision or formal action by the Commission shall require the presence of a quorum. A quorum shall consist of at least five (5) members of the Commission, and the Executive Director.

IX. Responsibility and Authority of the Commission

The Commission shall have the power and authority to conduct studies of problems created by uranium extraction and associated activities in the Navajo Nation, consult with experts and civil society on problems and solutions, render reports to the Navajo Nation Council and to other governmental officials and agencies, conduct governmental and public education programs, hire staff and experts within established annual budgets, solicit public comment and hold public hearings, and otherwise conduct the business of a public agency in light of the purposes and findings of this Act. All of the Commission's work shall be guided by the Fundamental Laws of the Diné as discussed in this Plan of Operation and in the Commission's enabling legislation.

X. Reports

The Commission shall prepare and submit quarterly reports to the Navajo Nation Council following public notice and an opportunity for the public to comment and suggest changes. The Commission may also provide recommendations for new or revised policies and proposed legislation to the Council as often and as necessary to fulfill its responsibilities under this Act.

XI. Creation of Standards for Measuring Progress under Diné Natural Resources Protection Act of 2005

The Diné Natural Resources Protection Act of 2005 placed a moratorium on uranium mining in Navajo Indian Country until "all adverse economic, environmental and human health effects from past uranium mining and processing have been eliminated or substantially reduced, to the satisfaction of the Navajo Nation Council." The Commission shall draft standards for measuring progress toward this goal. The standards shall reference the number of uranium mines cleaned up, the number of contaminated structures identified and remediated, the number of contaminated water sources identified and alternative water sources provided, and progress toward the other goals identified in the U.S. EPA's Five-Year Plan (2008) and the Five-Year Report (2014), as well as other measures to be determined by the Commission. The standards for measuring progress shall be submitted to the Council for approval. Following Council approval, the Commission's quarterly reports shall report on progress made during the reporting period and expected progress in the next reporting period or longer.

XII. Funding, Expenditures and Oversight

1. The Executive Director of the Navajo Nation Environmental Protection Agency and the Executive Director of the Commission are authorized and directed to seek initial funding for the Commission through grants from the US Environmental Protection Agency, from funds available to the Navajo Nation for investigation and remediation of uranium mines and mills, and from the Navajo Nation Council.

2. Thereafter, the Commission, acting through its Executive Director, shall have the authority to establish budgets for operations, to seek funding from the Navajo Nation, federal agencies or other sources, to conclude agreements for such funding, to comply with funding requirements and restrictions, and to otherwise responsibly seek funding for operations mandated in this act. The Commission shall prepare and approve annual budgets and funding plans, shall account for all income and expenditures, and shall report its financial status and activities to the Navajo Nation Council and to the public.
3. The Commission is authorized to expend funding for travel and other activities needed to carry out its purpose.
4. Members of the Commission, except members who are Navajo Nation employees attending in the normal course of their employment, shall receive a stipend for each Commission meeting attended, subject to a budget prepared by the Commission.
5. All members of the Commission, the Executive Director and each staff member shall receive reimbursement for documented expenses, including mileage, per diem, and lodging, incurred in attending Commission meetings.
6. Except as provided herein, Commissioners shall receive no compensation for their activities in connection with the Commission.

XIII. Standard of Conduct

1. Each Commissioner shall be held to the standard of conduct as a fiduciary in charge of their responsibilities and authorities. As fiduciaries, the members of the Commission shall carry out their responsibilities and authorities to promote and protect the human rights of the Navajo people, consistent with the fiscal and governmental responsibilities of the Navajo Nation.
2. Each member of the Commission shall discharge his/her duties with the care, skill, prudence, and diligence under the prevailing circumstances that a prudent person acting in a like capacity and familiar with such matters would use.

XIV. Meetings and Procedures

1. Meetings of the Commission shall initially be conducted pursuant to rules and procedures stipulated in the "Navajo Nation Council Standing Committee Rules of Order," until such time as rules are approved for the Commission by the Naabik'iyatí Committee.

2. The Commission shall establish a meeting schedule, which will provide for at least one meeting day per month during the first year after its formation, and at least one meeting day every two months thereafter. During the first two and one-half years of its existence, and again during the second two and one-half years, the Commission shall hold at least one meeting in each of the six Uranium Regions.
3. These scheduled meetings are to be known as "regular meetings" of the Commission. Regular meetings of the Commission shall commence at 10:00 a.m. on a date selected by the Commission.
4. The Commission may hold "special meetings" or call for "executive session" as deemed necessary. All special meetings and executive sessions shall be conducted in accord with the Commission's rules of order.
5. Meetings of the Commission shall be open to the public. When matters before the Commission are protected or confidential, the Commission, upon majority vote of a quorum of the Commission, may hold discussions in executive session which shall be closed to the public.
6. The Commission shall publish the date and location of each meeting ten days in advance of such meeting. The publication requirement shall be satisfied by announcement by radio, in the Navajo Times and on the official Navajo Nation website.
7. Meetings of the Commission shall not commence until a quorum of the Commission is present and the meeting publication requirement has been satisfied.

**XV. Indemnification**

The Navajo Nation shall indemnify and hold the members of the Commission, jointly and severally, harmless for the effects and consequences of their acts, omissions, and conduct in their official capacity, provided that such acts, omissions or conduct arise in the Commissioners' official capacity and in the scope of the enumerated authority. Effects and consequences resulting from their own willful misconduct, breach of good faith, or gross negligence in the performance of their duties shall not be indemnified. The foregoing right of indemnification shall not be exclusive of other rights to which each such member may be entitled as a matter of law, nor waive any immunities conferred by applicable law.

**XVI. Legislative Oversight**

The Naabik'iyatf Committee of the Navajo Nation Council shall be the oversight committee for the Commission.



XVII. Amendments

This Plan of Operation may be amended by the Navajo Nation Council upon the recommendation of the Naabik'iyatí Committee or as deemed necessary.

(14)

## 23rd Navajo Nation Council

### Winter Session

DATE: January 26, 2017

Legislation 0430-16 (Main Motion)

Motion: Brown

Second: Chee

#### ALL DELEGATES:

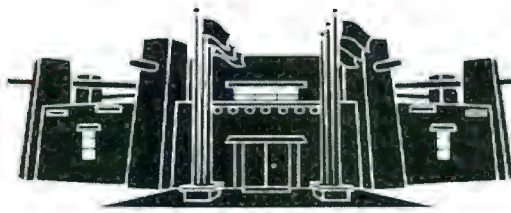
	Yea	Nay
BATES, LoRenzo		
BEGAY, Kee Allen Jr.	✓	
BEGAY, Norman M.	✓	
BEGAYE, Nelson	✓	
BENNETT, Benjamin L.	✓	
BROWN, Nathaniel	✓	
CHEE, Tom T.	✓	
CROTTY, Amber K.	✓	
DAMON, Seth		
DANIELS, Herman	✓	
FILFRED, Davis		
HALE, Jonathan L.	✓	
JACK, Lee Sr.	✓	
PERRY, Jonathan	✓	
PETE, Leonard H.		
PHELPS, Walter	✓	
SHEPHERD, Alton Joe		
SLIM, Tuchoney Jr.	✓	
SMITH, Raymond Jr.	✓	
TSO, Otto	✓	
TSOSIE, Leonard	✓	
WITHERSPOON, Dwight	✓	
YAZZIE, Edmund		
YAZZIE, Peterson	✓	

GRAND TOTAL

18 0

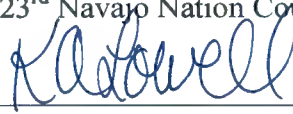
CERTIFICATION:

  
Honorable Edmund Yazzie  
Speaker Pro Tem



## MEMORANDUM

TO: Honorable Amber K. Crotty  
23<sup>rd</sup> Navajo Nation Council

FROM:   
Kristen Lowell, Principal Attorney  
Office of Legislative Counsel

DATE: December 11, 2018

SUBJECT: **AN ACTION RELATING TO BUDGET AND FINANCE COMMITTEE,  
NAABIK'ÍYÁTI' COMMITTEE, AND NAVAJO NATION COUNCIL;  
AMENDING CS-68-18, THE NAVAJO NATION FISCAL YEAR 2019  
COMPREHENSIVE BUDGET FOR THE DINE URANIUM  
REMEDATION ADVISORY COMMISSION**

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

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

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

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

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0418-18\_\_

SPONSOR: Amber Kanazbah Crotty

**TITLE: An Action Relating To Budget And Finance Committee, NAABIK'IYATI' Committee, And Navajo Nation Council; Amending CS-68-18, The Navajo Nation Fiscal Year 2019 Comprehensive Budget For The Dine Uranium Remediation Advisory Commission**

**Date posted: December 14, 2018 at 10:02 PM**

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto: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) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

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

**LEGISLATION NO.: 0418-18**

**SPONSOR: Honorable Amber Kanazbah Crotty**

**TITLE: An Action Relating To Budget And Finance Committee, NAABIK'IYATI' Committee, And Navajo Nation Council; Amending CS-68-18, The Navajo Nation Fiscal Year 2019 Comprehensive Budget For The Dine Uranium Remediation Advisory Commission**

**Posted: December 14, 2018 at 10:02 PM**

**5 DAY Comment Period Ended: December 19, 2018**

**Digital Comments received:**

<b>Comments Supporting</b>	<i>None</i>
<b>Comments Opposing</b>	<i>None</i>
<b>Inconclusive Comment</b>	<i>None</i>



**Legislative Secretary II  
Office of Legislative Services**

12/20/2018 8:19am

**Date/Time**

**23<sup>rd</sup> NAVAJO NATION COUNCIL**

Fourth Year 2018

Mr. Speaker:

The **BUDGET & FINANCE COMMITTEE** to whom has been assigned

**NAVAJO LEGISLATIVE BILL # 0418-18:**

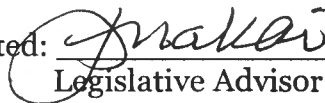
An Action Relating to Budget and Finance Committee, Naabikyati Committee, and Navajo Nation Council; Amending CS-68-18, The Navajo Nation Fiscal Year 2019 Comprehensive Budget for the Dine Uranium Remediation Advisory Commission *Sponsored by Amber K. Crotty, Council Delegate*

has had it under consideration and reports the same with the recommendation that It **Do Pass** without amendment.

And therefore, referred to the **NAABIKIYATI** Committee

Respectfully submitted,

  
Seth A. Damon, Chairman

Adopted:   
Legislative Advisor

Not Adopted: \_\_\_\_\_  
Legislative Advisor

**27 December 2018**

The vote was **3** in favor **0** opposed yeas: *Jimmy Yellowhair, Tom T. Chee, Lee Jack, Sr.*  
*Motion: Jimmy Yellowhair*  
*Second: Tom T. Chee*

## BUDGET AND FINANCE COMMITTEE

27 December 2018

Special Meeting

### VOTE TALLY SHEET:

#### Legislation No. 0418-18:

An Action Relating to Budget and Finance Committee, Naabikyati Committee, and Navajo Nation Council; Amending CS-68-18, The Navajo Nation Fiscal Year 2019 Comprehensive Budget for the Dine Uranium Remediation Advisory Commission *Sponsored by Amber K. Crotty, Council Delegate*

*Motion: Jimmy Yellowhair*


*Second: Tom T. Chee*

*Vote: 3-0, Chairman not voting*

#### Vote Tally:

Seth A. Damon		
Jimmy Yellowhair	<b>yay</b>	
Tom T. Chee	<b>yay</b>	
Lee Jack, Sr.	<b>yay</b>	
Leonard Tsosie		
Tuchoney Slim, Jr.		

*Absent: Leonard Tsosie, Tuchoney Slim, Jr.*



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Seth A. Damon, Chairman  
Budget & Finance Committee



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Peggy Nakai, Legislative Advisor  
Budget & Finance Committee