

LEGISLATIVE SUMMARY SHEET

Tracking No. 0086-23

DATE: April 7, 2023

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; REMOVING THE SPEAKER OF THE 25TH NAVAJO NATION COUNCIL; SELECTING A SPEAKER FOR THE 25TH NAVAJO NATION COUNCIL

PURPOSE: The purpose of this legislation is to remove the current Speaker of the 25th Navajo Nation Council and select a new Speaker for the 25th Navajo Nation Council.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD:
Website Posting Time/Date:
Posting End Date: 04-26-23
Eligible for Action : 04-27-23

Naabik'iyati' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

25th NAVAJO NATION COUNCIL – First Year, 2023

INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 0086-23

AN ACTION

**RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION
COUNCIL; REMOVING THE SPEAKER OF THE 25TH NAVAJO NATION
COUNCIL; SELECTING A SPEAKER FOR THE 25TH NAVAJO NATION
COUNCIL .**

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation and shall consist of 24 delegates. 2 N.N.C. §102 (A).
- B. The Speaker of the Navajo Nation Council is selected by and serves at the pleasure of the Navajo Nation Council and shall serve for a term of two years. *See* 2 N.N.C. §§ 282 (A) and (C).
- C. The Speaker of the Navajo Nation Council shall be a member of the Navajo Nation Council in good standing. 2 N.N.C. § 281 (B).
- D. The Navajo Nation Council has all powers to discipline and/or regulate the conduct of its members. 2 N.N.C. § 102(D).
- E. The Speaker may be removed by two-thirds (2/3) vote of the full membership of the Navajo Nation Council. 2 N.N.C. § 286 (A).

- 1 F. The Navajo Nation Council has the authority to promulgate rules, regulations and
2 procedures for the conduct of its meetings and that of its committees. 2 N.N.C. § 102
3 (E).
- 4 G. If a vacancy should occur in the Office of the Speaker, the Navajo Nation Council shall
5 select and confirm from among its members a successor for the remainder of the term.
6 2 N.N.C. § 286 (B).
- 7 H. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council
8 with responsibility to recommend resolutions to the Navajo Nation Council. 2 N.N.C.
9 §§ 700 (A) and 701 (A)(3).

10
11 **SECTION TWO. FINDINGS**

- 12 A. When the members of the Navajo Nation Council select and confirm their Speaker,
13 they do so with the expectation that the selected Speaker can be trusted to be their
14 Natahnii' and lead the Council and the Navajo people by example with honor, integrity,
15 veracity and reliability at all times.
- 16 B. The Honorable Crystalyne Curley was selected as Speaker of the 25th Navajo Nation
17 Council on January 23, 2023 pursuant to Resolution No. CJA-02-23, attached as
18 **Exhibit 1.**
- 19 C. Since her selection as Speaker, the Honorable Curley has not lived up to the
20 expectations placed on her by the 25th Navajo Nation Council. Some examples of
21 Speaker Curley not living up to the 25th Navajo Nation Council's expectations include:
- 22 1. Speaker Curley's and Office of the Speaker staff's lack of communication with
23 the Delegates of the 25th Navajo Nation Council, despite repeated requests by
24 Council Delegates to improve such communications;
 - 25 2. Speaker Curley has not provided her stance on the use of alcohol by Office of the
26 Speaker staff, despite repeated requests by Council Delegates to do so;
 - 27 3. Speaker Curley did not immediately address safety and re-traumatizing concerns
28 raised by Council Delegates related to a previous sexual harassment allegation
29 against a member of the Office of the Speaker's staff; and
30

1 4. Speaker Curley's inexperience and lack of leadership skills are not furthering the
2 work of the 25th Navajo Nation Council and the Navajo People.

3 D. The Navajo Nation Council has determined that removing Speaker Curley as Speaker
4 of the 25th Navajo Nation Council is the appropriate path to restore Hózhó within the
5 Navajo Nation Council and to revitalize the Council's service to the Navajo People.
6

7 **SECTION THREE. REMOVING THE SPEAKER OF THE 25TH NAVAJO NATION**
8 **COUNCIL**

9 The 25th Navajo Nation Council hereby removes Crystalyne Curley as Speaker of the 25th
10 Navajo Nation Council pursuant to 2 N.N.C. § 286 (A).
11

12 **SECTION FOUR. SELECTION OF SPEAKER OF THE NAVAJO NATION**
13 **COUNCIL**

14 A. In order that the selection of a Speaker for the 25th Navajo Nation Council be
15 conducted in an orderly and efficient manner, the selection process shall comply with
16 the process adopted in CJA-02-23, **Exhibit 1 (B)**.

17 B. Honorable _____ is hereby selected and confirmed as the
18 Speaker of the 25th Navajo Council pursuant to 2 N.N.C. § 286 (B).

19 C. Honorable _____ shall serve as Speaker until the end of the
20 term of the 25th Navajo Nation Council and shall exercise all authorities of the Speaker
21 as set forth in Title Two of the Navajo Nation Code.
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23 **SECTION FIVE. EFFECTIVE DATE**

24 This Action shall be effective pursuant to 2 N.N.C. § 221 (A).
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RESOLUTION OF THE
NAVAJO NATION COUNCIL
25th NAVAJO NATION COUNCIL - FIRST YEAR, 2023



AN ACTION

RELATING TO AN EMERGENCY AND THE NAVAJO NATION COUNCIL; SELECTING
AND CONFIRMING THE SPEAKER OF THE 25TH NAVAJO NATION COUNCIL

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation and shall consist of 24 delegates. 2 N.N.C. § 102(A).
- B. The Navajo Nation Council shall select and confirm a Speaker of the Navajo Nation Council as the first order of business at the Council session scheduled for the fourth Monday in January of any odd numbered year. 2 N.N.C. § 282(C).
- C. The Navajo Nation Council has the authority to promulgate rules, regulations and procedures for the conduct of its meetings and that of its committees. 2 N.N.C. § 102(E).
- D. Pursuant to 2 N.N.C. § 164(A)(16) "Matters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under the Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council."

SECTION TWO. FINDINGS

- A. There is established the Office of the Speaker of the Navajo Nation Council. 2 N.N.C. § 281(A).
- B. The Speaker of the Navajo Nation Council shall be a member of the Navajo Nation Council in good standing. 2 N.N.C. § 281(B).
- C. The Speaker of the Navajo Nation Council shall serve at the pleasure of the Navajo Nation Council and shall serve for a term of two (2) years. 2 N.N.C. § 282(A)(B).
- D. This legislation is put forth as an emergency legislation pursuant to 2 N.N.C. § 164(A)(16) as the 25th Navajo Nation Council has a statutory mandate to select and confirm its Speaker as the first order of business at the 25th Navajo

Nation Council's Winter Session statutorily scheduled to start on January 23, 2023.

- E. Dangerous and potentially life-threatening winter travel conditions, unreliable internet access, and staff illnesses interfered with the ability to satisfy the five-day posting requirement of 2 N.N.C. § 164(A)(7), prior to the start of the Council's Winter Session.
- F. If the 25th Navajo Nation Council does not select and confirm their Speaker on the fourth Monday in January (January 23, 2023), the Council will not be able to take any action to ensure that adequate funding and emergency services are available to support Navajo communities through the projected upcoming winter storms and dangerous conditions.
- G. In light of the above, there is indeed a "pressing public need" for this emergency legislation.

SECTION THREE. ADOPTION OF RULES FOR SELECTION OF SPEAKER

- A. Pursuant to Navajo Nation Council Resolution CJA-03-11 attached herein as Exhibit A, each Council shall be authorized to select a Speaker pursuant to its own process and procedures or to utilize the process and procedures set forth in Section 3 of CJA-03-11.
- B. For the purposes of selecting its Speaker, the 25th Navajo Nation Council hereby adopts the Rules in the Selection of the Speaker set forth in attached Exhibit B.

SECTION FOUR. SELECTION AND CONFIRMATION

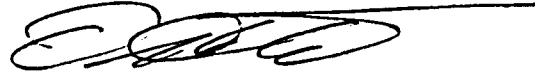
- A. The Navajo Nation Council hereby selects the Honorable Crystalyne Curley as Speaker of the 25th Navajo Nation Council.
- B. The Navajo Nation Council, pursuant to its authority under Navajo Nation law, hereby confirms the Honorable Crystalyne Curley to serve as Speaker of the 25th Navajo Nation Council for a two year term with all powers and duties delegated by Navajo Nation law.

SECTION FIVE. EFFECTIVE DATE

This Action and the selection of the Speaker of the 25th Navajo Nation Council shall be effective pursuant to 2 N.N.C. § 221(C).

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the 25th 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 23 in Favor, and 00 Opposed, on this 23rd day of January 2023.



Honorable Otto Tso, Speaker Pro Tem
25th Navajo Nation Council

01/23/2023
DATE

Motion: Honorable Shaandiin Parrish
Second: Honorable Casey Allen Johnson

Speaker Pro Tem Otto Tso not voting



CJA-03-11

RESOLUTION OF THE
NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL - First Year 2011

AN ACTION

RELATING TO THE NAVAJO NATION COUNCIL; RESCINDING CJA-1-93 AND CJA-02-99, RESOLUTIONS ADDRESSING THE PROCESS AND PROCEDURE FOR THE SELECTION AND CONFIRMATION OF THE SPEAKER OF THE NAVAJO NATION COUNCIL TO SELECT ITS SPEAKER AND ADOPT A PROCESS AND PROCEDURE ACCORDINGLY

BE IT ENACTED:

Section 1. Findings and Purpose

1. The number of delegates to the Navajo Nation Council was reduced from 88 to 24 members by vote of Diné voters.
2. Pursuant to Navajo Nation law, the Navajo Nation Council is authorized to select a speaker from among its membership. The selection of the speaker is an internal process of the Navajo Nation Council.
3. In January 1993, the Navajo Nation Council adopted rules in the selection of Speaker of the Navajo Nation Council. CJA-01-93. These rules were amended in special Session of the Navajo Nation Council in 1999. CJA-02-99 (Document No. 2026).
4. In accordance with Diné tradition, the rules in the selection of the Speaker must be inclusive and allow broader participation by all delegates to the Navajo Nation Council. The process involved in the selection of a Diné leader is done in a democratic manner, with utmost participation by every delegate of the Navajo Nation Council.
5. In order that the requirements of 2 N.N.C. § 282 (C) be met and that the selection and confirmation of the speaker of the Navajo Nation Council be the first order of business at the council session scheduled for the fourth Monday in January of 2011 and this selection be done in a manner consistent with Navajo tradition and the intent of the 22nd Navajo Nation Council.

Section 2. Rescinding CJA-1-93 and CJA-02-99

The Navajo Nation Council rescinds CJA-1-93 and CJA-02-99.

Section 3. Rules in the Selection of the Speaker

For the 22nd Navajo Nation Council, the Navajo Nation Council hereby adopts the following rules:


1. Each Council of the Navajo Nation shall be authorized to select a Speaker pursuant to its own process.
2. The Speaker shall be selected as the first order of business at the Winter Session of the Navajo Nation Council, January 2011. The Speaker shall be selected and confirmed by the Navajo Nation Council as the first item of business at the council session scheduled for the fourth Monday in January of any odd numbers year, 2 N.N.C. § 282 (C).
3. Read the powers and duties of the speaker, as written in 2 N.N.C. Section 285 into the record.
4. Any delegate may nominate another delegate to serve as Speaker with no second required. If the current Speaker is nominated and accepts the nomination, he/she shall point a Speaker pro tem pursuant to 2 N.N.C. 285(b)(3).
5. The number of nominations shall be unlimited, except upon motion, second and majority vote on closing the nomination process.
6. Each nominee shall accept or reject a nomination upon being nominated.
7. Each nominee, in order of his or her draw, shall be allowed to make a 15-minute statement on his or her platform for Speaker.
8. Each nominee, in the order of his or her draw, shall be allowed to make a 15-minute statement on his or her platform for Speaker.
9. Questions shall not be allowed.

CJA-03-11

10. Upon presentations by nominees, each member of the Navajo Nation Council present shall cast one vote for a candidate by secret ballot. The Navajo Nation Election Administration shall assist in the balloting.
11. In the event there are more than two nominees, there shall be a run-off election between the two candidates receiving the most votes. At which time, the final two candidates will be allowed 5 minute statement before final vote, with no questions or comments. This run-off election procedure shall not apply in the event candidates and is hereby declared the winner.
12. In the event of a tie vote, selection shall be by random lot.
13. The Council shall by resolution confirm its new Speaker

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 2 opposed, this 24th day of January 2011.


Jonathan Nez, Pro Tem Speaker
Navajo Nation Council

01-24-11

Date

Motion: Charles Damon, II
Second: Jonathan Hale



For the 25th Navajo Nation Council, the Navajo Nation Council hereby adopts the following rules:

1. Each Council of the Navajo Nation shall be authorized to select a Speaker pursuant to its own process.
2. The Speaker shall be selected as the first order of business at the Winter Session of the Navajo Nation Council, January 2023. The Speaker shall be selected and confirmed by the Navajo Nation Council as the first item of business at the council session scheduled for the fourth Monday in January of any odd numbers year, 2 N.N.C. § 282(C).
3. Read the powers and duties of the speaker, as written in 2 N.N.C. Section 285 into the record.
4. Any delegate may nominate another delegate to serve as Speaker with no second required. If the current Speaker is nominated and accepts the nomination, he/she shall appoint a Speaker Pro-Tem pursuant to 2 N.N.C 285(b)(3).
5. The number of nominations shall be unlimited, except upon motion, second and majority vote on closing the nomination process.
6. Each nominee shall accept or reject a nomination upon being nominated.
7. Each nominee, in order of his or her draw, shall be allowed to make a 15-minute statement on his or her platform for Speaker. Questions shall not be allowed.
8. Upon presentations by nominees, each member of the Navajo Nation Council present shall cast one vote for a candidate by secret ballot. The Navajo Nation Election Administration shall assist in the balloting.
9. In the event there are more than two nominees, there shall be a run-off election between the two candidates receiving the most votes. At which time, the final two candidates will be allowed 5-minute statement before final vote, with no questions or comments.
10. This run-off election procedure shall not apply in the event one of the top two candidates withdraws. The non-withdrawing candidate shall be declared Speaker.
11. In the event of a tie vote, this process shall be continued until one candidate receives the majority vote.
12. The Council shall by resolution confirms its new Speaker.

NAVAJO NATION

16

Navajo Nation Council Winter Session

1/23/2023

05:00:25 PM

Amd# to Amd#

Legislation 0002-23: Selecting

PASSED

MOT Parrish, S

and Confirming the Speaker of

SEC Johnson, C

the 25th Navajo Nation Council

Yeas : 23

Nays : 0

Excused : 0

Not Voting : 0

Yea : 23

Arviso, S

Crotty, A

Johnson, C

Simpson, D

Aseret, L

Curley, C

Nez, A

Slater, C

Begay, H

Damon, S

Nez, R

Tolth, G

Begay, N

Daniels, H

Notah, N

Yanito, C

Charles-Newton, E

James, V

Parrish, S

Yazzie, C

Claw, S

Jesus, B

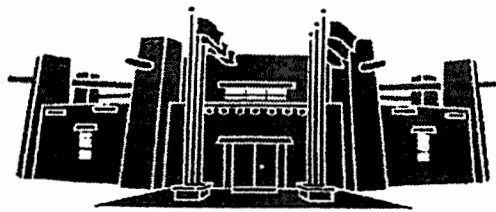
Simonson, G

Nay : 0

Excused : 0

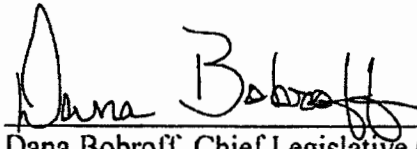
Not Voting : 0

Presiding Speaker: Tso, O



MEMORANDUM

To : Hon. Eugenia Charles-Newton
25th Navajo Nation Council

From : 
Dana Bobroff, Chief Legislative Counsel
Office of Legislative Counsel

Date : April 7, 2023

Re : **AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND
NAVAJO NATION COUNCIL; REMOVING THE SPEAKER OF THE 25TH
NAVAJO NATION COUNCIL; SELECTING A SPEAKER FOR THE 25TH
NAVAJO NATION COUNCIL**

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

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

OLC No. 23-099-1