



**The Navajo Nation** **DR. BUU NYGREN** **PRESIDENT**  
**Yideeskáądi Nitsáhákees** **RICHELLE MONTOYA** **VICE PRESIDENT**

August 7, 2023

Honorable Crystalyne Curley, Speaker  
Navajo Nation Council  
Post Office Box 3390  
Window Rock, AZ 86515

RE: *CJY-61-23 An Act Relating to the Law and Order, and Naabik'iyáti' Committees, and the Navajo Nation Council; Rescinding CJA-01-18 Relating to Agreements Not Requiring Navajo Nation Council or Committee Approval, to Provide for Transparency and Accountability*

Dear Speaker Curley,

I support transparency and accountability and therefore am signing into law this resolution.

This resolution puts back into place a former law requiring review of certain documents by certain Navajo Nation officials. The Council repealed this law in 2018 and now reinstates the requirement that the following documents, defined at 2 N.N.C. § 110, are reviewed and signed by the Division Director for department and activities under his or her supervision, the Controller (or designee) for all documents having a financial impact on the Navajo Nation, the Director of the Office of Management and Budget (or designee) for all documents having a financial impact on the Navajo Nation, and the Attorney General of the Navajo Nation (or designee):

1. subcontracts implementing agreements approved under 2 N.N.C. § 164 (A);
2. grant agreements providing external funds to the Navajo Nation;
3. contracts expending funds appropriated by the Navajo Nation Council;
4. letter of assurance agreements;
5. memoranda of understanding;
6. memoranda of agreement;
7. other agreements that do not expend funds; and
8. associated amendments to the above listed documents (1) through (8).

My administration supports transparency and accountability and has ensured that these documents are reviewed by the appropriate Navajo Nation officials.

However, I am concerned that there may be unintended consequences to reinstating this law. The unintended consequences are that an unnecessary layer of bureaucracy may be layered

onto an already cumbersome bureaucracy resulting in the waste of Navajo Nation resources and an increased timeline in reviewing some of the above listed documents.

This is because there may be duplicative reviews of certain documents when both the Controller and the Director of the Office of Management and Budget are required to review the expenditure of certain documents. In addition, since taking office, my administration has studied the existing bureaucracy and has prioritized the need for government efficiency and responsiveness through streamlining Executive Branch processes. We have determined, through discussions with the Office of the Controller (OOC), the Office of Management and Budget (OMB), and the Office of the Attorney General, that there are some documents that do not benefit from review by all of these offices, such as no-cost amendments that extend the performance time of a subcontract or contract. The additional administrative review wastes time of an overburdened staff and takes time away from working on value added or new projects.

All of that being recognized, I will work with the Navajo Nation Council if additional amendments are needed. I will also issue an Executive Order to implement this law, in order to provide guidance on what documents have a financial impact on the Nation such that review by both OOC and OMB is required; to set time limits on reviews; and to direct all pertinent Executive Branch Offices to be timely and efficient in conducting reviews.

Sincerely,



Dr. Buu Nygren, *President*  
**THE NAVAJO NATION**

RESOLUTION OF THE  
NAVAJO NATION COUNCIL  
25<sup>th</sup> NAVAJO NATION COUNCIL - FIRST YEAR, 2023

AN ACT

RELATING TO THE LAW AND ORDER, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; RESCINDING CJA-01-18 RELATING TO AGREEMENTS NOT REQUIRING NAVAJO NATION COUNCIL OR COMMITTEE APPROVAL, TO PROVIDE FOR TRANSPARENCY AND ACCOUNTABILITY

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Law and Order Committee of the Navajo Nation Council reviews and recommends proposed amendments to the Navajo Nation Code. 2 N.N.C. § 600(B) (14).
- B. The Naabik'íyáti' Committee of the Navajo Nation Council reviews all proposed legislation that requires final action by the Navajo Nation Council. 2 N.N.C. § 164(A) (9).
- C. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A). As such, the Council may rescind its approved resolutions.

SECTION TWO. FINDINGS

- A. The Navajo Nation Council approved Resolution No. CJA-01-18. **EXHIBIT A.** In this Resolution the Council amended 2 N.N.C. § 164(B) to remove the review and signature of certain documents by Division Directors, the Controller, the Director of the Office of Management and Budget, and the Attorney General. Said documents are those that do not require approval by the Navajo Nation Council or any of its committees. See SECTION THREE of CJA-01-18.
- B. In lieu of the reviews and signatures of the persons listed above, CJA-01-18 inserted a requirement for review and signature of the Navajo Nation President, for documents that do not require approval by the Navajo Nation Council or any of its committees. See SECTION THREE of CJA-01-18.
- C. Since the adoption of CJA-01-18, the Navajo Nation Council has observed a lack of transparency and accountability with respect to subcontracts implementing agreements approved under 2 N.N.C. § 164(A), grants providing funds to the Navajo Nation, contracts expending funds appropriated by the Council, letters of assurance, memoranda of understanding, memoranda of

agreement, and other agreements that do not expend funds, and amendments related to such documents.

- D. The Navajo Nation has a fiduciary duty to ensure that all legal agreements, even those that do not go before the Navajo Nation Council or its committees, are duly reviewed by all persons with expertise to ensure transparency and accountability regarding the subject matter of such agreements and the Navajo Nation's obligations. The Navajo Nation Council therefore finds it in the best interest of the Navajo Nation to rescind CJA-01-18 in its entirety.

### SECTION THREE. RESCINDING CJA-01-18

- A. The Navajo Nation hereby rescinds CJA-01-18 in its entirety.
- B. With such rescission, the provisions of 2 N.N.C. § 164(B) shall read as follows:

\* \* \* \*

- B. Agreements not requiring Committee or Council approval.

1. Subcontracts implementing agreements approved under 2 N.N.C. § 164(A), grants providing funds to the Navajo Nation, contracts expending funds appropriated by the Navajo Nation Council, Letter of Assurance agreements, Memoranda of Understanding, Memoranda of Agreement and other agreements that do not expend funds, associated amendments shall not require approval by resolution by the Navajo Nation Council or its committees.
2. Prior to final execution as provided in 2 N.N.C. § 222, documents not requiring approval by resolution of the Navajo Nation Council or its committees shall be reviewed and signed by the ~~President of the Navajo Nation within ten (10) calendar days after the document(s) is logged in at the Office of the President; and, upon notice to the Speaker and Chairperson of the oversight committee for an extension, an additional ten (10) days shall be allowed.~~ following:
  - a. The appropriate Division Director for departments and activities under his or her supervision;
  - b. The Controller (or designee) for all documents having a financial impact on the Navajo Nation;

c. The Director of the Office of Management and Budget (or designee) for all documents having a financial impact on the Navajo Nation; and

d. The Attorney General of the Navajo Nation (or designee).

\* \* \* \*

#### 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. EFFECTIVE DATE.

This Act shall become effective in accordance with 2 N.N.C. § 221(B).

#### SECTION SIX. SAVING CLAUSE

If any part of this Act is invalidated by the Supreme Court of the Navajo Nation, or by any Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, the remainder of this Act shall be the law of the Navajo Nation.

#### CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the 25<sup>th</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 19 in Favor, and 00 Opposed, on this 19<sup>th</sup> day of July 2023.



Honorable Crystalyne Curley, Speaker  
25<sup>th</sup> Navajo Nation Council

7/28/23

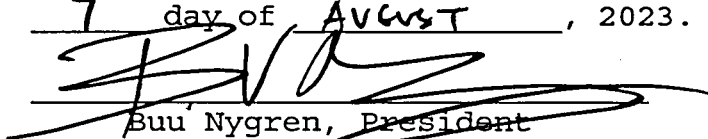
DATE

Motion: Honorable Shaandiin Parrish  
Second: Honorable Eugenia Charles-Newton

Speaker Crystalyne Curley 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 7 day of AUGUST, 2023.

  
Buu Nygren, President  
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this \_\_\_\_\_ day of \_\_\_\_\_, 2023 for the reason(s) expressed in the attached letter to the Speaker.

\_\_\_\_\_  
Buu Nygren, President  
Navajo Nation

CJA-01-18

## RESOLUTION OF THE NAVAJO NATION COUNCIL

23<sup>RD</sup> NAVAJO NATION COUNCIL -- Fourth Year, 2018

### AN ACTION

RELATING TO THE LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES; AND  
THE NAVAJO NATION COUNCIL: AMENDING 2 N.N.C. § 164(B),  
AGREEMENTS NOT REQUIRING COMMITTEE OR COUNCIL APPROVAL

BE IT ENACTED:

#### SECTION ONE. AUTHORITY

- A. The Navajo Nation established the Law and Order Committee (LOC) as a standing committee and as such empowered LOC to review and make recommendations to the Navajo Nation Council on proposed Navajo Nation Code amendments and enactments. 2 N.N.C. §§ 164(A)(9), 600(A), 601(B)(14); CO-45-12.
- B. The Navajo Nation Council established the Naabik'íyáti' Committee as a standing committee and as such, proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee. 2 N.N.C. §§ 164(A)(9), 700(A); CO-45-12.
- C. The Navajo Nation Council must review and approve enactments or amendments of positive law. 2 N.N.C. § 164(A); CO-45-12.

#### SECTION TWO. FINDINGS

- A. The amendment is to Title 2 of the Navajo Nation Code at 2 N.N.C. § 164(B), proposes subcontracts, implementing agreements in accordance with 2 N.N.C. § 164(A), grants providing funds to the Navajo Nation, contracts expending funds appropriated by the Navajo Nation Council, Letter of Assurance agreements, memoranda of understanding, memoranda of agreement and other agreements that do not expend funds shall be reviewed and signed by the President of the Navajo Nation and striking sections 2 N.N.C. § 164(B)(a)-(d).

- B. The Navajo Nation finds the following Navajo Nation Code amendment to Title 2 at 2 N.N.C. § 164(B) is in the best interest of the Navajo Nation.

**SECTION THREE. AMENDING NAVAJO NATION CODE TITLE 2**

The Navajo Nation amends Title 2 of the Navajo Nation Code at 2 N.N.C. § 164(B) as follows:

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**NAVAJO NATION CODE  
TITLE 2. NAVAJO NATION GOVERNMENT  
CHAPTER 3. LEGISLATIVE BRANCH  
SUBCHAPTER 2. NAVAJO NATION COUNCIL MEETINGS**

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**§ 164. Navajo Nation Council and Committee Legislative Process**

- A. Statements of policy, enactment of positive law, intergovernmental agreements, budget resolutions, and reallocations, must be reviewed and approved by resolution by the appropriate standing committee(s) and the Navajo Nation Council except as otherwise provided herein.

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- B. Agreements not requiring Committee or Council approval:
1. Subcontracts implementing agreements approved under § 164(A) above, grants providing funds to the Navajo Nation, contracts expending funds appropriated by the Navajo Nation Council, Letter of Assurance agreements, memoranda of understanding, memoranda of agreement and other agreements that do not expend funds, associated amendments shall not require approval by the Navajo Nation Council or its committees.
  2. Prior to final execution as provided in 2 N.N.C. § 222, documents not requiring approval by resolution of the Navajo Nation Council or its committees shall be reviewed and signed by the ~~following~~ President of the Navajo Nation within



ten (10) calendar days after the document(s) is logged in at the Office of the President; and, upon notice to the Speaker and Chairperson of the oversight committee for an extension, an additional ten (10) days shall be allowed.

- a. ~~The appropriate Division Director for departments and activities under his or her supervision;~~
- b. ~~The Controller (or designee) for all documents having a financial impact on the Navajo Nation;~~
- c. ~~The Director of the Office of Management and Budget (or designees) for all documents having a financial impact on the Navajo Nation; and~~
- d. ~~The Attorney General of the Navajo Nation (or designee);~~

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#### SECTION FOUR. CODIFICATION

The provisions of the 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. SAVINGS CLAUSE

Should any provision of this Act be determined invalid by the Navajo Nation Supreme Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, the remainder of the Act shall remain the law of the Navajo Nation.

#### SECTION SIX. EFFECTIVE DATE

The Navajo Nation Code amendment enacted herein shall be effective pursuant to 2 N.N.C. § 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 23<sup>rd</sup> day of January 2018.



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

1-51-18

Date

Motion: Honorable Alton Joe Shepherd  
Second: Honorable Jonathan Perry

Speaker 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 9<sup>th</sup> day of February 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

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

RCS# 922

NAVAJO NATION

Winter Session

1/23/2018

04:47:20 PM

Amd# to Amd#

Legislation No. 0401-17

PASSED

MOT Shepherd

Amending N.N.C. section 164(B)

SEC Perry

Agreements not requiring

Committee or Council Approval

Yea : 21

Nay : 0

Excused : 0

Not Voting : 3

Yea : 21

Begay, K

Chee

Hale

Smith

Begay, NM

Crotty

Jack

Tso

Begay, S

Damon

Perry

Tsosie

BeGaye, N

Daniels

Pete

Witherspoon

Bennett

Filfred

Slim

Yazzie

Brown

Nay : 0

Excused : 0

Not Voting : 3

Bates

Phelps

Shepherd

# NAVAJO NATION

184

7/19/2023

Navajo Nation Council Summer Session

05:48:11 PM

Amd# to Amd#      Legislation 0051-23: Resinding  
MOT Parrish, S      CJA-01-18 Relating to Agreements  
SEC Charles-Newton,      Not Requiring Navajo Nation  
Council or Committee Approval...

PASSED

**Yeas : 19**

**Nays : 0**

**Excused : 2**

**Not Voting : 2**

**Yea : 19**

Arviso, S	Crotty, A	Nez, R	Slater, C
Aseret, L	Daniels, H	Notah, N	Tolth, G
Begay, H	Jesus, B	Parrish, S	Tso, O
Charles-Newton, E	Johnson, C	Simonson, G	Yazzie, C
Claw, S	Nez, A	Simpson, D	

**Nay : 0**

**Excused : 2**

Damon, S      James, V

**Not Voting : 2**

Yanito, C      Begay, N

**Presiding Speaker: Curley, C**