

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

23RD NAVAJO NATION COUNCIL - FIRST YEAR, 2015

AN ACTION

RELATING TO LAW AND ORDER AND BUDGET AND FINANCE; APPROVING
EXPENDITURES OF THE SÍHASIN FUND FOR OUTSTANDING AND ACCRUED
LITIGATION COSTS

BE IT ENACTED:

Section One. Findings

- A. Pursuant to 12 N.N.C. § 2505 (B) (enacted by Navajo Nation Council Resolution CD-68-14), Navajo Nation Síhasin Fund, the Law and Order and the Budget and Finance Committee shall approve expenditures for outstanding and accrued litigation costs associated upon recommendations of the Attorney General and the Controller of the Navajo Nation.
- B. The Buckley Sandler Law Firm provided legal services for Navajo Nation v. United States, No. 06-945L and other legal work associated with what became known as the Navajo Trust Litigation. Outstanding and accrued litigation costs for this legal work are documented in attached Exhibit A.
- C. The Attorney General of the Navajo Nation and the Controller of the Navajo Nation recommend payment of the outstanding and accrued litigation costs. 12 N.N.C. § 2505(B). The Attorney General's memorandum dated September 4, 2015 with the Controller's concurrence is attached as Exhibit B.
- D. The Navajo Nation Department of Justice has determined that Exhibit A is confidential and, pursuant to 2 N.N.C. §164(A)(6) after the Department of Justice makes a determination of confidentiality, the exhibit is not to be published on the Navajo Nation Council website or otherwise released. The Navajo Nation Department of Justice memorandum stating the confidentiality of the exhibit is attached as Exhibit C.

E. The Law and Order Committee and Budget and Finance Committee of the Navajo Nation Council find it is in the best interest of the Navajo Nation to approve expenditures from the Navajo Nation Síhasin Fund to pay outstanding and accrued litigation costs owed to the BuckleySandler Law Firm.

Section Two. Approval of Expenditures from the Síhasin Fund for Outstanding and Accrued Litigation Costs

The Navajo Nation hereby approves expenditures from the Síhasin Fund for outstanding and accrued litigation costs to BuckleySandler Law Firm as documented in Exhibit A.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Budget and Finance Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 04 in favor, 00 opposed, this 15th day of September, 2015.

A handwritten signature in black ink, appearing to read 'Seth Damon', with a stylized flourish extending to the right.

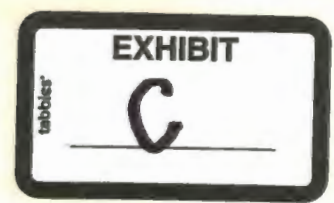
Seth Damon, Chairperson
Budget and Finance Committee

Motion: Dwight Witherspoon
Second: Tom T. Chee




NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

ETHEL BILLIE BRANCH
ATTORNEY GENERAL



MEMORANDUM

TO: LoRenzo Bates, Speaker
Edmund Yazzie, Chairperson, Law & Order Committee
Seth Damon, Chairperson, Budget & Finance Committee
23rd Navajo Nation Council

FROM: 
Ethel B. Branch, Attorney General
Office of the Attorney General

DATE: September 8, 2015

SUBJECT: Confidentiality of Attachments Regarding Trust Mismanagement Litigation Costs

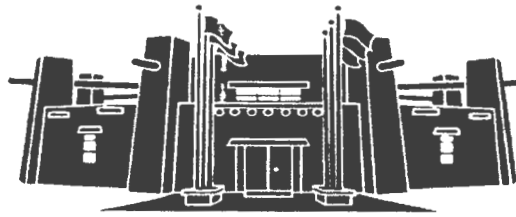
Please be advised that all attachments to the memorandum in support of the request for payment to the Nation's historic trust mismanagement litigation costs are highly confidential. Due to the sensitive nature of the underlying information, these documents should not be attached as exhibits that are available to the general public.

The request to withhold these documents from inclusion with the legislation is done pursuant to 2 N.N.C. §164(A)(6) which provides, "[a]ny matters or exhibits determined by the Navajo Nation Department of Justice to be confidential shall be properly marked 'confidential' and shall not be placed on the website or otherwise released."

If you have questions or concerns about this request, please contact me at (928) 871-6345. Thank you in advance for your cooperation.

Attachments

xc: Levon B. Henry, Chief Legislative Counsel, Office of Legislative Counsel
: Tom Platero, Director, Office of Legislative Services



MEMORANDUM

DATE: September 8, 2015

TO: Tom Platero, Director
Office of Legislative Services

FROM: Mariana Kahn
Mariana Kahn, Attorney
Office of Legislative Counsel

SUBJECT: PROPOSED STANDING COMMITTEE RESOLUTION AN ACTION
RELATING TO LAW AND ORDER AND BUDGET AND FINANCE;
APPROVING EXPENDITURES OF THE SÍHASIN FUND FOR
OUTSTANDING AND ACCRUED LITIGATION COSTS

PLEASE NOTE THAT THE NAVAJO NATION DEPARTMENT OF JUSTICE HAS DETERMINED THAT EXHIBIT A, ATTACHED TO THIS PROPOSED RESOLUTION, IS CONFIDENTIAL. THIS EXHIBIT IS MARKED "CONFIDENTIAL." THIS EXHIBIT IS NOT TO BE RELEASED OR PLACED ON THE WEBSITE.

Title 2 Section 164 (A)(6) states: "Any matters or exhibits determined by the Navajo Nation Department of Justice to be confidential shall be properly marked "confidential" and shall not be placed on the website or otherwise released."

In addition, 2 N.N.C. §110(F) states:

"Confidential matter means a matter which violates the Navajo Nation Privacy and Access to Information Act or whose unauthorized disclosure could be prejudicial or detrimental to the legal or financial interest of the Navajo Nation government or its entities. The Navajo Department of Justice shall determine what matters qualify as confidential. Matters determined to be confidential shall not be released without the written approval of the Attorney General or his designee."

Because Exhibit A has been determined to be confidential, please instruct the Office of Legislative Services staff:

- not to scan the exhibit;
- to distribute hard copies of the exhibits to the delegates at the committee and Council meetings;
- to retrieve the confidential exhibit after the proposed resolution has been acted upon by the committees.

Please contact me at (928) 871-7166 if you have questions regarding the confidentiality issues.

Thank you for your service to the Navajo Nation.