

LEGISLATIVE SUMMARY SHEET

Tracking No. 02666-19

DATE: August 30, 2019

TITLE OF RESOLUTION: PROPOSED NAVAJO NATION COUNCIL RESOLUTION;
AN ACTION RELATING TO NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL;
APPOINTING DANA BOBROFF AS CHIEF LEGISLATIVE COUNSEL

PURPOSE: If approved by the Navajo Nation Council, this legislation would confirm the appointment of Ms. Dana Bobroff as Chief Legislative Counsel.

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: 300
Website Posting Time/Date: _____
Posting End Date: 9/10/19
Eligible for Action: 9/11/19

Naa'bik'iyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL – First Year, 2019

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0266-19

AN ACTION

RELATING TO NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL;
APPOINTING DANA DOBROFF AS CHIEF LEGISLATIVE COUNSEL

BE IT ENACTED:

Section One. Authorities

- A. Naabik'iyáti' is a Navajo Nation standing committee and as such recommends to the Navajo Nation Council the Chief Legislative Counsel's appointment. 2 N.N.C. § 700 (A) and 2 N.N.C. § 963 (A).
- B. The Navajo Nation Council appoints the Chief Legislative Counsel. 2 N.N.C. § 963 (A).

Section Two. Findings

- A. The Navajo Nation Code at 2 N.N.C. Section 963 states the manner and requirements for the appointment of a Chief Legislative Counsel. Specifically, 2 N.N.C. §§ 963 (A), (B) and (C) state:
- 2 N.N.C. § 963. Personnel
- A. There is hereby established the position of Chief Legislative Counsel, who shall be a state-licensed attorney, appointed by the Navajo Nation Council upon recommendation of the Naabik'iyati' (formerly, Intergovernmental Relations) Committee of the Navajo Nation Council.

1 The Chief Legislative Counsel shall serve at the pleasure of the Navajo
2 Nation Council at a negotiated salary. The appointment shall be effective
3 upon the approval of the Navajo Nation Council. The Chief Legislative
4 Counsel shall not be allowed to engage in the private practice of law.

5 B. A state-licensed attorney or firm, selected in accordance with
6 Navajo preference laws, may be hired as the Chief Legislative Counsel
7 under a contract. Such contract shall not exceed one year and shall be
8 approved by the Navajo Nation Council upon recommendation of the
9 Naabik'iyati' (formerly, Intergovernmental Relations) and the Budget and
10 Finance Committees of the Navajo Nation Council. Such attorney
11 contract shall require the training of a qualified Navajo replacement within
12 the term of the contract.

13 C. A non-Navajo licensed attorney may be hired only if a licensed
14 Navajo attorney cannot be found to fill the position of Chief Legislative
15 Counsel.

16 B. The Department of Personnel Management received applications from persons
17 interested in the position of Chief Legislative Counsel. The Department of
18 Personnel Management stated in its memorandum attached as **Exhibit A**:
19 "Pursuant to your request, the Chief Legislative Counsel position was
20 advertised from May 24, 2019 to June 10, 2019. A total of 3 application(s)
21 were received at our office on or before June 10, 2019. Our qualification
22 assessment revealed that there [were] 2 who met the minimum qualification
23 requirements established for the position." The two applicants deemed
24 qualified by Department of Personnel Management were both non-Navajo.

25 C. The Speaker and the Selection Committee selected applicant, Ms. Dana
26 Bobroff, a non-Navajo. Memorandum of Department of Personnel
27 Management, as well as employment documents, attached hereto as **Exhibit**
28 **A**.

1 **Section Three. Appointment**

2 The Navajo Nation Council appoints Ms. Dana Bobroff as the Chief Legislative
3 Counsel, Office of Legislative Counsel, to serve at the pleasure of the Navajo Nation
4 Council. 2 N.N.C. § 963 (A).

5
6 **Section Four. Effective Date**

7 The appointment shall be effective upon the Navajo Nation Council's approval. 2
8 N.N.C. § 963 (A).

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE-PRESIDENT



MEMORANDUM

TO : LaShawna Tso, Chief of Staff
Legislative Branch
Legislative Branch

FROM : Latreva Largo
Latreva Largo, HR Technician
Department of Personnel Management

DATE : June 20, 2019

SUBJECT : REFERRAL OF APPLICANT - QUALIFIED NON NAVAJO

RE : Chief Legislative Counsel
231898, Window Rock, AZ
LB00317936

Pursuant to your request, the Chief Legislative Counsel position was advertised from May 24, 2019 to June 10, 2019. A total of 3 application(s) were received at our office on or before June 10, 2019. Our qualification assessment revealed that there 2 who met the minimum qualification requirements established for the position.

****HIRING OF A NON-NAVAJO WILL BE GOVERNED BY THE NAVAJO PREFERENCE IN EMPLOYMENT ACT**

Please review the attached listing and the applications and select the applicant you feel is best qualified for the position. A person who did not submit their application to our office on or before the closing date and who was not referred by our office cannot be considered for the position. If you are unable to make a selection from this applicant pool, you will need to re-advertise the position for an additional ten days.

Please give the reason(s) why the successful applicant was selected. Also, state the reason(s) why the other applicant(s) were not selected.

You are also responsible for formally notifying the unsuccessful applicant, referred by our office. Copies of the notification letters must be submitted with the justification for hire memorandum.

If you wish to re-advertise the position please contact DPM Recruitment at (928) 871-7591 prior to the publication date of the next job vacancy announcement. If you have any questions regarding the referrals please do not hesitate to call us

xc: Position File

DEPARTMENT OF PERSONNEL MANAGEMENT

Listing of Qualified Non-Navajo Applicants

REQUISITION NO: LB00317936

CLOSING DATE: 6/10/2019

POSITION NO: 231898

CLASS CODE: 0211 Chief Legislative Counsel

REQ ID	NAME	SSN	APP DATE	QA
	Bobroff, Dana L.		06/10/2019	Y
			06/10/2019	Y



THE NAVAJO NATION

Employment Application

PLEASE PRINT ALL INFORMATION

RECEIVED
JUN 10 2019
DEPARTMENT OF PERSONNEL MANAGEMENT

PERSONAL INFORMATION					
SOCIAL SECURITY NUMBER	FIRST NAME DANA	MIDDLE INITIAL L	LAST NAME BOBROFF		
OTHER NAME(S) USED IF APPLICABLE	MAILING ADDRESS ALBUQUERQUE		CITY NM	STATE 87108	ZIP CODE
DRIVER'S LICENSE NUMBER	TYPE <input type="checkbox"/> CDI <input checked="" type="checkbox"/> OPERATOR	CLASS D	STATE NM	EXPIRATION DATE (MM/DD/YYYY)	
TELEPHONE NUMBER	MESSAGE NUMBER		E-MAIL ADDRESS		
ARE YOU AN ENROLLED MEMBER OF THE NAVAJO TRIBE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, INDICATE CLANS NUMBER		IF NO, STATE NATIONALITY	
ARE YOU A VETERAN? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		DO YOU WISH TO CLAIM VETERANS' PREFERENCE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		DATE OF BIRTH (MM/DD/YYYY)	
ARE YOU CURRENTLY EMPLOYED WITH THE NAVAJO NATION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					

POSITION INFORMATION		
REQUISITION NUMBER LBOO317936	POSITION NUMBER 231898	POSITION TITLE CHIEF LEGISLATIVE COUNSEL

EDUCATION				
NAME AND LOCATION OF SCHOOL	DATES ATTENDED (MM/YY)		GED/DIPLOMA/DEGREE RECEIVED	MAJOR/MINOR
	FROM	TO		
Valley High School Albuquerque, NM	08/1974	05/1978	Diploma	
COLLEGE/UNIVERSITY New Mexico State University Las Cruces, NM	08/1978	05/1993	Baccalaureate	Accounting
COLLEGE/UNIVERSITY University of Arizona College of Law Tucson, AZ	08/1996	05/1999	Juris Doctorate	Law
TECHNICAL/VOCATIONAL/BUSINESS SCHOOL				

LIST ADDITIONAL JOB RELATED TRAINING - INCLUDE DATES OF TRAINING

LIST JOB RELATED SKILLS:
Representation of tribal governments and members in tribal, state and federal courts and administrative tribunals;
drafting and implementation of tribal statutes and regulations; development and lead negotiation of multi-party
agreements, including intergovernmental and other funding agreements; and supervision of legal staff, including
senior and associate attorneys and support staff.

The Navajo Nation gives preference to eligible and qualified applicants in accordance with the Navajo Preference in Employment Act (NPEA) and the Veterans' Preference.

EMPLOYER'S NAME AND MAILING ADDRESS	DATES EMPLOYED (MM/DD/YYYY)		JOB TITLE
NAVAJO NATION	FROM 01/11/2011	TO 05/13/2015	Deputy Attorney General
OFFICE OF THE ATTORNEY GENERAL	TELEPHONE NUMBER (928) 871-6177		REASON FOR LEAVING political appointment ended
P.O. Box 2010, Window Rock, AZ 86515	IMMEDIATE SUPERVISOR		Harrison Tsosie
DESCRIBE DUTIES AND RESPONSIBILITIES			
Managing attorney of the Navajo Nation Dept. of Justice; supervised 20+ state licensed attorneys and 15+ legal advocates and support staff; advised the President, Navajo Nation Council and programs within all 3 branches on significant legal issues and decisions; principal Navajo Nation attorney in major litigation against the U.S.; lead attorney in negotiations for the NGS lease and Navajo Mine purchase; and supervisor of the Special Prosecutor.			
EMPLOYER'S NAME AND MAILING ADDRESS	DATES EMPLOYED (MM/DD/YYYY)		JOB TITLE
NORDHAUS LAW FIRM	FROM 01/15/2007	TO 01/11/2011	Senior Attorney
6705 Academy Road NE	TELEPHONE NUMBER (505) 243-4275		REASON FOR LEAVING Accept Deputy AG position
Albuquerque, NM 87109	IMMEDIATE SUPERVISOR		Alan Taradash
DESCRIBE DUTIES AND RESPONSIBILITIES			
Supervised discovery, including prosecuting and defending pre-trial motions in the Navajo Nation's trust mismanagement litigation and arbitration against the United States; represented tribal governments, including the Navajo Nation, in Indian Self-Determination Act (P.L. 93-638) contract and compact negotiations and declination appeals, as well as Indirect Cost proposals and challenges.			
EMPLOYER'S NAME AND MAILING ADDRESS	DATES EMPLOYED (MM/DD/YYYY)		JOB TITLE
NAVAJO NATION DEPT. OF JUSTICE	FROM 09/15/2006	TO 01/05/2007	Contract Attorney
P.O. Box 2010, Window Rock, AZ 86515	TELEPHONE NUMBER (928) 871-6177		REASON FOR LEAVING Accept Nordhaus position
	IMMEDIATE SUPERVISOR		Louis Denetsoisie
DESCRIBE DUTIES AND RESPONSIBILITIES			
Contracted by the Attorney General to represent the Navajo Nation in the negotiation of twenty-one P.L. 93-638 contract renewals; an appeal of a P.L. 93-638 contract declination; and revision of the deferred compensation, defined benefit and defined contribution plans consistent with the Pension Protection Act of 2006.			
EMPLOYER'S NAME AND MAILING ADDRESS	DATES EMPLOYED (MM/DD/YYYY)		JOB TITLE
NAVAJO NATION DEPT. OF JUSTICE	FROM 10/30/2002	TO 09/01/2006	Deputy Asst. Attorney General
P.O. Box 2010, Window Rock, AZ 86515	TELEPHONE NUMBER (928) 871-6177		REASON FOR LEAVING Move to ABQ for family reasons
	IMMEDIATE SUPERVISOR		Donovan Brown and Britt Clapham
DESCRIBE DUTIES AND RESPONSIBILITIES			
Managing attorney for DOJ's Government Services Unit; supervised 4 state licensed attorneys and 2 tribal court advocates; directly represented the Budget & Finance Committee, Office of the Controller, Office of Management & Budget and Retirement Services Department.			

PRE-EMPLOYMENT STATEMENT PLEASE READ CAREFULLY AND SIGN THE STATEMENT BELOW

THE INFORMATION THAT I HAVE PROVIDED ON THIS APPLICATION IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE. ANY MISREPRESENTATION OR OMISSION OF ANY FACT IN MY APPLICATION OR ANY OTHER MATERIALS USED IN THE APPLICATION PROCESS, OR INFORMATION OFFERED DURING ANY INTERVIEWS, CAN BE JUSTIFICATION FOR REFUSAL OF EMPLOYMENT OR IF EMPLOYED, TERMINATION FROM EMPLOYMENT WITH THE NAVAJO NATION. MY SIGNATURE BELOW AUTHORIZES THE NAVAJO NATION TO CONTACT ANY OF MY PRIOR EMPLOYERS FOR REFERENCE PURPOSES.

I UNDERSTAND THAT I MAY BE SUBJECT TO A BACKGROUND CHECK, AND HEREBY AUTHORIZE NAVAJO NATION TO INVESTIGATE MY BACKGROUND TO DETERMINE ANY AND ALL INFORMATION OF CONCERN AS TO MY RECORD, WHETHER SAME IS OF RECORD OR NOT, AND I RELEASE EMPLOYERS AND PERSONS NAMED IN MY APPLICATION FROM ALL LIABILITY FOR ANY DAMAGES ON ACCOUNT OF HIS/HER FURNISHING SAID INFORMATION.

ADDITIONALLY, YOU ARE HEREBY AUTHORIZED TO MAKE ANY INVESTIGATION OF MY PERSONAL HISTORY, EDUCATIONAL BACKGROUND, MILITARY RECORD, MOTOR VEHICLE RECORDS, CRIMINAL RECORDS, AND CREDIT HISTORY THROUGH AN INVESTIGATIVE OR CREDIT AGENCY OR BUREAU OF YOUR CHOICE. I AUTHORIZE THE RELEASE OF THIS INFORMATION BY THE APPROPRIATE AGENCIES TO THE INVESTIGATING SERVICE.

SIGNATURE

Dana L. Boats

DATE

06/10/2019

DANA LEE BOBROFF

Albuquerque, New Mexico 87114

dlee@yahoo.com

PROFILE

Practicing attorney with an accounting background who represents Tribal Governments, including the Navajo Nation, in matters related to trust responsibilities; financing; investment of funds; budgeting; independent audits; contracts; pension plans; self-insurance; federal funding agreements, including Indian Self-Determination & Education Assistance Act and Indirect Cost Rate negotiations; tax disputes; and labor/employment disputes; as well as sovereignty issues and the implementation and development of tribal laws and regulations; and has litigated on behalf of the Navajo Nation and tribal members in tribal, state, and federal courts, as well as federal administrative tribunals, at both the trial court and appellate court levels.

LICENSURE

Licensed to practice law in New Mexico (2004); and the Navajo Nation (2000). Licensed as Certified Public Accountant in Arizona (1996 to 2010).

LEGAL

EXPERIENCE

LAW OFFICES OF DANA BOBROFF, LLC

Albuquerque, New Mexico

Proprietor and Managing Attorney: April 2019 to present

- Providing legal representation and consultation to Navajo entities and members and non-tribal entities concerning Navajo laws and regulations, specifically including project implementation and funding within Navajo jurisdictional boundaries

NAVAJO NATION OFFICE OF LEGISLATIVE COUNSEL & OFFICE OF THE SPEAKER

Window Rock, Arizona

Contract Attorney: June 2015 to March 2019

- Contracted by the Office of Legislative Counsel & Office of the Speaker as outside legal counsel for the Sihasin Fund and Title Two Subcommittees of the Naabik'iyati' Committee of the 23rd Navajo Nation Council and other legal assignments, including implementation of projects funded through the Permanent Trust Fund Income legislation.
- Developed and drafted seven (7) Sihasin Fund legislations and the attendant Expenditure Plans which funded over three hundred (300) projects totaling a little more than three hundred forty-five million dollars (\$345,000,000).
- Assisted the Office of the Speaker, Executive Branch programs and Navajo Nation entities in the implementation of projects funded through the Sihasin Fund and Permanent Trust Fund Income legislations, including the development of an operational structure for each of the complex Expenditure Plans and all necessary Memorandums of Agreements.

DANA LEE BOBROFF

Page 3 of 4

Deputy Assistant Attorney General: *October 2002 to September 2006*

- Supervising attorney of four (4) state licensed attorneys and two (2) tribal licensed attorneys who advised and represented the tribal government, both the executive and legislative branches, in the areas of human services, including health, public safety, education, social services, etc., and tribal government.

Assigned Responsibilities

- Represented and advised the Office of the Controller; Office of Management and Budget; Budget and Finance Committee; Investment Committee, which oversees investment of the permanent fund, trust fund and pension funds; Insurance Services Department; Insurance Commission, which oversees the tribal self-insurance (central government and tribal enterprises) program, including insurance defense, for property/casualty, employee benefits, and workers' compensation; Retirement Services Department; Retirement Plan Administration Committee; and Intergovernmental Relations Committee Redistricting Subcommittee.
- Negotiated Public Law 93-638 contracts and initiated/defended related litigation.

Staff Attorney: *January 2000 to October 2002*

- Represented and advised, including the drafting of legislation, the Budget and Finance Committee; Investment Committee; Purchasing Department; Credit Services Department; Retirement Services Department; and Retirement Plan Administrative Committee.
- Negotiated and reviewed contracts, including intergovernmental agreements.
- Drafted assorted motions and briefs for senior counsel in assorted civil litigation, including challenges to tribal jurisdiction in federal district court.
- Directed outside counsel in Arizona redistricting litigation.
- Represented the tribal government in labor/employment disputes in tribal administrative courts.

CASA MARIA LEGAL CLINIC (aka Legal Clinic for the Homeless)

Tucson, Arizona

Student Attorney Volunteer/Founder: *September 1997 to August 1999*

- In conjunction with two other law students, established and operated a legal clinic at homeless shelters serving homeless and low income residents.
- Under the direction of volunteer attorneys, law students provided legal consultation to over one hundred (100) persons primarily in the areas of federal and state benefits and services; trespass and loitering citations; and criminal warrants.

UNIV. OF ARIZONA COLLEGE OF LAW CRIMINAL DEFENSE CLINIC

Tucson, Arizona

Student Attorney – City of Tucson Public Defenders Office: *Spring 1999*

- Under the direction of a supervising attorney, represented indigent defendants charged with misdemeanors at bench and jury trials and plea bargain conferences.
- Drafted appellate brief on the statute of limitation related to Driving Under The Influence.

Supreme Court of the Navajo Nation
Dana Lee Bobroff

having exhibited to the Supreme Court of the Navajo Nation satisfactory evidence of good moral character and the qualifications to practice law, is hereby authorized to practice as a counselor in the Supreme Court and all other Courts of the Navajo Nation for and during good behavior in said practice.

In Testimony Whereof, I have hereto set my hand and affix this seal of the Supreme Court at Window Rock, Navajo Nation, (Arizona),

this 25th day of May, 2000.

Attest:



Benjamin H. Bates
Benjamin H. Bates
Supreme Court Clerk

Robert Vazie
Chief Justice Robert Vazie
Supreme Court of the Navajo Nation



IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

Certificate

STATE OF NEW MEXICO }
SUPREME COURT } SS.

I, JOEY D. MOYA, Chief Clerk of the Supreme Court of the State of New Mexico, hereby certify that, upon passing a written examination prescribed by the New Mexico Board of Bar Examiners, **DANA LEE BOBROFF** was admitted to practice law in the Supreme Court and other courts of the State of New Mexico on **October 1, 2004**, and has at all times since been and is now a member of the Bar of said Supreme Court in good standing.

“Good standing” means that the attorney is current on payment of State Bar dues, has complied with Minimum Continuing Legal Education requirements, and is not presently under either administrative or disciplinary suspension. No disciplinary action involving professional misconduct has been taken against the attorney's law license. This certification expires 30 days from this date, unless sooner revoked or rendered invalid by operation of rule or law.

WITNESS, My official signature and the seal
of said Court this 5th day of June, 2019.

Joey D. Moya

Chief Clerk of the Supreme Court
of the State of New Mexico

By:

Madeline Carraro

Chief Deputy Clerk

THE UNIVERSITY OF ARIZONA®

*The Arizona Board of Regents
by virtue of the authority vested in it by law and
on recommendation of the University Faculty does hereby confer on*

Dana Lee Bobroff

who has satisfactorily completed the Studies prescribed therefor the degree of

Juris Doctor

*with all Rights, Privileges, and Honors thereunto appertaining.
Given at Tucson, this fifteenth day of May 1999.*

James H. Hall
Governor of Arizona
Julius A. Syron
President of the Board



Peter Wilkins
President of the University
James E. Hinkle
Secretary of the Faculty

State of New Mexico

SUPREME COURT

At a regular Term of the Supreme Court of the State of New Mexico,
held at Santa Fe, on the First day of October,
Two Thousand Four, before the Honorable
Petra Jimenez Maes Chief Justice, and the Honorable
Pamela B. Minzner, Patricia M. Serna, Richard C. Bosson, Edward L. Chavez Justices.

Dana Lee Bobroff

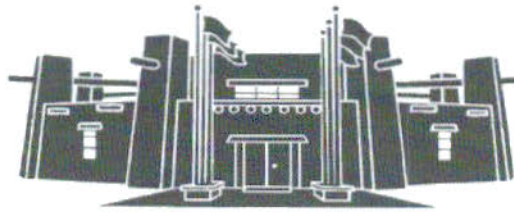
having duly qualified on motion of Presiliano A. Torrez Esq.,
was admitted to practice as an Attorney and Counsellor
of the Court, and the said Dana Lee Bobroff
appeared in open Court and took the official oath prescribed
by the rules of the Court.

In Testimony Whereof, I have herunto set my hand and
affixed the seal of said Court at Santa Fe, N.M. this 1st
day of October, A.D. 2004.



Kathleen J. Gibson

Clerk



MEMORANDUM

TO: Honorable Seth Damon
Speaker, 24th Navajo Nation Council

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

DATE: August 30, 2019

SUBJECT: AN ACTION RELATING TO NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL; APPOINTING DANA BOBROFF AS CHIEF LEGISLATIVE COUNSEL

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The legislation was drafted after my memoranda to you and the Selection Committee. As with any action of government, the proposed resolution can be subject to review by the courts in the event of proper challenge.

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).

You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.