



23rd 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 : ***23rd Navajo Nation Council Expired Legislation***

Pursuant to 2 N.N.C. § 164 (A) (1), "The last day for consideration of resolutions shall be December 31st 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
23rd 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. 0282-16

DATE: August 23, 2016

TITLE OF RESOLUTION: AN ACT RELATING TO NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; APPROVING REFERENDUM FOR CHAPTER REGIONALIZATION

PURPOSE: This resolution will approve a referendum for chapter regionalization.

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: Latham Blvd
Website Posting Time/Date: 9:30pm 8/23/16
Posting End Date: 8/28/16
Eligible for Action: 8/29/16

Resources & Development Committee

THENCE

Naa'bik'iyáti' Committee

THENCE

Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
23rd NAVAJO NATION COUNCIL -- Second Year, 2016

INTRODUCED BY

(Prime Sponsor)

(Iseth Daman)

Tracking No. 0282-16

AN ACT

RELATING TO NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL;
APPROVING REFERENDUM FOR CHAPTER REGIONALIZATION

BE IT ENACTED:

Section One. Authorities

A. The Naabik'iyáti' Committee of the Navajo Nation Council reviews proposed Navajo Nation Council resolutions. 2 N.N.C. § 164(A)(9).

B. The Navajo Nation Council enacts laws and sets Navajo Nation policy. 2 N.N.C. § 102.

Section Two. Findings

A. The Navajo Nation currently has 110 local governing chapters. A number of chapters have elected officials, such as a President, a Vice President and a Secretary Treasurer. Some chapters operate under alternative forms of government, such as commission-type governments.

B. On May 20, 2015, the Resources and Development Committee of the Navajo Nation Council established the "Title 26 Codification Task Force Committee." Stated purposes for creating this committee included reviewing accountability at the chapter level, exploring

1 ways to empower chapters, streamlining the Five Management Plan System and
2 transparency.

3 C. The Title 26 Codification Task Force Committee completed its review of tasks
4 assigned. The committee is recommending a referendum on regionalizing the 110 chapters
5 into 24 regional governments. These regional governments will be governed by
6 commissioners elected by the voting chapter membership in each region.

7
8 **Section Three. Referring for Referendum Election the question of Chapter**
9 **Regionalization; Approving Ballot Language**

10 The Navajo Nation Council hereby refers the following referendum measure entitled
11 "Referendum Vote on the Regionalization of Chapter Governments." The Council further
12 approves the ballot language of the measure referred as follows:

13
14
15 REFERENDUM BALLOT LANGUAGE

16
17 Official Title: Referendum Vote on the Regionalization of Chapter Governments

18
19 Descriptive Summary of Referendum Question: Currently, there are 110 Chapter
20 governments operating as local government units pursuant to Title 26 of the Navajo
21 Nation Code. This referendum asks whether the Chapter governments shall be
22 reorganized into twenty-four (24) Regional Governments? If the answer is yes, the
23 Navajo Nation Council will be authorized to pass enabling legislation to amend Title 26
24 wherein the Chapters as local government units will reorganize to Regional
25 Governments. The enabling legislation shall also provide for a transition from Chapter
26 governments to Regional Governments to occur within the next four (4) years. The
27 enabling legislation shall consider recommendations from assigned Executive Branch
28 staff and Judicial Branch personnel and public input from Chapter Officials, educated
29 youth, elders, and other interested Navajo persons.

1 Legal Effect:

2 A "YES" vote means that the 110 local chapter governments will be reorganized into 24
3 Regional Governments which will be governed by elected Regional Commissioners.

4 A "NO" vote means that the 110 Chapter governments will remain in place under current
5 law.

6
7 Referendum Question: Shall the 110 Chapter Governments be reorganized into 24
8 Regional Governments?

9
10 _____ YES

11 _____ NO
12
13

14 **Section Four. Enabling Legislation**

15 The Navajo Nation Council, upon approval of this referendum, shall enact enabling
16 legislation implementing the intent and purposes of the referendum measure approved.
17 The enabling legislation shall consider recommendations from assigned Executive
18 Branch staff and Judicial Branch personnel and public input from Chapter Officials,
19 educated youth, elders, and other interested Navajo persons.
20

21 **Section Five. Vote Requirement**

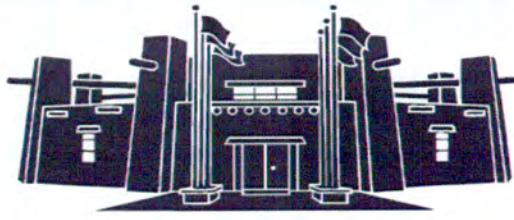
22 This referendum measure shall pass if a majority of all registered voters who cast a
23 vote, vote in favor of the referendum measure.
24

25 **Section Six. Effective Date**

26 The intent and purpose of the referendum referred herein, if approved, shall become
27 effective upon certification of election by the Navajo Board of Election Supervisors.
28

29 **Section Seven. Savings Clause**
30

1 Should any provision of the referendum measure be determined invalid by the Navajo
2 Nation Supreme Court, or a District Court of the Navajo Nation, without appeal to the
3 Navajo Nation Supreme Court, those portions of the measure which are not determined
4 invalid shall remain the law of the Navajo Nation.
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MEMORANDUM

To : Hon. Seth Damon, Council Delegate
Navajo Nation Council

Hon. Leonard Tsosie, Council Delegate
Navajo Nation Council

From : 

Ron Haven, Attorney
Office of Legislative Counsel

Date : August 23, 2016

Re : AN ACT RELATING TO NAABIK'ÍYÁTTI' AND THE NAVAJO NATION
COUNCIL; APPROVING REFERENDUM FOR CHAPTER
REGIONALIZATION

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The referendum requirements under Navajo Nation law appear at 11 N.N.C. § 401 *et seq.* The resolution drafted is legally sufficient. However, as with all legislation, it can be subject to review by the courts in the event of proper challenge. Also, understand that the Speaker is authorized to refer this proposed resolution to other committees than those stated in the title. 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.

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 # 16-620-1

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0282-16_

SPONSOR: Seth Damon

**TITLE: An Action Relating To NAABIK'IYATI' And The Navajo Nation Council:
Approving Referendum For Chapter Regionalization**

Date posted: August 23, 2016 at 9:30 PM

Digital comments may be e-mailed to 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.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

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

LEGISLATION NO.: 0282-16

SPONSOR: Honorable Seth Damon

**TITLE: An Action Relating To Naabik'iyati' And The Navajo Nation Council;
Approving Referendum For Chapter Regionalization.**

Posted: August 23, 2016 at 9:30 PM

5 DAY Comment Period Ended: August 28, 2016

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing (10)	1. Jim Secatero 2. Reese A 3. Al Bennett 4. Cherolynda Bennett 5. Andrew Curley 6. Gevern J. Began; Bodaway/Gap Chapter 7. Lori Goodman; Dilkon Chapter 8. Chuck Charleston 9. Emerson Dayea 10. Martha Tate
Inclusive Comments (7)	1. Jay Draper 2. Jamie Henio, Ramah Chapter; Suggest legislation to become referendum 3. James Tallman; legislation should be a referendum 4. Ed Becenti 5. Hazel James 6. Carol Davis 7. George Murhpy

L. J. P. II

Executive Director
Office of Legislative Services

8/29/2016 - 9:05 am

Date/Time

Legislation 0282-16; Regionalization

Jay Draper <jay2035510@maricopa.edu>

Tue 8/23 1:10:4 PM

comments <comments@navajo-nsn.gov>;

Good evening,

As a decedent of the Draper family in Del Muerto, AZ 86503, I believe it is imperative to stop attempting to consolidate, even more, power with the Navajo Nation government. Our government has become an ad-hoc conglomerate of under qualified oligarchs. We do not deserve to have even more, the incentive for leadership positions is too great.

We need to have a more concentrated effort to improve our education programs in order to boost the supply of qualified leaders and economic contributors. Therefore, I request you look toward tuition-free college at Dine College and get the current structure of our Government stabilized before you even consider attempting to concentrate even more power for under qualified people to occupy.

The Judicial Branch is in shambles, too! Think about that!

A concerned Navajo student,

Jay Draper

Legislation 282-16

Jamie Henio <jhenio@live.com>

Comments - Comments (Navajo Ins.)

JHENIO comment 282-16.docx

23rd Navajo Nation Council

Ya a teeh, I hope this comment finds you doing well and in good spirits...

This legislation No. 282-16 is intended to give the Navajo People a voice in their government by giving them an opportunity to choose their form of government at the local level. This kind of opportunity for the Navajo People is very rare. In fact maybe the only time in Navajo history the Navajo People voted on a form of government was in 1936 when they went to the polls to decide on whether the Navajo tribe should adopt a constitutional form of government. So my esteem leaders of the Navajo Nation, please pass this legislation to allow the Navajo People to choose their form of local government.

I understand that some of your chapters have passed resolutions opposing this proposed form of local government and maybe being pressured to oppose it. Many of the resolutions on the average have a vote count of 20 in favor to pass it... but what about the many people that do not attend the chapter meetings?

Those unheard voices that are living off the Navajo Nation... or those that are working during the chapter meetings or those that are dissatisfied with the current state of government (choosing not to participate), what about them? They are looking for an opportunity to participate in their government. This is their opportunity to enhance their government at the local level.

The foundation of Navajo government is not Window Rock. The foundation is at the local grassroots level. Many stories passed down from generations say that the Navajo people governed themselves in a regional government setting. There was one Headman or Natanii selected by the people to be their leader and their voice in communication with other regional groups or tribes. This form of governance sustained the People for many generations until the coming of the white man in the late 1800's to the early 1900's. It is time the Navajo People came back together to create a stronger form of local government that will sustain them for several more generations. We need to ask ourselves... what will our government look like in 10 years? 50 years? Or will we still have a government at the local level? The main point here is to make the local government stronger by coming back together to speak with one BIG voice. The idea is to create a strong local government where it will sustain itself enough to dismantle Window Rock and bring those services back to the local level. Those services that are currently being administered by Window Rock will now be administered by the local regional governments (looking several years down the road) and eliminating the red tape that we all go through in Window Rock.

As a Navajo Citizen and registered voter, I want to be given an opportunity to exercise my democratic liberty to vote on a subject that is of great interest to me. I would encourage the passage of this legislation to be a referendum item on the November 8th General Election ballot.

Ahehee...

Jamie Henio,
Ramah Navajo Citizen / Voter

Legislation #0282-16

JIM SECATERO <jrs_58_sr@yahoo.com>

[View all comments for this legislation](#)

This new legislation #0282-16 sponsored by Council Delegate Seth Damon is the same legislation **VETOED** by President Russell Begaye on August 19, 2016. The **VETOED legislation #0220** sponsored by Council Delegate Lenoard Tsosie, Resolution CAU-45-16 was **not wanted by the people** or our **President**. Thank you

Disapprove legislation 0282-16-chapter regionalization

Reese A <reesea98@gmail.com>

Comments <comments@navajo-nsn.gov>

Re: 2

As a member of the Navajo Chapter Council, I am in support of the legislation that will be passed by the Navajo Chapter Council. I am in support of the Navajo Chapter Council and the Navajo Chapter Council's decision to pass the legislation.

Thank you.

A. Reese A. Reese

Legislation 0282-16 Sponsor-Seth Damon

al bennett <alfredbennett45@hotmail.com>

< 8/ /20 6 11:54 AM

comments <comments@navajo-nsn.gov>;

To all Council Delegates and the Navajo People,
27,2016

August

This legislation is a repeat/recycle of Legislation 0220-16, Sponsor Leonard Tsosie. Why are these Two Budget and Finance committee members pushing this so hard? They didn't have the votes to override President Begaye's VETO of 0220-16. So They just took out a couple of sentences and on the Vote Requirements changed that from 2/3 of Council to majority of Council quorum. This has a major impact on the People and the services provided and this legislation was maybe written up by outside consultants and implemented by the Regionalization Task Force who are made up Navajo Nation Tribal employees with input from maybe a couple of yes people. Also they probably made this legislation to have the Speakers signature approval, not the President.

So why all this trouble-simple-the bad guys want to crack into the Permanent Trust Fund under the disguise of the People have needs without the People's input. Remember the Commissioners will "govern" the regions and your voting rights will be suppressed or done away with. So who will be the "Commissioners", maybe any of the 88 former council delegates or anyone who can be bought off. Also the cost of the attorneys have not been added in with their legal secretaries. There are other costs not included in this money saving adventure.

So what do u do? If u are a bad guy vote to support, if u are a good guy fight for the People at all cost. As for the People contact your Delegate to do what's right.

OPPOSE 0282-16

Cherolynda Bennett <cherolyndabennett@gmail.com>

8/ ^ 20^6 ^ 2^ M

comments <comments@navajo-nsn.gov>;

Dear Speaker Lorenzo Bates, Delegate Tom Chee and the Navajo Nation Council,

My name is Cherolynda Bennett and I opposed Seth Damon's 0282-16 Legislation. Please DO NOT ATTEMPT to allow this resolution to pass. It is almost the same duplicate of 0220-16 that was VETOED by President Russell Begaye.

'Don't play with dead things!' my Grandma used to tell us as children living in Shiprock. I attended two of the "Regionalization Hearings" and majority of the Chapters wanted the last legislation 0220-16 VETOED and so it was. I was also not impressed with the Special Session that started from 10am to 4:28 pm. I did not receive any useful information about regionalization other than it's supposed to save money. I cannot see that adding another layer of government and it excludes all legal fees. The People have spoken! The President has VETOED Legislation 0220-16 (Resolution number CAU-45-16).

How is it that Council Delegates are able to over step their boundaries as Public Servants elected to REPRESENT the People? How is it ethical for the Council Delegates to challenge the President of the Navajo Nation, the Navajo Courts and the People? This matter has a history and has been shot down many times before. In the best interest of the People leave this NEW Legislation 0282-16 off all tables.

This is just another of many ways for the Council to get their hands on our well invested Permanent Trust Funds. That money was invested for the People and not the Council to spend on their own "Special Interests and Pet Projects" or lining other outside non-Navajo companies pockets with our Tribes money with little to no results. This CORRUPTION needs to stop and the People need OUR services to stay local with in our own communities! Regionalization is a surpression of VOTER'S RIGHTS! We do not need Comissioners to Govern us! We need OUR CHAPTERS! You, Mr. Tom Chee, need to listen to your Chapters! You voted AGAINST your Chapters and the Grassroots! We spoke AGAINST Regionalization and we still oppose it!

Please hear me as I speak for the elders who cannot leave their hogans they cannot afford to leave and do not know what is going on in Window Rock. All Navajos I spoke with know nothing about the last Legislat on 0220-16. yes, there were hearings but there weren't very many of the People there. We OPPOSE 0282-16 on the grounds that THE PEOPLE, ESPECIALLY EASTERN AGENCY has opposed this Legislation! Please listen to the People and Chapters who have oppose 0282-16. Do we have to beg to be heard? You have me begging on behalf of the Navajo Nation who knows nothing of this NEW REGIONALIZATION LEGISLATION! Please OPPOSE LEGISLATION 0282-16!

Sincerely,
Cherolynda Bennett
Shiprock Chapter
Registered Voter of the Navajo Nation

0282-16

Andrew Curley <curley.andrew@gmail.com>

S 8/ 8/2016 3:02 PM

comments <comments@navajo-nsn.gov>;

1 000

DPI_v2LocalGovernance_Title26.pdf; ATT00001.txt;

Dear Council Delegates,

Attached you will find our May conceptual critique of "regionalization," or chapter house reduction. For a tribe that spends 300k a year on an office on government development, the fact that we have no actual proposal for the people to consider is a travesty. It's a blight on YOUR record as oversight. It means you are not doing your job as a governing body for the people. Instead of informing the population, you seduce them with pleasantries and allusions to all the good things that will come from such a dramatic reform. Nonsense. This is blank check government reform. Sure things will change if the people pass this in a referendum, but without a proper proposal and subsequent studies considering these change you will not fully know the impacts of your reforms. This is both lazy and reckless. We offer you some considerations on what we think is the main point of "regionalization," there is seedlings of good ideas, but they are far from developed. At DPI we are more than willing to work with you and government development to consider the issues inherent in the question of regionalization, but we do not support blank check government reform.

Andrew Curley
Research Affiliate

Local governance and reform: a
conceptual critique of *regionalization*
and the Title 26 Taskforce



By Andrew Curley, M.S., and Michael Parrish, B.A.,

May 2016

I. Intro

Since before the Navajo Nation tribal system was put into place in 1937, Navajo people have relied on local authority to determine our own affairs. Reliance on local authority is not just a political ideal, but also a cultural staple. For 96 years we have had chapter houses. They are a part of how we think about government today. But they are failing. Many in our community have left the reservation and work in cities far from the reservations. This is a larger systemic problem. In many ways these people are economic refugees, unable to find meaningful work in the reservation. The Local Governance Act (LGA) was legislation designed to reverse the decline of local governance and empower communities to make their own decisions. But it is failing. LGA has been poorly implemented since its passage in 1998. Not nearly enough chapters have gained "chapter certification" and even those that are certified struggle to manage their own affairs. Many of the problems that chapter houses face are rooted in the conduct of the central tribal government and not the chapter houses themselves. The fact that land title is so unclear creates a huge problem for local communities. But some problems are found in the governance of chapters, including corruption and infighting, in a word, politics. We should not pretend that these problems would instantly be solved through *regionalization*.¹ It is the stuff of the "local" and deeply rooted in the community.

We can work on areas where the central government might allow for more meaningful local control. In the end we find the proposed regionalization elusive in meaning and too dramatic of a change without justification. Our surveys among random Navajo people show most people do not understand it and oppose it. What we might do instead is consider how different types of chapters can have different kinds of authorities redistributed to them based on their unique characteristics. We already have an example of this in the Kayenta Township model and many of its features can be replicated in areas with large populations and many small businesses, large communities with a sales tax base in other words. For the rest of the Navajo Nation, we should think about land reform before we

¹ "Regionalization" is the central proposal to emerge from the Title 26 Taskforce, and ad hoc organization among members of different entities in the tribal government, such as the Navajo Nation Land Department and the Office of Navajo Government Development. Their central task is to critically examine the Local Governance Act of 1998 (LGA) and offer recommendations to improve its effectiveness.

initiative widespread regionalization. Few of the goals of regionalization can be accomplished if land remains stagnant and with contested or unclear boundaries. Considering the successes and failures of Title 26 is important. But let us not adopt poorly considered reforms. This report is a preliminary analysis and critique of *regionalization* as it has been proposed and presented to the Navajo people.

II. A brief account of the historical development of tribal governing authority

Since their creation in 1922 as agricultural cooperatives, chapter houses have become a unique fixture in the political landscape of the Navajo Nation. More than the central government, finalized in 1937, chapter house have reflected better traditional Navajo social and cultural boundaries, based on *k'é*. Their geographical and political authorities overlapped with traditional forms of leadership, which were derived from extended family and clan relations and focused on immediate decisions facing this community (Wilkins 2013; Young 1978; Iverson and Roessel 2002).

At the same time, the central Navajo Tribal government has suffered from a lack of legitimacy among the broad Navajo public. Throughout the early reservation years and into the establishment of the tribe's first tribal government in the early 1920s, the Office of Indian Affairs (Bureau of Indian Affairs after 1947) has actively constructed Navajo political leadership into a form it finds consistent with its own norms and laws of governance (Curley in Lee and Cajete 2014). Navajo people have demonstrated a resistance to this colonial imposition. They have confronted these structures of governance during livestock reduction in the 1930s and 1940s,² the disposition of land in the first years of coal mining on Black Mesa, and forced relocation prescribed in the Navajo – Hopi Settlement Act of 1974. To many who have suffered through the application of the blunt political force of the Navajo tribal government, the tribal government is an instrument of colonization (Powell and Curley 2008).

In 2008, the Diné Policy Institute, in our consideration of constitutional reform in the Navajo Nation, suggested that a tension between centralization and a space understood as

² My research on some of these instances of resistance is found in "The Origin of Legibility" in Lloyd Lee's *Diné Perspectives: Reviatlizing and Reclaiming Navajo Thought*.

"the local" is one of the strongest sources of broad dissatisfaction with the tribal government and the Navajo people (Yazzie 2008). Building from this sociological insight, we will examine the current proposal from the Title 26 Taskforce to eliminate the political role of chapter houses in Navajo governance and consider the long-term impacts of these proposed reforms.

Centralization and "Regionalization"

The current question on government reform originates in the Title 2 amendments to the Navajo Nation Code in 1990, following the contestation for political authority between former Chairman Peter MacDonald and a majority of the Navajo Nation Council the previous year. Title 2 created a formal split between tribal executive and legislative and judicial functions that mimicked the division of power in the U.S. Constitution. For the victors of the 1989 political struggle, the Navajo Nation Council, the problem was defined as a problem centering on "corruption" and an unacceptable concentration of power in the authorities of the Navajo Nation Chairman. To remedy this, a group of lawyers and tribal delegates proposed a split of governing authority into "three branches," the legislative, executive, and judicial. The idea was to create "checks and balances" between the president and the council. But this was a solution to a problem that we inherited from Western Europe when we assumed (were forced to assume) their modes of governance. This solution created new problems that we have seen play out in the subsequent 25 years. We have witnessed heated disputes over political authority between the Navajo Nation President and Council and between the Judicial Branch and Council. Part of this contention due to the fact that we created an adversarial system of governance in which each branch protects its interest against the other. There are numerous instances where the Office of the President and Vice President opposed an action of the Navajo Nation Council not because of the merit of the initiative, but because of a question of authority, whether the project is the prerogative of the executive or legislative branch.

In 1990 the Navajo Nation Council also agreed that the Title 2 reforms should only serve as a temporary government and that we need to still move toward a more *Navajo* or appropriate form of government. What that meant was left undefined and the Navajo Nation Council created the Commission on Navajo Government Reform (hereafter, "Commission") and Office of Government Development to further examine the question. Each of the five

regional agency councils nominates an elected official to represent the region on the Commission. Their terms are for four years, whereas un-elected, special interest appointments to the Commission maintain only two-year appointments. Originally the Director of the Office of Government Development was also on the Commission, but this structure was changed in 1994 when the Navajo Nation Council amended the organization and scope of work of the Commission and made the Director an at will employee of the Commission on Navajo Government Development.

After he was elected president in 1992, Albert Hale, one of the attorneys who helped structure Title 2, emphasized "local empowerment" for local Navajo communities (Wilkins 2013). Local empowerment, as political rhetoric, implied increased political authority of Chapter Houses. Eventually the Navajo Nation Council passed Title 26 of the Navajo Nation Code, the Local Governance Act of 1998 (Id). At the same time the Navajo Nation Council amended the role of the Office of Navajo Government Development to focus on chapter house certification. The Navajo Nation Council also passed the Appropriations Act of 1998 that put into law an approach to financial management that strongly reflects neoliberal approaches toward government spending.³ Title 12 of the Navajo Nation Code created the Office of Management and Budget, supervised by both the Navajo Nation Council's Budget and Finance Committee and the Office of the President and Vice President,⁴ prepares budgets for the Navajo Nation Council. The Office of the Controller actually oversees the payment of monies to Navajo programs. These are ad hoc divisions between executive and legislative authority that are not clearly codified in law. But they have become normalized in practice. Importantly, Title 12 said that the Navajo Nation central government must distribute its monies to chapter houses based both on a standardized apportionment and proportional apportionment formula. As part of its "overall budget policies," Title 12 requires:

Distributions to Chapter. Where not otherwise prohibited by existing law, any appropriation intended for distribution to all chapters of the Navajo Nation shall be allocated as follows: fifty percent (50%) of the appropriation shall be divided equally among all chapters and the remaining fifty percent (50%) shall be divided

³ <http://www.omb.navajo-nsn.gov/Layout/appact.html>, last accessed 2/18/16

⁴ <http://www.omb.navajo-nsn.gov/Layout/OMBOrgchart.htm>, last accessed 2/18/16

*proportionately among the chapters using a percentage equal to that figure which the number of registered voters in each chapter bears to the whole of registered Navajo Nation voters as determined by the most current voter registration figures available as of the date of the appropriation.*⁵

This was a compromise between large chapters and small chapters. The small chapters wanted a standardized distribution of funds per chapter and the larger chapters wanted this distribution to reflect the size of their membership. In sum, these late 1990s amendments to the Navajo Nation Code institutionalized an “auditing culture” into Navajo governing practices (c.f. Hetherington 2011). Spending was standardized rather than directed toward specific tribal issues. Examples of these include the annual appropriations automatically channeled into the tribe’s investments funds. What is not automatically appropriated is moved to the infamous Undesignated and Unreserved Fund Budget (UUFB).

In 2009 Title 12 became a topic of debate during council reduction when critics in the president’s office, the main sponsor of the initiative, accused the Navajo Nation Council of “breaking its own laws” with regards to how it spent money from UUFB. Their concern was with how council delegates routinely circumvented the procedures for spending tribal money outlined in Title 12. At the time, critics referred to this practice as “waiving Navajo law.” For example, in 2008 President Shirley said, “this practice creates a system of government and body of law that cannot be relied upon and reflects badly on the Navajo Nation’s system of government...we need to refrain from waiving Navajo law, and instead examine and determine which provisions of the law need to be amended or repealed if, in fact, our current body of law is not workable.”⁶ On the other hand, some council delegates have expressed frustration with the inflexibility of these laws. The Navajo Nation Council lacks control over most of the budget, which is automatically appropriated into various accounts at the beginning of the fiscal year.

By the year 2000, Titles 12 and 26 were the most significant advancements in Navajo governance since the amendments to Title 2 in 1989. Title 12 established laws on how

⁵ <http://www.omb.navajo-nsn.gov/Layout/appact.html>, last accessed 2/18/16

⁶ [http://www.navajo-nsn.gov/News%20Releases/George%20Hardeen/Apr08/Navajo%20President%20sets%20council%20reduction%20line%20item%20veto%20plans%20into%20motion%20for%20April%2029%20\(2\).pdf](http://www.navajo-nsn.gov/News%20Releases/George%20Hardeen/Apr08/Navajo%20President%20sets%20council%20reduction%20line%20item%20veto%20plans%20into%20motion%20for%20April%2029%20(2).pdf), last accessed 2/18/16

Navajo money was spent and Title 26 extended some of this thinking into chapter house governance. But the central question of the legitimacy of the central government remained. Between 1999 and 2002 two parallel efforts to improve the legitimacy of the Navajo tribal occurred. The first was the Fundamental Laws project that eventual led to the passage of the Fundamental Laws of the Diné in 2002. The second was Council Reduction, an effort to reduce the number of Navajo Nation Council Delegates from 88 to 24 that passed in 2009.

These reforms impacted the already existing tension between centralization and regionalization. LGA nominally distributed legal and political powers to the local chapters. Critically, it retained control over auditing and certification in the central government and assigned these to an evolving supervising bureaucracy. After the passage of the Local Governance Act in 1998 the Navajo Nation's Government Service Committee created Local Governance Support Centers (LGSC) the following year in order to assist chapters with certification.⁷ Five, regional LGSC centers were established in the largest communities of the five agencies: Tuba City, Shiprock, Crownpoint, Ft. Defiance, and Chinle. Along with the Office of Government Development, LGSCs were designed to help chapters achieve LGA certification. In 2015 the Navajo Nation Council disbanded LGSC and replaced these with Administrative Service Center (ASC). Twenty years since the project of local empowerment began, the results have been disappointing. LGA Certification has not created the conditions for regional development. Local officials regularly complain about the oversight in Window Rock. And Window Rock complains about mismanagement at the chapter level. By 2014, the Division of Community Development initiated a series of public hearings on land reform to address one of the underlining causes of regional underdevelopment, outdated grazing regulations. But with a change in administration in 2014, these efforts have disappeared and now the Title 26 Taskforce is proposing more dramatic changes to chapter governance. They are proposing disbanding the legal and political authority of chapter houses and concentrating these into regional centers. This would result in the most dramatic change in Navajo governance since Council Reduction in 2009.

⁷ <http://www.lgscena.com/local-governance-support-centers-plan-of-operation.PDF>

III. Title 26 Taskforce: A history of the Project

The Resource and Development Committee (RDC) created the Title 26 Task Force in May 2015 in order to review the Local Governance Act, 17 years after the Navajo Nation Council passed it. The enabling legislation for the Title 26 Task Force says its task is to "develop, recommend and appropriate amendments to Title 26." The purpose of Title 26 Task force is to develop recommendations for the Navajo Nation Council to amend Title 26 with the goal of empowering local governments.⁸ Since its creation, the Title 26 Taskforce has held various meetings throughout the Navajo Nation, at the agency and chapter level, gaining feedback on their recommendations.

RDC appointed various members of the Navajo Nation government to the Title 26 Taskforce in order to ensure a robust and diversified discussion. These appointees are: Shirleen Jumbo Rintila, Legislative Associate for Division of Community Development, Robert Begay, Department Director of DCD Admin Service Center, Raymond Tsosie, Senior Planner for the Division of Community Development (brother to RDC member Leonard Tsosie), Robert Jumbo, Associate Auditor for the Office of Auditor General, Michael Halona, Department Director of the Navajo Nation Land Department, Reycita Toddy, Department of Personnel, Dominic Beyale, Director of the Office of Management and Budget, Rodger Martinez, Director of the Navajo Nation Retirement Services, Clarence Chee, Division of Economic Development, Leonard Benally, Director of the Navajo Office of Vital Records, Martin Ashley, Director of the Navajo Nation Tax Commission, Vernon Roadhouse, Director of the Office of Ethics and Rules, Roderick Begay, Assistant Attorney General for the Navajo Nation Department of Justice.

⁸ RDC initially asked the Task Force to draft a series of recommendation on reforming Title 26 within 120 days of their appointment, but after 120 days members of the task force asked for an additional 120 days. On December 22, 2015 Alton Shepherd introduced legislation 0417-15 amending RDCMY-21-15 extending the existence of the task force from 210 to 300 days. It was determine by the RDC that the additional days was not enough time to complete the Task force work so it found it was in the best interest to complete its task within 300 days from the date it was created in RDCMY-21-15. So the draft report and proposal is due 300 days from the creation of the Task Force.

IV. Regionalization: a critique

It is hard to properly critique the regionalization proposal as it is still lacking critical details. But from all available information there is a general idea of concentrating the work and authorities of Chapter Houses into regional centers. How this is supposed to be accomplished is left vague. There are no concrete plans of where the regional centers will be located, how they will be staffed, what will be the central government's authority over them vis-à-vis the authority of local governments, etc. Nevertheless, the Diné Policy Institute (DPI) intends to consider the proposal in earnest. Here we speculate (again, lacking critical details) about the plan's potential benefits and shortfalls.

Benefits

1. Utilities-of-scale

The main benefit of the regionalization effort is the scale at which the tribe can allocate resources intended for tribal residences. As tribal residences receive access to resources from the Navajo Nation through their chapter and agency affiliation, any change in the chapter system will inevitably impact all residences and the allocation of all tribal services (e.g., scholarships, power lines, bathroom extensions, water lines, road grading, electrical wiring for the house, etc.). Members of the Title 26 Taskforce argue that regionalization will improve these services in that it will concentrate more monies into regional centers allowing these regional centers to hire better qualified peoples with professional and technical training.

2. Coherence in policy implementation

In concentrating resources in regional centers instead of chapter houses, there will be better coherence in the implementation of tribal policy. At present, the only policy the Title 26 Taskforce has identified is land-use policy (i.e., regional land planning.) The Navajo Nation will only coordinate with 22 regional governments instead of 110 sub-political units. In theory, this will improve the coordination of development and planning between regional centers and Window Rock.

3. Regional Foci

Regionalization allows for something unprecedented in recent Navajo history, the possibility for coordinated regional planning. To be clear, a region is a larger geographical area than a chapter house and includes diversity of peoples, resources, and issues. In practice there are regional governments in the agency councils comprised of elected chapter house officials and council delegates. But these agency councils lack any real political authority in Window Rock and are only used for board nominations and supporting or opposing resolutions of the Navajo Nation Council. Regionalization distributes real political and legal power to regional governing authorities, i.e., regional centers that in turn use this authority for real policy and development projects that reflect the unique conditions of their region. For example, a regional unit near Kayenta might build upon the existing taxing authority of the Kayenta Township and expand taxes onto large industries like Peabody Coal. With regionalization, projects that involve large amounts of land can be better coordinated. Areas that are good for wind power or solar power development might avoid the type of conflicts between local and national authority that killed the proposed Cameron wind power initiative for example. Different regions might be identified for very kinds of development across the reservation.

4. Balancing large and small communities

Regionalization will allow for a regional center to distribute the wealth of a region more evenly across communities. Currently, the LGA allows for all taxed revenues to stay at the local chapter. This has the potential of creating disparities between large communities and smaller communities, or communities located in areas with a lot of business development such as Tuba City, Kayenta, Dilkon, Chinle, Shiprock, Window Rock, and Crownpoint and smaller, more isolated communities. Currently the Navajo Nation distributes funds to chapters based on a standard dollar amount that is equal for all chapters and a second allocation of monies based on the chapter house's size. Regionalization has the potential to more equitably distribute these monies across a region, alleviating differences between poorer and richer, larger and smaller chapters. For example, in one proposed region, St. Michael's tax base and resources would be better allocated with smaller chapters such as neighboring Oak Springs.

Shortcomings

1. Lack of planning

The lack of a clear set of recommendations for the Navajo people to consider with an issue this important is disappointing in 2016 when we have many capable and qualified Navajo people who can put together a clear and coherent recommendations. We do not know specifically how the Title 26 Task Force plans on removing the authority of chapter house governments and placing them in regional centers, what these regional centers will look like, and how soon they will be staffed once they are created. After 18 years of LGA, we need a clearer vision of how this transition will be implemented.

2. Loss of democracy

Regionalization will result in the loss of local democracy. In the elimination of chapter officials for one at-large representative, community members will lose the chapter meeting as a forum to discuss and decide on local affairs. Although imperfect, chapter house meetings are a cultural staple of the Navajo political process and one that cannot be replaced in technocratic governance represented in the regional centers. It is a species of politics unique to the Navajo Nation. Even the reforms in Title 26, the recommended "Council of Nahata" in which community meetings are replaced with elected councils, is regularly criticized.

3. Limited access

Aside from the lack of political access, the new regional centers will make it more difficult for community members to access tribal resources. They will have to travel many more miles to fill-out paperwork, attend meetings, or pick-up benefits and resources. This problem will become more acute during periods of bad weather when roads are more difficult to transverse. There is also an inequity in geography in regionalization. Communities who house regional centers nearby will have easier and more frequent interactions with their government than more remote communities. This may impact the political priorities of districts.

4. No plan for chapter house facilities

This repeats the lack of planning in the proposed regionalization, but there is nothing published about what happens to chapter houses after regionalization. How does this local infrastructure continue to play a role in Navajo social and political life? When asked about this, advocates of regionalization claim that the chapter houses will still exist and function, but something akin to a community center rather than site of politics. How will funds continue to be allocated to keep these facilities operating after Title 26 is repealed? Will there be an administrative staff in these chapter houses, or will these positions disappear? In a worse case scenario, these chapter house buildings will remain unused and fall apart.

On power point slides and in official presentations, members of the Title 26 Taskforce will emphasize: a) a community's expanded tax base, the regionalization of budgets, improve delivery of services, regional land use planning, regional infrastructure projects, and a reduction in the misuse of funds. But without clear details and plans on how land reform and taxing will be done, this is at best wishful thinking. It is a "if you build it they will come" understanding of government reform that offsets critical issues, such as the status of the land and local powers to tax, for some future decision makers to decide upon. The problem with this approach is unless you actually offer solutions to these issues little will change. Without land reform or a clear understanding of what local authorities are, we cannot honestly claim any of the benefits of *regionalization* that the Title 26 Taskforce has promotes.

Tonalea Chapter: an ethnographic inquiry into local decision-making

By Majerle Lister,
DPI research intern

To'neheli or "water collecting in a basin," is situated between White mesa to the north and Black Mesa to the south. It resides along the Interstate Highway 160. The landscape is prairie, sand dunes, and woodlands. The area is near the Hopi Tribe. Most families have lived here for generations despite attacks from enemies and forced relocation. The connection between land and identity is strong. Today the community exists in political limbo that is defined by the outcome of the Navajo-Hopi Land dispute. The Navajo-Hopi Settlement Act of 1974 has created obstacles in the exercise of power and authority for chapter houses in the area. Tonalea exists in the middle of disputed land and this fact has impacted the issues and agenda of the community.

As of a 2010 census the total population of Tonalea is 2,595. 12% of the population is between the ages of 15 to 19 years of age as the median age is 25.8 years. The male population is 1,259, or 48.5% compared to the female population of 1,336, or 51.5%¹. The population of the community leans toward the younger age groups as half the population is below the age of 25. The voting age population of 21 and above is 1,675, 64.5% of the population. This is important to note because of the democratic nature of the government decision-making on the local level. The voter turnout for Tonalea as of 2014 Primary Election was 47.95%, 631 voters out of 1,316 registered voters¹. Political participation is an indicator of public choice and how involved individuals are with their government. **I observed a recent chapter meeting and offer the following observation: the chapter house is a unique site of democratic deliberation and alternative politics.** To understand this observation better one must study the local government purpose, processes, and procedures.

The Chapter Meeting

It was a Saturday and the coffee just finished brewing. I sat with my aunt in the chapter meeting. The morning was chilly and 45 chapter members were in attendance. This number would fluctuate throughout the five-hour meeting. The quorum of 25 was quickly met. Five items were on the agenda and it looked to be a simple meeting but my aunt jokingly reminded me of their 8-hour meeting a couple months before. This meeting gave me small insight into the functions of chapter houses and the individuals that participate in the government. The chapter officials read the meeting minutes of the last meeting and added the reading of the financial report at the request of the people at the meeting. Navajo was the mainly spoken, but English was interspersed to accommodate younger people.

Chapter Meeting: The Importance of Communication

The meeting proved the importance of communication between the leaders and the people. Many of those in attendance criticized the officials for their lack of communication. One lady, a woman name Sarah Begaye (pseudonym) outright said that the budgets should be put in laymen terms for the locals to understand. **Her statement reflected the importance of an informed populace in a democratic setting.** She was an obvious leader of a group of concerned citizens who voiced the concerns to the people in attendance. The officials had a hard time moderating the people and they grew frustrated, even to the point where one leader started talking to the people as parent to children. This infuriated some locals who said it was not their place to speak to them in that manner. The communication between the officials and the locals was neglected which made the officials look unresponsive. This irresponsibility breeds cynicism from which comes distrust and agitation.

Chapter Meeting: Diverse Goals and Interests



The main observation of small communities such as Tonalea Chapter is the diversity of perspectives, values, goals, and beliefs among community members. Like any devolved institution, the chapterhouse suffered from financial obstacles. The cost for renovations for the warehouse, a new chapterhouse, new housing, and infrastructure for the community caused dismay for the community members. The financial discussion demonstrates best the heterogeneous nature of chapter priorities. Despite being a small local government with a small population, most community members are in disagreement about how to spend money. There was consideration of funding a warehouse as a temporary chapterhouse or to put the funds toward the construction of a new one is just one instead of using the warehouse.

Many of these families are from the former Bennett freeze area and they preferred that chapter house funding go toward housing and infrastructure needs. One woman yelled from the back "money is for the Bennett freeze people," and she received support from others in attendance. Some put forward the idea of saving for an elderly homes and fixing roads that led to homes of elderly. Others stated the importance of fighting invasive plants and species that harm the ecological system. The mixed interest greatly affects the goals and the feasibility of reaching one collective goal. Having a collective goal increases the success rate of policy for reaching those goals. Collective goals and interest help with the planning process.

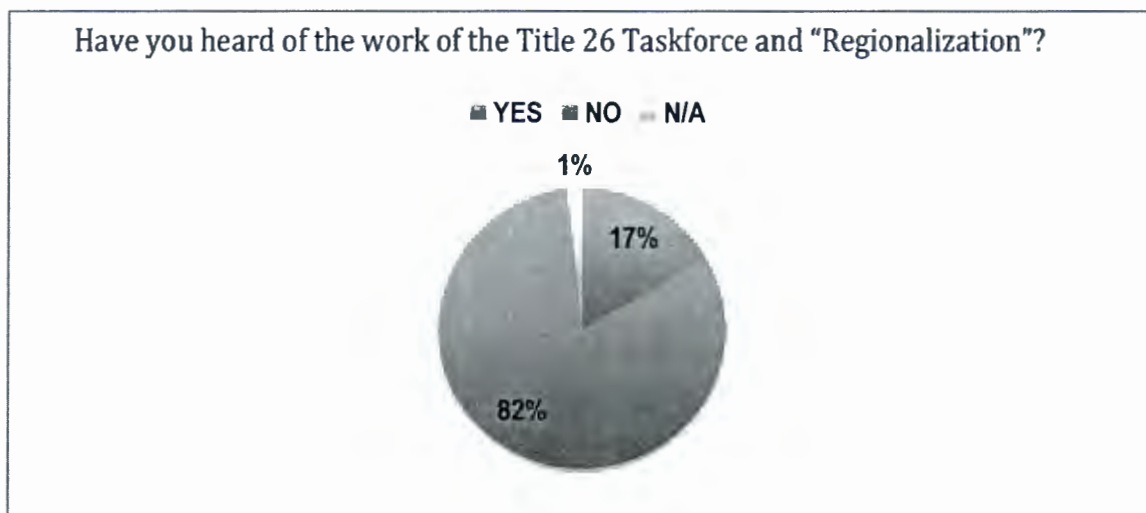
Chapter Meeting: Tactics

During the formal meeting of the chapter house smaller informal meetings occurred. One woman met with another woman beside me to discuss political issues and solutions. They planned and discussed alternative actions and how to incorporate these actions into their plans while the meeting was ongoing. Networks of dialog, discussion, and alternative political action was apparent as the meeting progressed. This relates to the shared interest within the community and how they maneuver through the political landscape. These networks were greatly tied to shared interests rather than reliant on particular identities or values. In a word, compromise. The ability to "defer" was a mechanism to prevent certain actions from taking place. Community members were skilled parliamentarians. It allowed for some community members to strategize and formulate a new plan or garner support in their favor. It revealed a tactic of individuals in a democratic setting. The tactics utilized reflect the diverse interest of the chapter governments and how individuals who participate in meetings work with others in their favor. These tactics reflect a group of people forming their own networks as a reaction to, in their opinion, the ineffectiveness of government. In the end these observations showed that the chapter house is a unique site of democratic deliberation and alternative politics.

V. Survey Data and Interpretation

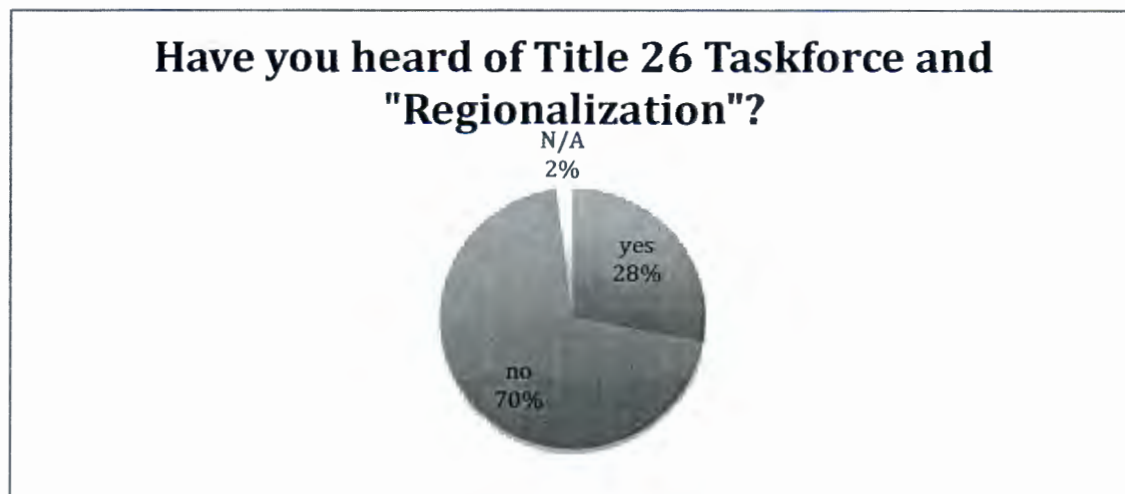
In March 2016 the Diné Policy Institute (DPI) surveyed two Navajo communities about their opinions on the proposed regionalization and the Title 26 Taskforce. From our surveys two key findings emerge: 1) most Navajo residents are unaware of the proposed regionalization and the work of the Title 26 Taskforce, and 2) when asked about reducing the political role of chapter houses in Navajo governance, most people disagreed with the proposition as they understood it. We surveyed a total of 130 Navajo residents (N=130) from Western and Central agencies, at the Tuba City and Chinle markets respectively. We also conducted a survey among Diné College students in Tsaile, AZ. Our survey demographics were not representative of the general Navajo population, with women making up most of our respondents. We had a fairer representation of age as we oversampled young people in surveying students at Diné College in Tsaile, AZ.

Chart 1, Knowledge on *regionalization* and Title 26 Taskforce at Chinle Market



N=60, Chinle Market, 3/16/16

Chart 2, Knowledge on *regionalization* and Title 26 Taskforce at Tuba City Market



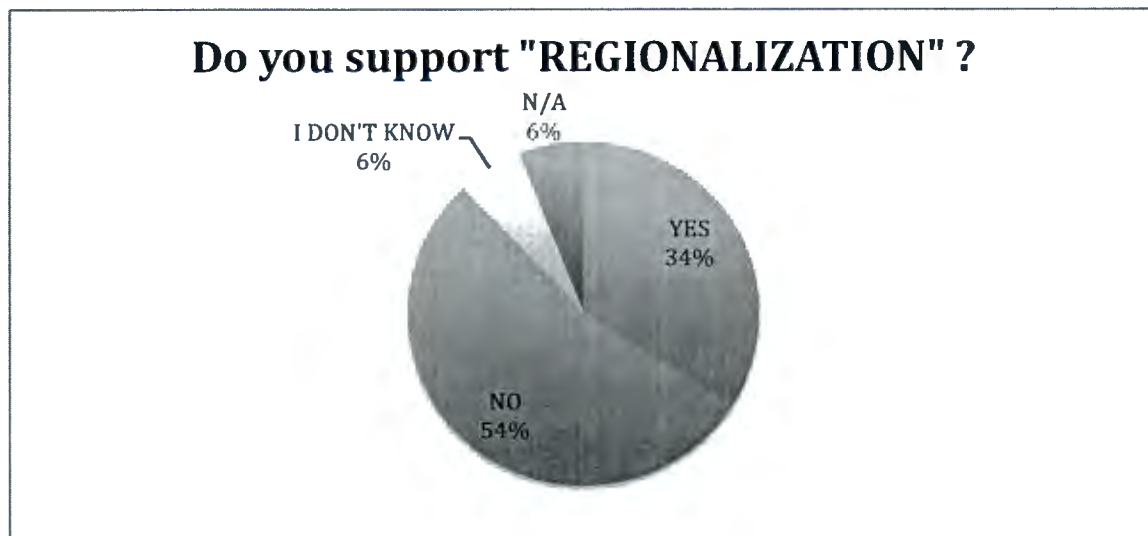
N=50, Tuba City Market 3/25/16

Chart 3, Support for regionalization at Chinle Market



N=60, Chinle Market, 3/16/16

Chart 4, Support for regionalization at Tuba City Market



N=50, Tuba City Market, 3/25/16

From the survey results it is clear that most people do not know about regionalization and most, when asked, oppose it. Some of the comments people left were illustrative. For those who were against the proposal, they wrote: more work to locals to participate but easier for government to manage, communities disputing among each other in the region, less representation, and making elected official richer and the comments for the proposal it stated: more convenience centralized information, save money, major benefits if communities work together, concentration of new ideas, streamline process, and one group one voice, too many chapters. Most people are uncomfortable with the reduction of chapter houses and the establishment of 22 more-or-less regional centers. People gave the sense that it is another example of a dramatic reform in government without a clear plan as to where to redistribute power.

VI. Recommendations

The Title 26 Taskforce has not shown how power will be redistributed from the central government to the local governments or the regional centers. But it has raised some interesting and important questions about the future role of chapter houses in Navajo Nation

governance. We need to ask about whether or not the Local Governance Act of 1998 is working and what about it works and does not work. We need to talk about what is a minimum criterion for keeping a chapter house community in existence, or deciding whether or not certain communities should be combined into others. The Title 26 Taskforce identified 43 communities under 1,000 member populations (from 2000 U.S. Census). But what is not explained is why this matters? If we do not want to maintain chapter houses that are less than 1,000 members, which is less than half the chapters, why is this the case? Is it an issue of money and the cost of maintaining these chapter houses? If so, we need to be explicit about it? Also, might a redistribution of power improve the governing capacity of sub-political units like chapter houses and regional centers? This gets back to the central issue the DPI identified in the *Constitutional Feasibility Study of 2008*. The same issue persists today between local authority and central authority. Title 26 Taskforce proposed a solution and has identified problems to support its conclusions and overall proposal. We showed in this report, however, that these solutions are not well thought out and the problems that the Title 26 Taskforce identified are broader issues that need further and more detailed consideration.

Ultimately, the Title 26 Taskforce does not clarify how power will be redistributed from the central government to the local government or regional centers. If the goal is “local empowerment” one example on how centralized power on the Navajo Nation can be distributed downward to the local level and that has proved successful at capturing a local sales tax revenue is the Kayenta Township. As you seen in **Table 1** (pg. 22), most powers in LGA are reserved for authorities in the central government and only after a long and strenuous compliance procedure completed and verified by the central government is any power distributed downward. This is the real reason why LGA has failed. It is in its design. An issue the Title 26 Taskforce has rightly identified.

A process of decentralizing tribal authorities downward that reflect central features of the Kayenta Township model can be attained through the Title 26 Regionalization process or amendments to the existing LGA. We recommend that the Title 26 Taskforce focus on urban, large population chapters strategically located at major crossroads such as: Tuba City, Kayenta, Dilkon, Chinle, Ft. Defiance, Shiprock, Crownpoint. These areas already have business development. The evidence is in more than thirty years of successful home rule for

Kayenta Township. We should focus on making business and community work together in these areas before trying to change dramatically how planning and governance is done in more remote communities with the unjustified hope that this will somehow lead to business development.

For these communities, they should be given a "Home Rule" status and, like Kayenta Township, enter into a four part lease agreements with local businesses. As we showed in Table 1, there are major differences between the LGA and Kayenta Township models in how much authority is given to the local community. It should be clearer when looking at Table 1, however, that part of the failure of Title 26 is due to the lack of actual authorities given to the local governments. The Township Model grants real authorities to the local communities that are also manageable for the staff they hire. This is not a model that should be replicated across all of the Navajo Nation, and flaws in governance structure should also be considered, but it is one that has proved to work for over 30 years and can be expanded into other communities that look like Kayenta.

VII. Conclusion

The issue of local authority for communities in the Navajo Nation is of special importance moving into the 21st Century. Change is needed. The Title 26 Taskforce has shown that the Local Governance Act has not worked out as it was intended. They show that in its 18-year history, only 43 chapters have successfully become "certified" chapters. But rather than look at the law, the Title 26 Taskforce broadened the question to consider the culture of chapter governance, demographics, and regional planning. These in themselves are exciting topics of conversation, but do not relate directly to the question of "why is Title 26 not working" based on the simple observation that only 43 out of 110 chapters are certified. But if we put the issue another way, we can say, 40% of Navajo chapter houses operate successfully under Title 26 and these proposed reforms would upend that system.

What would work is a sensible investigation of the Navajo Nation Chapter House system. We need more research to identify the problems, including in-depth interviews with chapter house employees, community members, and elected officials. This report examined the work and proposals, as we understand them, of the Title 26 Taskforce and pointed out possible benefits and shortcomings of the proposed reform. We also surveyed a total of 110

members of the Navajo Nation and asked them how much they knew about the proposed Title 26 reforms and whether or not they supported these changes. Our research showed unambiguously that most people are not aware of the research and that they generally disagree with regionalization. This does not mean it is a bad idea in itself, but at this point in time most people are opposed to it. Although our sample was limited, we believe that our respondent's represented a general attitude that would be found across the Navajo Nation.

In the end we recommended the expansion of the Kayenta Township model as an immediate policy solution for larger Navajo communities such as Chinle, Shiprock, Ft. Defiance, Crownpoint, etc. We see that the township model has over thirty years of practice and has effectively decentralized important authorities to the local community while protecting the larger Navajo Nation's responsibility of oversight. In Table 1 we identified core differences between the three different models for "local governance," the township model to the proposed regionalization. **Second, more research has to be done on land reform in the Navajo Nation before any meaningful action on local governance can be implemented.** This is research the Diné Policy Institute has already initiated in order to gain more meaningful insight into how both our local and national governments can be reformed to better serve the Navajo people.

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Table 1, Local Authorities found in Navajo Nation government system

	Kayenta Township	Local Governance Act of 1998	Proposed "Regionalization"
Taxing Authority	In the Township, but limited to NN Code	Limited, after "certification" Local taxes pursuant to a local tax code developed by the Navajo Tax Commission and approved by the NNC	Unclear from presentation how this will work
Land Use Authority	NN EDC "authorize(d) the delegation of approval authority for business site leases to the Kayenta Township	Limited, after "certification" and with Land Department approval and in accordance with Resources and Economic Development Committee of the NNC	Regional zoning, but still under the authority of the Land Department
Governance Structure	Elected Commission	Elected "Alternative Form of Government" An alternative form of Chapter governance based upon models provided by the Transportation and Community Development Committee of the NNC	Elected commission, one representative from each chapter
Type of Administration	Hired by Town Manager	Hired from Personal and Management	Hired from Personal and Management
Infighting?	Yes	Yes	Unknown

Yellow = local authority

Turquoise = central authority

Fwd: Legislation Tracking No. 282-16

gevernbegay <gevernbegay@yahoo.com>

Comments <comments@navajonnsn.gov>

Legislation Tracking No. 282-16_08-13-16.html

Original Message -----

From: gevernbegay <gevernbegay@yahoo.com>
Sent: Thursday, August 12, 2016 4:45 PM (GMT-07:00)
Subject: Comments
Legislation Tracking No. 282-16

legislation

From: gevernbegay <gevernbegay@yahoo.com>
Sent: Sunday, August 28, 2016 10:13 AM
To: commet@navajo-nsn.gov
Subject: Legislation Tracking No. 282-16

Honorable Council Delegates
NAVAJO NATION

As a constituents I am forwarding my comments on this Legislation on Regionalization for Referendum.

DO NOT CONSIDER THIS LEGISLATION TO GO BEFORE THE PEOPLE AS REFEREDUM.

1. Reasons the people are not fully aware the impact this legislation will cause. Question are not fully answered at these presentation. It was like questions were noted but no feedback at follow up sessions.
2. Accusations of mismanagement of funds and huge expenditures is something that is happening from Central Government at all levels. Cannot use that findings on only one area of the government.
3. What your focus should be is made change in your legal system where people get a slap on the wrist for mismanagement of funds so evident in the recent outcome of prosecution of our lawmakers who have themselves set poor example for many people employed with our government. All that happens is these people move on to do it again. No follow up on any agreements made. The government has set the pace to continue this practice and without changes in our legal laws it will remain status quo.
3. We have a 3 branch government to eliminate one branch of government taking control of the goverment. it appears at this point, that is what is happening to our lawmakers.
4. Our own delegate has not been attending our chapter meeting to explain more thoroughly the plans. He has not ask how he should vote for this plan.

Do not continue this initiative, it is not ready. Thank you.

Respectfully,

Gevern J. Began
Bodaway/Gap chapter

Sent from my Verizon Wireless 4G LTE smartphoneH

Fwd: Legislation No: 0282-16 SPONSOR: Seth Damon

Lori Goodman <lgoodman89@gmail.com>

comments <comments@navajo-nsn.gov>

Begin forwarded message:

From: Lori Goodman <lgoodman89@gmail.com>
Subject: Legislation No: 0282-16 SPONSOR: Seth Damon
Date: August 25, 2016 at 11:21's AM MDT
To: Navajo Nation Council <comments@navajo-nsn.gov>

Regionalization Legislation cannot be forced top down to our people. It doesn't make sense to vote for an "Idea", please provide the PLAN first. I recommend Mr. Leonard Tsosie try this out on his chapters first before unleashing it on all the people. This resolution will approve a referendum for chapter regionalization and I vote against it.

The main change:

"The enabling legislation shall consider recommendations from assigned Executive Branch staff and Judicial Branch Personnel and public input from Chapter Officials, educated youth, elders, and other interested Navajo persons."

The council is hiding the fact that a paid consultant strongly recommended the opposite of the intent of the legislation.

The Navajo Nation Council still assumes full control of developing the plan.

No guarantee of genuine public input,

A "Yes" vote will essentially eliminate a democratic process,

The ultimate intent of this desperate attempt by our NNC is to take full control of misuse and abuse of the Permanent Trust Fund and the Sihasiñ Fund,

the ultimate result is the council will eliminate the consent of the people.

Lori Goodman
Dilkon Chapter

Legislation 0282-16

james.tallman <james.tallman@aol.com>

comments <comments@navajo-nsn.gov>

Hi, I am in respect

to the Navajo Government Reg. 10-10-16, which is a regulation that is not in the Navajo Code of Laws. I am not sure if this is a regulation that is not in the Navajo Code of Laws and if it is, I am not sure if it is a regulation that is not in the Navajo Code of Laws.

Comments on Legislation 0282-16

Ed Becenti <rezztone@yahoo.com>

Sun 8/28/2016 4:51 PM

comments <comments@navajo-nsn.gov>;

Sunday, August 28, 2016

TO WHOM IT MAY CONCERN:

Regarding **Legislation 0282-16**

I agree with the Office of the President and Vice President stating that they recently held public hearings and received many comments that encompassed a single common message, simply there was not enough information for the Navajo voters to make an informed decision.

This new legislation is of the same 0220-16 but again fails to provide the necessary information that the Navajo voters are entitled to before they make a hasty decision.

Also, the language missing is "...and furthermore...to TERMINATE the existing Council Delegate's positions since the title of Commissioners will takeover those responsibilities, etc."

Thank you,

Ed Becenti
St. Michaels, AZ

comments on rationalization 0282-16

Hazel James <hazbah4nm@gmail.com>

Comments <comments@navajo-nsn.gov>

11/2/2016
P.O. Box 1902
Matahey, NM 87745

U.S. NAT. ENV. & CLIMATE ADMIN.

Legislation 0282-16

Carol Davis <cjdavis_2004@hotmail.com>

S 8/28/2016 6 22 PM

comments <comments@navajo-nsn.gov>;

This legislation is not an improvement to the previous attempted legislation.

- 1) There is NO guarantee that the planning and development will include the people's input.
- 2) What is proposed contradicts everything taught in every Public Management program across the country.
- 3) Regionalization MUST be initiated by the people and for the people, as it has and is in the Black Mesa area. Your proposed plan is nothing like their regionalization effort and they will tell you that themselves.
- 4) The RDC and Task Force hired a consultant who also stated that the proposed plan will NOT benefit the people.
- 5) the excuse of saving money is irrelevant and false. Our last task force presenter admired that it was "not about saving money." Personnel and administrative costs will increase.
- 6) There is no plan, and your asking the people to give up their right to participate in developing a plan with the hope that the NN Council will do the right thing.
- 7) The plan will NOT empower the people, but will only eliminate their involvement in their own local issues. It contradicts every political theory out there.

My list is endless, but to say the least, there isn't anything substantively positive that was presented during the public hearings.

Carol Davis
Dilkon Chapter

Sent from my iPhone

AGAINST- LEGISLATION NO: 0282-16

Chuck Charleston <crusader910@yahoo.com>

< 28/20 7 PM

comments <comments@navajo-nsn.gov>;

From: Charleton M. Charleston PO Box 213 Sanostee, NM 87461. Crusader910@yahoo.com
Registered Voter.

LEGISLATION NO: 0282-16 SPONSOR: Seth Damon TITLE: An Action Relating To
NAABIK'IYATI' And The Navajo Nation Council; Approving Referendum For Chapter
Regionalization

This policy is disastrous policy. First, it basically takes the Chapter House system away from
the People that has been in place since the foundation of our Tribal Government. Second, it is
being done under the premise that the plan will be written after the measure is approved.

A bad plan is bad enough, no plan is disaster.

Please, you must vote NO on this measure.

Oppose regionalization 0282-16 sponsored by Seth Damon

Ashem Dayea <dayeadreamer@yahoo.com>

8/28/2016 8:40 PM

comments <comments@navajo-nsn.gov>;

Yaateeh don't know if I made it BUT I OPPOSE this 0282 -16 Regionalization . Im a wheelchair user but I do get around and when its voting time I go out of my way to give (4) ppl a ride who don't have a ride so that means if super chapters are a place to go to vote? Then we are out of it TOO FAR to drive or hitchhike to vote when they don't have a vehicle. I know you all CD are making in \$\$\$\$ sitting on your thick butt\$. Tryin to find a way to a fatter wallet to sit on. we grassroot ppl are just numbers to you all!

SO VOTE DOWN 0282-16

Emerson Dayea
T-3 Para Houck Az member of Oak/{Pine Springs Chp

Legislation 0282-16

Martha Tate <martha.tate1835@gmail.com>

18/28/20 6 9 2 PM

comments <comments@navajo-nsn.gov>;

Krista ALLEN <kallen@navajotimes.com>; Herman Daniels, Jr. <hdaniels@navajo-nsn.gov>; Stanley Yazzie <navajodcdsyazzie@hotmail.com>; Earl L. Sombrero <esombrero@navajochapters.org>; Robert Black <robert_rkbj@yahoo.com>; Otto Tso <otso@navajo-nsn.gov>; Nathaniel Brown <nbrown@navajo-nsn.gov>;

The NOST region has formally opposed this legislation as this is NOT in the best interest of our constituents and all stakeholders, the young, the elders and the voters of the NOST communities.

The main intent of this legislation is to reduce the funding of the chapter officials stipends. Is this the only targeted area for saving funds? Our local chapters and our chapter officials ARE the VOICE of the Navajos people.

If the NN Council is looking at reduction of any budget, look at the budget of the Navajo Nation Council.

First, the Naa Bii K'ehyati committee has the exact same membership as the Navajo Nation Council. Why even have the NBI committee? Do away with this committee! There is now a savings of \$500,000 per fiscal year.

Secondly, do away with the meeting stipends for each committee meeting and for the stipends for attending chapter Planning and regular chapter meetings. Now there is a savings of 1.5 million dollars per year. Each council delegate is paid an annual salary with a position description. Why are Council Delegates paid an annual salary then claiming a stipend for the meetings to represent and hear from their constituents that have elected them?

Furthermore, Council Delegates from New Mexico and the Eastern Navajo have smaller land based chapters, average council delegate represents 5 to 8 chapters whereby earning SEVEN THOUSAND dollars per month in addition to their biweekly paycheck!

The budget for the Navajo Nation Council was never decreased from the budget of the 110 council delegates. If council delegates truly are to be serving their constituents, the first business would be the elimination of self service, meaning they would forfeit the stipends for ALL committee meetings, the legislation sponsorship fees/stipends and stop claiming stipends for attending chapter planning and regular meetings.

Council delegates already receive an annual salary which is inclusive of this job performance/requirement. Special meetings? Stipends are claimed by all council delegates that attend. But at the Chapter level, the chapter budget does not have funds for Special Meetings, so chapter officials are not compensated.

From our view as chapter officials, the allegations stated by Mr. Seth Damon and council delegates that vote in favor of Legislation 0282-16 is slanderous and libel. To blame the mismanagement of chapter funds by less than 1.5% of the chapters on all 110 chapter officials is very ignorant.

Please look at how much you as Council Delegates make from the Navajo Nation, claiming stipends for EVERY meeting you attend! This is most certainly "robbing" the people of the Navajo Nation when one is paid to do this job, then claiming stipends for the same service. Local chapters and chapter officials are currently the only VOICE of advocacy, reason and stability for the grass root members of each chapter. Thank you for your time and attention.

Legislation 0282-16:

GEORGE MURPHY <GMURPHY02@msn.com>

Mon 8/29 2016 8:04 AM

comments <comments@navajo-nsn.gov>;

James Pioche <jbpioche@gmail.com>; Winston Benally <zobaone@live.com>; Anita Hayes <ahayes@navajochapters.org>;

I would suggest this referendum be tabled. I feel that the sponsor likely was influenced to make and push this proposal at the behest of a the former sponsor of a similar referendum.

Ladies and Gentlemen,

I know there comes a time when decisions have to be made which overrides the voice of the people, because the value and importance of that decision is for the good and betterment of the people and nation.

This is a bill that will create unintentional consequences which will affect Navajo.

Have you considered this? And what assures that the regionalization effort is going to be equitable to the current chapters. Who is going to benefit from this.

The way in which you are pushing the referendum suggest there are ulterior motives. This has been the history of Navajo where individuals, regions, receive calculated benefits.

Another words we are sold a bill of goods which does not benefit the nation as a whole. Hate to say this but this has been the case. Title 26 is one of them. The concept is good but there was no follow through, follow up. The project was not seen through to the end. What makes us think this proposal will be any different.

Our chapter passed a resolution opposing this bill and I as a chapter member still stand with the opposition.

You Have 3000 government employees in an are about the size of Aztec, NM. and this is just the government itself.

you want to cut cost, start by trimming the fat at your local level, the bureaucracy.

We the chapters are dolled out peanuts compared to the monies you spend locally at Navajo.

Let us see your justifications for you intent regarding this proposal.

We do not have a buy in. Sell us on this proposal. Don't just come out and give half hearted power point canned presentations, and think you did your job. Going through this process again shows you were not proficient enough to convince the people.

George Murphy

Sonlite LLC

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

LEGISLATION NO.: 0282-16

SPONSOR: Honorable Seth Damon

**TITLE: An Action Relating To Naabik'iyati' And The Navajo Nation Council;
Approving Referendum For Chapter Regionalization.**

Posted: August 23, 2016 at 9:30 PM

5 DAY Comment Period Ended: August 28, 2016

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing (1)	1. Iyanbito Chapter Resolution No. ICH-67-08/16-007
Inclusive Comments	<i>None</i>

1.711

**Executive Director
Office of Legislative Services**

9/1/2016 - 2:10 PM

Date/Time

FAX

TO: Office of Legislative
FAX: 928-871-7259

PHONE:

SUBJECT: Resolution

PAGES:

COMMENTS: 3 with Cover

FROM: Iyanbito Chapter

FAX: 505-905-6115

PHONE: 505-905-5650

DATE: 9-1-2016





**RESOLUTION
OF THE
IYANBITO CHAPTER
THE NAVAJO NATION**

No. ICH 67-08/16-007

Received
SEP - 1 2016
OLS Council Delegates
Office

**Strongly Disagreeing and Objecting to Legislation 0282-16:
Approving Referendum for Chapter Regionalization**

WHEREAS:

1. Pursuant to Navajo Tribal Council Resolution W-30-55, and reaffirmed by Resolution CMY-23-79, the Council certifies and authorizes the Iyanbito Chapter as a Navajo Chapter; and
2. Pursuant to 26 N.N.C., Section 1, (B)(1)(2) and Section 103, the Iyanbito Chapter is recognized as a local government entity and delegated certain authorities and responsibilities with respect to local matters consistent with Navajo Nation laws; and
3. Iyanbito Chapter membership, have at duly called Chapter meetings, voiced concerns and the potential impact of the proposed restructuring of Chapter governments into 24 regional governments:
 - a. Eliminates local governance;
 - b. Takes away our local voice;
 - c. Diminishes sovereignty of grassroots people;
 - d. Further "Americanizes" us and loses our unique identity as Navajo People;
 - e. Replaces democracy with representative governance;
 - f. Weakens our leadership, advocacy and self-determination;
 - g. Impact could be far-reaching into areas unforeseen – such as delivery of health care/CHR services; and
4. Any attempt to eliminate the power of the Navajo People should be rejected as our chapter community governing bodies are the most important unit of local governance.
5. Chapter governments are the voices of our community members, young and old.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Iyanbito Chapter hereby strongly disagrees and objects to Legislation 0282-16: Approving Referendum for Chapter Regionalization.
2. Further, any attempt to eliminate the power of the Navajo People should be rejected as Chapters are the important unit of local governance; Chapters governments are the voices of community members, young and old.

CERTIFICATION

We hereby certify the foregoing resolution was duly considered by the Iyanbito Chapter at a duly called Regular Chapter meeting at Iyanbito, Navajo Nation, New Mexico, at which a quorum was present and that the same was passed by a vote of 23 in favor, 00 opposed, and 04 abstained, this 25th day of August, 2016.

Steven R. Arviso, President

Ethelene Peterson, Vice-President

W. Wanda Arviso, Secretary/Treasurer

MOTION TO APPROVE:

Moved by: Durinda Plimpton
Seconded: Eunice Skeet



**RESOLUTION
OF THE
IYANBITO CHAPTER
THE NAVAJO NATION**

No. ICH 67-08/16-008

Received
SEP 1 2016
OLS Council Delegates
Office

Strongly Disagreeing and Objecting to Legislation 0218-16: Approving Supplemental Funding in the Amount of \$395,425.00 to the Navajo Election Office (to fund the Chapter Reorganization Referendum) and Directing the Representing Navajo Nation Council Delegate to Do All Things Necessary to Initiate and/or Carry Out Such Appropriate Action

WHEREAS:

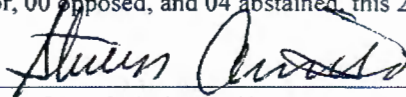
1. Pursuant to Navajo Tribal Council Resolution W-30-55, and reaffirmed by Resolution CMY-23-79, the Council certifies and authorizes the Iyanbito Chapter as a Navajo Chapter; and
2. Pursuant to 26 N.N.C., Section 1, (B)(1)(2) and Section 103, the Iyanbito Chapter is recognized as a local government entity and delegated certain authorities and responsibilities with respect to local matters consistent with Navajo Nation laws; and
3. The Iyanbito Chapter at a duly called regular meeting discussed the proposed funding of approximately \$400,000 for the Chapter Reorganization referendum to be based on the following;
 - a. Wasteful use of public funds
 - b. Wrong to proceed with this legislation immediately after the Presidential veto of chapter referendum
 - c. Inconsistent
 - d. Appearance of forceful implementation of chapter referendum against the will of the People
4. At the same duly called meeting, the Iyanbito Chapter requested the representing Navajo Nation Council Delegate, the Honorable Edmund Yazzie (Churchrock; Iyanbito; Mariano Lake, Pinedale, Smith Lake, Thoreau), to initiate and/or carry out such appropriate action in a prudent, respectful and lawful/proper manner.

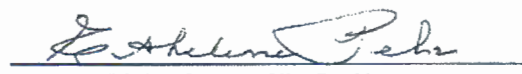
NOW THEREFORE BE IT RESOLVED THAT:

1. The Iyanbito Chapter hereby strongly disagrees and objects to Legislation 0218-16: Approving supplemental funding in the amount of \$395,425.00 to the Navajo Election Office (to fund the Chapter Reorganization Referendum).
2. Further, the Iyanbito Chapter directs the representing Navajo Nation Council Delegate to do all things necessary to initiate and/or carry out such appropriate action.

CERTIFICATION

We hereby certify the foregoing resolution was duly considered by the Iyanbito Chapter at a duly called Regular Chapter meeting at Iyanbito, Navajo Nation, New Mexico, at which a quorum was present and that the same was passed by a vote of 23 in favor, 00 opposed, and 04 abstained, this 25th day of August, 2016.


Steven R. Arviso, President


Ethelene Peterson, Vice-President


W. Wanda Arviso, Secretary/Treasurer

MOTION TO APPROVE:

Moved by: Durinda Plimpton
Seconded: Eunice Skeet

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

LEGISLATION NO.: 0282-16

SPONSOR: Honorable Seth Damon

TITLE: An Action Relating To Naabik'iyati' And The Navajo Nation Council;
Approving Referendum For Chapter Regionalization.

Posted: August 23, 2016 at 9:30 PM

5 DAY Comment Period Ended: August 28, 2016

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing (1)	1. Jimmy Charley – Oljato Chapter
Inclusive Comments	<i>None</i>



**Executive Director
Office of Legislative Services**

1/10/17 1:48pm

Date/Time

0282-16 regionalization(2nd attempt)

Jmmy Chrly <jimmy.chrly789@gmail.com>

Tue 9/20/2016 11:00 PM

To: comments <comments@navajo-nsn.gov>;

To the 23rd Navajo Nation council

I write this letter in opposition to the latest attempt by Mr Damon to regurgitate a carbon copy of the legislation 0220-16.

At this point in the game... this very sly and lowly attempt at power grabbing by a certain circle of our NN Council delagattes has also began to show a desperate face. As I recall... only a month ago, at the urging of our Navajo Nation voters, the president of the Navajo Nation has vetoed the same legislation 0220-16.

I would like to compare also a similar plan that was passed by the people in almost this similar fashion not too long ago with the downsizing of the Navajo Nation council to 24. The selling point for that plan was also for government accountability and saving money. But as you can see by that example neither of the two were ever accomplished even as I write this letter. We still have corruption and embezzlement issues that have never gone away.

Based on this example, I believe that the improvement of our government will not happen by completely changing the entire system of how we govern ourselves.

I'm asking, as a navajo nation voter, that this 23rd Navajo Nation council vote against this legislation, one more time. And let's start to work on issues that can really help our elders, our veterans and our future generations to come,our kids.

Aheehee
Jimmy Charley
Oljato Chapter