

**RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
Of the 23rd Navajo Nation Council---Second Year 2016**

**AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT; AMENDING RDCMY-21-15
WHICH ESTABLISHED THE TITLE 26 TASK FORCE TO EXTEND THE
EXISTENCE OF THE TASK FORCE FROM 90 DAYS TO THE END OF NOVEMBER
2016 OR UNTIL THE TASK IS COMPLETED**

SECTION ONE. AUTHORITY

The Resources and Development Committee has the authority to grant final approval of resolutions to develop and improve Local Governance Units and has oversight authority over Chapters. See 2 N.N.C. § 501 (b) (2) (c); See also 2 N.N.C. § 501 (C) (1).

SECTION TWO. FINDINGS

A. The Resources and Development Committee met with the Division of Community Development and Administrative Service Centers and discussed issues and concerns pertaining to Title 26 during a recent work session.

B. Pursuant to those discussions, it is necessary to review Title 26 for possible amendments to improve the overall process as it pertains to Chapter functioning and management.

C. The Resources and Development Committee, through RDCMY-21-15 created the Task Force and indicated that the Task Force was to function for 90 days. See Exhibit A (RDCMY 21-15).

D. Previously, the Task Force has requested for additional days that were approved by Resolution RDCS-64-15 (90 days to 210 days) and RDCE-94-15 (90 days to 300 days); the Task force needed additional time to complete its work to finalize the voluminous record and document review to complete the Task Force's work. See Exhibit B (RDCS-64-15); See also Exhibit C (RDCE-94-15).

E. The Resources and Development Committee finds it in the best interest of the Navajo Nation to allow the Task Force to operate until the end of November 2016 or sooner if the task is complete.

SECTION THREE. AMENDMENT

The Resources and Development Committee amends Section Four of the RDCMY-21-15 by increasing the number of days for Title 26 Task Force to complete its work from 90 days to be completed until the end of November 2016 or until the task is complete.

SECTION FOUR. DIRECTIVES

A. The Task Force shall provide to the Resources and Development Committee a written report and proposed draft of Title 26.

B. The Speaker's Chief of Staff shall assign one staff assistant to assist the Title 26 Task Force with completing the report.

C. Navajo Nation Division and Departments shall give recognition to the Task Force and allow its employees to carry out the Task Force's work as described herein.

D. The Title 26 Task Force will present a complete update report to the resources and Development committee on April 26, 2016 or earlier.

E. The Title 26 Task Force will present an updated report to the Naabik'iyati' Committee before the 2016 Navajo Nation Council Spring Session.

SECTION FIVE. RECOMMENDATION

A. The Navajo Commission on Government Development is encouraged to present recommendations and comments on the work of the Title 26 Task Force to the Naabik'iyati Committee in June 2016.

B. The Navajo Nation President and Vice-President will be invited to a Naabik'iyati Committee meeting to provide recommendations and comments on the work of the Title 26 Task Force.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Leupp Chapter, (Navajo Nation) Leupp, Arizona, at which quorum was present and that same was passed by a vote of 3 in favor, 1 opposed, 1 abstained this 28th day of March, 2016.



Walter Phelps, Pro Tem Chairperson
Resources and Development Committee
Of the 23rd Navajo Nation Council

Motion: Honorable Walter Phelps
Second: Honorable Benjamin Bennett

NOTE: Chairman Alton Joe Shepherd requested to be excused to attend another meeting and appointed Honorable Walter Phelps, who held the main motion, as the Pro Temp Chairperson for the duration of the meeting.

LEGISLATIVE SUMMARY SHEET

Tracking No. 0090-16

DATE: March 7, 2016

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; AMENDING RDCMY-21-15 WHICH ESTABLISHED THE TITLE 26 TASK FORCE TO EXTEND THE EXISTENCE OF THE TASK FORCE FROM 90 DAYS TO THE END OF THE 23RD NAVAJO NATION COUNCIL TERM OR UNTIL THE TASK IS COMPLETED

PURPOSE: This resolution if approved will allow the Title 26 Task Force to continue operating until the end of the 23rd Navajo Nation Council term or until the task is completed, but will expire after the Council term ends.

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

5-DAY BILL HOLD PERIOD: Patricia Bubak
Website Posting Time/Date: 4:47am 3/17/16
Posting End Date: 3/22/16
Eligible for Action: 3/23/16

PROPOSED STANDING COMMITTEE RESOLUTION
23RD NAVAJO NATION COUNCIL – Second Year, 2016

INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 0090-16

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; AMENDING RDCMY-21-15
WHICH ESTABLISHED THE TITLE 26 TASK FORCE TO EXTEND THE
EXISTENCE OF THE TASK FORCE FROM 90 DAYS TO THE END OF THE 23RD
NAVAJO NATION COUNCIL TERM OR UNTIL THE TASK IS COMPLETED

SECTION ONE. AUTHORITY

The Resources and Development Committee has the authority to grant final approval of resolutions to develop and improve Local Governance Units and has oversight authority over Chapters. *See* 2 N.N.C. § 501 (b)(2)(c); *See also* 2 N.N.C. § 501 (C)(1).

SECTION TWO. FINDINGS

- A. The Resources and Development Committee met with the Division of Community Development and Administrative Service Centers and discussed issues and concerns pertaining to Title 26 during a recent work session.
- B. Pursuant to those discussions, it is necessary to review Title 26 for possible amendments to improve the overall process as it pertains to Chapter functioning and management.

1 C. The Resources and Development Committee, through RDCMY-21-15 created
2 the Task Force and indicated that the Task Force was to function for 90 days.
3 *See Exhibit A (RDCMY 21-15).*

4 D. Previously, the Task Force has requested for additional days that were approved
5 by Resolution RDCS-64-15 (90 days to 210 days) and RDCD-94-15 (90 days to
6 300 days); the Task force needed additional time to complete its work to finalize
7 the voluminous record and document review to complete the Task Force's work.
8 *See Exhibit B (RDCS-64-15); See also Exhibit C (RDCD-94-15).*

9 E. The Resources and Development Committee finds it in the best interest of the
10 Navajo Nation to allow the Task Force to operate until the end of the 23rd
11 Navajo Nation Council term or sooner if the task is complete.

12 13 **SECTION THREE. AMENDMENT**

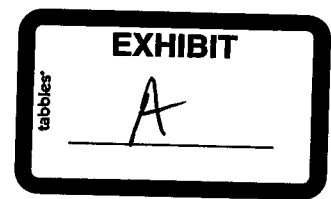
14 The Resources and Development Committee amends Section Four of the RDCMY-
15 21-15 by increasing the number of days for Title 26 Task Force to complete its work
16 from 90 days to be completed until the end of the 23rd Navajo Nation Council term or
17 until the task is complete.

18 19 **SECTION FOUR. DIRECTIVES**

20 A. The Task Force shall provide to the Resources and Development Committee a
21 written report and proposed draft of Title 26.

22 B. The Speaker's Chief of Staff shall assign one staff assistant to assist the Title 26
23 Task Force with completing the report.

24 C. Navajo Nation Division of Departments shall give recognition to the Task Force
25 and allow its employees to carry out the Task Force's work as described herein.



RDCMY-21-15

**RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
OF THE 23rd NAVAJO NATION COUNCIL --- FIRST YEAR, 2015**

AN ACTION

**RELATING TO RESOURCES AND DEVELOPMENT; ESTABLISHING A TASK FORCE
TO REVIEW TITLE 26 OF THE NAVAJO NATION CODE AND RECOMMEND
APPROPRIATE AND NECESSARY AMENDMENTS**

BE IT ENACTED:

Section One. Findings

- A. The Resources and Development Committee has the authority to grant final approval of resolutions to develop and improve Local Governance Units and has oversight authority over Chapters. 2 N.N.C. \$501(B) (2) (c); 2 N.N.C. \$501(C) (1).
- B. The Resources and Development Committee met with the Division of Community Development and Administrative Service Centers and discussed issues and concerns pertaining to Title 26 during a recent work session.
- C. Pursuant to those discussions, it is necessary to review Title 26 for possible amendments to improve the overall process as pertains to Chapter functioning and Management.

Section Two. Task Force Establishment; purposes; membership

A Task Force for purposes of:

- 1. A mechanism of establishing accountability at the Chapter level through recommendations for changes in Title 26;
- 2. To explore ways to amend Title 26 so that Chapters may become locally empowered;

3. To work towards establishing policies and possible Title 26 amendments to streamline the Five Management Plan System;

B. The Task Force membership; meetings

1. The Task Force shall consist of the named Navajo Nation employee or designee:
 - i. Shirleen Jumbo-Rintila, Legislative Associate, Division of Community Development;
 - ii. Robert Begay, Department Director, DCD-Administrative Service Centers;
 - iii. Raymond Tsosie, Senior Planner, Division of Community Development;
 - iv. Robert Jumbo, Associate Auditor, Office of the Auditor General;
 - v. Michael Halona, Department Director, Navajo Nation Land Department;
 - vi. Reycita Toddy, Department of Personnel
 - vii. Dominic Beyal, Director, Office of Management and Budget;
 - viii. Rodger Martinez, Director, Navajo Nation Retirement Services;
 - ix. Clarence Chee, Division of Community Development;
 - x. Leonard Benally, Director, Navajo Office of Vital Records;
 - xi. Martin Ashley, Director, Navajo Nation Tax Commission;
 - xii. Vernon Roanhorse, Director, Office of Ethics and Rules; and

xiii. Rodgerick Begay, Esq., Navajo Nation
Department of Justice

2. The Task Force shall meet biweekly.
3. Rules governing meetings, including selection of a Chairperson shall be determined by the Task Force. Provided every member of the Task Force shall be allowed to participate, debate and vote on all matters.

Section Three. Reimbursement

The members of the Task Force, for its meeting attendance and in fulfilling its delegated functions, shall be compensated (where permitted by law, rule or regulation) and reimbursed for expenses ~~from~~ the respective programs they are employed with.

Section Four. Directives

A. The Task Force shall provide to the Resources and Development Committee a written report and proposed draft of Title 26 no later than 90 days after the establishment of the Task Force.

B. The Speaker's Chief of Staff shall assign one staff assistant to assist the Title 26 Task Force with completing the report.

Section Five. Approval

The Navajo Nation Council's Resources and Development Committee hereby authorizes the creation of a Task Force to develop, recommend appropriate and necessary amendments to Title 26 of the Navajo Nation Code.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Navajo Nation Department of Transportation Conference Room, Tse Bonito, Navajo Nation (New Mexico), at which quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, 0 abstain this 20th day of May, 2015.



Benjamin Bennett, Vice-Chairperson
Resources and Development Committee
Of the 23rd Navajo Nation Council

Motion: Honorable Davis Filfred
Second: Honorable Leonard Pete
Vote: 4-0 (Vice- Chairman Not Voting)

EXHIBIT

tabbles

B

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
Of the 23rd Navajo Nation Council---First Year 2015

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; AMENDING RDCMY-21-15
WHICH ESTABLISHED THE TITLE 26 TASK FORCE TO EXTEND THE
EXISTENCE OF THE TASK FORCE FROM 90 DAYS TO 210 DAYS

Section One. Findings

- A. The Resources and Development Committee has the authority to grant final approval of resolutions to develop and improve Local Governance Units and has oversight authority over Chapters. 2 N.N.C. § 501(B)(2)(c); 2 N.N.C. § 501(C)(1).
- B. The Resources and Development Committee met with the Division of Community Development and Administrative Service Centers and discussed issues and concerns pertaining to Title 26 during a recent work session.
- C. Pursuant to those discussions, the Resources and Development Committee determined it necessary to review Title 26 for possible amendments to improve the overall process as pertains to Chapter functioning and management.
- D. The Resources and Development Committee, through RDCMY-21-15, established the Title 26 Task Force to address review of the Title 26 of the Navajo Nation Code.
- E. RDCMY-21-15 created the Title 26 Task Force and stated that the Task Force was to function for 90 days. The Resources and Development Committee heard a report from the Chairperson of the Title 26 Task Force on August 11,

2015 and the Committee decided that the Task Force needed 120 additional days to complete its task.

- F. The Resources and Development Committee finds it in the best interest of the Navajo Nation for the Title 26 Task Force to complete its task within 210 days from the date it was created by RDCMY-21-15.

Section Two. The Resources and Development Committee amends Section Four of RDCMY-21-15 by increasing the number of days for the Title 26 Task Force to complete its work from 90 days to 210 days. The amendment to RDCMY-21-15 is made as written below:

Section Four. Directives

- A. The Task Force shall provide to the Resources and Development Committee a written report and proposed draft of Title 26 no later than ~~90~~ 210 days after the establishment of the Task Force.
- B. The Speaker's Chief of Staff shall assign one staff assistant to assist the Title 26 Task Force with completing the report.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Navajo Department of Transportation, Tse Bonito, Navajo Nation (New Mexico), at which quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, 0 abstained this 1st day of September, 2015



Benjamin Bennett, Vice- Chairperson
Resources and Development Committee
Of the 23rd Navajo Nation Council

Motion: Honorable Leonard Tsosie
Second: Honorable Leonard Pete

EXHIBIT

tabbles

C

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
Of the 23rd Navajo Nation Council---First Year 2015

AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT; AMENDING RDCMY-21-15
WHICH ESTABLISHED THE TITLE 26 TASK FORCE TO EXTEND THE
EXISTENCE OF THE TASK FORCE FROM 210 DAYS TO 300 DAYS

Section One. Findings

A. The Resources and Development Committee has the authority to grant final approval of resolutions to develop and improve Local Governance Units and has oversight authority over Chapters. 2 N.N.C. § 501(B)(2)(c); 2 N.N.C. § 501(C)(1).

B. The Resources and Development Committee met with the Division of Community Development and Administrative Service Centers and discussed issues and concerns pertaining to Title 26 during a recent work session.

C. Pursuant to those discussions, the Resources and Development Committee determined it necessary to review Title 26 for possible amendments to improve the overall process as pertains to Chapter functioning and management.

D. The Title 26 Task Force has held a number of educational seminars on the purpose and plans of the Task Force, and the Title 26 Task Force continues its educational work.

E. The Resources and Development Committee, through RDCMY-21-15, established the Title 26 Task Force to address review of the Title 26 of the Navajo Nation Code.

F. RDCMY-21-15 created the Title 26 Task Force and stated that the Task Force was to function for 90 days. The Resources and Development Committee heard a report from the Chairperson of the Title 26 Task Force on August 11, 2015 and the Committee decided that the Task Force needed 120 additional days to complete its task. See RDCS-64-15 attached as Exhibit A.

G. The additional 120 days, approved by Resolution RDCS-64-15, for the Title 26 Task Force to complete its work is not sufficient time to finalize the voluminous record and document review to complete the Task Force's work.

H. The Resources and Development Committee finds it in the best interest of the Navajo Nation for the Title 26 Task Force to complete its task within 300 days from the date it was created by RDCMY-21-15.

Section Two. The Resources and Development Committee amends Section Four of RDCMY-21-15 by increasing the number of days for the Title 26 Task Force to complete its work from 210 days to 300 days. The amendment to RDCMY-21-15 is made as written below:

Section Four. Directives

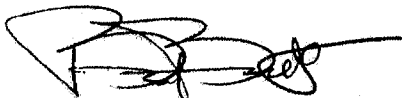
A. The Task Force shall provide to the Resources and Development Committee a written report and proposed draft of Title 26 no later than 300 days after the establishment of the Task Force.

B. The Speaker's Chief of Staff shall assign one staff assistant to assist the Title 26 Task Force with completing the report.

C. Navajo Nation Divisions or Departments shall give recognition to the Task Force and allow its employees to carry out the Task Force's work as described herein.

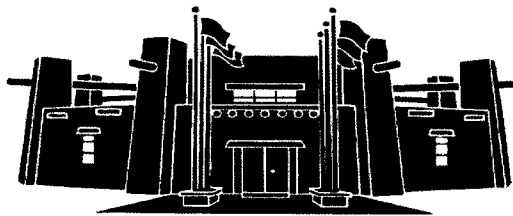
CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Tohajiilee Chapter, Tohajiilee, (Navajo Nation) New Mexico, at which quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, 1 abstained this 29th day of December, 2015.



Benjamin Bennett, Vice-Chairperson
Resources and Development Committee
Of the 23rd Navajo Nation Council

Motion: Honorable Davis Filfred
Second: Honorable Leonard Pete



MEMORANDUM

TO: Honorable Leonard Tsosie
Honorable Alton Joe Shepherd
Navajo Nation Council

FROM: Rhonda L. Tuni
Rhonda L. Tuni
Office of Legislative Counsel

THRU: Levon Henry
Levon Henry, Attorney
Office of Legislative Counsel

DATE: March 7, 2016

SUBJECT: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT;
AMENDING RDCMY-21-15 WHICH ESTABLISHED THE TITLE 26
TASK FORCE TO EXTEND THE EXISTENCE OF THE TASK FORCE
FROM 90 DAYS TO THE END OF THE 23RD NAVAJO NATION
COUNCIL TERM OR UNTIL THE TASK IS COMPLETED

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law and review of the documents submitted, the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge.

Please review the proposed resolution to ensure it is drafted to your satisfaction. If this proposed resolution is acceptable to you, please sign it where it indicates "Sponsor", and submit it to the office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of the changes you would like to make to the proposed resolution. You may contact me at (928) 871-7251. Thank you.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0090-16_____

SPONSOR: Leonard Tsosie

TITLE: An Action Relating To Resources and Development; Amending RDCMY-21-15 Which Established The Title 26 Task Force To Extend The Existence Of The Task Force From 90 Days To The End Of The 23rd Navajo Nation Council Term Or Until The Task Is Completed

Date posted: March 17, 2016 at 4:17pm

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) 871-7590**

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.: 0090-16

SPONSOR: Honorable Leonard Tsosie

TITLE: An Action Relating To Resources and Development; Amending RDCMY 21-15 Which Established The Title 26 Task Force To Extend The Existence Of The Task Force From 90 Days To The End Of The 23rd Navajo Nation Council Term Or Until The Task Is Completed.

Posted: March 17, 2016 at 4:17pm

5 DAY Comment Period Ended: March 22, 2016

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing (5)	<ol style="list-style-type: none">1. Alfred Bennett 3rd, Shiprock2. Alvis Kee3. Pierette Baldwin4. St. Michaels Chapter Resolution No. 03-20-16-385. Tri-Chapter Council Torreon/Starlake, Counselor, Ojo Encino Chapter.
Inclusive Comments	<i>None</i>



Executive Director
Office of Legislative Services

3/24/2016 - 10:15 AM
Date/Time

comment on legislation 0090-16

al bennett <alfredbennett45@hotmail.com>

Mon 3/21/2016 9:14 AM

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

Council Delegates on RDC,

This issue of Regionalization by this legislation infringes on the rights of our People of not receiving the proper information and the effect it will have on their lives. There is no other oversight on this legislation and from what I have heard is that chapters are rejecting it. Even the sponsor said 90% of the People were rejecting it at the chapter hearings and requested delegates to go and support it at a recent meeting. He talks accountability, yet supports spending tribal monies and wasting tribal staff time when they can be working on their jobs. Recently he tried to get the election changed in legislation, but had to withdraw it due to no support. Had this legislation gone to other committees it would have also been withdrawn or defeated. So please VOTE THIS DOWN IN RDC!

Alfred Bennett 3rd
Shiprock

0090-16

Al Kee <keealvis@hotmail.com>

Mon 3/21/2016 2:30 PM

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

I, personally, oppose the extension of this Task Force, the Nation has already exhausted enough money with resistance mushrooming.

The Task Force appears to have been attempting to introduce a whole new means of operation for communities through consolidation of Chapters.

Their title or mission is deceptive, citing "revision" and not a "new vision" (with plenty of operation details omitted) of NN Title 26.

Respectfully,

Alvis Kee

0090-16

pierettebaldwin <pierettebaldwin@gmail.com>

Mon 3/21/2016 4:43 PM

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

1 attachment

20160321_154128.jpg;

Dear Leaders,

I ask you to oppose legislation 0090-16. The Title 26 Task Force is not operating in accordance to their stated purposes. Instead, they are promoting "regionalization" to the detriment of local government and the grassroots people.

Accountability, efficiency, and effectiveness are needed in all branches of government. We don't need bigger costly government, we don't need another layer of bureaucracy in the form of "regionalization".

Navajo Nation Office of Ethics and Rules needs adequate funding to prosecute alleged violations. Without enforcement, the law is ineffective.

Allow the people to provide recommendations to strengthen local government. This Title 26 Task Force isn't listening to the People. The task force keeps pushing "regionalization".

I urge you to vote NO to Legislation 0090-16. Thank you.

Sent from my T-Mobile 4G LTE Device

1. "A mechanism to establish accountability at the Chapter level through recommendations for changes in the Title 26"
2. "Explore ways to amend Title 26 so Chapters may become locally empowered"
3. "Establish policies and procedures Title 26 amendments to streamline the Five Management Plan System"
4. "Restore trust"
5. "Establish transparency, accountability, responsiveness, representation and involve the people"

Establishment Of The Title 26
Codification Task Force Committee

Legislation 0147-15

Resolution of the St. Michaels Chapter

Lenora Hardy <lenorahardy@rocketmail.com>

Mon 3/21/2016 3:46 PM

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

1 attachment

Resolution No03 20 16 38.PDF;

Please see attachment.

Thank you

LNH



Curran Hannon, Chapter President
Alfred Mike, Sr., Vice-President
Gloria Smiley, Secretary/Treasurer
Jonathan Hale, Council Delegate
Joseph Peshlakai, Grazing Office

**RESOLUTION OF THE
ST. MICHAELS CHAPTER
No. 03-20-16-38**

MAR 21 '16 PM 2:3

**OPPOSING LEGISLATION 0090-16, AN ACTION RELATING TO RESOURCES AND DEVELOPMENT
AMENDING RCDMY-21-15 WHICH ESTABLISHED THE TITLE 26 TASK FORCE TO EXTEND THE EXISTENCE
OF THE TASK FORCE FROM 90 DAYS TO THE END OF THE 23RD NAVAJO NATION COUNCIL TERM OR
UNTIL THE TASK IS COMPLETED.**

Whereas:

1. Pursuant to 26 N.N.C. Section 3(A), the St. Michael's Chapter is a certified Chapter of the Navajo Nation as listed under 11 N.N.C. Part 1, Section 10; vested with the authority and responsibility to provide and address local planning within its community, and
2. Pursuant to 26 N.N.C. Section 1(B), the St. Michael's Chapter is delegated the governmental authority to make decisions over local matters consistent with the Navajo law, custom and tradition; and to allow the chapter to make decisions to govern with responsibility and accountability to the community membership; and
3. St. Michael's Chapter opposes Legislation 0090-16; An Action Relating to Resources and Development Amending RCDMY-21-15 Which Established the Title 26 Task Force To Extend the Existence of the Task Force From 90 Days to the End of the 23rd Navajo Nation Council Term or Until the Task is Completed; and
4. RCDMY-21-15 states authority for Resources and Development "to develop and improve Local Governance Units (Chapters)"; and
5. The Title 26 Task Force is not accomplishing its established purposes as stated in Legislation 0147-15; instead, the Title 26 Task Force objective is "to create a regional governance", aka "regionalization" of chapters which is not in accordance with its purposes as follows:
 - "a mechanism to establish accountability at the Chapter level"
 - "a way for Chapters become locally empowered"
 - "a policy and procedure to streamline the Five Management Plan System"
 - "restore trust"
 - "establish transparency, accountability, responsiveness, representation"
6. This initiative disenfranchises chapter voters participation in local government; and
7. St. Michael's Chapter opposes Extension of the Title 26 Task Force as established under RCDMY-21-15.

NOW: THEREFORE, BE IT RESOLVED THAT:

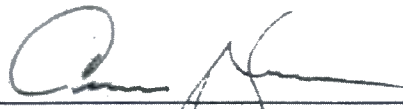
1. Pursuant to 26 N.N.C. Section 1(B), the St. Michaels Chapter is delegated the governmental authority to make decisions over local matters consistent with the Navajo law, custom and tradition; and to allow the chapter to make decisions to govern with responsibility and accountability to the community membership.
2. St. Michaels Chapter opposes legislation 0090-16; An Action Relating to Resources and Development Amending RCDMY-21-15 Which Established the Title 26 Task Force to Extend the Existence of the Task Force from 90 Days to the End of the 23rd Navajo Nation Council Term or Until the Task is completed.
3. The Title 26 Task Force is not accomplishing its established purposes as stated in Legislation 0147-15; instead, the Title 26 Task Force objective is "to create regional governance".

CERTIFICATION

We hereby certify that the foregoing resolution was considered at a duly regular called meeting at St. Michaels Chapter, Navajo Nation (Arizona), at which a quorum was present and that same was passed by 25 in favor, 00 opposed, 03 abstained, this 20th day of March 2016.

Motion by: Janis Damon

Second by: Larry Skeet



Curran Hannon, President
St. Michaels Chapter

OJO ENCINO CHAPTER
HCR 79 BOX 1500
OJO ENCINO, NM 87013
PHONE (505)731-2263 OR (505)731-2262; FAX (505)731-1516
EMAIL: www.ojoencino@navajochapters.org

FAX TRANSMITTAL FORM

TO: Executive Director, NUNOLS
PHONE NUMBER: 928-871-7590
FAX NUMBER: 928-871-7259
CC:

FROM: OJO Encino Chapter
DATE: 3/22/2016
NUMBER OF PAGES: 41
INCLUDING COVER SHEET

MESSAGE:

Comments regarding Legislation #0090-16





OJO ENCINO CHAPTER
HCR 79 BOX 1500, OJO ENCINO, NEW MEXICO 87013
PHONE (505)731-2263 or 731-2262 FAX (505)731-1516
EMAIL: ojoencino@navajochapters.org

A. Major Issues with Title 26 Task Force

1. Local Governance is the Foundation of Navajo Governance

- 1.1. Local Governance is the foundation of traditional Navajo Governance both culturally and via Navajo Nation Code.
- 1.2. Please see Ojo Encino Resolution OJOE-01-13-16/003 Whereas #5, 6, and 7 (Exhibit A). In addition please see Ojo Encino NBK comments Governance Stability CAP-34-98 #2 (Exhibit B).

2. Title 26 Task Force is operating outside its purpose as defined by RDC.

- 2.1. Please see Ojo Encino Resolution (Exhibit A) Whereas #8.1 which examines RDCMY-21-15 Section 2 (A) and Title 2 definitions in regards to the RDC.

3. By continuing the task force the RDC is operating outside of its legislated purpose.

- 3.1. Please see Ojo Encino Resolution (Exhibit A) Whereas #8.2 which looks at Title 2 definitions in regards to the RDC and proposed actions by the task force.

4. Task Force has No Official Local Governmental representation.

- 4.1. The task force is officially comprised of central governmental employees. This is a conflict of interest in regards to governmental devolution as shown in the academic literature. Please see (Exhibit A) Whereas #9.1 and 9.2. Harvard study about Navajo LGA by Smullins and Tsosie.

5. Task Force presents misleading information to the Public (Please see Exhibit A:Whereas #10)

- 5.1. Mislead people about 1,000 population thresh-hold (Exhibit A: Whereas #10.1)
- 5.2. Admin versus Direct Costs Miscalculated (Exhibit A: Whereas #10.2)
- 5.3. Misleading Cost Saving Calculations (Exhibit A: Whereas #10.3)
- 5.4. Misleading Questionnaire (Exhibit A: Whereas #10.4)

6. The Task Force (and by extension the RDC) is actively undermining Navajo Governance

- 6.1. Exhibit A in its entirety and portions of Exhibit B show a systematic attempt to undermine Navajo Governance by utilizing tribal funds and misrepresented data.

7. Task Force has expended over \$300,000 in Navajo Nation Funds

- 7.1. This is based on conservative (low-end) estimated times, DPM salary schedules, and travel costs for published public education meetings and task force meetings. The actual amount is likely higher. Please see Exhibit C for detailed calculations.

8. Most local governments in the United States have populations less than 1000.

- 8.1. Part of the task force's argument against local chapter governments is that there are some chapter have populations less than 1,000 people. However, the latest US Census of governments show that nearly 50% of local governments (17,721 local governments out of 35,879 local governments) in the USA have populations less than 1,000 people. Please see Exhibit D for detailed statistics.


B. Recommended Action

1. Current Title 26 Task Force should be dissolved.

- 1.1. Legislation #0090-16 should not be passed by the RDC. Please see OJOE-01-13-16/003 Resolved #1

2. A new and balanced Task Force which is open to the public, and public oversight, should be established.

- 2.1. Please see Exhibit A: Resolved #5.1a


George Werito
Ojo Encino Chapter President

3/22/16
Date

Ojo Encino Chapter Comment Letter
Regarding
Legislation 0090-16

Exhibit A

Ojo Encino Chapter Resolution
OJOE-01-13-16/003
Title 26 Task Force Resolution



OJO ENCINO CHAPTER
HCR 79 BOX 1500, OJO ENCINO, NEW MEXICO 87013
PHONE (505)731-2263 or 731-2262 FAX (505)731-1516
EMAIL: ojoencino@navajochapters.org

RESOLUTION OF THE OJO ENCINO CHAPTER
OF THE NAVAJO NATION

Resolution of Concern and Input regarding Title 26 Task Force of the Navajo Nation Council Resource Development Committee

WHEREAS,

1. The Ojo Encino Chapter (the "Chapter") is a political subdivision of the Navajo Nation under 11 N.N.C. § 10 and a local governance certified chapter pursuant to 26 N.N.C. § 102, and the Chapter is responsible for the health and safety of its local residents and for stewardship of its Chapter lands and resources; and
2. The chapter has recently been made aware of the Title 26 Task Force (the "task force") which was created by the Navajo Nation Council's Resource Development Committee via resolution RDCMY-21-15 (Exhibit A) along with extension resolutions RDCS-64-15 (Exhibit B) and RDCD-94-15 (Exhibit C); and
3. Although Office of Navajo Government Development (ONGD) and Navajo Nation Division of Community Development (NNDCD) stated at public "education" meetings regarding the task force that task force meetings were open and available to the public, no efforts were made to share the meeting times and location for the public to participate, thus negating any potential public input directly regarding Title 26 task force sessions. Even when this issue was raised it has still been difficult to gain access to this information; and
4. The Chapter believes that local governance is the foundation of Navajo governance both traditionally and currently; and
5. This belief is backed by Navajo Nation Law and Custom which is verified before Title 26 was enacted by the following:

2 N.N.C. §4021 Purpose: (Repealed by CAP-34-98(Title 26))

A. The Chapters of the Navajo Nation represent the foundation of the Navajo Nation government. They are designed to provide a forum in which local needs may be addressed and in which concerns of the Navajo Nation may be explored and considered by each constituent part of the Navajo Nation.

and;

6. The Chapter believes that 2 N.N.C. §4021 underlies to the creation and intent of Title 26 which:

George Werito Jr., Chapter President
Jeanette Vice, Chapter Vice President
Brandon Sam, Chapter Secretary/Treasurer

Gloria Chiquito, Chapter Manager
Leonard Tsosie, Council Delegate
Elizabeth Stoney, Land Board Member

Power Failure Report

Date & Time : 22-MAR-2016 15:27 TUE
Fax Number : 19288717259
Fax Name : LEGISLATIVE SERVICES
Model Name : WorkCentre 3550

1. Power Fail Time : 22-MAR-2016 12:27 TUE

2. Deleted Delay Dial Operation

No.	Time	Fax Number	Name	S/R	Page	Mode
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3. Erased Received Memory Data

No.	Name/Number	Rcvd Time	Time	Mode	Page	Result
01	505 731 1516	22-03 14:49	01'13	ECM	001	Power Failure

4. Failed Sending or Receiving Operation

S/R	Name/Number	StartTime	Page	Result
R	505 731 1516	22-03 14:49	001	Power Failure

26 N.N.C. §1 (B)

1. The purpose of the Local Governance Act is to recognize governance at the local level. Through adoption of this Act, the Navajo Nation Council delegates to chapters governmental authority with respect to local matters consistent with Navajo law, including custom and tradition...

and;

7. The chapter also believes local governance is the foundation of Navajo governance traditionally and is in the historic ethnographic data regarding Navajo societal structure (Exhibit D); and

8. The task force has operated outside of its purpose and has also now caused the Resource Development Committee (RDC) to operate outside of its purpose; and

8.1. The Title 26 task force was established by the Resource Development Committee for the following purposes:

RDCMY-21-15 Section 2 (A):

1. A mechanism of establishing accountability at the Chapter level through recommendations for changes in Title 26;

2. To explore ways to amend Title 26 so that Chapters may become locally empowered;

3. To work towards establishing policies and possible Title 26 amendments to streamline the Five Management Plan System;

a) Chapter is defined in Title 2 by the following

Title 2 §110(D)

Chapter, as stated in 26 N.N.C. §2(6), means units of local government which are political subdivisions of the Navajo Nation.

26 N.N.C. §2(6)

"Chapters" are units of local government which are political subdivisions of the Navajo Nation.

b) Local Government Unit is defined in Title 2 as follows:

Title 2 §110(K)

Local Government Units means political subdivisions of the Navajo Nation including, Chapters, Townships, or other municipal forms of government for purpose of §500 to §503.

(Note: Title 2 §500 to §503 refers to the Resource Development Committee)

c) The chapter was presented with information from the task force about its recommendations; however, the chapter failed to see any recommendations which "established accountability at the chapter level", enable Chapters to "become locally

empowered", or any policy or Title 26 amendments which would "streamline the Five Management Plan System". All presented information promoted the idea of abolishing local governments and governance.

d) Also, the "public education" activities of the task force is outside of its mandated purpose.

8.2. The task force as an official entity of the Resource Development Committee (RDC) has caused the committee to act outside of its legislated purpose which in regards to local governments is to:

2 N.N.C. §500.(C)(4)

To promote local community land use plans which support community infrastructural development and development of Local Government Units which enhances local self-government.

(Note: See 8.1(b) of this resolution which shows the definition of Local Government Unit according to Title 2)

a) RDC by extension of its task force has begun the process to abrogate local government and local self-government as defined by the Navajo Nation Code and has promoted and allocated Navajo Nation resources and funds for such a manner contrary to its legislated purpose.

9. In addition to the task force acting outside of its purpose, the task force is not properly constituted to provide balanced planning to fulfill its purpose. The following constitutes the task force membership; and

RDCMY-21-15 Section 2 (B)(1)

1. The Task Force shall consist of the named Navajo Nation employee or designee:

- i. Shirleen Jumbo-Rintila, Legislative Associate, Division of Community Development;
- ii. Robert Begay, Department Director, DCD Administrative Service Centers;
- iii. Raymond Tsosie, Senior Planner, Division of Community Development;
- iv. Robert Jumbo, Associate Auditor, Office of the Auditor General;
- v. Michael Halona, Department Director, Navajo Nation Land Department;
- vi. Reycita Toddy, Department of Personnel;
- vii. Dominic Beyal, Director, Office of Management and Budget;
- viii. Rodger Martinez, Director, Navajo Nation Retirement Services;
- ix. Clarence Chee, Division of Community Development;

- x. Leonard Benally, Director, Navajo Office of Vital Records;
- xi. Martin Ashley, Director, Navajo Nation Tax Commission;
- xii. Vernon Roanhorse, Director, Office of Ethics and Rules; and
- xiii. Rodgerick Begay, Esq., Navajo Nation Department of Justice

9.1. The Chapter feels that while the task force is composed of many very talented, dedicated, and experienced Navajo Nation employees, a fundamental flaw exists in the task force's membership composition. All of the task force is composed officially of central government employees. This flaw leads to issues that contradict Nitsáhákees-Nahat'a-liná-Siihasin and creates issues which are contradictory to local governance.

a) The following are defined in Title 2:

2 N.N.C. §110(Q)

Nitsáhákees is the part of the process of Nitsáhákees-Nahat'a-liná-Siihasin which involves critical thinking, and more broadly, to give direction and guidance to the issue at hand, in a constant cycle of examining and analyzing issues for growth and development.

2 N.N.C. §110(P)

Nahat'a is the part of the process of Nitsáhákees-Nahat'a-liná-Siihasin to strategically plan while utilizing Diné beehaz'aanii Bitsé Siléi (foundation of Diné law), statutory laws, informed research and public input (through use of the Naabik'iyáti' process) in a constant cycle of examining and analyzing issues for growth and development.

2 N.N.C. §110(I)

liná is the part of the process of Nitsáhákees-Nahat'a-liná-Siihasin to collaboratively make and implement a decision, which must be dynamic and vibrant to accomplish effective and efficient outcomes, for sustaining life, in a constant cycle of examining and analyzing issues for growth and development.

2 N.N.C. §110(V)

Siihasin is the part of the process of Nitsáhákees-Nahat'a-liná-Siihasin to ensure resilience through evaluation of decision making and outcomes in a constant cycle of examining and analyzing issues for growth and development.

- Although public input sessions have been conducted over the years regarding Title 26, the context of these sessions were not generally in the spirit of abolishment of

local governments but in their reform. Thus, task force composition heavily influences how collected input is interpreted to derive public policy. Thus it would seem that by not having a balanced task force which includes local governmental employees or designees not only would yield incorrect public policy suggestions from public input but would also go against elements of Nitsáhákees-Nahat'á-liná-Siihasin.

- 9.2. The chapter also understands from the academic literature regarding decentralization in developing nations (such as the Navajo Nation) the central governmental employees tend to be hostile towards authorities being granted to local level governments. This is illustrated in a document named "Navajo Nation LGA Post Certification: *The Path Forward in Self-Governance. A policy analysis of the Navajo Nation Local Governance Act*" written by Smullins & Tsosie, Harvard University Kennedy School of Government (Exhibit E). The following are excerpts illustrating central government employee reluctance towards local governance empowerment regarding Navajo LGA:

As chapter responsibilities increase, it is possible that some Window Rock jobs will disappear. This possibility encourages Window Rock employees to stall rather than support local governance because they are scared of its consequences. One Window Rock program staff member said in an interview, "I'm not sure about LGA. I'll probably lose my job." (Page 15)

Also indicating the importance of central government employee support:

Local governance requires the political support of both local citizens and the central government. Central government support is often the most difficult to gain because decentralization often means a loss in responsibility for central government employees. These employees may be reluctant to give up power or worry about losing their jobs. (Page 6)

- a) Considering this information, the likelihood of the task force being capable of fulfilling its original mandated purpose is in doubt. It also becomes understandable, considering the reluctance of central government employees to embrace Title 26 and the complete central governmental makeup of the task force, that the suggested solution (which is against the task force's purpose) is to dissolve local governments.
10. Misleading information presented during the task force's "Public Outreach" sessions; and
- 10.1. The task force's "public outreach" sessions have inferred that Navajo Nation Code does not allow for the existence of chapters with less than 1,000 people. However, this is misleading the public of the actual language contained in Title 26:
- a) Title 26 provides language regarding the establishment of new chapters worded as such:

26 N.N.C. §3

C. Additional chapters may be certified only if all of the following are met:

1. Upon presentation of evidence to the Navajo Nation Council that the proposed chapter represents a community group which has existed and functioned as a community for four continuous years.
 2. Upon presentation of evidence that the population of the area exceeds 1,000 persons for each of the existing chapters and that there is a need to establish others.
 3. Upon presentation of evidence that the topography or the unique demography of the chapter area makes it necessary to have more than one chapter to allow residents access to chapter meetings.
- The language in 26 N.N.C. §3(C) has been misrepresented by the task force, to the public, to infer that current chapters with populations of less than 1,000 should not exist according to Navajo Nation Code. This portion of Title 26 only applies to the establishment of new chapters (Exhibit F).

10.2. Administrative versus Direct Costs

- a) The task force has stated that the average chapter spends 55% of its total budget on "administrative costs. Administrative Cost is defined by the task force in their presentation as being the sum of the following budget items: Personnel & Fringe and Chapter Agency Council Meetings (Stipends). The percent is then calculated by placing the total administrative cost over the total chapter budget (Exhibit F).
- b) The task force even includes a statistic indicating that a single chapter has an 80% administrative cost, but the evidence for this is stated to be by word of mouth or anecdotal. Even so, the task force still includes this statistic.
- c) Upon analysis of the FY2015 budget the following was calculated: Administrative Cost is composed of Personnel & Fringe, Chapter Agency Council Meetings (Stipends), and General Funds I. The highest administrative percentage is 54.2% with a minimum of 23.3% with an average of 44.2%. (Exhibit G)
- d) Chapters, on average, are nearly 20% more efficient than what the task force has been telling the public.

10.3. Cost Savings

- a) The task force indicates in their presentation that there will be a cost savings by dissolving chapters and having 24 regions instead. Unfortunately, since the task force does not have an actual plan in place it is difficult for them to do an accurate cost savings analysis. The current proposed structure includes the following positions for each region: Regional Manager, Administrative Assistant, Extension Agent, Maintenance Technician, Heavy Equipment Operator, Accountant, Senior Planner, Proposal Writer, and Compliance Officer (Constable). These positions are estimated to have a total cost of \$510,426 per region with a total cost of \$12,250,220 nationwide (Exhibit F).
- b) However, other costs are not accounted for which includes travel (General Fund I) and stipends or pay for the commissioners. Additionally, each chapter is proposed to remain open as a community center which will require personnel to be present. This cost has not

been accounted for. If commissioners receive a \$24,000 stipend per year and an administrative assistant is hired to operate each "community center" the actual total yearly Navajo Nation wide cost balloons to \$20,340,273. Current chapter direct administrative costs are \$14,475,993. (Exhibits F & H)

- c) Additionally the task force advertises other cost savings from chapter operations (such as heating and cooling) and trash; however, if the chapters remain open as community centers these savings would not be realized. Also, the task force indicated that current chapter buildings which are closed due to structural issues would not have to be repaired or rebuilt, leaving those communities without a community center.
- d) It is misleading for the task force to present a plan to the public showing what appears to be solid cost savings while also promising the public increased services. This is not possible and is over-promising the public of what can actually be delivered within certain budgets. Additionally, if the administrative assistants are not to take care of local level direct services (such as housing) it will require residents to travel further to access these services. Thus, regionalization could possibly shift costs onto the public.

10.4. Misleading Questionnaire

- a) Finally, the task force has discussed a questionnaire that it has conducted asking the Navajo Nation public on its opinions about various governmental related questions at the Navajo Nation Fair. Two questions of interest are:
 - Do you think there is a need for a Vice-President at the local chapter government?
 - 60% Yes; 39% No; 1% Undecided
 - If local chapter governments were to be merged into regional governments to promote better service to the Navajo People, would you vote to support this idea?
 - 77% Yes; 22% No; 1% Undecided
- b) Regarding the question about merging chapters should not be surprising it has support because the question is not neutral. It infers to the person answering the question that better services will follow. Thus, people are agreeing that if better services will be offered that they would be willing to merge chapters. Since the question is not neutral it does not tell policy makers much in the way of whether the public would like to see chapters dissolved.
- c) The majority of people feel that the Vice-President position should be retained. If the vast majority of people would like to dissolve chapters it would seem unlikely that they would also still feel that the Vice-President position is useful. Thus the survey questions mislead the public into thinking that the survey results indicate public support for dissolving chapters, but in reality the questions do not reflect this sentiment.
- d) Lastly, the sample of people is skewed and likely to small. Although the Navajo Nation Fair is a major Navajo event which draws Navajos from all over, it is likely that a larger percentage of individuals represented in the survey will live in closer proximity to Window Rock. Thus the survey results are likely skewed and have a relatively high margin of error.

NOW THEREFORE BE IT RESOLVED THAT,

1. The Chapter believes that the Title 26 Task force has acted outside of its intended and mandated functions and has caused the RDC to also act against its legislated intent. Thus, the task force should be dissolved; and
2. The Chapter requests that the RDC cease expending Navajo Nation resources/funds in a manner inconsistent with RDC's legislated purpose; and

3. That while the chapter sees that the Title 26 Task Force as no longer viable, its initial intended purpose of suggesting reforms to Title 26 (as defined in RDCMY-21-15 Section 2 (A)) is good and consistent with the RDC's legislated purpose; and
4. The Chapter also believes that elections of local governance units should not be delayed for any referendum. This could interrupt local governing processes and cycles and may not be in keeping with Navajo Nation Code and with the provision of stable governance; and
5. Although Title 26 task force did not work collaboratively with Local Governmental Units in the construction of its proposals and interpretation of collected public input, the Chapter does believe in Nitsáhákees-Nahat'a-liná-Siihasin and would like to make the following suggestions regarding future planning and local governance:

5.1. Local Governance Planning

- a) A new planning task force composed of a balanced group of locally minded governance individuals and central governance individuals should be established; and
 - The central government shall furnish travel funds for Local Government Units that participate in this process since meetings are generally held bi-weekly in the Window Rock area. These meetings would increase chapter travel costs and indirect service costs.
- b) That a similar purpose such as currently existing in RDCMY-21-15 Section 2(A) should guide the new task force; and
- c) The meetings shall be both open to the public and advertised to the public to ensure governmental transparency and public input. Although public input has been gathered over the years it was not specific to the dissolution of chapter governments, thus it is important that this process is open to the public for additional input; and
- d) That the public is given a constructed plan to discuss and vote upon. The People should know what the actual structure of any referendum is. The "Public Education" outreach by the Title 26 task force has presented confusing and misleading information regarding their plan. Many times misleading and showing generally positive proposed elements that are not linked with actual financial costs, which are not being shown and accounted for. Thus an actual plan with real financial and governance analysis shall be proposed for the people to be able to discuss, debate, and vote upon; and
- e) Any referendum vote should occur on a general election (either during Chapter elections or Council elections) to ensure the greatest number of registered voters participate;
 - Any amendments to Title 26 shall be consistent with 26 N.N.C. §1(E)

5.2. Fundamental Elements of Navajo Governance

- a) Navajo tradition and custom recognizes that governance is derived from the people and at the local level. This precedes the establishment of chapters and the central Navajo Nation government, thus the preservation of small local units of governance similar to chapters shall be maintained; and

- b) The protection of governance at the local level is paramount. Local governance allows individual citizens to directly participate in their government and local governance and should remain an inalienable right of the People at the local level and may only be extinguished by the People at each local governing unit and should not be extinguished by other entities outside of the local governing unit.

5.3. Local Governance Structure Elements

- a) The Chapter does not see the idea of regional/county governments and chapter governments as an either/or proposition. The two governmental entities coexist across many nations and states with each having defined powers. The same should be true on the Navajo Nation. This would protect local level democratic processes and services while also creating regional entities that are capable of handling higher level governance needs for the people. Thus, any legislation/referendum shall not dissolve chapters as local governing units, although their authorities, structure, and functions could be modified. This would be in keeping with 1 N.N.C. § 203 (J); and
- b) The chapter supports the idea of establishing Navajo Nation county governments not regional governments. This can be done through amending Title 26 to include language regarding the establishment of Navajo county governments; and
- c) Any legislation/referendum shall include legislative language which will transition over time (no more than 7 years) departmental and other monies from the central Navajo government to the regional/county governments. The language of such an element shall be very clear and specific such that administrative interpretation of such language shall not frustrate or prevent such process and transition from occurring.

CERTIFICATION

I hereby certify that the foregoing resolution was considered by the Members of the Ojo Encino Chapter at a duly called meeting at the Ojo Encino Chapter House at which a quorum was present, and that the same was passed by vote of in 18 in-favor, 00 opposed, and 03 abstaining this 13 day of January, 2016.

Motion: Olsen Juan

Second: Cora Yazzie



George Werito, Chapter President

Exhibit A

RDCMY-21-15

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
OF THE 23rd NAVAJO NATION COUNCIL --- FIRST YEAR, 2015

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; ESTABLISHING A TASK FORCE
TO REVIEW TITLE 26 OF THE NAVAJO NATION CODE AND RECOMMEND
APPROPRIATE AND NECESSARY AMENDMENTS

BE IT ENACTED:

Section One. Findings

- A. The Resources and Development Committee has the authority to grant final approval of resolutions to develop and improve Local Governance Units and has oversight authority over Chapters. 2 N.N.C. §501(B)(2)(c); 2 N.N.C. §501(C)(1).
- B. The Resources and Development Committee met with the Division of Community Development and Administrative Service Centers and discussed issues and concerns pertaining to Title 26 during a recent work session.
- C. Pursuant to those discussions, it is necessary to review Title 26 for possible amendments to improve the overall process as pertains to Chapter functioning and Management.

Section Two. Task Force Establishment; purposes; membership

A Task Force for purposes of:

1. A mechanism of establishing accountability at the Chapter level through recommendations for changes in Title 26;
2. To explore ways to amend Title 26 so that Chapters may become locally empowered;

RDCMY-21-15

3. To work towards establishing policies and possible Title 26 amendments to streamline the Five Management Plan System;

B. The Task Force membership; meetings

1. The Task Force shall consist of the named Navajo Nation employee or designee:
 - i. Shirleen Jumbo-Rintila, Legislative Associate, Division of Community Development;
 - ii. Robert Begay, Department Director, DCD-Administrative Service Centers;
 - iii. Raymond Tsosie, Senior Planner, Division of Community Development;
 - iv. Robert Jumbo, Associate Auditor, Office of the Auditor General;
 - v. Michael Halona, Department Director, Navajo Nation Land Department;
 - vi. Reycita Toddy, Department of Personnel
 - vii. Dominic Beyal, Director, Office of Management and Budget;
 - viii. Rodger Martinez, Director, Navajo Nation Retirement Services;
 - ix. Clarence Chee, Division of Community Development;
 - x. Leonard Benally, Director, Navajo Office of Vital Records;
 - xi. Martin Ashley, Director, Navajo Nation Tax Commission;
 - xii. Vernon Roanhorse, Director, Office of Ethics and Rules; and

RDCS-64-15

Exhibit B

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
Of the 23rd Navajo Nation Council---First Year 2015

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; AMENDING RDCMY-21-15
WHICH ESTABLISHED THE TITLE 26 TASK FORCE TO EXTEND THE
EXISTENCE OF THE TASK FORCE FROM 90 DAYS TO 210 DAYS

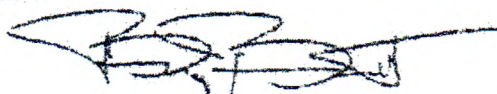
Section One. Findings

- A. The Resources and Development Committee has the authority to grant final approval of resolutions to develop and improve Local Governance Units and has oversight authority over Chapters. 2 N.N.C. § 501(B)(2)(c); 2 N.N.C. § 501(C)(1).
- B. The Resources and Development Committee met with the Division of Community Development and Administrative Service Centers and discussed issues and concerns pertaining to Title 26 during a recent work session.
- C. Pursuant to those discussions, the Resources and Development Committee determined it necessary to review Title 26 for possible amendments to improve the overall process as pertains to Chapter functioning and management.
- D. The Resources and Development Committee, through RDCMY-21-15, established the Title 26 Task Force to address review of the Title 26 of the Navajo Nation Code.
- E. RDCMY-21-15 created the Title 26 Task Force and stated that the Task Force was to function for 90 days. The Resources and Development Committee heard a report from the Chairperson of the Title 26 Task Force on August 11,

RDCMY-21-15

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Navajo Nation Department of Transportation Conference Room, Tse Bonito, Navajo Nation (New Mexico), at which quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, 0 abstain this 20th day of May, 2015.



Benjamin Bennett, Vice-Chairperson
Resources and Development Committee
Of the 23rd Navajo Nation Council

Motion: Honorable Davis Filfred
Second: Honorable Leonard Pete
Vote: 4-0 (Vice- Chairman Not Voting)

RDCS-64-15

2015 and the Committee decided that the Task Force needed 120 additional days to complete its task.

- F. The Resources and Development Committee finds it in the best interest of the Navajo Nation for the Title 26 Task Force to complete its task within 210 days from the date it was created by RDCMY-21-15.

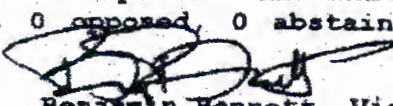
Section Two. The Resources and Development Committee amends Section Four of RDCMY-21-15 by increasing the number of days for the Title 26 Task Force to complete its work from 90 days to 210 days. The amendment to RDCMY-21-15 is made as written below:

Section Four. Directives

- A. The Task Force shall provide to the Resources and Development Committee a written report and proposed draft of Title 26 no later than ~~90~~ 210 days after the establishment of the Task Force.
- B. The Speaker's Chief of Staff shall assign one staff assistant to assist the Title 26 Task Force with completing the report.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Navajo Department of Transportation, Tse Bonito, Navajo Nation (New Mexico), at which quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, 0 abstained this 1st day of September, 2015


Benjamin Bennett, Vice- Chairperson
Resources and Development Committee
Of the 23rd Navajo Nation Council

Motion: Honorable Leonard Tsosie
Second: Honorable Leonard Pete

Exhibit C

RDCD-94-15

**RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
Of the 23rd Navajo Nation Council---First Year 2015**

AN ACTION

**RELATING TO RESOURCES AND DEVELOPMENT; AMENDING RDCMY-21-15
WHICH ESTABLISHED THE TITLE 26 TASK FORCE TO EXTEND THE
EXISTENCE OF THE TASK FORCE FROM 210 DAYS TO 300 DAYS**

Section One. Findings

A. The Resources and Development Committee has the authority to grant final approval of resolutions to develop and improve Local Governance Units and has oversight authority over Chapters. 2 N.N.C. § 501(B) (2) (c); 2 N.N.C. § 501(C) (1).

B. The Resources and Development Committee met with the Division of Community Development and Administrative Service Centers and discussed issues and concerns pertaining to Title 26 during a recent work session.

C. Pursuant to those discussions, the Resources and Development Committee determined it necessary to review Title 26 for possible amendments to improve the overall process as pertains to Chapter functioning and management.

D. The Title 26 Task Force has held a number of educational seminars on the purpose and plans of the Task Force, and the Title 26 Task Force continues its educational work.

E. The Resources and Development Committee, through RDCMY-21-15, established the Title 26 Task Force to address review of the Title 26 of the Navajo Nation Code.

F. RDCMY-21-15 created the Title 26 Task Force and stated that the Task Force was to function for 90 days. The Resources and Development Committee heard a report from the Chairperson of the Title 26 Task Force on August 11, 2015 and the Committee decided that the Task Force needed 120 additional days to complete its task. See RDCS-64-15 attached as Exhibit A.

G. The additional 120 days, approved by Resolution RDCS-64-15, for the Title 26 Task Force to complete its work is not sufficient time to finalize the voluminous record and document review to complete the Task Force's work.

RDCD-94-15

H. The Resources and Development Committee finds it in the best interest of the Navajo Nation for the Title 26 Task Force to complete its task within 300 days from the date it was created by RDCMY-21-15.

Section Two. The Resources and Development Committee amends Section Four of RDCMY-21-15 by increasing the number of days for the Title 26 Task Force to complete its work from 210 days to 300 days. The amendment to RDCMY-21-15 is made as written below:

Section Four. Directives

A. The Task Force shall provide to the Resources and Development Committee a written report and proposed draft of Title 26 no later than 300 days after the establishment of the Task Force.

B. The Speaker's Chief of Staff shall assign one staff assistant to assist the Title 26 Task Force with completing the report.

C. Navajo Nation Divisions or Departments shall give recognition to the Task Force and allow its employees to carry out the Task Force's work as described herein.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Tohajiilee Chapter, Tohajiilee, (Navajo Nation) New Mexico, at which quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, 1 abstained this 29th day of December, 2015.



Benjamin Bennett, Vice-Chairperson
Resources and Development Committee
Of the 23rd Navajo Nation Council

Motion: Honorable Davis Filfred

Second: Honorable Leonard Pete

RDCMY-21-15

xiii. Rodgerick Begay, Esq., Navajo Nation
Department of Justice

2. The Task Force shall meet biweekly.
3. Rules governing meetings, including selection of a Chairperson shall be determined by the Task Force. Provided every member of the Task Force shall be allowed to participate, debate and vote on all matters.

Section Three. Reimbursement

The members of the Task Force, for its meeting attendance and in fulfilling its delegated functions, shall be compensated (where permitted by law, rule or regulation) and reimbursed for expenses from the respective programs they are employed with.

Section Four. Directives

A. The Task Force shall provide to the Resources and Development Committee a written report and proposed draft of Title 26 no later than 90 days after the establishment of the Task Force.

B. The Speaker's Chief of Staff shall assign one staff assistant to assist the Title 26 Task Force with completing the report.

Section Five. Approval

The Navajo Nation Council's Resources and Development Committee hereby authorizes the creation of a Task Force to develop, recommend appropriate and necessary amendments to Title 26 of the Navajo Nation Code.

Exhibit D

Literature indicating evidence of Navajo historic/traditional governance at the local level.

Wilkins, David E. *The Navajo Political Experience*. Rev. ed. Lanham, Md.: Rowman & Littlefield, 2003. Print. Pages: 68, 69, 147.

Williams, Aubrey W., and Smithsonian Institution. *Navajo Political Process*. Washington: Smithsonian Institute, 1970. Print. Smithsonian contributions to anthropology, volume 9, Page: 37.

Iverson, Peter. *The Navajo Nation*. Westport, Conn.: Greenwood Press, 1981. Print. Page: 4.

Shepardson, Mary. *Navajo Ways in Government: A Study in Political Process*. Menasha, Wis: American Anthropological Association, 1963. Print. American Anthropological Association. Memoir 96; American anthropologist, v. 65, no. 3, pt. 2, June, 1963; Memoirs of the American Anthropological Association, no. 96. Pages: Pages: 33, 34, 48

Exhibit E

Smullin, Rebecca, and Lester K. Tsosie. 2003. "Navajo Nation LGA Post Certification: The Path Forward in Self-Governance. A Policy Analysis of the Navajo Nation Local Governance Act." Report to the Speaker, Navajo Nation Council. Harvard Project on American Indian Economic Development, John F. Kennedy School of Government, Harvard University. Accessed 12/15/2015: [<http://www.ongd.navajo-nnsn.gov/Portals/0/Files/nnlgapc.pdf>]

Exhibit F

Excerpts of Interest from the task force presentation

**43 Chapters With Population
Under 1000**

Whiterock	60	Eastern	15	185430.8531	YES	12/21/2009
Burnham	240	Shiprock	13	207943.1549	YES	7/11/2008
Manuelito	350	Eastern	15	52343.3645		
Coalmine Mesa	365	Tuba City	3	43280.6092		
Black Mesa	396	Chinle	4	167786.5948		
Nahodishish	404	Eastern	15	36044.6956		
Pueblo Pintado	426	Eastern	20	106421.8004		
Gadish	439	Shiprock	12	111846.9862		
Lake Valley	439	Eastern	20	134088.4769		
Beconti	498	Eastern	20	12763.7454		
Cove	499	Shiprock	12	88238.4535	YES	5/5/2015
Redshito	522	Shiprock	12	87667.8436	YES	1/10/2012
Whitehorse Lake	542	Eastern	20	374239.8598		
Carrizero Lake	547	Eastern	16	27793.3592	YES	4/15/2015
San Juan	552	Shiprock	13	14438.5745	YES	3/7/2007
Littlewater	567	Eastern	20	66917.8437	YES	11/15/2007
Forest Lake	570	Chinle	4	142686.0664		
Oak Springs	607	Fort Defiance	18	98206.4598		
Navajo Mountain	636	Tuba City	2	150829.8966		
Coppermine	658	Tuba City	1	291095.5489		
Standing Rock	678	Eastern	15	87906.0926		
Djo Racino	699	Eastern	20	53005.6873	YES	3/5/2012
Newcomb	705	Shiprock	12	82234.6366	YES	6/18/2004

Tseyetoh	711	Eastern	16	70826.8073		
Tolani Lake	752	Tuba City	2	21778.0967		
Crystal	767	Fort Defiance	18	100869.8948		
Mountain Water	808	Shiprock	9	147048.3455	YES	5/7/2011
Shoe Springs	810	Shiprock	12	8101.0787	YES	5/22/2007
Red Shinarump	821	Tuba City	2	203224.5086	YES	7/12/2010
Cornfield	825	Fort Defiance	17	92184.8057	YES	7/6/2010
Marietta Lake	865	Eastern	16	68001.6915		
Bacon/Forsyth	879	Eastern	15	147468.0866	YES	12/22/2014
Sawmill	886	Fort Defiance	18	75494.2453		
Rough Rock	901	Chinle	10	79133.2614		
Low Mountain	911	Fort Defiance	7	71822.0654		
Tonto	926	Fort Defiance	7	84041.0773	YES	7/11/2011
Coyote Canyon	941	Fort Defiance	14	132118.2447		
Logston	948	Fort Defiance	18	69210.8998	YES	11/14/2010
Indian Wells	958	Fort Defiance	7	225278.5971		
Rock Springs	986	Eastern	16	18297.78535		
Nagorzi	986	Eastern	19	231609.1025		
Benbandi	990	Eastern	16	16676.82928	YES	10/11/2008
Counseleur	999	Eastern	19	116504.575		

ADMINISTRATIVE & DIRECT SERVICES

Fiscal Year 2013 – 2015

Overall 110 Chapters (average)

55% Administrative Cost

45% Direct Services

Individual Chapter (sample)

80% Administrative Cost

20% Direct Services

COST COMPARISON OF SAMPLE REGION

• **Current Chapter Staff
Allocation**

• \$108,390 x 7 chapters =
\$758,730

• **Proposed Regional Staff
Allocation**

• \$510,426.00

• (7 chapters combined)

• \$758,730 - \$510,426 =

\$248,304

\$270,000

(Current LGA Chapter Staff and operating
Allocations)

\$108,390

(Current LGA Chapter Staff Cost)

\$37,800

(Current Chapter Official Stipends)

=

\$123,810.00

(Operating & Service Delivery Cost)

(46% of chapter allocation is used for direct
services)

REGIONAL COST

PROPOSED POSITION TITLE AND SALARIES FOR OPTION 2

Position Title	Hrly Rate	Salary	Fringe Amt	Total
Regional Manager	31.25	65,000.00	23,640.00	94,640.00
Administrative Assistant	16.36	34,028.80	15,517.13	49,545.93
Extension Agent	12.63	26,170.40	11,933.70	38,104.10
Maintenance Technician	13.75	28,500.00	13,041.60	41,541.60
Heavy Equipment Operator	14.99	31,179.20	14,217.72	45,396.92
Accountant	17.82	37,065.60	16,901.91	53,967.51
Senior Planner	21.18	44,054.40	20,088.81	64,143.21
Proposal Writer	21.18	44,054.40	20,088.81	64,143.21
Compliance Officer	28.43	40,414.40	18,428.97	58,843.37
Commissioners	777	350,597.80	159,858.64	510,456.44

NAVAJO NATION FAIR

Currently there are 170 chapter governments, would you support the merging of smaller nearby chapters to make a larger chapter?



■ YES (91%) ■ NO (9%) ■ Undecided (1%)

Do you think there is a need for a Vice-President position at the local chapter government?



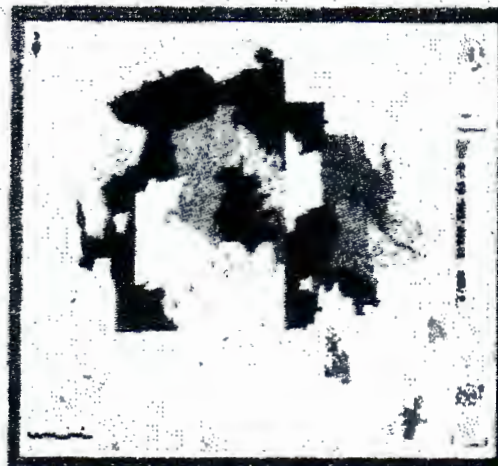
■ YES (9%) ■ NO (39%) ■ Undecided (1%)

CONSOLIDATION OF CHAPTERS

If local chapter governments were to be merged into regional governments to promote better service to the Navajo People, would you vote to support this idea?



■ YES 77% ■ NO 22% ■ Unvoted 1%



COMMUNITY CENTER CHAPTER HOUSES

- Chapter houses will remain open as community centers
- Office Hours 8:00 am – 5:00 pm
- Office Personnel – handle daily operation to meet concern
- Other usage: community function, office rental, etc.

Commissioner Compensation

- Question: Should Regional

- Commissioners be Salary,

- Non-Salary,

- Volunteers, or

- Stipend Pay?

- Full time part-time

Exhibit G**Calculated FY2015 Administrative Percentage**

Chapters	Total Fixed Cost - Gen Fund	Total	Admin Cost %	Chapters	Total Fixed Cost - Gen Fund	Total	Admin Cost %
Black Mesa	\$123,099.00	\$261,587.00	47.1%	Tsala/Whew	\$124,807.00	\$305,309.00	40.9%
Hammock	\$123,212.00	\$280,333.00	44.0%	Ganado	\$124,768.00	\$298,839.00	41.8%
Hazlini	\$123,219.00	\$281,482.00	43.8%	Red Valley	\$124,744.00	\$284,789.00	42.3%
Rough Rock	\$123,197.00	\$277,914.00	44.3%	St. Michaels	\$125,786.00	\$302,548.00	34.7%
Round Rock	\$123,203.00	\$278,882.00	44.2%	Haurfano	\$125,543.00	\$322,458.00	38.9%
Tselani/Cott	\$123,343.00	\$301,923.00	40.8%	Wide Ruins	\$125,696.00	\$278,312.00	45.2%
Whippoorwill	\$123,249.00	\$286,381.00	43.0%	Chichitah	\$125,840.00	\$301,894.00	41.7%
Coyote Cany	\$123,257.00	\$287,712.00	42.8%	Towatch	\$126,201.00	\$282,000.00	44.8%
Crystal	\$123,170.00	\$273,439.00	45.0%	Many Farms	\$126,391.00	\$313,205.00	40.4%
Houck	\$123,312.00	\$296,903.00	41.5%	Alamo	\$126,383.00	\$295,125.00	42.8%
Indian Wells	\$123,185.00	\$275,799.00	44.7%	Ojito	\$126,641.00	\$324,816.00	39.0%
Jeddito	\$123,184.00	\$277,370.00	44.4%	Counselor	\$126,276.00	\$264,584.00	47.7%
Klagetoh	\$123,182.00	\$275,374.00	44.7%	Cameron	\$127,802.00	\$282,880.00	45.2%
Low Mountain	\$123,164.00	\$272,351.00	45.2%	Lake Valley	\$129,200.00	\$265,249.00	50.0%
Mexican Spr	\$123,188.00	\$276,342.00	44.6%	Coppermine	\$129,826.00	\$274,264.00	47.3%
Oak Springs	\$123,126.00	\$268,182.00	46.3%	Casamero L	\$130,865.00	\$266,829.00	49.0%
Red Lake	\$123,149.00	\$269,872.00	45.6%	Pueblo Pinta	\$130,836.00	\$261,991.00	49.9%
Sawmill	\$123,273.00	\$290,492.00	42.4%	Tomeon	\$131,666.00	\$300,088.00	43.7%
Tahatchi	\$123,330.00	\$299,868.00	41.1%	Tec Nos Ro	\$131,104.00	\$298,340.00	44.2%
Twin Lakes	\$123,413.00	\$313,582.00	39.4%	Aneth	\$135,698.00	\$334,293.00	40.6%
Whiterose	\$123,216.00	\$280,939.00	43.9%	Nenatover	\$138,839.00	\$333,811.00	41.0%
Cove	\$123,104.00	\$262,434.00	46.9%	Chinle Chap	\$148,087.00	\$496,289.00	29.8%
Cudell (Gad)	\$123,112.00	\$263,885.00	46.7%	Pinon	\$147,259.00	\$359,438.00	41.0%
Red Mesa	\$123,360.00	\$303,192.00	40.7%	Cornfields	\$146,898.00	\$299,752.00	49.0%
Rock Point	\$123,325.00	\$299,019.00	41.2%	Dillon	\$147,004.00	\$317,289.00	46.3%
Sandstone (T)	\$123,453.00	\$320,125.00	38.6%	Kinlichee	\$147,116.00	\$335,854.00	43.8%
Shinrock	\$124,751.00	\$534,775.00	23.3%	Lower Greas	\$146,886.00	\$297,758.00	49.3%
Coalmine M	\$123,191.00	\$276,886.00	44.5%	Lupton (Tse)	\$146,861.00	\$293,684.00	50.0%
Inscription H	\$123,200.00	\$278,337.00	44.3%	Naschitti	\$147,051.00	\$326,030.00	45.2%
Kalibeto	\$123,274.00	\$290,613.00	42.4%	Nahata Dni	\$146,847.00	\$307,854.00	47.7%
Navajo Mou	\$123,124.00	\$265,700.00	46.3%	Steamboat	\$147,037.00	\$322,792.00	45.6%
Tolani Lake	\$123,116.00	\$264,429.00	46.6%	Teesto	\$146,900.00	\$300,054.00	49.0%
Tonassa/Re	\$123,412.00	\$313,351.00	39.4%	Bedabito	\$146,821.00	\$286,991.00	51.2%
Baca	\$123,264.00	\$288,861.00	42.7%	Burnham (T)	\$146,801.00	\$283,726.00	51.7%
Repeti	\$123,140.00	\$268,480.00	45.9%	Hogback (T)	\$147,045.00	\$324,061.00	45.4%
Churchrock	\$123,580.00	\$341,189.00	36.2%	Mexican War	\$146,869.00	\$290,035.00	49.8%
Crownpoint	\$123,315.00	\$297,386.00	41.5%	Newcomb	\$146,831.00	\$288,686.00	50.9%
Lyndbito	\$123,167.00	\$272,835.00	45.1%	San Juan	\$146,806.00	\$284,572.00	51.6%
Manuelito	\$123,170.00	\$273,439.00	45.0%	Sheepspring	\$146,853.00	\$292,254.00	50.2%
Mariano Lak	\$123,183.00	\$275,496.00	44.7%	Sweetwater	\$146,927.00	\$304,468.00	48.3%
Nageez	\$123,237.00	\$284,506.00	43.3%	Two Grey Hk	\$146,948.00	\$308,036.00	47.7%
Nahodishgiz	\$123,048.00	\$253,307.00	48.6%	Upper Fruit	\$147,237.00	\$355,810.00	41.4%
Pinedale	\$123,299.00	\$294,786.00	41.8%	Birdsprings	\$146,863.00	\$293,947.00	50.0%
Ramah	\$123,322.00	\$298,475.00	41.3%	Rodaway-Ga	\$147,072.00	\$328,476.00	44.8%
Red Rock	\$123,382.00	\$308,354.00	40.0%	Chilchinbeto	\$146,910.00	\$301,748.00	48.7%
Rock Springs	\$123,381.00	\$308,332.00	40.0%	Dennetoto	\$146,988.00	\$314,265.00	46.8%
Smith Lake	\$123,123.00	\$265,698.00	46.3%	Kayenta	\$147,498.00	\$398,868.00	37.0%
Standing Ro	\$123,122.00	\$265,516.00	46.4%	Lechee	\$146,923.00	\$303,864.00	48.4%
To'hajilee	\$123,224.00	\$282,269.00	43.7%	Laupp	\$147,104.00	\$333,858.00	44.1%
Thoresau	\$123,358.00	\$304,402.00	40.5%	Shonto	\$147,060.00	\$328,480.00	45.0%
Whitehorse	\$123,072.00	\$257,173.00	47.9%	To'naneged	\$147,844.00	\$456,767.00	32.4%
Tachee/Blue	\$124,268.00	\$280,668.00	44.3%	Baaheri	\$146,887.00	\$297,937.00	49.3%
Fl. Defiance	\$125,034.00	\$407,358.00	30.7%	Little Water	\$146,842.00	\$290,580.00	50.5%
Forest Lake	\$124,530.00	\$259,533.00	48.0%	Ojo Encino	\$146,805.00	\$284,381.00	51.6%
Luxachumi	\$124,767.00	\$298,697.00	41.8%	Whiterock	\$146,722.00	\$270,613.00	54.2%

Exhibit H
Calculated cost of proposed structure

Number of Region/Counties	24					
Number of Chapters	110					
Position	Hrly Rate	Salary	Fringe	Total	Total #	Nationwide Cost
Regional Manager	\$31.25	\$65,000.00	\$29,640.00	\$94,640	24	\$2,271,360
Administrative Assistant	\$16.36	\$34,028.80	\$15,517.13	\$49,546	24	\$1,189,102
Extension Agent	\$12.63	\$26,170.40	\$11,933.70	\$38,104	24	\$914,498
Maintenance Technician	\$13.75	\$28,600.00	\$13,041.60	\$41,642	24	\$999,398
Heavy Equipment Operator	\$14.99	\$31,179.20	\$14,217.72	\$45,397	24	\$1,089,526
Accountant	\$17.82	\$37,065.60	\$16,901.91	\$53,968	24	\$1,295,220
Senior Planner	\$21.18	\$44,054.40	\$20,088.81	\$64,143	24	\$1,539,437
Proposal Writer	\$21.18	\$44,054.40	\$20,088.81	\$64,143	24	\$1,539,437
Compliance Officer	\$19.43	\$40,414.40	\$18,428.97	\$58,843	24	\$1,412,241
Commissioners				\$24,000	110	\$2,640,000
Chapter Administrator	\$16.36	\$34,028.80	\$15,517.13	\$49,546	110	\$5,450,052
						\$20,340,273

Ojo Encino Chapter Comment Letter
Regarding
Legislation 0090-16

Exhibit B

Ojo Encino Chapter Public Comments
Regarding Legislation 0021-16
Delay of Chapter Elections



OJO ENCINO CHAPTER

HCR 79 BOX 1500, OJO ENCINO, NEW MEXICO 87013

PHONE (505)731-2263 or 731-2262 FAX (505)731-1516

EMAIL: ojoencino@navajochapters.org

Ojo Encino Chapter "the Chapter" is very concerned about the current legislation numbered 0021-16 which would delay Navajo Nation Chapter elections. The Chapter has passed a resolution a few days prior to this legislation's public review posting as being against the delay of any elections (OJOE-01-13-16/003 Whereas #4). The Chapter has a number of concerns specific to this legislation which includes the following: Governance Stability, Legislative Authority, wording of the legislation, and the purpose of the legislation.

Ojo Encino Chapter Resolution OJOE-01-13-16/003:

On January 13, 2016 the Chapter passed resolution OJOE-01-13-16/003 which is attached as "Exhibit A". In this resolution many concerns are laid out regarding the Resource Development Committee's activities via its Title 26 Task Force (the "task force"). A major concern is that the task force has operated outside of its purpose:

RDCMY-21-15 Section 2 (A):

1. A mechanism of establishing accountability at the Chapter level through recommendations for changes in Title 26;
2. To explore ways to amend Title 26 so that Chapters may become locally empowered;
3. To work towards establishing policies and possible Title 26 amendments to streamline the Five Management Plan System;

The Chapter when presented to by the task force was presented mostly erroneous information about how Chapter governments are failing and how the task force is proposing the abolishment of Chapter Governments. There was nothing presented that would have fulfilled any of the purposes set out for the task force. However, what was presented is very concerning because of the following reasons:

1. The Title 26 Task Force is directly undermining Tribal Governance via false information presented during their "public education" forums.
2. The Resource Development Committee via it's task force is now acting against its own legislated purpose.

2 N.N.C. §500.(C)(4)

To promote local community land use plans which support community infrastructural development and development of Local Government Units which enhances local self-government.

3. The RDC has been directing Navajo Nation Governmental Entities to expend a great deal of funds/resources to act against its own legislated purpose and to undermine tribal governance.

A fuller argument relating to these elements is presented in Ojo Encino Chapter resolution OJOE-01-13-16/003 which is attached as exhibit A and is the core of this letter's creation.

George Werito Jr., Chapter President
 Jeanette Vice, Chapter Vice President
 Brandon Sam, Chapter Secretary/Treasurer

Gloria Chiquito, Chapter Manager
 Leonard Tsosie, Council Delegate
 Elizabeth Stoney, Land Board Member

Governance Stability

Chapter governments represent the foundation of Navajo Governance both historically and culturally. This foundational status is confirmed in the Navajo Nation Code and via Navajo Nation Council Resolutions:

2 N.N.C. §4021 Purpose: (Repealed by CAP-34-98(Title 26))

A. The Chapters of the Navajo Nation represent the foundation of the Navajo Nation government. They are designed to provide a forum in which local needs may be addressed and in which concerns of the Navajo Nation may be explored and considered by each constituent part of the Navajo Nation.

Although 2 N.N.C. §4021 was repealed by CAP-34-98 its intent was codified by the enactment of Title 26 and is found in the Whereas language of the resolution CAP-34-98:

CAP-34-98 Whereas:

#2: Navajo Nation Chapters are the foundation of the Navajo Nation Government...

The importance of local Chapter governance is also expressed in the ethnographic/anthropological literature as well:

The Navajo Political Process (Aubrey W. Williams)

"The Chapters were integrated into preexisting, local sociopolitical structures which had at their core the extended family structure that functioned as the basic unit of social control among the Navajo" (Page 37).

Williams, Aubrey W., and Smithsonian Institution. *Navajo Political Process*. Washington: Smithsonian Institution, 1970. Print. Smithsonian contributions to anthropology, volume 9.

The Navajo Nation (Peter Iverson)

"The Navajos did not claim one supreme leader but rather acted in smaller, relatively autonomous groups..." (Page 4)

Iverson, Peter. *The Navajo Nation*. Westport, Conn.: Greenwood Press, 1981. Print.

The Navajo Political Experience (David E. Wilkins)

"When the Spanish arrived in the late 1500s, the fundamental political entity in Navajo Society was the natural community. This collective unit of government was basically economic in nature, geographically determined, and distinct from other local units. Population figures for the communities vary, but most informed accounts estimate that a natural community contained 10 to 40 families" (Page 69).

Wilkins, David E. *The Navajo Political Experience*. Rev. ed. Lanham, Md.: Rowman & Littlefield, 2003. Print. Pages: 68, 69, 147.

The Navajo Nation Reform Project (Diné Policy Institute):

"...the Chapter House movement, in its nascence at the time, was immediately absorbed by the Navajo people as a local form of governance for regional self-determination. Meaning, the Navajo people, based on the matrilineal land-use policy, and cluster living style, were more adept to localized decision-making rather than thinking for a broader, more abstract nation-state as a whole"(Page 14-15).

"The Navajo peoples rejection of this large-scale government reform demonstrates the significance of local politics in the Navajo political orientation, and the lessons learned from this effort are still applicable to today's political context." (Page16).

"Therefore, it is reasonable to assume that principles and values currently characterized as "tradition" is rooted in these times during decentralized, localized governance and small-scale pastoral and agricultural forms of economy" (Page 28).

Diné Policy Institute. *The Navajo Nation Reform Project*. Tsille, NN. Accessed 1/18/2016 via: [<http://www.dinacollege.edu/institutes/DPI/Docs/GovernmentReformDraft.pdf>]

The Chapter feels it has demonstrated the importance of local governance and chapters in regard the Navajo Government both through the academic literature and through Navajo Nation Code and Resolution. Since local governments are foundational to Navajo Governance, the chapter feels that any unnecessary (non-emergency) imposition on the governing abilities of the Chapter governments could have negative and destabilizing effects upon the Nation as a whole. Thus, any delay of Chapter elections should not be allowed.

Legislative Authority

The Chapter is interested to know where the authority to delay Chapter elections stem from. It is understandable that in emergency situations that Chapter elections could be delayed via the Navajo Nation Council. However, there appears to be no emergency situation as defined:

2 N.N.C. §164 (A)

16. Matters constituting an emergency shall be limited to the cessation of law enforcement services, disaster relief services, fire protection services, or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such legislation and must be a matter requiring final action by the Council.

Of course, the current situation surrounding the proposed legislation to delay elections does not constitute an emergency situation. There is language that does allow for the delay of elections by the

Navajo Board of Election Supervisors

11 N.N.C. §3

E. The Board of Election Supervisors is authorized to postpone for a maximum of 60 days any Navajo election for the purpose of printing new ballots required because of changed circumstances.

However, this election postponement authority does not seem to apply regarding this legislation either. The Chapter would like to note that the proposed legislation may actually require the Navajo Board of Election Supervisors to act against its own purpose. In particular the following:

2 N.N.C. §871 (B)

2. Provide the opportunity for each qualified elector to exercise his or her right to vote for a candidate of his or her choice.
3. Provide the opportunity for all qualified person(s) to serve the Navajo public by seeking office.
6. Guard against abuse of the electoral system in the Navajo Nation.

By delaying Chapter elections it will effectively prevent Navajos from participating in their governance. It will effectively prevent electors from choosing candidates for office. It will also prevent potentially qualified candidates from running for office. This is against 2 N.N.C. §871 (B) (2) & (3). Lastly, it does appear that this legislation is attempting to interfere with Navajo Chapter elections to achieve an, as of yet, amorphous objective of abolishing Chapter governments. The chapter feels that this could have implications relating to 2 N.N.C. §871 (B) (6).

Finally, the Chapter does recognize that this matter is reviewable by the Naa'bik'iyáti Committee via the following:

2 N.N.C. §164 (A)

9. A proposed resolution that requires final action by the Navajo Nation Council shall be assigned to standing committee(s) having authority over the subject matter at issue and the Naa'bik'iyáti Committee with amendments and committee reports. The Naa'bik'iyáti Committee may develop proposed amendments to the Council or may refer a resolution or memorial back to the appropriate standing committee(s).

However, the Chapter also feels that this proposed legislation needs to be put before the Resource Development Committee as well since it has oversight authorities over chapters as designated:

2 N.N.C. §501 ©

The Committee shall serve as oversight committee of the Division of Natural Resources, including District Grazing Officers, Eastern Navajo Land Board, Farm Boards, Soil

and Water Conservation Districts, including grazing issues to accomplish duties set forth in 3 N.N.C. §§832 and 852; Division of Community Development; Chapters; Division of Economic Development; Division of Transportation; Environmental Protection Agency; except as otherwise delegated by Navajo Nation law; and legislative oversight to the Gaming Regulatory office.

(Emphasis Was Added)

The Chapter does feel that there is sufficient issues relating to this proposed legislation that need to be addressed. The chapter would like to be informed of where exactly the authority to delay Chapter elections for non-emergency purposes stems from and would like to ensure that the proposed legislation is properly reviewed.

Wording and Purpose of Legislation

The Chapter feels that the wording of the legislation is inherently vague and also prevents Chapter elections from occurring until a "Navajo Nation Chapter reorganizational plan" is approved.

Legislation #0021-16 Section 2:

The Navajo Nation hereby postpones the 2016 Chapter Elections, both primary and general. The process for these elections shall resume upon the approval of a Navajo Nation Chapter reorganizational plan. In the interim, current officials whose terms were scheduled to end upon the 2016 Chapter Election shall remain in office pending the approval of a plan and upon elections.

This legislation would require that a reorganizational plan is approved before Chapter elections can take place. This essentially would create a situation in which voters or the Council would be forced to approve a plan before they could select new Chapter officials. This seems to be a dangerous situation that could have destabilizing effects upon the Nation.

Additionally, there is currently no plan in place that is actionable or reviewable beyond a powerpoint presentation by the Title 26 Task force (a task force of the RDC). The RDC has now twice extended the Title 26 task force from its original 90 day existence to 210 days then to 300 days via RDCE-64-15 and RDCE-94-15. To be able to complete its purpose and directives which includes a written report and proposed draft of Title 26. The task force has been unable to complete this, and from the presentations shown the Chapter believes that the task force will be unable to produce a plan which would be stabilizing and realistic.

The vagueness extends to which elections are to be delayed. The assumption by the Chapter by reading Section 1 (C) along with Section 2 seems to indicate that potentially all local level elections are to be delayed. This will need to be clarified.

Finally, in Section 1(D) states that there are "hearings being conducted on regionalizing chapters". The Chapter is aware of public education sessions that have been scheduled. These sessions are to educate

the public regarding the "purpose and proposed plans of the task force" (Exhibit "B"). However, this fails to meet the idea of hearings. The language in this part of the legislation also states: "It is anticipated that a reorganizational plan, once formulated, will be presented to voters of the Navajo Nation for final approval". This language does not connote any definite that a plan will be constructed in the time-frame allotted or that it will be put before the voters.

Conclusion

The Chapter passed resolution OJOE-01-13-16/003 which details many concerns regarding the activities of the Resource Development Committee and its Title 26 Task Force. This resolution should be reviewed in full by the Naa'biik'iyáti Committee as it does have implications regarding the proposed legislation 0021-16 in both sections 1 & 2.

Ojo Encino Chapter would also like to have a minimum of a 72 hour notice regarding any meetings that will be discussing legislation 0021-16 and related legislation or resolutions regarding Title 26 Task Force and Chapter Reorganization.

The Ojo Encino Chapter via resolution OJOE-01-13-16/003 (Resolved #4) is against the delay of any Chapter elections. The Chapter also feels that it has laid out sufficient issues via this letter and resolution OJOE-01-13-16/003 to not pass this proposed legislation.


George Werito

Ojo Encino Chapter President

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ojoencino@navajochapters.org

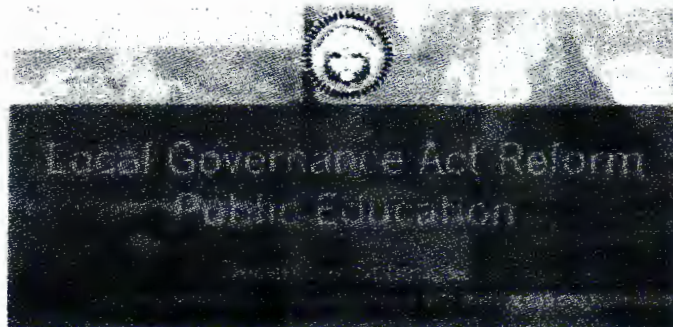
1/13/16
Date

1/19/2016

Exhibit_B_Ojo_Encino_0021_16_Comment_Letter.jpg

Exhibit "B"

Ojo Encino Chapter Legislation 0021-16 Comment Letter



The Title 26 Task Force invites you
 to an educational session on the purpose and plans of the task force.
 Agenda Item: Title 26 Revisions & the Proposed Chapter Regional Government System

December 1	Navajo Nation Museum	5 - 9 PM
December 3	Many Farms Chapter	10 - 3 PM
December 4	Pinon Chapter	10 - 3 PM
December 7	Pueblo Pintado Chapter	10 - 3 PM
December 8	Casamero Lake Chapter	10 - 3 PM
December 9	Tuba City Chapter	10 - 3 PM
December 10	Cameron Chapter	10 - 3 PM
December 11	Birdsprings Chapter	10 - 3 PM
December 15	Shiprock Chapter	10 - 3 PM
December 16	Naagaezi Chapter	10 - 3 PM
December 29	Ganado Chapter	10 - 3 PM

(928) 871-7214



The Navajo Nation Title 26 Task Force invites you to an educational session on the purpose and proposed plans of the task force.

Agenda Item: Title 26 Revisions & the Proposed Chapter Regional Government System

January Schedule

(February Schedule will be forthcoming with more locations)

Date:	Location:	Time:
January 12	LoChen Chapter	10 - 3 PM
January 13	Inscription House Chapter	10 - 3 PM
January 14	Aneth Chapter	10 - 3 PM
January 15	Nenahnezad Chapter	10 - 3 PM
January 20	Dilkon Chapter	10 - 3 PM
January 21	Houck Chapter	10 - 3 PM
January 22	Tollikan Chapter	10 - 3 PM
January 26	Nazlin Chapter	10 - 3 PM
January 27	Shonko Chapter	10 - 3 PM
January 28	Navajo Technical University	1 - 5 PM

Ojo Encino Chapter Comment Letter
Regarding
Legislation 0090-16

Exhibit C

Estimated Title 26 Task Force Costs
For Task Force Meetings and Public Education Sessions

[illegible]

Estimated Title 26 Task Force Meeting Costs through early February 2016
Estimates based on published meeting dates as indicated by the task force
(Exhibit C Part 2 of 2)

Estimated Costs for Title 26 Task Force Public Education Sessions through January 2016

Public Education Meetings

Date	Location	Start Time	End Time	Total Meeting Time	Add Prep/Tear Down Time	Distance from VPR (Miles) (one Way)	Total Roundtrip Distance	Travel Time	Total Est Time	# of Employees Present	Total Employee Hours	Pay Scale Est	Estimate Salary-Fringe Cost	Est Number of Vehicles Used	Est Veh Travel Cost	Eligible For Per Diem	Per Diem Costs	Overtime Costs
12/01/15	NH Museum (VPR)	17:00	21:00	4	1	2	4	0.1	5.1	5	25.4	\$227.09	\$5,759.89	3	\$6.48	No	Unknown	Unknown
12/03/15	Mary Farms Chapter	10:00	15:00	5	1	80	160	2.9	8.9	2	17.8	\$73.27	\$1,335.47	1	\$83.40	Yes	Unknown	Unknown
12/04/15	Pinon Chapter	10:00	15:00	5	1	97	194	3.5	9.5	2	19.1	\$73.27	\$1,396.05	1	\$104.76	Yes	Unknown	Unknown
12/07/15	Pueblo Pintado Chapter	10:00	15:00	5	1	107	214	3.9	9.9	2	19.8	\$73.27	\$1,449.33	1	\$115.56	Yes	Unknown	Unknown
12/08/15	Casemero Lake Chapter	10:00	15:00	5	1	74	148	2.7	8.7	2	17.4	\$73.27	\$1,273.49	1	\$79.92	Yes	Unknown	Unknown
12/09/15	Cameron Chapter	10:00	15:00	5	1	179	358	6.5	12.5	2	25.0	\$73.27	\$1,832.98	1	\$193.32	Yes	Unknown	Unknown
12/10/15	Tuba City Chapter	10:00	15:00	5	1	155	312	5.7	11.7	2	23.3	\$73.27	\$1,710.43	1	\$168.48	Yes	Unknown	Unknown
12/11/15	Birdsprings Chapter	10:00	15:00	5	1	106	212	3.9	9.9	2	19.7	\$73.27	\$1,444.00	1	\$114.48	Yes	Unknown	Unknown
12/15/15	Shiprock Chapter	10:00	15:00	5	1	92	184	3.3	9.3	3	28.0	\$227.09	\$8,386.84	3	\$298.03	Yes	Unknown	Unknown
12/16/15	Nageezi Chapter	10:00	15:00	5	1	144	288	5.2	11.2	2	22.5	\$73.27	\$1,646.45	1	\$155.52	Yes	Unknown	Unknown
12/23/15	Canada Chapter	10:00	15:00	5	1	31	62	1.1	7.1	2	14.3	\$73.27	\$1,044.37	1	\$23.46	Yes	Unknown	Unknown
01/12/16	Lechee Chapter	10:00	15:00	5	1	251	492	8.4	14.4	2	28.8	\$73.27	\$2,110.06	1	\$249.48	Yes	Unknown	Unknown
01/13/16	Inscription house chapter	10:00	15:00	5	1	182	364	6.6	12.6	2	25.2	\$73.27	\$1,848.97	1	\$196.56	Yes	Unknown	Unknown
01/14/16	Aneeth Chapter	10:00	15:00	5	1	146	292	5.3	11.3	2	22.6	\$73.27	\$1,657.14	1	\$157.68	Yes	Unknown	Unknown
01/15/16	Nenehnezad Chapter	10:00	15:00	5	1	107	214	3.9	9.9	2	19.8	\$73.27	\$1,449.33	1	\$115.56	Yes	Unknown	Unknown
01/20/16	Dillon Chapter	10:00	15:00	5	1	89	178	3.2	9.2	2	18.5	\$73.27	\$1,353.42	1	\$98.12	Yes	Unknown	Unknown
01/21/16	Houck Chapter	10:00	15:00	5	1	37	74	1.3	7.3	2	14.7	\$73.27	\$1,078.34	1	\$39.96	Yes	Unknown	Unknown
01/22/16	Tokkian Chapter	10:00	15:00	5	1	103	206	3.7	9.7	2	19.5	\$73.27	\$1,428.02	1	\$111.24	Yes	Unknown	Unknown
01/23/16	Nadini Chapter	10:00	15:00	5	1	46	92	1.7	7.7	2	15.3	\$73.27	\$1,124.30	1	\$49.68	Yes	Unknown	Unknown
01/27/16	Shonto Chapter	10:00	15:00	5	1	174	348	6.3	12.3	2	24.7	\$73.27	\$1,806.34	1	\$187.92	Yes	Unknown	Unknown
01/28/16	NTU Crowpoint	13:30	17:00	4	1	66	132	2.4	7.4	5	37.0	\$227.09	\$8,432.42	3	\$213.64	Yes	Unknown	Unknown
01/29/16	(Unofficial) Crowpoint area chapter	10:00	15:00	5	1	66	132	2.4	8.4	2	16.8	\$73.27	\$1,230.67	1	\$71.28	Yes	Unknown	Unknown
													\$48,716.54		\$2,845.80			
													Total Cost	\$51,682.38				

Estimated Salary Costs for Title 26 Task Force Public Education Sessions through January 2016 based on Public NNDPM Data: <http://www.dpm.navajo-nsn.gov/classplan.html>

Payscale Estimate including Fringe and Salary Public Education Meeting

Person	Step	Position Code	Paygrade	Position	Base Salary	Salary with 45.6% fringe	Pay Scale 2 People	Hourly 2	Pay Scale 3 People	Hourly 3	Pay Scale 5 People	Hourly 5
1	G	1961	65	Senior Planner	\$52,333	\$76,197	\$76,196.56	\$36.63	\$76,196.56	\$36.63	\$76,196.56	\$36.63
2	G	1980	65	Policy Analyst	\$52,333	\$76,197	\$76,196.56	\$36.63	\$76,196.56	\$36.63	\$76,196.56	\$36.63
3	G	1655	63	Associate	\$44,242	\$64,416			\$64,415.77	\$30.97	\$64,415.77	\$30.97
4	G	301	71	Director	\$87,755	\$127,772					\$127,771.57	\$61.43
5	G	301	71	Division Director	\$87,755	\$127,772					\$127,771.57	\$61.43
Total Hour Cost								\$73.27		\$104.24		\$227.09

Ojo Encino Chapter Comment Letter
Regarding
Legislation 0090-16

Exhibit D

2012 Census of Governments
% of Sub-County Governments in USA by Population Level

2012 Census of Governments
% of Sub-County Governments by Population Level
(Exhibit D)

Accessed via: <http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>

2012 Census of Governments											
Geographic area											
Geographic area	Total Municipalities & Township	% of Localities with Population									
		300,000 or more	200,000 to 299,999	100,000 to 199,999	50,000 to 99,999	25,000 to 49,999	10,000 to 24,999	5,000 to 9,999	2,500 to 4,999	1,000 to 2,499	Less than 1,000
United States	35879	0.2%	0.4%	0.6%	1.5%	2.9%	6.5%	7.7%	11.1%	20.0%	49.3910%
Alabama	481	0.0%	0.4%	0.4%	1.1%	2.4%	8.9%	9.1%	10.6%	23.2%	43.8%
Alaska	148	0.0%	0.7%	0.0%	0.0%	1.4%	0.0%	5.4%	5.4%	5.4%	81.8%
Arizona	81	3.3%	4.4%	3.3%	6.6%	16.5%	14.3%	18.5%	17.6%	11.0%	6.6%
Arkansas	502	0.0%	0.0%	0.2%	1.4%	2.2%	3.8%	4.4%	9.2%	18.9%	62.0%
California	482	2.5%	1.2%	10.2%	21.6%	19.3%	22.6%	10.6%	5.2%	4.1%	2.5%
Colorado	271	1.1%	0.0%	2.6%	2.2%	3.3%	7.0%	11.1%	8.9%	16.6%	47.2%
Connecticut	178	0.0%	0.0%	2.8%	7.6%	14.5%	25.6%	18.4%	14.0%	10.1%	2.8%
Delaware	57	0.0%	0.0%	0.0%	1.8%	3.5%	3.5%	8.8%	12.3%	24.8%	45.6%
District of Columbia	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Florida	410	0.7%	0.7%	2.9%	8.0%	9.3%	17.8%	12.9%	12.7%	14.0%	20.2%
Georgia	535	0.2%	0.0%	0.7%	1.9%	3.0%	8.8%	8.8%	15.7%	16.8%	44.1%
Hawaii	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Idaho	200	0.0%	0.5%	0.0%	2.0%	3.0%	5.5%	5.0%	10.0%	15.0%	58.0%
Illinois	2729	0.0%	0.0%	1.0%	2.0%	3.8%	7.4%	7.7%	9.5%	20.3%	48.3%
Indiana	1575	0.1%	0.1%	0.6%	2.0%	3.4%	6.4%	8.5%	15.6%	31.1%	32.2%
Iowa	947	0.0%	0.1%	0.1%	0.6%	1.2%	1.8%	4.4%	5.6%	15.8%	70.1%
Kansas	1894	0.1%	0.0%	0.2%	0.2%	0.4%	1.4%	2.0%	4.0%	12.3%	79.6%
Kentucky	418	0.2%	0.2%	0.0%	0.5%	2.6%	5.3%	9.1%	11.0%	20.1%	51.0%
Louisiana	304	0.3%	0.3%	0.7%	1.0%	2.0%	7.2%	8.6%	14.1%	22.0%	43.4%
Maine	488	0.0%	0.0%	0.0%	0.2%	0.6%	3.1%	9.2%	16.0%	28.9%	42.0%
Maryland	157	0.6%	0.0%	0.0%	2.5%	3.2%	7.6%	10.6%	17.2%	19.7%	38.2%
Massachusetts	351	0.3%	0.0%	1.1%	5.7%	13.4%	30.5%	18.8%	10.5%	11.4%	8.3%
Michigan	1773	0.1%	0.0%	0.3%	1.4%	2.5%	6.6%	9.0%	20.4%	32.8%	26.9%
Minnesota	2637	0.0%	0.0%	0.0%	0.5%	0.8%	2.3%	2.0%	4.3%	11.9%	78.2%
Mississippi	258	0.0%	0.0%	0.3%	0.3%	3.4%	9.7%	8.1%	8.7%	24.2%	45.3%
Missouri	1266	0.2%	0.0%	0.2%	0.6%	1.0%	4.3%	4.9%	7.0%	13.7%	68.0%
Montana	129	0.0%	0.0%	0.6%	1.6%	2.3%	0.8%	7.0%	10.1%	20.2%	57.4%
Nebraska	947	0.1%	0.1%	0.0%	0.1%	0.3%	1.1%	1.6%	2.3%	9.5%	84.6%
Nevada	19	5.3%	15.8%	0.0%	10.5%	0.0%	21.1%	10.5%	15.8%	21.1%	0.0%
New Hampshire	234	0.0%	0.0%	0.4%	0.4%	2.6%	9.4%	15.8%	22.6%	28.2%	20.5%
New Jersey	588	0.0%	0.4%	0.4%	5.3%	11.3%	25.8%	23.7%	16.4%	11.1%	5.7%
New Mexico	103	1.0%	0.0%	0.0%	2.9%	5.8%	9.7%	13.6%	9.7%	22.3%	35.0%
New York	1543	0.3%	0.4%	0.3%	1.3%	4.1%	9.3%	15.0%	20.6%	30.1%	18.6%
North Carolina	553	0.4%	0.7%	0.5%	1.3%	3.3%	8.7%	9.0%	16.3%	20.1%	35.8%
North Dakota	1670	0.0%	0.0%	0.1%	0.1%	0.1%	0.2%	0.2%	0.5%	2.5%	96.3%
Ohio	2245	0.1%	0.1%	0.1%	0.7%	3.3%	8.4%	10.3%	18.4%	30.3%	28.3%
Oklahoma	590	0.3%	0.0%	0.2%	0.6%	1.2%	4.7%	5.4%	8.8%	16.6%	61.9%
Oregon	241	0.4%	0.0%	1.2%	2.5%	3.7%	10.4%	12.4%	12.0%	22.8%	34.0%
Pennsylvania	2561	0.1%	0.0%	0.1%	0.4%	1.8%	7.5%	12.6%	18.9%	28.7%	30.0%
Rhode Island	39	0.0%	0.0%	2.6%	7.7%	23.1%	41.0%	17.9%	5.1%	2.6%	0.0%
South Carolina	270	0.0%	0.0%	0.7%	1.5%	3.7%	8.1%	8.9%	13.0%	18.9%	45.2%
South Dakota	1218	0.0%	0.0%	0.1%	0.1%	0.1%	0.7%	0.4%	1.1%	3.5%	94.1%
Tennessee	345	0.6%	0.0%	1.2%	1.4%	4.8%	8.4%	11.6%	13.6%	25.2%	33.3%
Texas	1214	0.7%	0.4%	1.3%	2.4%	4.2%	8.9%	9.8%	14.3%	23.4%	34.7%
Utah	245	0.0%	0.0%	1.6%	2.9%	7.3%	7.8%	14.7%	6.5%	17.1%	42.0%
Vermont	280	0.0%	0.0%	0.0%	0.0%	0.4%	2.5%	7.1%	16.1%	26.8%	37.1%
Virginia	229	0.4%	1.3%	1.3%	1.7%	3.5%	8.3%	10.5%	10.5%	23.6%	38.5%
Washington	281	0.4%	0.4%	1.4%	4.6%	7.5%	13.5%	13.5%	11.7%	17.4%	29.5%
West Virginia	232	0.0%	0.0%	0.0%	0.4%	1.7%	3.9%	5.6%	9.8%	24.6%	53.9%
Wisconsin	1851	0.1%	0.1%	0.1%	0.5%	1.0%	3.3%	4.6%	8.5%	28.0%	52.8%
Wyoming	99	0.0%	0.0%	0.0%	2.0%	2.0%	5.1%	8.1%	8.1%	18.2%	56.6%

OJO ENCINO CHAPTER
HCR 79 BOX 1500
OJO ENCINO, NM 87013
PHONE (505)731-2263 OR (505)731-2262; FAX (505)731-1516
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FAX TRANSMITTAL FORM

TO: Executive Director, NUNOLS
PHONE NUMBER: 928 871 7590
FAX NUMBER: 928 871 7259
CC:

FROM: Trichapter Council
DATE: 3/22/2016
NUMBER OF PAGES:
INCLUDING COVER SHEET 51

MESSAGE:

Trichapter Council (Torreon/Starlake, Counselor, OJO Encino chapters) comments regarding Legislation #0090-16



2016/03/22 15:24:40 3 /3

From:OJO ENCINO CHAPTER

505 731 1516

03/22/2016 11:59

#826 P.002/002

Interchapter Governance Exploration Committee "Trichapter Council"

Torreon/Starlake Chapter Counselor Chapter Ojo Encino Chapter

Public Comment Regarding Legislation 0090-16

The Interchapter Governance Exploration Committee ("IGEC" or also known as the "Trichapter Council") is constituted by the Torreon/Starlake Chapter, Counselor Chapter, and Ojo Encino Chapter. The quorums of all three chapters have passed resolutions in regard to the establishment of the trichapter council to explore the creation of a regional government among the three chapters.

The three chapters of the trichapter council have all passed resolutions against the current Title 26 Task Force for multiple reasons and also suggest new pathways forward to establish both regional and local governing structures which are more in line with Navajo Nation Law and Custom.

Please refer to Exhibits A, B, and C for the resolutions passed by the three chapters. (Exhibit D are the Exhibits for the resolutions which are the same for all three chapter resolutions)

As established by the constituents of the three chapters via resolution, the three chapter presidents of the trichapter council are very concerned for governance stability and feel that there are severe planning and structural issues in regards to the proposals by the Title 26 Task Force.

As a result, the three chapters of Torreon/Starlake, Counselor, and Ojo Encino feel it is in the best interest of the trichapter area, and for the Navajo Nation in general, that the current Title 26 Task Force is allowed to be dissolved by not extending its existence and a new task force with ample public involvement, local governance involvement, and public oversight be established to explore the creation of regional governments which also respects local governance.

We thank the Resource Development Committee for it's conscientious and deliberative consideration of this most important issue.



David Rice
Torreon/Starlake Chapter President
IGEC Vice-President



Harry Willet
Counselor Chapter President
IGEC Secretary



George Werrito
Ojo Encino Chapter President
IGEC President

Interchapter Governance Exploration Committee

“Trichapter Council”

Torreón/Starlake Chapter Counselor Chapter Ojo Encino Chapter

Public Comment Regarding Legislation 0090-16

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As a result, the three chapters of Torreón/Starlake, Counselor, and Ojo Encino feel it is in the best interest of the trichapter area, and for the Navajo Nation in general, that the current Title 26 Task Force is allowed to be dissolved by not extending its existence and a new task force with ample public involvement, local governance involvement, and public oversight be established to explore the creation of regional governments which also respects local governance.

We thank the Resource Development Committee for it's conscientious and deliberative consideration of this most important issue.

Trichapter Council (IGEC) Comment Letter
Regarding
Legislation 0090-16

Exhibit A

Torreón/Starlake Chapter
Title 26 Task Force Resolution



TORREON/STAR LAKE CHAPTER

P.O. BOX 1024 * CUBA, NEW MEXICO 87013 * (505) 731-2336 * Fax# 505-731-1514

www.torreon.ndes.org



Leonard Tsosie
Council Delegate

David Rice
President

Joe L. Chaydito Jr.
Vice President

Evangelina Tachine
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Alberta Ballard
Accounts Maintenance Specialist

RESOLUTION OF THE TORREON/STAR LAKE CHAPTER TSL 02/2016- 012

Resolution of Concern and Input regarding Title 26 Task Force of the Navajo Nation Council Resource Development Committee

WHEREAS,

1. The Torreon/Star Lake Chapter is a political subdivision of the Navajo Nation under 11 N.N.C. § 10 and a local governance certified chapter pursuant to 26 N.N.C. § 102, and the Chapter is responsible for the health and safety of its local residents and for stewardship of its Chapter lands and resources; and
2. The chapter has recently been made aware of the Title 26 Task Force (the "task force") which was created by the Navajo Nation Council's Resource Development committee via resolution RDCMY-21-15 (Exhibit A) along with extension resolutions RDGS-64-15 (Exhibit B) and RDGD-94-15 (Exhibit C); and
3. Although Office of Navajo Government Development (ONGD) and Navajo Nation Division of Community Development (NNDGD) stated at public "education" meetings regarding the task force that task force meetings were open and available to the public, no efforts were made to share the meeting times/location for the public to participate, thus negating any potential public input directly regarding Title 26 task force sessions. Even when this issue was raised it has still been difficult to gain access to this information; and
4. The Chapter believes that local governance is the foundation of Navajo governance both traditionally and currently; and
5. This belief is backed by Navajo Nation Law and Custom which is verified before Title 26 enactment by the following:
2 N.N.C. §4021 Purpose: (Repealed by CAP-34-98(Title 26))
 A: The Chapters of the Navajo Nation represent the foundation of the Navajo Nation government. They are designed to provide a forum in which local needs may be addressed and in which concerns of the Navajo Nation may be explored and considered by each constituent part of the Navajo Nation.

and;

6. The Chapter believes that 2 N.N.C. §4021 underlies to the creation and intent of Title 26 which:

26 N.N.C. §1 (B)

1. The purpose of the Local Governance Act is to recognize governance at the local level. Through adoption of this Act,

he Navajo Nation Council delegates to chapters governmental authority with respect to local matters consistent with Navajo law, including custom and tradition...

and;

7. The chapter also believes local governance as a foundation of Navajo governance traditionally and is present in the historic ethnographic data regarding Navajo societal structure (Exhibit D); and

8. The task force has operated outside of its purpose and has also now caused the Resource Development Committee (RDC) to operate outside of its purpose; and

8.1. The Title 26 task force was established by the Resource Development Committee for the following purposes:

RDCMY-21-15 Section 2 (A):

1. A mechanism of establishing accountability at the Chapter level through recommendations for changes in Title 26;
2. To explore ways to amend Title 26 so that Chapters may become locally empowered;
3. To work towards establishing policies and possible Title 26 amendments to streamline the Five Management Plan System;

a) Chapter is defined in Title 2 by the following

Title 2 §110(D)

Chapter, as stated in 26 N.N.C. §2(6), means units of local government which are political subdivisions of the Navajo Nation.

26 N.N.C. §2(6)

"Chapters" are units of local government which are political subdivisions of the Navajo Nation.

b) Local Government Unit is defined in Title 2 as follows:

Title 2 §110(K)

Local Government Units means political subdivisions of the Navajo Nation including, Chapters, Townships, or other municipal forms of government for purpose of §500 to §503.

(Note: Title 2 §500 to §503 refers to the Resource Development Committee)

c) The chapter was presented with information from the task force about its recommendations; however, the chapter failed to see any recommendations which "established accountability at the chapter level", enable Chapters to "become locally empowered", or any policy or Title 26 amendments which would "streamline the Five Management Plan System". All presented information promoted the idea of abolishing

local governments and governance.

c) Also, the "public education" activities of the task force is outside of its mandated purpose.

8.2. The task force as an official entity of the Resource Development Committee (RDC) has caused the committee to act outside of its legislated purpose which in regards to local governments is to:

2 N.N.C. §500.(C)(4)

To promote local community land use plans which support community infrastructural development and development of Local Government Units which enhances local self-government.

(Note: See 8.1(b) of this resolution which shows the definition of Local Government Unit according to Title 2)

a) RDC by extension of its task force has now promoted the abolishment of local government and local self-government as defined by the Navajo Nation Code and has promoted and allocated Navajo Nation resources and funds for such a manner which is against its legislated purpose.

9. In addition to the task force acting outside of its purpose, the task force is not properly constituted to provide balanced planning to fulfill its purpose. The following constitutes the task force membership; and

RDCMY-21-15 Section 2 (B)(1)

1. The Task Force shall consist of the named Navajo Nation employee or designee:

- i. Shirleen Jumbo-Rintila, Legislative Associate, Division of Community Development;
- ii. Robert Begay, Department Director, DCD Administrative Service Centers;
- iii. Raymond Tsosie, Senior Planner, Division of Community Development;
- iv. Robert Jumbo, Associate Auditor, Office of the Auditor General;
- v. Michael Halona, Department Director, Navajo Nation Land Department;
- vi. Reycita Toddy, Department of Personnel;
- vii. Dominic Beyer, Director, Office of Management and Budget;
- viii. Rodger Martinez, Director, Navajo Nation Retirement Services;
- ix. Clarence Chee, Division of Community Development;
- x. Leonard Benally, Director, Navajo Office of Vital Records;
- xi. Martin Ashley, Director, Navajo Nation Tax

Commission ;

xii. Vernon Roanhorse, Director, Office of Ethics and Rules; and

xiii. Rodgerick Begay, Esq. , Navajo Nation Department of Justice

9.1. The Chapter feels that while the task force is composed of many very talented, dedicated, and experienced Navajo Nation employees, a fundamental flaw exists in the task force's membership composition. All of the task force is composed officially of central government employees. This flaw leads to issues that contradict Nitsáhákees-Nahat'a-liná-Siihasin and creates issues which are contradictory to local governance.

a) The following are defined in Title 2:

2 N.N.C. §110(Q)

Nitsáhákees is the part of the process of Nitsáhákees-Nahat'a-liná-Siihasin which involves critical thinking, and more broadly, to give direction and guidance to the issue at hand, in a constant cycle of examining and analyzing issues for growth and development.

2 N.N.C. §110(P)

Nahat'a is the part of the process of Nitsáhákees-Nahat'a-liná-Siihasin to strategically plan while utilizing Diné be bee'ah'aa'ni Bitsé Siléi (foundation of Diné law), statutory laws, informed research and public input (through use of the Naabik'iyéti' process) in a constant cycle of examining and analyzing issues for growth and development.

2 N.N.C. §110(T)

liná is the part of the process of Nitsáhákees-Nahat'a-liná-Siihasin to collaboratively make and implement a decision, which must be dynamic and vibrant to accomplish effective and efficient outcomes, for sustaining life, in a constant cycle of examining and analyzing issues for growth and development.

2 N.N.C. §110(V)

Siihasin is the part of the process of Nitsáhákees-Nahat'a-liná-Siihasin to ensure resilience through evaluation of decision making and outcomes in a constant cycle of examining and analyzing issues for growth and development.

- Although public input sessions have been conducted over the years regarding Title 25, the context of these sessions were not generally in the spirit of abolishment of local governments but in their reform. Thus, task force composition heavily influences how collected input is interpreted to derive public policy. Thus it would seem that by not having a balanced task force which includes local governmental

employees or designees not only would yield incorrect public policy suggestions from public input but would also go against elements of Nitsáhákees-Nahat'á-líná-Silhasin.

9.2. The chapter also understands from the academic literature regarding decentralization in developing nations (such as the Navajo Nation) the central governmental employees tend to be hostile towards authorities being granted to local level governments. This is illustrated in a document named "Navajo Nation LGA Post Certification: *The Path Forward in Self-Governance. A policy analysis of the Navajo Nation Local Governance Act*" written by Samulins & Tsosie, Harvard University Kennedy School of Government (Exhibit E). The following are excerpts illustrating central government employee reluctance towards local governance empowerment regarding Navajo LGA:

As chapter responsibilities increase, it is possible that some Window Rock jobs will disappear. This possibility encourages Window Rock employees to stall rather than support local governance because they are scared of its consequences. One Window Rock program staff member said in an interview, "I'm not sure about LGA. I'll probably lose my job." (Page 15)

Also indicating the importance central government employee support:

Local governance requires the political support of both local citizens and the central government. Central government support is often the most difficult to gain because decentralization often means a loss in responsibility for central government employees. These employees may be reluctant to give up power or worry about losing their jobs. (Page 6)

a) Considering this information, the likelihood of the task force being capable of fulfilling its original mandated purpose is in doubt. It also becomes understandable, considering the reluctance of central government employees to embrace Title 26 and the complete central governmental makeup of the task force, that the suggested solution (which is against the task force's purpose) is to dissolve local governments.

10. Misleading information presented during the task force's "Public Outreach" sessions.

10.1. The task force's "public outreach" sessions have inferred that Navajo Nation Code does not allow for the existence of chapters with less than 1,000 people. However, this is misleading the public of the actual language contained in Title 26:

a) Title 26 provides language regarding the establishment of new chapters worded as such:

26 N.N.C. §3

C. Additional chapters may be certified only if all of the following are met:

1. Upon presentation of evidence to the Navajo

Nation Council that the proposed chapter represents a community group which has existed and functioned as a community for four continuous years.

2. Upon presentation of evidence that the population of the area exceeds 1,000 persons for each of the existing chapters and that there is a need to establish others.

3. Upon presentation of evidence that the topography or the unique demography of the chapter area makes it necessary to have more than one chapter to allow residents access to chapter meetings.

- The language in 26 N.N.C. §3(C) has been misrepresented by the task force, to the public, to infer that current chapters with populations of less than 1,000 should not exist according to Navajo Nation Code. This portion of Title 26 only applies to the establishment of new chapters (Exhibit F).

10.2. Administrative versus Direct Costs

- a) The task force has stated that the average chapter spends 55% of its total budget on "administrative costs. Administrative Cost is defined by the task force in their presentation as being the sum of the following budget items: Personnel & Fringe and Chapter Agency Council Meetings (Stipends). The percent is then calculated by placing the total administrative cost over the the total chapter budget (Exhibit F).
- b) The task force even includes a statistic indicating that a single chapter has an 80% administrative cost, but the evidence for this is stated to be by word of mouth or anecdotal. Even so, the task force still includes this statistic.
- c) Upon analysis of the FY2015 budget the following was calculated. Administrative Cost is composed of Personnel & Fringe, Chapter Agency Council Meetings (Stipends), and General Funds I. The highest administrative percentage is 54.2% with a minimum of 23.3% with an average of 44.2%. (Exhibit G)
- d) Chapters, on average, are nearly 20% more efficient than what the task force has been telling the public.

10.3. Cost Savings

- a) The task force indicates in their presentation that there will be a cost savings by dissolving chapters and having 24 regions instead. Unfortunately, since the task force does not have an actual plan in place it is difficult for them to do an accurate cost savings analysis. The current proposed stricture includes the following positions for each region: Regional Manager, Administrative Assistant, Extension Agent, Maintenance Technician, Heavy Equipment Operator, Accountant, Senior Planner, Proposal Writer, and Compliance Officer (Constable). These positions are estimated to have a total cost of \$510,426 per region with a total cost of \$12,250,220 nationwide (Exhibit F).
- b) However, other costs are not accounted for which includes travel (General Fund I) and stipends or pay for the commissioners. Additionally, each chapter is proposed to remain open as a community center which will require personnel to be present. This cost has not been accounted for. If commissioners receive \$24,000 stipend per year and an administrative assistant is hired to operate each "community center" the actual total yearly Navajo Nation wide cost balloons to \$20,340,273. Current chapter direct

administrative costs is \$14,475,993. (Exhibits F & H)

- c) Additionally the task force advertises other cost savings from chapter operations (such as heating and cooling) and trash; however, if the chapters remain open as community centers these savings would not be realized. Also, the task force present that current chapter buildings which are closed due to structural issues would not have to be repaired or rebuilt, leaving those communities without a community center.
- d) It is misleading for the task force to present a plan to the public showing what appears to be solid cost savings while also promising the public increased services. This is not possible and is over-promising the public on what can be actually be delivered within certain budgets. Additionally, if the administrative assistants are not to take care of local level direct services (such as housing) it will require residents to travel further to access these services. Thus, regionalization could possibly shift costs onto the public.

10.4. Misleading Questionnaire

- a) Finally, the task force has discussed a questionnaire that it has conducted asking the Navajo Nation public on its opinions about various governmental related questions at the Navajo Nation Fair. Two questions of interest are:
 - Do you think there is a need for a Vice-President at the local chapter government?
 - 60% Yes; 39% No; 1% Undecided
 - If local chapter governments were to be merged into regional governments to promote better service to the Navajo People, would you vote to support this idea?
 - 77% Yes; 22% No; 1% Undecided
- b) Regarding the question about merging chapters is should not be surprising because the question is not neutral. It infers to the person answering the question that better services will follow. Thus, people are agreeing that if better services will be offered that they would be willing to merge chapters. Since the question is not neutral it does not tell policy makers much in the way of whether the public would like to see chapters dissolved.
- c) The majority of people feel that the Vice-President position should be retained. If the vast majority of people would like to dissolve chapters it would seem unlikely that they would also still feel that the Vice-President position is useful. Thus the survey questions mislead the public into thinking that the survey results indicate public support for dissolving chapters, but in reality the questions do not reflect this sentiment.
- d) Lastly, the sample of people is skewed and likely to small. Although the Navajo Nation Fair is a major Navajo event which draws Navajos from all over, it is likely that a larger percentage of individuals represented in the survey will live in closer proximity to Window Rock. Thus the survey results are likely skewed and have a relatively high margin of error.

NOW THEREFORE BE IT RESOLVED THAT,

1. The Chapter believes that the Title 26 Task force has acted outside of its intended and mandated functions and has caused the RDC to also act against its legislated intent. Thus, the task force should be dissolved; and
2. The chapter requests that the RDC cease expending Navajo Nation resources/funds in a manner inconsistent with RDC's legislated purpose; and
3. That while the chapter sees that the Title 26 Task Force as no longer viable, its initial intended purpose of suggesting reforms to Title 26 (as defined in RDCMY-21-15 Section 2 (A)) is good

and consistent with the RDC's legislated purpose; and

4. The Chapter also believes that elections of local governance units should not be delayed for any referendum. This could interrupt local governing processes and cycles and may not be in keeping with Navajo Nation Code and with the provision of stable governance; and
5. Although Title 26 task force did not work collaboratively with Local Governmental Units in the construction of its proposals and interpretation of collected public input, the Chapter does believe in Nitsáhákees-Nahat'á-líná-Siihasin and would like to make the following suggestions regarding future planning and local governance:

5.1. Local Governance Planning

- a) A new planning task force composed of a balanced group of locally minded governance individuals and central governance individuals should be established; and
 - * The central government shall furnish travel funds for Local Government Units that participate in this process since meetings are generally held bi-weekly in the Window Rock area. These meetings would increase chapter travel costs and indirect service costs.
- b) That a similar purpose such as currently existing in RDCMY-21-15 Section 2(A) should guide the new task force; and
- c) The meetings shall be both open to the public and advertised to the public to ensure governmental transparency and public input. Although public input has been gathered over the years it was not specific to the dissolution of chapter governments, thus it is important that this process is open to the public for additional input; and
- d) That the public is given a constructed plan to discuss and vote upon. The People should know what the actual structure of any referendum is. The "Public Education" outreach by the title 26 task force has presented confusing and misleading information regarding their plan. Many times misleading and showing generally positive proposed elements are not linked with actual financial costs not being shown and accounted for. Thus an actual plan with real financial and governance analysis shall be proposed for the people to be able to discuss, debate, and vote upon; and
- e) Any referendum vote should occur on a general election (either during Chapter elections or Council elections) to ensure the greatest number of registered voters participate;
 - * Any amendments to Title 26 shall be consistent with 26 N.N.C. §1(E)

5.2. Fundamental Elements of Navajo Governance

- a) Navajo tradition and custom recognizes that governance is derived from the people and at the local level. This precedes the establishment of chapters and the central Navajo Nation government, thus the preservation of small local units of governance similar to chapters shall be maintained; and
- b) The protection of governance at the local level is paramount. Local governance allows individual citizens to directly participate in their government and governance and should remain an inalienable right of the People at the local level and may only be extinguished

by the People at each local governing unit and should not be extinguished by other entities outside of the local governing unit.

5.3. Local Governance Structure Elements

- a) The Chapter does not see the idea of regional/county governments and chapter governments as an either/or proposition. The two governmental entities coexist across many nations and states with each having defined powers. The same should be true on the Navajo Nation. This would protect local level democratic processes and services while also creating regional entities that are capable of handling higher level governance needs for the people. Thus, any legislation/referendum shall not dissolve chapters as local governing units, although their authorities, structure, and functions could be modified. This would be in keeping with 1 N.N.C. § 203 (J); and
- b) The chapter supports the idea of establishing Navajo Nation county governments not regional governments. This can be done through amending Title 26 to include language regarding the establishment of Navajo county governments; and
- c) Any legislation/referendum shall include legislative language which will transition over time (no more than 7 years) departmental and other monies from the central Navajo government to the regional/county governments. The language of such an element shall be very clear and specific such that administrative interpretation of such language shall not frustrate or prevent such process and transition from occurring.

CERTIFICATION

We, hereby certify that the foregoing resolution was duly considered by the Torreon/Star Lake Chapter at a duly called meeting at Na'neelZhiin, New Mexico, at which a quorum was present and that the same was motioned by: Emerson Castillo and seconded by: Larry Mase and adopted by a vote of 32 in favor 0 opposed on the 04th day of February 2016.


David Rico, President
Torreon/Star Lake Chapter


Joe L. Cayaditto Jr. Vice President
Torreon/Star Lake Chapter


Evangelina Teahine, Secretary/Treasurer
Torreon/Star Lake Chapter

Trichapter Council (IGEC) Comment Letter
Regarding
Legislation 0090-16

Exhibit B

Counselor Chapter
Title 26 Task Force Resolution



Navajo Nation, Counselor Chapter House, P.O. Box #93, Counselor, New Mexico 87018

Phone & Fax #: (575)568-4311

Email: counselor@navajochapters.org



Harry J. Wellito, Chapter President
Laura Lopez, Vice President
Marlene Thomas, Secretary/Treasurer
Elizabeth Stoney, Land Board Member

Leonard Tsosie, Council Delegate
Samuel Sage, Coordinator
Martha A. Aragon, A.M.S.

RESOLUTION OF THE COUNSELOR CHAPTER

COUNSELOR, NM

#COUN-2016-02-003

Resolution of Concern and Input regarding Title 26 Task Force of the Navajo Nation Council Resource Development Committee

WHEREAS,

1. The Counselor Chapter (the "Chapter") is a political subdivision of the Navajo Nation under 11 N.N.C. § 10 and a local governance certified chapter pursuant to 26 N.N.C. § 102, and the Chapter is responsible for the health and safety of its local residents and for stewardship of its Chapter lands and resources; and
2. The chapter has recently been made aware of the Title 26 Task Force (the "task force") which was created by the Navajo Nation Council's Resource Development committee via resolution RDCMY-21-15 (Exhibit A) along with extension resolutions RDCS-64-15 (Exhibit B) and RDCD-94-15 (Exhibit C); and
3. Although Office of Navajo Government Development (ONGD) and Navajo Nation Division of Community Development (NND CD) stated at public "education" meetings regarding the task force that task force meetings were open and available to the public, no efforts were made to share the meeting times/location for the public to participate, thus negating any potential public input directly regarding Title 26 task force sessions. Even when this issue was raised it has still been difficult to gain access to this information; and
4. The Chapter believes that local governance is the foundation of Navajo governance both traditionally and currently; and
5. This belief is backed by Navajo Nation Law and Custom which is verified before Title 26 enactment by the following:
 - 2 N.N.C. §4021 Purpose: (Repealed by CAP-34-98(Title 26))
 - A. The Chapters of the Navajo Nation represent the foundation of the Navajo Nation government. They are designed to provide a forum in which local needs may be addressed and in which concerns of the Navajo Nation may be explored and considered by each constituent part of the Navajo Nation; and
6. The Chapter believes that 2 N.N.C. §4021 underlies to the creation and intent of Title 26 which:

26 N.N.C. §1 (B)

1. The purpose of the Local Governance Act is to recognize governance at the local level. Through adoption of this Act, the Navajo Nation Council delegates to chapters governmental authority with respect to local matters consistent with Navajo law, including custom and tradition...;and

7. The chapter also believes local governance as a foundation of Navajo governance traditionally and is present in the historic ethnographic data regarding Navajo societal structure (Exhibit D); and

8. The task force has operated outside of its purpose and has also now caused the Resource Development Committee (RDC) to operate outside of its purpose; and

8.1. The Title 26 task force was established by the Resource Development Committee for the following purposes:

RDCMY-21-15 Section 2 (A):

1. A mechanism of establishing accountability at the Chapter level through recommendations for changes in Title 26;

2. To explore ways to amend Title 26 so that Chapters may become locally empowered;

3. To work towards establishing policies and possible Title 26 amendments to streamline the Five Management Plan System;

a) Chapter is defined in Title 2 by the following

Title 2 §110(D)

Chapter, as stated in 26 N.N.C. §2(6), means units of local government which are political subdivisions of the Navajo Nation.

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"Chapters" are units of local government which are political subdivisions of the Navajo Nation.

b) Local Government Unit is defined in Title 2 as follows:

Title 2 §110(K)

Local Government Units means political subdivisions of the Navajo Nation including, Chapters, Townships, or other municipal forms of government for purpose of §500 to §503.

(Note: Title 2 §500 to §503 refers to the Resource Development Committee)

c) The chapter was presented with information from the task force about its recommendations; however, the chapter failed to see any recommendations which

"established accountability at the chapter level", enable Chapters to "become locally empowered", or any policy or Title 26 amendments which would "streamline the Five Management Plan System". All presented information promoted the idea of abolishing local governments and governance.

d) Also, the "public education" activities of the task force is outside of its mandated purpose.

8.2. The task force as an official entity of the Resource Development Committee (RDC) has caused the committee to act outside of its legislated purpose which in regards to local governments is to:

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To promote local community land use plans which support community infrastructural development and development of Local Government Units which enhances local self-government.

(Note: See 8.1(b) of this resolution which shows the definition of Local Government Unit according to Title 2)

a) RDC by extension of its task force has now promoted the abolishment of local government and local self-government as defined by the Navajo Nation Code and has promoted and allocated Navajo Nation resources and funds for such a manner which is against its legislated purpose.

9. In addition to the task force acting outside of its purpose, the task force is not properly constituted to provide balanced planning to fulfill its purpose. The following constitutes the task force membership; and

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1. The Task Force shall consist of the named Navajo Nation employee or designee:

- i. Shirleen Jumbo-Rintila, Legislative Associate, Division of Community Development;
- ii. Robert Begay, Department Director, DCD Administrative Service Centers;
- iii. Raymond Tsosie, Senior Planner, Division of Community Development;
- iv. Robert Jumbo, Associate Auditor, Office of the Auditor General;
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9.1. The Chapter feels that while the task force is composed of many very talented, dedicated, and experienced Navajo Nation employees, a fundamental flaw exists in the task force's membership composition. All of the task force is composed officially of central government employees. This flaw leads to issues that contradict Nitsáhákees-Nahat'á-líná-Siihasin and creates issues which are contradictory to local governance.

a) The following are defined in Title 2:

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Nitsáhákees is the part of the process of Nitsáhákees-Nahat'á-líná-Siihasin which involves critical thinking, and more broadly, to give direction and guidance to the issue at hand, in a constant cycle of examining and analyzing issues for growth and development.

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Nahat'á is the part of the process of Nitsáhákees-Nahat'á-líná-Siihasin to strategically plan while utilizing Diné be beehaz'áanii Bitsé Siléi (foundation of Diné law), statutory laws, informed research and public input (through use of the Naabik'iyáti' process) in a constant cycle of examining and analyzing issues for growth and development.

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líná is the part of the process of Nitsáhákees-Nahat'á-líná-Siihasin to collaboratively make and implement a decision, which must be dynamic and vibrant to accomplish effective and efficient outcomes, for sustaining life, in a constant cycle of examining and analyzing issues for growth and development.

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Siihasin is the part of the process of Nitsáhákees-Nahat'á-líná-Siihasin to ensure resilience through evaluation of decision making and outcomes in a constant cycle of examining and analyzing issues for growth and development.

- Although public input sessions have been conducted over the years regarding Title 26, the context of these sessions were not generally in the spirit of abolishment of

local governments but in their reform. Thus, task force composition heavily influences how collected input is interpreted to derive public policy. Thus it would seem that by not having a balanced task force which includes local governmental employees or designees not only would yield incorrect public policy suggestions from public input but would also go against elements of Nitsáhákees-Nahat'á-líná-Siihasin.

- 9.2. The chapter also understands from the academic literature regarding decentralization in developing nations (such as the Navajo Nation) the central governmental employees tend to be hostile towards authorities being granted to local level governments. This is illustrated in a document named "Navajo Nation LGA Post Certification: *The Path Forward in Self-Governance. A policy analysis of the Navajo Nation Local Governance Act*" written by Smullins & Tsosie, Harvard University Kennedy School of Government (**Exhibit E**). The following are excerpts illustrating central government employee reluctance towards local governance empowerment regarding Navajo LGA:

As chapter responsibilities increase, it is possible that some Window Rock jobs will disappear. This possibility encourages Window Rock employees to stall rather than support local governance because they are scared of its consequences. One Window Rock program staff member said in an interview, "I'm not sure about LGA. I'll probably lose my job." (Page 15)

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Local governance requires the political support of both local citizens and the central government. Central government support is often the most difficult to gain because decentralization often means a loss in responsibility for central government employees. These employees may be reluctant to give up power or worry about losing their jobs. (Page 6)

- a) Considering this information, the likelihood of the task force being capable of fulfilling its original mandated purpose is in doubt. It also becomes understandable, considering the reluctance of central government employees to embrace Title 26 and the complete central governmental makeup of the task force, that the suggested solution (which is against the task force's purpose) is to dissolve local governments.

10. Misleading information presented during the task force's "Public Outreach" sessions.

- 10.1. The task force's "public outreach" sessions have inferred that Navajo Nation Code does not allow for the existence of chapters with less than 1,000 people. However, this is misleading the public of the actual language contained in Title 26:

- a) Title 26 provides language regarding the establishment of new chapters worded as such:

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C. Additional chapters may be certified only if all of the following are met:

1. Upon presentation of evidence to the Navajo Nation Council that the proposed chapter represents a community group which has existed and functioned as a community for four continuous years.
 2. Upon presentation of evidence that the population of the area exceeds 1,000 persons for each of the existing chapters and that there is a need to establish others.
 3. Upon presentation of evidence that the topography or the unique demography of the chapter area makes it necessary to have more than one chapter to allow residents access to chapter meetings.
- The language in 26 N.N.C. §3(C) has been misrepresented by the task force, to the public, to infer that current chapters with populations of less than 1,000 should not exist according to Navajo Nation Code. This portion of Title 26 only applies to the establishment of new chapters (Exhibit F).

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- a) The task force has stated that the average chapter spends 55% of its total budget on "administrative costs. Administrative Cost is defined by the task force in their presentation as being the sum of the following budget items: Personnel & Fringe and Chapter Agency Council Meetings (Stipends). The percent is then calculated by placing the total administrative cost over the the total chapter budget (Exhibit F).
- b) The task force even includes a statistic indicating that a single chapter has an 80% administrative cost, but the evidence for this is stated to be by word of mouth or anecdotal. Even so, the task force still includes this statistic.
- c) **Upon analysis of the FY2015 budget the following was calculated. Administrative Cost is composed of Personnel & Fringe, Chapter Agency Council Meetings (Stipends), and General Funds I. The highest administrative percentage is 54.2% with a minimum of 23.3% with an average of 44.2%. (Exhibit G)**
- d) Chapters, on average, are nearly 20% more efficient than what the task force has been telling the public.

10.3. Cost Savings

- a) The task force indicates in their presentation that there will be a cost savings by dissolving chapters and having 24 regions instead. Unfortunately, since the task force does not have an actual plan in place it is difficult for them to do an accurate cost savings analysis. The current proposed stricture includes the following positions for each region: Regional Manager, Administrative Assistant, Extension Agent, Maintenance Technician, Heavy Equipment Operator, Accountant, Senior Planner, Proposal Writer, and Compliance Officer (Constable). These positions are estimated to have a total cost of \$510,426 per region with a total cost of \$12,250,220 nationwide (Exhibit F).
- b) However, other costs are not accounted for which includes travel (General Fund I) and stipends or pay for the commissioners. Additionally, each chapter is proposed to remain open as a community center which will require personnel to be present. This cost has not

been accounted for. If commissioners receive \$24,000 stipend per year and an administrative assistant is hired to operate each "community center" the actual total yearly Navajo Nation wide cost balloons to \$20,340,273. Current chapter direct administrative costs is \$14,475,993. (Exhibits F & H)

- c) Additionally the task force advertises other cost savings from chapter operations (such as heating and cooling) and trash; however, if the chapters remain open as community centers these savings would not be realized. Also, the task force present that current chapter buildings which are closed due to structural issues would not have to be repaired or rebuilt, leaving those communities without a community center.
- d) It is misleading for the task force to present a plan to the public showing what appears to be solid cost savings while also promising the public increased services. This is not possible and is over-promising the public on what can be actually be delivered within certain budgets. Additionally, if the administrative assistants are not to take care of local level direct services (such as housing) it will require residents to travel further to access these services. Thus, regionalization could possibly shift costs onto the public.

10.4. Misleading Questionnaire

- a) Finally, the task force has discussed a questionnaire that it has conducted asking the Navajo Nation public on its opinions about various governmental related questions at the Navajo Nation Fair. Two questions of interest are:
 - Do you think there is a need for a Vice-President at the local chapter government?
 - 60% Yes; 39% No; 1% Undecided
 - If local chapter governments were to be merged into regional governments to promote better service to the Navajo People, would you vote to support this idea?
 - 77% Yes; 22% No; 1% Undecided
- b) Regarding the question about merging chapters is should not be surprising because the question is not neutral. It infers to the person answering the question that better services will follow. Thus, people are agreeing that if better services will be offered that they would be willing to merge chapters. Since the question is not neutral it does not tell policy makers much in the way of whether the public would like to see chapters dissolved.
- c) The majority of people feel that the Vice-President position should be retained. If the vast majority of people would like to dissolve chapters it would seem unlikely that they would also still feel that the Vice-President position is useful. Thus the survey questions mislead the public into thinking that the survey results indicate public support for dissolving chapters, but in reality the questions do not reflect this sentiment.
- d) Lastly, the sample of people is skewed and likely to small. Although the Navajo Nation Fair is a major Navajo event which draws Navajos from all over, it is likely that a larger percentage of individuals represented in the survey will live in closer proximity to Window Rock. Thus the survey results are likely skewed and have a relatively high margin of error.

NOW THEREFORE BE IT RESOLVED THAT,

1. The Chapter believes that the Title 26 Task force has acted outside of its intended and mandated functions and has caused the RDC to also act against its legislated intent. Thus, the task force should be dissolved; and
2. The chapter requests that the RDC cease expending Navajo Nation resources/funds in a manner inconsistent with RDC's legislated purpose; and

3. That while the chapter sees that the Title 26 Task Force as no longer viable, its initial intended purpose of suggesting reforms to Title 26 (as defined in RDCMY-21-15 Section 2 (A)) is good and consistent with the RDC's legislated purpose; and
4. The Chapter also believes that elections of local governance units should not be delayed for any referendum. This could interrupt local governing processes and cycles and may not be in keeping with Navajo Nation Code and with the provision of stable governance; and
5. Although Title 26 task force did not work collaboratively with Local Governmental Units in the construction of its proposals and interpretation of collected public input, the Chapter does believe in Nitsáhákees-Nahat'á-liná-Siihasin and would like to make the following suggestions regarding future planning and local governance:

5.1. Local Governance Planning

- a) A new planning task force composed of a balanced group of locally minded governance individuals and central governance individuals should be established; and
 - The central government shall furnish travel funds for Local Government Units that participate in this process since meetings are generally held bi-weekly in the Window Rock area. These meetings would increase chapter travel costs and indirect service costs.
- b) That a similar purpose such as currently existing in RDCMY-21-15 Section 2(A) should guide the new task force; and
- c) The meetings shall be both open to the public and advertised to the public to ensure governmental transparency and public input. Although public input has been gathered over the years it was not specific to the dissolution of chapter governments, thus it is important that this process is open to the public for additional input; and
- d) That the public is given a constructed plan to discuss and vote upon. The People should know what the actual structure of any referendum is. The "Public Education" outreach by the title 26 task force has presented confusing and misleading information regarding their plan. Many times misleading and showing generally positive proposed elements are not linked with actual financial costs not being shown and accounted for. Thus an actual plan with real financial and governance analysis shall be proposed for the people to be able to discuss, debate, and vote upon; and
- e) Any referendum vote should occur on a general election (either during Chapter elections or Council elections) to ensure the greatest number of registered voters participate;
 - Any amendments to Title 26 shall be consistent with 26 N.N.C. §1(E)

5.2. Fundamental Elements of Navajo Governance

- a) Navajo tradition and custom recognizes that governance is derived from the people and at the local level. This precedes the establishment of chapters and the central Navajo Nation government, thus the preservation of small local units of governance similar to chapters shall be maintained; and

- b) The protection of governance at the local level is paramount. Local governance allows individual citizens to directly participate in their government and governance and should remain an inalienable right of the People at the local level and may only be extinguished by the People at each local governing unit and should not be extinguished by other entities outside of the local governing unit.

5.3. Local Governance Structure Elements

- a) The Chapter does not see the idea of regional/county governments and chapter governments as an either/or proposition. The two governmental entities coexist across many nations and states with each having defined powers. The same should be true on the Navajo Nation. This would protect local level democratic processes and services while also creating regional entities that are capable of handling higher level governance needs for the people. Thus, any legislation/referendum shall not dissolve chapters as local governing units, although their authorities, structure, and functions could be modified. This would be in keeping with 1 N.N.C. § 203 (J); and
- b) The chapter supports the idea of establishing Navajo Nation county governments not regional governments. This can be done through amending Title 26 to include language regarding the establishment of Navajo county governments; and
- c) Any legislation/referendum shall include legislative language which will transition over time (no more than 7 years) departmental and other monies from the central Navajo government to the regional/county governments. The language of such an element shall be very clear and specific such that administrative interpretation of such language shall not frustrate or prevent such process and transition from occurring.

CERTIFICATION

We hereby certify that this resolution was duly considered by the Counselor Chapter, Navajo Nation, in the State of New Mexico, at which a quorum was present and that same was passed by a vote 19 in favor, 0 opposed and 1 abstained on this day of February, 2016.

MOTION:

Shirley Herrera

SECOND:

Nellie AugustineHarry J. Wellito
Harry J. Wellito, Chapter PresidentLaura C. Lopez
Laura C. Lopez, Chapter Vice- PresidentMarlene Thomas
Marlene Thomas, Chapter Secretary/ TreasurerLeonard Tsosie
Leonard Tsosie, Council DelegateElizabeth Stoney
Elizabeth Stoney, Land Board Member

Trichapter Council (IGEC) Comment Letter
Regarding
Legislation 0090-16

Exhibit C

Ojo Encino Chapter
Title 26 Task Force Resolution



OJO ENCINO CHAPTER
HCR 79 BOX 1500, OJO ENCINO, NEW MEXICO 87013
PHONE (505)731-2263 or 731-2262 FAX (505)731-1516
EMAIL: ojoencino@navajochapters.org

RESOLUTION OF THE OJO ENCINO CHAPTER
OF THE NAVAJO NATION

Resolution of Concern and Input regarding Title 26 Task Force of the Navajo Nation Council Resource Development Committee

WHEREAS,

1. The Ojo Encino Chapter (the "Chapter") is a political subdivision of the Navajo Nation under 11 N.N.C. § 10 and a local governance certified chapter pursuant to 26 N.N.C. § 102, and the Chapter is responsible for the health and safety of its local residents and for stewardship of its Chapter lands and resources; and
2. The chapter has recently been made aware of the Title 26 Task Force (the "task force") which was created by the Navajo Nation Council's Resource Development Committee via resolution RDCMY-21-15 (Exhibit A) along with extension resolutions RDCS-64-15 (Exhibit B) and RDCE-94-15 (Exhibit C); and
3. Although Office of Navajo Government Development (ONGD) and Navajo Nation Division of Community Development (NNDCE) stated at public "education" meetings regarding the task force that task force meetings were open and available to the public, no efforts were made to share the meeting times and location for the public to participate, thus negating any potential public input directly regarding Title 26 task force sessions. Even when this issue was raised it has still been difficult to gain access to this information; and
4. The Chapter believes that local governance is the foundation of Navajo governance both traditionally and currently; and
5. This belief is backed by Navajo Nation Law and Custom which is verified before Title 26 was enacted by the following:
2 N.N.C. §4021 Purpose: (Repealed by CAP-34-98(Title 26))
A. The Chapters of the Navajo Nation represent the foundation of the Navajo Nation government. They are designed to provide a forum in which local needs may be addressed and in which concerns of the Navajo Nation may be explored and considered by each constituent part of the Navajo Nation.

and;

6. The Chapter believes that 2 N.N.C. §4021 underlies to the creation and intent of Title 26 which:

George Werito Jr., Chapter President
Jeanette Vice, Chapter Vice President
Brandon Sam, Chapter Secretary/Treasurer

Gloria Chiquito, Chapter Manager
Leonard Tsosie, Council Delegate
Elizabeth Stoney, Land Board Member

26 N.N.C. §1 (B)

1. The purpose of the Local Governance Act is to recognize governance at the local level. Through adoption of this Act, the Navajo Nation Council delegates to chapters governmental authority with respect to local matters consistent with Navajo law, including custom and tradition...

and;

7. The chapter also believes local governance is the foundation of Navajo governance traditionally and is in the historic ethnographic data regarding Navajo societal structure (Exhibit D); and
8. The task force has operated outside of its purpose and has also now caused the Resource Development Committee (RDC) to operate outside of its purpose; and

8.1. The Title 26 task force was established by the Resource Development Committee for the following purposes:

RDCMY-21-15 Section 2 (A):

1. A mechanism of establishing accountability at the Chapter level through recommendations for changes in Title 26;
2. To explore ways to amend Title 26 so that Chapters may become locally empowered;
3. To work towards establishing policies and possible Title 26 amendments to streamline the Five Management Plan System;

a) Chapter is defined in Title 2 by the following

Title 2 §110(D)

Chapter, as stated in 26 N.N.C. §2(6), means units of local government which are political subdivisions of the Navajo Nation.

26 N.N.C. §2(6)

"Chapters" are units of local government which are political subdivisions of the Navajo Nation.

b) Local Government Unit is defined in Title 2 as follows:

Title 2 §110(K)

Local Government Units means political subdivisions of the Navajo Nation including, Chapters, Townships, or other municipal forms of government for purpose of §500 to §503.

(Note: Title 2 §500 to §503 refers to the Resource Development Committee)

c) The chapter was presented with information from the task force about its recommendations; however, the chapter failed to see any recommendations which "established accountability at the chapter level", enable Chapters to "become locally

empowered", or any policy or Title 26 amendments which would "streamline the Five Management Plan System". All presented information promoted the idea of abolishing local governments and governance.

- d) Also, the "public education" activities of the task force is outside of its mandated purpose.

8.2. The task force as an official entity of the Resource Development Committee (RDC) has caused the committee to act outside of its legislated purpose which in regards to local governments is to:

2 N.N.C. §500.(C)(4)

To promote local community land use plans which support community infrastructural development and development of Local Government Units which enhances local self-government.

(Note: See 8.1(b) of this resolution which shows the definition of Local Government Unit according to Title 2)

- a) RDC by extension of its task force has begun the process to abrogate local government and local self-government as defined by the Navajo Nation Code and has promoted and allocated Navajo Nation resources and funds for such a manner contrary to its legislated purpose.

9. In addition to the task force acting outside of its purpose, the task force is not properly constituted to provide balanced planning to fulfill its purpose. The following constitutes the task force membership; and

RDCMY-21-15 Section 2 (B)(1)

1. The Task Force shall consist of the named Navajo Nation employee or designee:

- i. Shirleen Jumbo-Rintila, Legislative Associate, Division of Community Development;
- ii. Robert Begay, Department Director, DCD Administrative Service Centers;
- iii. Raymond Tsosie, Senior Planner, Division of Community Development;
- iv. Robert Jumbo, Associate Auditor, Office of the Auditor General;
- v. Michael Halona, Department Director, Navajo Nation Land Department;
- vi. Reycita Toddy, Department of Personnel;
- vii. Dominic Beyal, Director, Office of Management and Budget;
- viii. Rodger Martinez, Director, Navajo Nation Retirement Services;
- ix. Clarence Chee, Division of Community Development;

- x. Leonard Benally, Director, Navajo Office of Vital Records;
- xi. Martin Ashley, Director, Navajo Nation Tax Commission;
- xii. Vernon Roanhorse, Director, Office of Ethics and Rules; and
- xiii. Rodgerick Begay, Esq. , Navajo Nation Department of Justice

9.1. The Chapter feels that while the task force is composed of many very talented, dedicated, and experienced Navajo Nation employees, a fundamental flaw exists in the task force's membership composition. All of the task force is composed officially of central government employees. This flaw leads to issues that contradict Nitsáhákees-Nahat'á-liná-Siihasin and creates issues which are contradictory to local governance.

a) The following are defined in Title 2:

2 N.N.C. §110(Q)

Nitsáhákees is the part of the process of Nitsáhákees-Nahat'á-liná-Siihasin which involves critical thinking, and more broadly, to give direction and guidance to the issue at hand, in a constant cycle of examining and analyzing issues for growth and development.

2 N.N.C. §110(P)

Nahat'á is the part of the process of Nitsáhákees-Nahat'á-liná-Siihasin to strategically plan while utilizing Diné beehaz'aanii Bitsé Siléi (foundation of Diné law), statutory laws, informed research and public input (through use of the Naabik'iyáti' process) in a constant cycle of examining and analyzing issues for growth and development.

2 N.N.C. §110(I)

liná is the part of the process of Nitsáhákees-Nahat'á-liná-Siihasin to collaboratively make and implement a decision, which must be dynamic and vibrant to accomplish effective and efficient outcomes, for sustaining life, in a constant cycle of examining and analyzing issues for growth and development.

2 N.N.C. §110(V)

Siihasin is the part of the process of Nitsáhákees-Nahat'á-liná-Siihasin to ensure resilience through evaluation of decision making and outcomes in a constant cycle of examining and analyzing issues for growth and development.

- Although public input sessions have been conducted over the years regarding Title 26, the context of these sessions were not generally in the spirit of abolishment of

local governments but in their reform. Thus, task force composition heavily influences how collected input is interpreted to derive public policy. Thus it would seem that by not having a balanced task force which includes local governmental employees or designees not only would yield incorrect public policy suggestions from public input but would also go against elements of Nitsáhákees-Nahat'á-liná-Siibhasin.

- 9.2. The chapter also understands from the academic literature regarding decentralization in developing nations (such as the Navajo Nation) the central governmental employees tend to be hostile towards authorities being granted to local level governments. This is illustrated in a document named "Navajo Nation LGA Post Certification: *The Path Forward in Self-Governance. A policy analysis of the Navajo Nation Local Governance Act*" written by Smullins & Tsosie, Harvard University Kennedy School of Government (Exhibit E). The following are excerpts illustrating central government employee reluctance towards local governance empowerment regarding Navajo LGA:

As chapter responsibilities increase, it is possible that some Window Rock jobs will disappear. This possibility encourages Window Rock employees to stall rather than support local governance because they are scared of its consequences. One Window Rock program staff member said in an interview, "I'm not sure about LGA. I'll probably lose my job." (Page 15)

Also indicating the importance of central government employee support:

Local governance requires the political support of both local citizens and the central government. Central government support is often the most difficult to gain because decentralization often means a loss in responsibility for central government employees. These employees may be reluctant to give up power or worry about losing their jobs. (Page 6)

- a) Considering this information, the likelihood of the task force being capable of fulfilling its original mandated purpose is in doubt. It also becomes understandable, considering the reluctance of central government employees to embrace Title 26 and the complete central governmental makeup of the task force, that the suggested solution (which is against the task force's purpose) is to dissolve local governments.
10. Misleading information presented during the task force's "Public Outreach" sessions; and
- 10.1. The task force's "public outreach" sessions have inferred that Navajo Nation Code does not allow for the existence of chapters with less than 1,000 people. However, this is misleading the public of the actual language contained in Title 26:
- a) Title 26 provides language regarding the establishment of new chapters worded as such:

26 N.N.C. §3

C. Additional chapters may be certified only if all of the following are met:

1. Upon presentation of evidence to the Navajo Nation Council that the proposed chapter represents a community group which has existed and functioned as a community for four continuous years.
 2. Upon presentation of evidence that the population of the area exceeds 1,000 persons for each of the existing chapters and that there is a need to establish others.
 3. Upon presentation of evidence that the topography or the unique demography of the chapter area makes it necessary to have more than one chapter to allow residents access to chapter meetings.
- The language in 26 N.N.C. §3(C) has been misrepresented by the task force, to the public, to infer that current chapters with populations of less than 1,000 should not exist according to Navajo Nation Code. This portion of Title 26 only applies to the establishment of new chapters (Exhibit F).

10.2. Administrative versus Direct Costs

- a) The task force has stated that the average chapter spends 55% of its total budget on "administrative costs. Administrative Cost is defined by the task force in their presentation as being the sum of the following budget items: Personnel & Fringe and Chapter Agency Council Meetings (Stipends). The percent is then calculated by placing the total administrative cost over the total chapter budget (Exhibit F).
- b) The task force even includes a statistic indicating that a single chapter has an 80% administrative cost, but the evidence for this is stated to be by word of mouth or anecdotal. Even so, the task force still includes this statistic.
- c) **Upon analysis of the FY2015 budget the following was calculated: Administrative Cost is composed of Personnel & Fringe, Chapter Agency Council Meetings (Stipends), and General Funds I. The highest administrative percentage is 54.2% with a minimum of 23.3% with an average of 44.2%. (Exhibit G)**
- d) Chapters, on average, are nearly 20% more efficient than what the task force has been telling the public.

10.3. Cost Savings

- a) The task force indicates in their presentation that there will be a cost savings by dissolving chapters and having 24 regions instead. Unfortunately, since the task force does not have an actual plan in place it is difficult for them to do an accurate cost savings analysis. The current proposed structure includes the following positions for each region: Regional Manager, Administrative Assistant, Extension Agent, Maintenance Technician, Heavy Equipment Operator, Accountant, Senior Planner, Proposal Writer, and Compliance Officer (Constable). These positions are estimated to have a total cost of \$510,426 per region with a total cost of \$12,250,220 nationwide (Exhibit F).
- b) However, other costs are not accounted for which includes travel (General Fund I) and stipends or pay for the commissioners. Additionally, each chapter is proposed to remain open as a community center which will require personnel to be present. This cost has not

been accounted for. If commissioners receive a \$24,000 stipend per year and an administrative assistant is hired to operate each "community center" the actual total yearly Navajo Nation wide cost balloons to \$20,340,273. Current chapter direct administrative costs are \$14,475,993. (Exhibits F & H)

- c) Additionally the task force advertises other cost savings from chapter operations (such as heating and cooling) and trash; however, if the chapters remain open as community centers these savings would not be realized. Also, the task force indicated that current chapter buildings which are closed due to structural issues would not have to be repaired or rebuilt, leaving those communities without a community center.
- d) It is misleading for the task force to present a plan to the public showing what appears to be solid cost savings while also promising the public increased services. This is not possible and is over-promising the public of what can actually be delivered within certain budgets. Additionally, if the administrative assistants are not to take care of local level direct services (such as housing) it will require residents to travel further to access these services. Thus, regionalization could possibly shift costs onto the public.

10.4. Misleading Questionnaire

- a) Finally, the task force has discussed a questionnaire that it has conducted asking the Navajo Nation public on its opinions about various governmental related questions at the Navajo Nation Fair. Two questions of interest are:
 - Do you think there is a need for a Vice-President at the local chapter government?
 - 60% Yes; 39% No; 1% Undecided
 - If local chapter governments were to be merged into regional governments to promote better service to the Navajo People, would you vote to support this idea?
 - 77% Yes; 22% No; 1% Undecided
- b) Regarding the question about merging chapters should not be surprising it has support because the question is not neutral. It infers to the person answering the question that better services will follow. Thus, people are agreeing that if better services will be offered that they would be willing to merge chapters. Since the question is not neutral it does not tell policy makers much in the way of whether the public would like to see chapters dissolved.
- c) The majority of people feel that the Vice-President position should be retained. If the vast majority of people would like to dissolve chapters it would seem unlikely that they would also still feel that the Vice-President position is useful. Thus the survey questions mislead the public into thinking that the survey results indicate public support for dissolving chapters, but in reality the questions do not reflect this sentiment.
- d) Lastly, the sample of people is skewed and likely to small. Although the Navajo Nation Fair is a major Navajo event which draws Navajos from all over, it is likely that a larger percentage of individuals represented in the survey will live in closer proximity to Window Rock. Thus the survey results are likely skewed and have a relatively high margin of error.

NOW THEREFORE BE IT RESOLVED THAT,

1. The Chapter believes that the Title 26 Task force has acted outside of its intended and mandated functions and has caused the RDC to also act against its legislated intent. Thus, the task force should be dissolved; and
2. The Chapter requests that the RDC cease expending Navajo Nation resources/funds in a manner inconsistent with RDC's legislated purpose; and

3. That while the chapter sees that the Title 26 Task Force as no longer viable, its initial intended purpose of suggesting reforms to Title 26 (as defined in RDCMY-21-15 Section 2 (A)) is good and consistent with the RDC's legislated purpose; and
4. The Chapter also believes that elections of local governance units should not be delayed for any referendum. This could interrupt local governing processes and cycles and may not be in keeping with Navajo Nation Code and with the provision of stable governance; and
5. Although Title 26 task force did not work collaboratively with Local Governmental Units in the construction of its proposals and interpretation of collected public input, the Chapter does believe in Nitsáhákees-Nahat'á-liná-Siihasin and would like to make the following suggestions regarding future planning and local governance:

5.1. Local Governance Planning

- a) A new planning task force composed of a balanced group of locally minded governance individuals and central governance individuals should be established; and
 - The central government shall furnish travel funds for Local Government Units that participate in this process since meetings are generally held bi-weekly in the Window Rock area. These meetings would increase chapter travel costs and indirect service costs.
- b) That a similar purpose such as currently existing in RDCMY-21-15 Section 2(A) should guide the new task force; and
- c) The meetings shall be both open to the public and advertised to the public to ensure governmental transparency and public input. Although public input has been gathered over the years it was not specific to the dissolution of chapter governments, thus it is important that this process is open to the public for additional input; and
- d) That the public is given a constructed plan to discuss and vote upon. The People should know what the actual structure of any referendum is. The "Public Education" outreach by the Title 26 task force has presented confusing and misleading information regarding their plan. Many times misleading and showing generally positive proposed elements that are not linked with actual financial costs, which are not being shown and accounted for. Thus an actual plan with real financial and governance analysis shall be proposed for the people to be able to discuss, debate, and vote upon; and
- e) Any referendum vote should occur on a general election (either during Chapter elections or Council elections) to ensure the greatest number of registered voters participate;
 - Any amendments to Title 26 shall be consistent with 26 N.N.C. §1(E)

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- a) Navajo tradition and custom recognizes that governance is derived from the people and at the local level. This precedes the establishment of chapters and the central Navajo Nation government, thus the preservation of small local units of governance similar to chapters shall be maintained; and

- b) The protection of governance at the local level is paramount. Local governance allows individual citizens to directly participate in their government and local governance and should remain an inalienable right of the People at the local level and may only be extinguished by the People at each local governing unit and should not be extinguished by other entities outside of the local governing unit.

5.3. Local Governance Structure Elements

- a) The Chapter does not see the idea of regional/county governments and chapter governments as an either/or proposition. The two governmental entities coexist across many nations and states with each having defined powers. The same should be true on the Navajo Nation. This would protect local level democratic processes and services while also creating regional entities that are capable of handling higher level governance needs for the people. Thus, any legislation/referendum shall not dissolve chapters as local governing units, although their authorities, structure, and functions could be modified. This would be in keeping with 1 N.N.C. § 203 (J); and
- b) The chapter supports the idea of establishing Navajo Nation county governments not regional governments. This can be done through amending Title 26 to include language regarding the establishment of Navajo county governments; and
- c) Any legislation/referendum shall include legislative language which will transition over time (no more than 7 years) departmental and other monies from the central Navajo government to the regional/county governments. The language of such an element shall be very clear and specific such that administrative interpretation of such language shall not frustrate or prevent such process and transition from occurring.

CERTIFICATION

I hereby certify that the foregoing resolution was considered by the Members of the Ojo Encino Chapter at a duly called meeting at the Ojo Encino Chapter House at which a quorum was present, and that the same was passed by vote of in 18 in-favor, 00 opposed, and 03 abstaining, this 13 day of January, 2016.

Motion: Olsen Juan

Second: Cora Yazzie



George Werito, Chapter President

Trichapter Council (IGEC) Comment Letter
Regarding
Legislation 0090-16

Exhibit D

Chapter Resolution Exhibits
(Exhibits the Same for All Three Chapter Resolutions)
Title 26 Task Force Resolution

Exhibit A

RDCMY-21-15

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
OF THE 23rd NAVAJO NATION COUNCIL --- FIRST YEAR, 2015

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; ESTABLISHING A TASK FORCE
TO REVIEW TITLE 26 OF THE NAVAJO NATION CODE AND RECOMMEND
APPROPRIATE AND NECESSARY AMENDMENTS

BE IT ENACTED:

Section One. Findings

- A. The Resources and Development Committee has the authority to grant final approval of resolutions to develop and improve Local Governance Units and has oversight authority over Chapters. 2 N.N.C. §501(B)(2)(c); 2 N.N.C. §501(C)(1).
- B. The Resources and Development Committee met with the Division of Community Development and Administrative Service Centers and discussed issues and concerns pertaining to Title 26 during a recent work session.
- C. Pursuant to those discussions, it is necessary to review Title 26 for possible amendments to improve the overall process as pertains to Chapter functioning and Management.

Section Two. Task Force Establishment; purposes; membership

A Task Force for purposes of:

- 1. A mechanism of establishing accountability at the Chapter level through recommendations for changes in Title 26;
- 2. To explore ways to amend Title 26 so that Chapters may become locally empowered;

RDCMY-21-15

3. To work towards establishing policies and possible Title 26 amendments to streamline the Five Management Plan System;

B. The Task Force membership; meetings

1. The Task Force shall consist of the named Navajo Nation employee or designee:

- i. Shirleen Jumbo-Rintila, Legislative Associate, Division of Community Development;
- ii. Robert Begay, Department Director, DCD-Administrative Service Centers;
- iii. Raymond Tsosie, Senior Planner, Division of Community Development;
- iv. Robert Jumbo, Associate Auditor, Office of the Auditor General;
- v. Michael Halona, Department Director, Navajo Nation Land Department;
- vi. Reycita Toddy, Department of Personnel
- vii. Dominic Beyer, Director, Office of Management and Budget;
- viii. Rodger Martinez, Director, Navajo Nation Retirement Services;
- ix. Clarence Chee, Division of Community Development;
- x. Leonard Benally, Director, Navajo Office of Vital Records;
- xi. Martin Ashley, Director, Navajo Nation Tax Commission;
- xii. Vernon Roanhorse, Director, Office of Ethics and Rules; and

RDCMY-21-15

xiii. Rodgerick Begay, Esq., Navajo Nation
Department of Justice

2. The Task Force shall meet biweekly.
3. Rules governing meetings, including selection of a Chairperson shall be determined by the Task Force. Provided every member of the Task Force shall be allowed to participate, debate and vote on all matters.

Section Three. Reimbursement

The members of the Task Force, for its meeting attendance and in fulfilling its delegated functions, shall be compensated (where permitted by law, rule or regulation) and reimbursed for expenses from the respective programs they are employed with.

Section Four. Directives

A. The Task Force shall provide to the Resources and Development Committee a written report and proposed draft of Title 26 no later than 90 days after the establishment of the Task Force.

B. The Speaker's Chief of Staff shall assign one staff assistant to assist the Title 26 Task Force with completing the report.

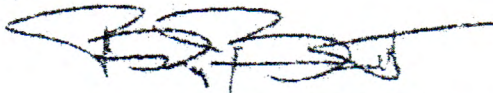
Section Five. Approval

The Navajo Nation Council's Resources and Development Committee hereby authorizes the creation of a Task Force to develop, recommend appropriate and necessary amendments to Title 26 of the Navajo Nation Code.

RDCMY-21-15

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Navajo Nation Department of Transportation Conference Room, Tse Bonito, Navajo Nation (New Mexico), at which quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, 0 abstain this 20th day of May, 2015.



Benjamin Bennett, Vice-Chairperson
Resources and Development Committee
Of the 23rd Navajo Nation Council

Motion: Honorable Davis Filfred
Second: Honorable Leonard Pete
Vote: 4-0 (Vice- Chairman Not Voting)

Exhibit B

RDCS-64-15

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
Of the 23rd Navajo Nation Council---First Year 2015

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; AMENDING RDCMY-21-15
WHICH ESTABLISHED THE TITLE 26 TASK FORCE TO EXTEND THE
EXISTENCE OF THE TASK FORCE FROM 90 DAYS TO 210 DAYS

Section One. Findings

- A. The Resources and Development Committee has the authority to grant final approval of resolutions to develop and improve Local Governance Units and has oversight authority over Chapters. 2 N.N.C. § 501(B)(2)(c); 2 N.N.C. § 501(C)(1).
- B. The Resources and Development Committee met with the Division of Community Development and Administrative Service Centers and discussed issues and concerns pertaining to Title 26 during a recent work session.
- C. Pursuant to those discussions, the Resources and Development Committee determined it necessary to review Title 26 for possible amendments to improve the overall process as pertains to Chapter functioning and management.
- D. The Resources and Development Committee, through RDCMY-21-15, established the Title 26 Task Force to address review of the Title 26 of the Navajo Nation Code.
- E. RDCMY-21-15 created the Title 26 Task Force and stated that the Task Force was to function for 90 days. The Resources and Development Committee heard a report from the Chairperson of the Title 26 Task Force on August 11,

RDCS-64-15

2015 and the Committee decided that the Task Force needed 120 additional days to complete its task.

- F. The Resources and Development Committee finds it in the best interest of the Navajo Nation for the Title 26 Task Force to complete its task within 210 days from the date it was created by RDCMY-21-15.

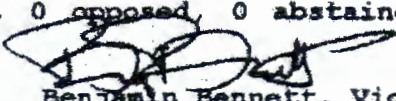
Section Two. The Resources and Development Committee amends Section Four of RDCMY-21-15 by increasing the number of days for the Title 26 Task Force to complete its work from 90 days to 210 days. The amendment to RDCMY-21-15 is made as written below:

Section Four. Directives

- A. The Task Force shall provide to the Resources and Development Committee a written report and proposed draft of Title 26 no later than ~~90~~ 210 days after the establishment of the Task Force.
- B. The Speaker's Chief of Staff shall assign one staff assistant to assist the Title 26 Task Force with completing the report.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Navajo Department of Transportation, Tse Bonito, Navajo Nation (New Mexico), at which quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, 0 abstained this 1st day of September, 2015


Benjamin Bennett, Vice- Chairperson
Resources and Development Committee
Of the 23rd Navajo Nation Council

Motion: Honorable Leonard Tsosie
Second: Honorable Leonard Pete

Exhibit C

RDCE-94-15

**RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
Of the 23rd Navajo Nation Council---First Year 2015**

**AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT; AMENDING RDCMY-21-15
WHICH ESTABLISHED THE TITLE 26 TASK FORCE TO EXTEND THE
EXISTENCE OF THE TASK FORCE FROM 210 DAYS TO 300 DAYS**

Section One. Findings

A. The Resources and Development Committee has the authority to grant final approval of resolutions to develop and improve Local Governance Units and has oversight authority over Chapters. 2 N.N.C. § 501(B) (2) (c); 2 N.N.C. § 501(C) (1).

B. The Resources and Development Committee met with the Division of Community Development and Administrative Service Centers and discussed issues and concerns pertaining to Title 26 during a recent work session.

C. Pursuant to those discussions, the Resources and Development Committee determined it necessary to review Title 26 for possible amendments to improve the overall process as pertains to Chapter functioning and management.

D. The Title 26 Task Force has held a number of educational seminars on the purpose and plans of the Task Force, and the Title 26 Task Force continues its educational work.

E. The Resources and Development Committee, through RDCMY-21-15, established the Title 26 Task Force to address review of the Title 26 of the Navajo Nation Code.

F. RDCMY-21-15 created the Title 26 Task Force and stated that the Task Force was to function for 90 days. The Resources and Development Committee heard a report from the Chairperson of the Title 26 Task Force on August 11, 2015 and the Committee decided that the Task Force needed 120 additional days to complete its task. See RDCE-64-15 attached as Exhibit A.

G. The additional 120 days, approved by Resolution RDCE-64-15, for the Title 26 Task Force to complete its work is not sufficient time to finalize the voluminous record and document review to complete the Task Force's work.

RDCD-94-15

H. The Resources and Development Committee finds it in the best interest of the Navajo Nation for the Title 26 Task Force to complete its task within 300 days from the date it was created by RDCMY-21-15.

Section Two. The Resources and Development Committee amends Section Four of RDCMY-21-15 by increasing the number of days for the Title 26 Task Force to complete its work from 210 days to 300 days. The amendment to RDCMY-21-15 is made as written below:

Section Four. Directives

A. The Task Force shall provide to the Resources and Development Committee a written report and proposed draft of Title 26 no later than 300 days after the establishment of the Task Force.

B. The Speaker's Chief of Staff shall assign one staff assistant to assist the Title 26 Task Force with completing the report.

C. Navajo Nation Divisions or Departments shall give recognition to the Task Force and allow its employees to carry out the Task Force's work as described herein.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Tohajiilee Chapter, Tohajiilee, (Navajo Nation) New Mexico, at which quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, 1 abstained this 29th day of December, 2015.



Benjamin Bennett, Vice-Chairperson
Resources and Development Committee
Of the 23rd Navajo Nation Council

Motion: Honorable Davis Filfred

Second: Honorable Leonard Pete

Exhibit D

Literature indicating evidence of Navajo historic/traditional governance at the local level.

Wilkins, David E. *The Navajo Political Experience*. Rev. ed. Lanham, Md.: Rowman & Littlefield, 2003. Print. Pages: 68, 69, 147.

Williams, Aubrey W., and Smithsonian Institution. *Navajo Political Process*. Washington: Smithsonian Institute, 1970. Print. Smithsonian contributions to anthropology, volume 9. Page: 37.

Iverson, Peter. *The Navajo Nation*. Westport, Conn.: Greenwood Press, 1981. Print. Page: 4.

Shepardson, Mary. *Navajo Ways in Government: A Study in Political Process*. Menasha, Wis: American Anthropological Association, 1963. Print. American Anthropological Association, Memoir 96; American anthropologist, v. 65, no. 3, pt. 2, June, 1963; Memoirs of the American Anthropological Association, no. 96. Pages: Pages: 33, 34, 48

Exhibit E

Smullin, Rebecca, and Lester K. Tsosie. 2003. "Navajo Nation LGA Post Certification: The Path Forward in Self-Governance. A Policy Analysis of the Navajo Nation Local Governance Act." Report to the Speaker, Navajo Nation Council. Harvard Project on American Indian Economic Development, John F. Kennedy School of Government, Harvard University. Accessed 12/15/2015: [<http://www.ongd.navajo-nation.gov/Portals/0/Files/nnlgapc.pdf>]

Exhibit F

Excerpts of Interest from the task force presentation

43 Chapters With Population Under 1000

Whiterock	60	Eastern	15	106,490.5253	YES	12/31/2010
Burnham	240	Shiprock	13	207,943.1569	YES	7/11/2011
Manuelito	350	Eastern	16	52,143.3646		
Coalmine Mesa	365	Tuba City	3	41,928.6098		
Black Mesa	366	Chinle	4	1,677,861,394.8		
Nahodishgish	404	Eastern	16	36,044.5956		
Pueblo Pintado	436	Eastern	20	106,421.8064		
Gadishli	439	Shiprock	12	111,845.9862		
Lake Valley	439	Eastern	20	134,088.3750		
Recenti	498	Eastern	20	12,761.7454		
Cove	499	Shiprock	12	201,948.3335	YES	2/5/2015
Redshitto	522	Shiprock	12	87,667.8486	YES	1/10/2012
Whitehorse Lake	542	Eastern	20	37,433.8588		
Cassmone Lake	547	Eastern	16	27,799.3632	YES	2/5/2015
San Juan	553	Shiprock	13	14,482.5746	YES	2/7/2007
Littlewater	567	Eastern	20	69,817.9437	YES	11/30/2007
Forest Lake	570	Chinle	4	14,268.0664		
Oak Springs	607	Fort Defiance	18	98,396.4398		
Navajo Mountain	696	Tuba City	2	30,989.8366		
Coppermine	668	Tuba City	1	29,195.5189		
Standing Rock	678	Eastern	15	87,906.0526		
Ojo Encino	699	Eastern	20	530,065,878	YES	2/5/2015
Newcombs	706	Shiprock	12	83,334.6356	YES	6/18/2004

Treyatoh	732	Eastern	16	70,836.8073		
Tolani Lake	732	Tuba City	5	21,728.9967		
Orvot	767	Fort Defiance	18	100,569.8948		
Mission Water	808	Shiprock	9	147,006.3486	YES	2/7/2011
Shoop Springs	810	Shiprock	12	81,910.0787	YES	2/5/2007
Wild Defiance	823	Tuba City	5	20,134.0036	YES	7/11/2011
Cornfields	825	Fort Defiance	17	22,164.8927	YES	7/11/2011
Marion Lake	864	Eastern	16	68,001.6348		
Race/Frontier	879	Eastern	16	11,248.0283	YES	12/31/2010
Sawm II	884	Fort Defiance	18	75,194.0493		
Rough Rock	901	Chinle	10	79,123.86145		
Lake Mountain	911	Fort Defiance	7	71,183.0456		
Tondo	944	Fort Defiance	7	2,4941.07726	YES	7/11/2011
Cove/Carron	941	Fort Defiance	11	13,518.2447		
Lupton	948	Fort Defiance	18	69,010.8068	YES	11/16/2010
Indian Wells	958	Fort Defiance	7	23,578.5371		
Rock Springs	984	Eastern	16	38,297.78435		
Naguzzi	986	Eastern	19	23,160.1025		
Sanhualii	990	Eastern	16	166,76.82928	YES	12/31/2008
Councilor	990	Eastern	19	11,564.975		

ADMINISTRATIVE & DIRECT SERVICES

Fiscal Year 2013 – 2015

Overall 110 Chapters (average)

55% Administrative Cost

45% Direct Services

Individual Chapter (sample)

80% Administrative Cost

20% Direct Services

COST COMPARISON OF SAMPLE REGION

• Current Chapter Staff Allocation

- \$108,390 x 7 chapters =
\$758,730

• Proposed Regional Staff Allocation

- \$510,426.00
- (7 chapters combined)

- \$758,730 - \$510,426 =

\$248,304

\$270,000

(Current LGA Chapter Staff and operating
Allocations)

\$108,390

(Current LGA Chapter Staff Cost)

\$37,800

(Current Chapter Official Stipends)

=

\$123,810.00

(Operating & Service Delivery Cost)

(46% of chapter allocation is used for direct
services)

REGIONAL COST

PROPOSED POSITION TITLE AND SALARIES FOR OPTION 3

Position Title	Hrly Rate	Salary	Fringe Amt	Total
Regional Manager	31.25	65,000.00	29,640.00	94,640.00
Administrative Assistant	16.36	34,028.80	15,517.13	49,545.93
Extension Agent	12.63	26,170.40	11,933.70	38,104.10
Maintenance Technician	13.75	28,600.00	13,041.60	41,641.60
Heavy Equipment Operator	14.99	31,179.20	14,217.72	45,396.92
Accountant	17.82	37,065.60	16,901.91	53,967.51
Senior Planner	21.18	44,054.40	20,088.81	64,143.21
Proposal Writer	21.18	44,054.40	20,088.81	64,143.21
Compliance Officer	22.43	46,514.40	21,428.97	67,943.37
Commissioners	777	350,967.80	159,808.44	510,776.24

NAVAJO NATION FAIR

Currently there are 110 chapter governments. would you support the merging of smaller nearby chapters to make a larger chapter?



■ YES ■ NO ■ Undecided

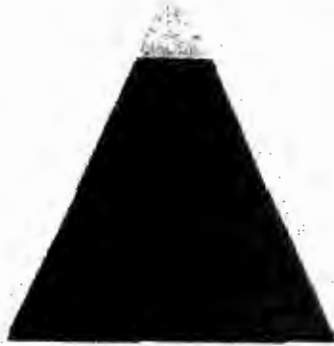
Do you think there is a need for a Vice-President position at the local chapter government?



■ YES (0%) ■ NO (39%) ■ Undecided (7%)

CONSOLIDATION OF CHAPTERS

If local chapter governments were to be merged into regional governments to promote better service to the Navajo People, would you vote to support this idea?



■ YES 77% ■ NO 22% ■ Undecided 1%

COMMUNITY CENTER CHAPTER HOUSES

- Chapter houses will remain open as community centers
- Office Hours 8:00 am – 5:00 pm
- Office Personnel – handle daily operation to meet concern
- Other usage: community function, office rental, etc.

Commissioner Compensation

• Question: Should Regional

• Commissioners be Salary,

- Non-Salary,
- Volunteers, or
- Stipend Pay?
- Full time part-time

Exhibit G**Calculated FY2015 Administrative Percentage**

Chapters	Total Fixed Cost - Gas Fund #1	Total	Admin Cost %	Chapters	Total Fixed Cost - Gas Fund #1	Total	Admin Cost %
Black Mesa	\$123,099.00	\$261,587.00	47.1%	Isala/Winter	\$124,807.00	\$305,309.00	40.9%
Hardrock	\$123,212.00	\$280,333.00	44.0%	Garado	\$124,708.00	\$298,839.00	41.8%
Hazliti	\$123,219.00	\$281,462.00	43.8%	Red Valley	\$124,744.00	\$294,789.00	42.3%
Rough Rock	\$123,197.00	\$277,914.00	44.3%	St. Michaelis	\$125,786.00	\$322,548.00	34.7%
Round Rock	\$123,203.00	\$278,882.00	44.2%	Haurano	\$125,543.00	\$322,456.00	38.9%
Tsalani/Cott	\$123,343.00	\$301,923.00	40.8%	Wide Ruins	\$125,098.00	\$278,312.00	45.2%
Whippoorwill	\$123,249.00	\$286,381.00	43.0%	Chichiltah	\$125,840.00	\$301,894.00	41.7%
Coyote Canyon	\$123,257.00	\$287,712.00	42.8%	Tsevatoh	\$126,201.00	\$282,000.00	44.8%
Crystal	\$123,170.00	\$273,439.00	45.0%	Many Farms	\$126,391.00	\$313,205.00	40.4%
Hauri	\$123,312.00	\$295,903.00	41.5%	Alamo	\$126,283.00	\$295,125.00	42.8%
Indian Wells	\$123,185.00	\$275,799.00	44.7%	Olmito	\$126,641.00	\$324,816.00	39.0%
Jeddito	\$123,194.00	\$277,370.00	44.4%	Counselor	\$126,276.00	\$264,584.00	47.7%
Klagatch	\$123,182.00	\$275,374.00	44.7%	Cameron	\$127,802.00	\$282,880.00	45.2%
Low Mountain	\$123,164.00	\$272,351.00	45.2%	Lake Valley	\$129,200.00	\$255,249.00	50.6%
Mexican Spr	\$123,188.00	\$276,342.00	44.6%	Connermine	\$129,826.00	\$274,264.00	47.3%
Oak Springs	\$123,126.00	\$266,182.00	46.3%	Casamero L	\$130,865.00	\$266,829.00	49.0%
Red Lake	\$123,149.00	\$269,872.00	45.6%	Pueblo Pinto	\$130,836.00	\$261,991.00	49.9%
Sawmill	\$123,273.00	\$290,492.00	42.4%	Tolson	\$131,066.00	\$300,088.00	43.7%
Tchatchi	\$123,330.00	\$299,866.00	41.1%	Tsac Nos Ro	\$131,104.00	\$296,340.00	44.2%
Twin Lakes	\$123,413.00	\$313,592.00	39.4%	Aneth	\$136,698.00	\$334,293.00	40.6%
Whitecone	\$123,216.00	\$280,939.00	43.9%	Nenahnezad	\$136,839.00	\$333,811.00	41.0%
Cove	\$123,104.00	\$262,434.00	46.9%	Chinle Chap	\$148,087.00	\$496,289.00	29.8%
Gudeil (Gad)	\$123,112.00	\$263,885.00	46.7%	Pinon	\$147,259.00	\$359,438.00	41.0%
Red Mesa	\$123,350.00	\$303,192.00	40.7%	Cornfields	\$146,898.00	\$299,752.00	49.0%
Rock Point	\$123,325.00	\$299,019.00	41.2%	Dillon	\$147,004.00	\$317,289.00	46.3%
Sanootee (Ts)	\$123,453.00	\$320,125.00	38.6%	Kutiches	\$147,116.00	\$335,854.00	43.8%
Shirock	\$124,751.00	\$534,775.00	23.3%	Lower Greas	\$146,886.00	\$297,756.00	49.3%
Coalmine M	\$123,191.00	\$276,886.00	44.5%	Lupton (Ts)	\$146,861.00	\$283,684.00	50.0%
Inscription H	\$123,200.00	\$278,337.00	44.3%	Naschitti	\$147,051.00	\$326,030.00	45.2%
Kaihto	\$123,274.00	\$290,613.00	42.4%	Nahata Dzul	\$146,947.00	\$307,864.00	47.7%
Navajo Moun	\$123,124.00	\$265,760.00	46.3%	Steamboat	\$147,037.00	\$322,792.00	45.6%
Tolani Lake	\$123,116.00	\$264,428.00	46.6%	Teesto	\$146,900.00	\$306,054.00	49.0%
Tonalisa/Rea	\$123,412.00	\$313,351.00	39.4%	Berlabito	\$146,821.00	\$286,991.00	51.2%
Baca	\$123,264.00	\$288,881.00	42.7%	Burnham (Ts)	\$146,801.00	\$283,726.00	51.7%
Beccenti	\$123,140.00	\$268,480.00	45.9%	Hogback (Ts)	\$147,046.00	\$324,061.00	45.4%
Churchrock	\$123,580.00	\$341,169.00	36.2%	Mexican War	\$146,869.00	\$295,035.00	49.8%
Cowpoint	\$123,315.00	\$297,386.00	41.5%	Newcomb	\$146,831.00	\$288,686.00	50.9%
Ivanbito	\$123,167.00	\$272,895.00	45.1%	San Juan	\$146,806.00	\$284,572.00	51.6%
Manuelito	\$123,170.00	\$273,439.00	45.0%	Sheepspring	\$146,853.00	\$282,254.00	50.2%
Mariano Lake	\$123,183.00	\$275,496.00	44.7%	Sweetwater	\$146,927.00	\$304,468.00	48.3%
Nagezi	\$123,237.00	\$284,506.00	43.3%	Two Grey H	\$146,948.00	\$308,036.00	47.7%
Nahorishgiz	\$123,048.00	\$253,307.00	48.6%	Upper Fruit	\$147,237.00	\$355,810.00	41.4%
Pinedale	\$123,299.00	\$294,786.00	41.8%	Birdsongs	\$146,863.00	\$293,947.00	50.0%
Ramah	\$123,322.00	\$298,475.00	41.3%	Redaway-G	\$147,072.00	\$328,476.00	44.8%
Red Rock	\$123,382.00	\$308,384.00	40.0%	Chichinheto	\$146,910.00	\$301,748.00	48.7%
Rock Springs	\$123,381.00	\$308,332.00	40.0%	Dennehoto	\$146,966.00	\$314,265.00	46.8%
Smith Lake	\$123,123.00	\$265,898.00	46.3%	Kayema	\$147,498.00	\$398,868.00	37.0%
Standing Ro	\$123,122.00	\$265,516.00	46.4%	Lechee	\$146,923.00	\$303,864.00	48.4%
Tohajiilee	\$123,224.00	\$282,269.00	43.7%	Leupp	\$147,104.00	\$333,858.00	44.1%
Thoresu	\$123,358.00	\$304,402.00	40.5%	Shonto	\$147,060.00	\$326,480.00	45.0%
Whitehorse	\$123,072.00	\$257,173.00	47.9%	Tohaneesid	\$147,844.00	\$456,767.00	32.4%
Tachee/Blue	\$124,268.00	\$280,688.00	44.3%	Reahenti	\$146,887.00	\$297,937.00	49.3%
Ft. Defiance	\$125,034.00	\$487,358.00	30.7%	Little Water	\$146,842.00	\$290,560.00	50.5%
Forest Lake	\$124,630.00	\$259,533.00	48.0%	Ojo Encino	\$146,805.00	\$284,381.00	51.6%
Lukachurai	\$124,767.00	\$298,597.00	41.8%	Whiterock	\$146,722.00	\$270,613.00	54.2%

Exhibit H
Calculated cost of proposed structure

Number of Region/Counties	24					
Number of Chapters	110					
Position	Hrly Rate	Salary	Fringe	Total	Total #	Nationwide Cost
Regional Manager	\$31.25	\$65,000.00	\$29,640.00	\$94,640	24	\$2,271,360
Administrative Assistant	\$16.36	\$34,028.80	\$15,517.13	\$49,546	24	\$1,189,102
Extension Agent	\$12.63	\$26,170.40	\$11,933.70	\$38,104	24	\$914,498
Maintenance Technician	\$13.75	\$28,600.00	\$13,041.60	\$41,642	24	\$999,398
Heavy Equipment Operator	\$14.99	\$31,179.20	\$14,217.72	\$45,397	24	\$1,089,526
Accountant	\$17.82	\$37,065.60	\$16,901.91	\$53,968	24	\$1,295,220
Senior Planner	\$21.18	\$44,054.40	\$20,088.81	\$64,143	24	\$1,539,437
Proposal Writer	\$21.18	\$44,054.40	\$20,088.81	\$64,143	24	\$1,539,437
Compliance Officer	\$19.43	\$40,414.40	\$18,428.97	\$58,843	24	\$1,412,241
Commissioners				\$24,000	110	\$2,640,000
Chapter Administrator	\$16.36	\$34,028.80	\$15,517.13	\$49,546	110	\$5,450,052
						\$20,340,273

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

LEGISLATION NO.: 0090-16

SPONSOR: Honorable Leonard Tsosie

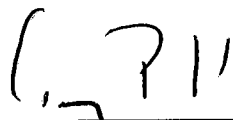
TITLE: An Action Relating To Resources and Development; Amending RDCMY 21-15 Which Established The Title 26 Task Force To Extend The Existence Of The Task Force From 90 Days To The End Of The 23rd Navajo Nation Council Term Or Until The Task Is Completed.

Posted: March 17, 2016 at 4:17pm

5 DAY Comment Period Ended: March 22, 2016

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing (1)	1. Sherman Woody
Inclusive Comments (1)	1. Counselor Chapter Resolution No. COUN-2016-01-003



**Executive Director
Office of Legislative Services**

3/21/2016 - 4:45 PM

Date/Time

Extension of task force

Sherman Woody <todichiinii_woody@yahoo.com>

Wed 3/23/2016 10:20 AM

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

I have never been soo... offended by this Title 26 Task Force, its created more issues than the intinal intent and purpose. I witnessed this as only as a complaint and gerrip session for chapters that are in Limbo..... the public commenting and Data collection.... seems its only one sided, there is no real justification to "Improve NN Title 26.... " i was thinking it was for that purpose. But in the Fore front, issues have never been resolved... local certification isn't a big favor....due to the few the proud certified chapters "in countering the worst of financial management problems" therefore tarnishing the rest of NN Chapters....

If chapters are going to improve services and provide the most sufficient services to local communities, we need Local Government Support Services reestablishe.. it self, with the authorities only reserved to assume responsibilities of enforce, management, develop and monitor progression. ... and inherit the intentions of NN Title 26....

Thank you
Sherman woody

Sent via the Samsung Galaxy Tab® S, an AT&T 4G LTE tablet



Harry J. Wellito, Chapter President
Laura Lopez, Vice President
Marlene Thomas, Secretary/Treasurer
Elizabeth Stoney, Land Board Member

Leonard Tsosie, Council Delegate
Samuel Sage, Coordinator
Martha A. Aragon, A.M.S.

RESOLUTION OF THE COUNSELOR CHAPTER
COUNSELOR, NM
#COUN-2016-02-003

Resolution of Concern and Input regarding Title 26 Task Force of the Navajo Nation Council Resource Development Committee

WHEREAS,

1. The Counselor Chapter (the "Chapter") is a political subdivision of the Navajo Nation under 11 N.N.C. § 10 and a local governance certified chapter pursuant to 26 N.N.C. § 102, and the Chapter is responsible for the health and safety of its local residents and for stewardship of its Chapter lands and resources; and
2. The chapter has recently been made aware of the Title 26 Task Force (the "task force") which was created by the Navajo Nation Council's Resource Development committee via resolution RDCMY-21-15 (Exhibit A) along with extension resolutions RDSC-64-15 (Exhibit B) and RDSCD-94-15 (Exhibit C); and
3. Although Office of Navajo Government Development (ONGD) and Navajo Nation Division of Community Development (NNDCCD) stated at public "education" meetings regarding the task force that task force meetings were open and available to the public, no efforts were made to share the meeting times/location for the public to participate, thus negating any potential public input directly regarding Title 26 task force sessions. Even when this issue was raised it has still been difficult to gain access to this information; and
4. The Chapter believes that local governance is the foundation of Navajo governance both traditionally and currently; and
5. This belief is backed by Navajo Nation Law and Custom which is verified before Title 26 enactment by the following:
 - 2 N.N.C. §4021 Purpose: (Repealed by CAP-34-98(Title 26))
 - A. The Chapters of the Navajo Nation represent the foundation of the Navajo Nation government. They are designed to provide a forum in which local needs may be addressed and in which concerns of the Navajo Nation may be explored and considered by each constituent part of the Navajo Nation; and
6. The Chapter believes that 2 N.N.C. §4021 underlies to the creation and intent of Title 26 which:

26 N.N.C. §1 (B)

1. The purpose of the Local Governance Act is to recognize governance at the local level. Through adoption of this Act, the Navajo Nation Council delegates to chapters governmental authority with respect to local matters consistent with Navajo law, including custom and tradition...;and

7. The chapter also believes local governance as a foundation of Navajo governance traditionally and is present in the historic ethnographic data regarding Navajo societal structure (Exhibit D); and
8. The task force has operated outside of its purpose and has also now caused the Resource Development Committee (RDC) to operate outside of its purpose; and

8.1. The Title 26 task force was established by the Resource Development Committee for the following purposes:

RDCMY-21-15 Section 2 (A):

1. A mechanism of establishing accountability at the Chapter level through recommendations for changes in Title 26;
2. To explore ways to amend Title 26 so that Chapters may become locally empowered;
3. To work towards establishing policies and possible Title 26 amendments to streamline the Five Management Plan System;

a) Chapter is defined in Title 2 by the following

Title 2 §110(D)

Chapter, as stated in 26 N.N.C. §2(6), means units of local government which are political subdivisions of the Navajo Nation.

26 N.N.C. §2(6)

"Chapters" are units of local government which are political subdivisions of the Navajo Nation.

b) Local Government Unit is defined in Title 2 as follows:

Title 2 §110(K)

Local Government Units means political subdivisions of the Navajo Nation including, Chapters, Townships, or other municipal forms of government for purpose of §500 to §503.

(Note: Title 2 §500 to §503 refers to the Resource Development Committee)

c) The chapter was presented with information from the task force about its recommendations; however, the chapter failed to see any recommendations which

“established accountability at the chapter level”, enable Chapters to “become locally empowered”, or any policy or Title 26 amendments which would “streamline the Five Management Plan System”. All presented information promoted the idea of abolishing local governments and governance.

d) Also, the “public education” activities of the task force is outside of its mandated purpose.

8.2. The task force as an official entity of the Resource Development Committee (RDC) has caused the committee to act outside of its legislated purpose which in regards to local governments is to:

2 N.N.C. §500.(C)(4)

To promote local community land use plans which support community infrastructural development and development of Local Government Units which enhances local self-government.

(Note: See 8.1(b) of this resolution which shows the definition of Local Government Unit according to Title 2)

a) RDC by extension of its task force has now promoted the abolishment of local government and local self-government as defined by the Navajo Nation Code and has promoted and allocated Navajo Nation resources and funds for such a manner which is against its legislated purpose.

9. In addition to the task force acting outside of its purpose, the task force is not properly constituted to provide balanced planning to fulfill its purpose. The following constitutes the task force membership; and

RDCMY-21-15 Section 2 (B)(1)

1. The Task Force shall consist of the named Navajo Nation employee or designee:

- i. Shirleen Jumbo-Rintila, Legislative Associate, Division of Community Development;
- ii. Robert Begay, Department Director, DCD Administrative Service Centers;
- iii. Raymond Tsosie, Senior Planner, Division of Community Development;
- iv. Robert Jumbo, Associate Auditor, Office of the Auditor General;
- v. Michael Halona, Department Director, Navajo Nation Land Department;
- vi. Reycita Toddy, Department of Personnel;
- vii. Dominic Beyal, Director, Office of Management and Budget;
- viii. Rodger Martinez, Director, Navajo Nation Retirement Services;
- ix. Clarence Chee, Division of Community Development;

- x. Leonard Benally, Director, Navajo Office of Vital Records;
- xi. Martin Ashley, Director, Navajo Nation Tax Commission ;
- xii. Vernon Roanhorse, Director, Office of Ethics and Rules; and
- xiii. Rodgerick Begay, Esq. , Navajo Nation Department of Justice

9.1. The Chapter feels that while the task force is composed of many very talented, dedicated, and experienced Navajo Nation employees, a fundamental flaw exists in the task force's membership composition. All of the task force is composed officially of central government employees. This flaw leads to issues that contradict Nitsáhákees-Nahat'á-líná-Siihasin and creates issues which are contradictory to local governance.

a) The following are defined in Title 2:

2 N.N.C. §110(Q)

Nitsáhákees is the part of the process of Nitsáhákees-Nahat'á-líná-Siihasin which involves critical thinking, and more broadly, to give direction and guidance to the issue at hand, in a constant cycle of examining and analyzing issues for growth and development.

2 N.N.C. §110(P)

Nahat'á is the part of the process of Nitsáhákees-Nahat'á-líná-Siihasin to strategically plan while utilizing Diné be beehaz'áanii Bitsé Siléí (foundation of Diné law), statutory laws, informed research and public input (through use of the Naabik'íyáti' process) in a constant cycle of examining and analyzing issues for growth and development.

2 N.N.C. §110(I)

líná is the part of the process of Nitsáhákees-Nahat'á-líná-Siihasin to collaboratively make and implement a decision, which must be dynamic and vibrant to accomplish effective and efficient outcomes, for sustaining life, in a constant cycle of examining and analyzing issues for growth and development.

2 N.N.C. §110(V)

Siihasin is the part of the process of Nitsáhákees-Nahat'á-líná-Siihasin to ensure resilience through evaluation of decision making and outcomes in a constant cycle of examining and analyzing issues for growth and development.

- Although public input sessions have been conducted over the years regarding Title 26, the context of these sessions were not generally in the spirit of abolishment of

local governments but in their reform. Thus, task force composition heavily influences how collected input is interpreted to derive public policy. Thus it would seem that by not having a balanced task force which includes local governmental employees or designees not only would yield incorrect public policy suggestions from public input but would also go against elements of Nitsáhákees-Nahat'á-líná-Siihasin.

9.2. The chapter also understands from the academic literature regarding decentralization in developing nations (such as the Navajo Nation) the central governmental employees tend to be hostile towards authorities being granted to local level governments. This is illustrated in a document named "Navajo Nation LGA Post Certification: *The Path Forward in Self-Governance. A policy analysis of the Navajo Nation Local Governance Act*" written by Smullins & Tsosie, Harvard University Kennedy School of Government (**Exhibit E**). The following are excerpts illustrating central government employee reluctance towards local governance empowerment regarding Navajo LGA:

As chapter responsibilities increase, it is possible that some Window Rock jobs will disappear. This possibility encourages Window Rock employees to stall rather than support local governance because they are scared of its consequences. One Window Rock program staff member said in an interview, "I'm not sure about LGA. I'll probably lose my job." (Page 15)

Also indicating the importance central government employee support:

Local governance requires the political support of both local citizens and the central government. Central government support is often the most difficult to gain because decentralization often means a loss in responsibility for central government employees. These employees may be reluctant to give up power or worry about losing their jobs. (Page 6)

- a) Considering this information, the likelihood of the task force being capable of fulfilling its original mandated purpose is in doubt. It also becomes understandable, considering the reluctance of central government employees to embrace Title 26 and the complete central governmental makeup of the task force, that the suggested solution (which is against the task force's purpose) is to dissolve local governments.

10. Misleading information presented during the task force's "Public Outreach" sessions.

10.1. The task force's "public outreach" sessions have inferred that Navajo Nation Code does not allow for the existence of chapters with less than 1,000 people. However, this is misleading the public of the actual language contained in Title 26:

- a) Title 26 provides language regarding the establishment of new chapters worded as such:

26 N.N.C. §3

C. Additional chapters may be certified only if all of the following are met:

1. Upon presentation of evidence to the Navajo Nation Council that the proposed chapter represents a community group which has existed and functioned as a community for four continuous years.
 2. Upon presentation of evidence that the population of the area exceeds 1,000 persons for each of the existing chapters and that there is a need to establish others.
 3. Upon presentation of evidence that the topography or the unique demography of the chapter area makes it necessary to have more than one chapter to allow residents access to chapter meetings.
- The language in 26 N.N.C. §3(C) has been misrepresented by the task force, to the public, to infer that current chapters with populations of less than 1,000 should not exist according to Navajo Nation Code. This portion of Title 26 only applies to the establishment of new chapters **(Exhibit F)**.

10.2. Administrative versus Direct Costs

- a) The task force has stated that the average chapter spends 55% of its total budget on "administrative costs. Administrative Cost is defined by the task force in their presentation as being the sum of the following budget items: Personnel & Fringe and Chapter Agency Council Meetings (Stipends). The percent is then calculated by placing the total administrative cost over the the total chapter budget **(Exhibit F)**.
- b) The task force even includes a statistic indicating that a single chapter has an 80% administrative cost, but the evidence for this is stated to be by word of mouth or anecdotal. Even so, the task force still includes this statistic.
- c) **Upon analysis of the FY2015 budget the following was calculated. Administrative Cost is composed of Personnel & Fringe, Chapter Agency Council Meetings (Stipends), and General Funds I. The highest administrative percentage is 54.2% with a minimum of 23.3% with an average of 44.2%. (Exhibit G)**
- d) Chapters, on average, are nearly 20% more efficient than what the task force has been telling the public.

10.3. Cost Savings

- a) The task force indicates in their presentation that there will be a cost savings by dissolving chapters and having 24 regions instead. Unfortunately, since the task force does not have an actual plan in place it is difficult for them to do an accurate cost savings analysis. The current proposed stricture includes the following positions for each region: Regional Manager, Administrative Assistant, Extension Agent, Maintenance Technician, Heavy Equipment Operator, Accountant, Senior Planner, Proposal Writer, and Compliance Officer (Constable). These positions are estimated to have a total cost of \$510,426 per region with a total cost of \$12,250,220 nationwide **(Exhibit F)**.
- b) However, other costs are not accounted for which includes travel (General Fund I) and stipends or pay for the commissioners. Additionally, each chapter is proposed to remain open as a community center which will require personnel to be present. This cost has not

been accounted for. If commissioners receive \$24,000 stipend per year and an administrative assistant is hired to operate each "community center" the actual total yearly Navajo Nation wide cost balloons to \$20,340,273. Current chapter direct administrative costs is \$14,475,993. (Exhibits F & H)

- c) Additionally the task force advertises other cost savings from chapter operations (such as heating and cooling) and trash; however, if the chapters remain open as community centers these savings would not be realized. Also, the task force present that current chapter buildings which are closed due to structural issues would not have to be repaired or rebuilt, leaving those communities without a community center.
- d) It is misleading for the task force to present a plan to the public showing what appears to be solid cost savings while also promising the public increased services. This is not possible and is over-promising the public on what can be actually be delivered within certain budgets. Additionally, if the administrative assistants are not to take care of local level direct services (such as housing) it will require residents to travel further to access these services. Thus, regionalization could possibly shift costs onto the public.

10.4. Misleading Questionnaire

- a) Finally, the task force has discussed a questionnaire that it has conducted asking the Navajo Nation public on its opinions about various governmental related questions at the Navajo Nation Fair. Two questions of interest are:
 - Do you think there is a need for a Vice-President at the local chapter government?
 - 60% Yes; 39% No; 1% Undecided
 - If local chapter governments were to be merged into regional governments to promote better service to the Navajo People, would you vote to support this idea?
 - 77% Yes; 22% No; 1% Undecided
- b) Regarding the question about merging chapters is should not be surprising because the question is not neutral. It infers to the person answering the question that better services will follow. Thus, people are agreeing that if better services will be offered that they would be willing to merge chapters. Since the question is not neutral it does not tell policy makers much in the way of whether the public would like to see chapters dissolved.
- c) The majority of people feel that the Vice-President position should be retained. If the vast majority of people would like to dissolve chapters it would seem unlikely that they would also still feel that the Vice-President position is useful. Thus the survey questions mislead the public into thinking that the survey results indicate public support for dissolving chapters, but in reality the questions do not reflect this sentiment.
- d) Lastly, the sample of people is skewed and likely to small. Although the Navajo Nation Fair is a major Navajo event which draws Navajos from all over, it is likely that a larger percentage of individuals represented in the survey will live in closer proximity to Window Rock. Thus the survey results are likely skewed and have a relatively high margin of error.

NOW THEREFORE BE IT RESOLVED THAT,

1. The Chapter believes that the Title 26 Task force has acted outside of its intended and mandated functions and has caused the RDC to also act against its legislated intent. Thus, the task force should be dissolved; and
2. The chapter requests that the RDC cease expending Navajo Nation resources/funds in a manner inconsistent with RDC's legislated purpose; and

3. That while the chapter sees that the Title 26 Task Force as no longer viable, its initial intended purpose of suggesting reforms to Title 26 (as defined in RDCMY-21-15 Section 2 (A)) is good and consistent with the RDC's legislated purpose; and
4. The Chapter also believes that elections of local governance units should not be delayed for any referendum. This could interrupt local governing processes and cycles and may not be in keeping with Navajo Nation Code and with the provision of stable governance; and
5. Although Title 26 task force did not work collaboratively with Local Governmental Units in the construction of its proposals and interpretation of collected public input, the Chapter does believe in Nitsáhákees-Nahat'á-líná-Siihasin and would like to make the following suggestions regarding future planning and local governance:

5.1. Local Governance Planning

- a) A new planning task force composed of a balanced group of locally minded governance individuals and central governance individuals should be established; and
 - The central government shall furnish travel funds for Local Government Units that participate in this process since meetings are generally held bi-weekly in the Window Rock area. These meetings would increase chapter travel costs and indirect service costs.
- b) That a similar purpose such as currently existing in RDCMY-21-15 Section 2(A) should guide the new task force; and
- c) The meetings shall be both open to the public and advertised to the public to ensure governmental transparency and public input. Although public input has been gathered over the years it was not specific to the dissolution of chapter governments, thus it is important that this process is open to the public for additional input; and
- d) That the public is given a constructed plan to discuss and vote upon. The People should know what the actual structure of any referendum is. The "Public Education" outreach by the title 26 task force has presented confusing and misleading information regarding their plan. Many times misleading and showing generally positive proposed elements are not linked with actual financial costs not being shown and accounted for. Thus an actual plan with real financial and governance analysis shall be proposed for the people to be able to discuss, debate, and vote upon; and
- e) Any referendum vote should occur on a general election (either during Chapter elections or Council elections) to ensure the greatest number of registered voters participate;
 - Any amendments to Title 26 shall be consistent with 26 N.N.C. §1(E)

5.2. Fundamental Elements of Navajo Governance

- a) Navajo tradition and custom recognizes that governance is derived from the people and at the local level. This precedes the establishment of chapters and the central Navajo Nation government, thus the preservation of small local units of governance similar to chapters shall be maintained; and

- b) The protection of governance at the local level is paramount. Local governance allows individual citizens to directly participate in their government and governance and should remain an inalienable right of the People at the local level and may only be extinguished by the People at each local governing unit and should not be extinguished by other entities outside of the local governing unit.

5.3. Local Governance Structure Elements

- a) The Chapter does not see the idea of regional/county governments and chapter governments as an either/or proposition. The two governmental entities coexist across many nations and states with each having defined powers. The same should be true on the Navajo Nation. This would protect local level democratic processes and services while also creating regional entities that are capable of handling higher level governance needs for the people. Thus, any legislation/referendum shall not dissolve chapters as local governing units, although their authorities, structure, and functions could be modified. This would be in keeping with 1 N.N.C. § 203 (J); and
- b) The chapter supports the idea of establishing Navajo Nation county governments not regional governments. This can be done through amending Title 26 to include language regarding the establishment of Navajo county governments; and
- c) Any legislation/referendum shall include legislative language which will transition over time (no more than 7 years) departmental and other monies from the central Navajo government to the regional/county governments. The language of such an element shall be very clear and specific such that administrative interpretation of such language shall not frustrate or prevent such process and transition from occurring.

CERTIFICATION

We hereby certify that this resolution was duly considered by the Counselor Chapter, Navajo Nation, in the State of New Mexico, at which a quorum was present and that same was passed by a vote 19 in favor, 0 opposed and 1 abstained on this day of February, 2016.

MOTION: Shirley Herrera

SECOND: Nellie Augustine

Harry J. Wellito
Harry J. Wellito, Chapter President

Laura C. Lopez
Laura C. Lopez, Chapter Vice- President

Marlene Thomas
Marlene Thomas, Chapter Secretary/ Treasurer

Leonard Tsosie, Council Delegate

Elizabeth Stoney
Elizabeth Stoney, Land Board Member

**RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
OF THE 23rd NAVAJO NATION COUNCIL --- FIRST YEAR, 2015**

AN ACTION

**RELATING TO RESOURCES AND DEVELOPMENT; ESTABLISHING A TASK FORCE
TO REVIEW TITLE 26 OF THE NAVAJO NATION CODE AND RECOMMEND
APPROPRIATE AND NECESSARY AMENDMENTS**

BE IT ENACTED:

Section One. Findings

- A. The Resources and Development Committee has the authority to grant final approval of resolutions to develop and improve Local Governance Units and has oversight authority over Chapters. 2 N.N.C. \$501(B)(2)(c); 2 N.N.C. \$501(C)(1).
- B. The Resources and Development Committee met with the Division of Community Development and Administrative Service Centers and discussed issues and concerns pertaining to Title 26 during a recent work session.
- C. Pursuant to those discussions, it is necessary to review Title 26 for possible amendments to improve the overall process as pertains to Chapter functioning and Management.

Section Two. Task Force Establishment; purposes; membership

A Task Force for purposes of:

- 1. A mechanism of establishing accountability at the Chapter level through recommendations for changes in Title 26;
- 2. To explore ways to amend Title 26 so that Chapters may become locally empowered;

3. To work towards establishing policies and possible Title 26 amendments to streamline the Five Management Plan System;

B. The Task Force membership; meetings

1. The Task Force shall consist of the named Navajo Nation employee or designee:
 - i. Shirleen Jumbo-Rintila, Legislative Associate, Division of Community Development;
 - ii. Robert Begay, Department Director, DCD-Administrative Service Centers;
 - iii. Raymond Tsosie, Senior Planner, Division of Community Development;
 - iv. Robert Jumbo, Associate Auditor, Office of the Auditor General;
 - v. Michael Halona, Department Director, Navajo Nation Land Department;
 - vi. Reycita Toddy, Department of Personnel
 - vii. Dominic Beyal, Director, Office of Management and Budget;
 - viii. Rodger Martinez, Director, Navajo Nation Retirement Services;
 - ix. Clarence Chee, Division of Community Development;
 - x. Leonard Benally, Director, Navajo Office of Vital Records;
 - xi. Martin Ashley, Director, Navajo Nation Tax Commission;
 - xii. Vernon Roanhorse, Director, Office of Ethics and Rules; and

xiii. Rodgerick Begay, Esq., Navajo Nation
Department of Justice

2. The Task Force shall meet biweekly.
3. Rules governing meetings, including selection of a Chairperson shall be determined by the Task Force. Provided every member of the Task Force shall be allowed to participate, debate and vote on all matters.

Section Three. Reimbursement

The members of the Task Force, for its meeting attendance and in fulfilling its delegated functions, shall be compensated (where permitted by law, rule or regulation) and reimbursed for expenses from the respective programs they are employed with.

Section Four. Directives

A. The Task Force shall provide to the Resources and Development Committee a written report and proposed draft of Title 26 no later than 90 days after the establishment of the Task Force.


B. The Speaker's Chief of Staff shall assign one staff assistant to assist the Title 26 Task Force with completing the report.

Section Five. Approval

The Navajo Nation Council's Resources and Development Committee hereby authorizes the creation of a Task Force to develop, recommend appropriate and necessary amendments to Title 26 of the Navajo Nation Code.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Navajo Nation Department of Transportation Conference Room, Tse Bonito, Navajo Nation (New Mexico), at which quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, 0 abstain this 20th day of May, 2015.



Benjamin Bennett, Vice-Chairperson
Resources and Development Committee
Of the 23rd Navajo Nation Council

Motion: Honorable Davis Filfred
Second: Honorable Leonard Pete
Vote: 4-0 (Vice- Chairman Not Voting)

**RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
Of the 23rd Navajo Nation Council---First Year 2015**

AN ACTION

**RELATING TO RESOURCES AND DEVELOPMENT; AMENDING RDCMY-21-15
WHICH ESTABLISHED THE TITLE 26 TASK FORCE TO EXTEND THE
EXISTENCE OF THE TASK FORCE FROM 90 DAYS TO 210 DAYS**

Section One. Findings

- A. The Resources and Development Committee has the authority to grant final approval of resolutions to develop and improve Local Governance Units and has oversight authority over Chapters. 2 N.N.C. § 501(B)(2)(c); 2 N.N.C. § 501(C)(1).
- B. The Resources and Development Committee met with the Division of Community Development and Administrative Service Centers and discussed issues and concerns pertaining to Title 26 during a recent work session.
- C. Pursuant to those discussions, the Resources and Development Committee determined it necessary to review Title 26 for possible amendments to improve the overall process as pertains to Chapter functioning and management.
- D. The Resources and Development Committee, through RDCMY-21-15, established the Title 26 Task Force to address review of the Title 26 of the Navajo Nation Code.
- E. RDCMY-21-15 created the Title 26 Task Force and stated that the Task Force was to function for 90 days. The Resources and Development Committee heard a report from the Chairperson of the Title 26 Task Force on August 11,

2015 and the Committee decided that the Task Force needed 120 additional days to complete its task.

- F. The Resources and Development Committee finds it in the best interest of the Navajo Nation for the Title 26 Task Force to complete its task within 210 days from the date it was created by RDCMY-21-15.

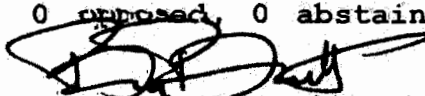
Section Two. The Resources and Development Committee amends Section Four of RDCMY-21-15 by increasing the number of days for the Title 26 Task Force to complete its work from 90 days to 210 days. The amendment to RDCMY-21-15 is made as written below:

Section Four. Directives

- A. The Task Force shall provide to the Resources and Development Committee a written report and proposed draft of Title 26 no later than ~~90~~ 210 days after the establishment of the Task Force.
- B. The Speaker's Chief of Staff shall assign one staff assistant to assist the Title 26 Task Force with completing the report.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Navajo Department of Transportation, Tse Bonito, Navajo Nation (New Mexico), at which quorum was present and that same was passed by a vote of 4 in favor, 0 ~~opposed~~, 0 abstained this 1st day of September, 2015


Benjamin Bennett, Vice- Chairperson
Resources and Development Committee
Of the 23rd Navajo Nation Council

Motion: Honorable Leonard Tsosie
Second: Honorable Leonard Pete

**RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
Of the 23rd Navajo Nation Council---First Year 2015**

**AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT; AMENDING RDCMY-21-15
WHICH ESTABLISHED THE TITLE 26 TASK FORCE TO EXTEND THE
EXISTENCE OF THE TASK FORCE FROM 210 DAYS TO 300 DAYS**

Section One. Findings

A. The Resources and Development Committee has the authority to grant final approval of resolutions to develop and improve Local Governance Units and has oversight authority over Chapters. 2 N.N.C. § 501(B)(2)(c); 2 N.N.C. § 501(C)(1).

B. The Resources and Development Committee met with the Division of Community Development and Administrative Service Centers and discussed issues and concerns pertaining to Title 26 during a recent work session.

C. Pursuant to those discussions, the Resources and Development Committee determined it necessary to review Title 26 for possible amendments to improve the overall process as pertains to Chapter functioning and management.

D. The Title 26 Task Force has held a number of educational seminars on the purpose and plans of the Task Force, and the Title 26 Task Force continues its educational work.

E. The Resources and Development Committee, through RDCMY-21-15, established the Title 26 Task Force to address review of the Title 26 of the Navajo Nation Code.

F. RDCMY-21-15 created the Title 26 Task Force and stated that the Task Force was to function for 90 days. The Resources and Development Committee heard a report from the Chairperson of the Title 26 Task Force on August 11, 2015 and the Committee decided that the Task Force needed 120 additional days to complete its task. See RDCS-64-15 attached as Exhibit A.

G. The additional 120 days, approved by Resolution RDCS-64-15, for the Title 26 Task Force to complete its work is not sufficient time to finalize the voluminous record and document review to complete the Task Force's work.

H. The Resources and Development Committee finds it in the best interest of the Navajo Nation for the Title 26 Task Force to complete its task within 300 days from the date it was created by RDCMY-21-15.

Section Two. The Resources and Development Committee amends Section Four of RDCMY-21-15 by increasing the number of days for the Title 26 Task Force to complete its work from 210 days to 300 days. The amendment to RDCMY-21-15 is made as written below:

Section Four. Directives

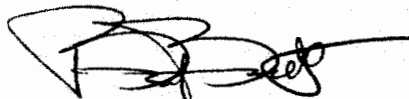
A. The Task Force shall provide to the Resources and Development Committee a written report and proposed draft of Title 26 no later than 300 days after the establishment of the Task Force.

B. The Speaker's Chief of Staff shall assign one staff assistant to assist the Title 26 Task Force with completing the report.

C. Navajo Nation Divisions or Departments shall give recognition to the Task Force and allow its employees to carry out the Task Force's work as described herein.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Tohajiilee Chapter, Tohajiilee, (Navajo Nation) New Mexico, at which quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, 1 abstained this 29th day of December, 2015.



Benjamin Bennett, Vice-Chairperson
Resources and Development Committee
Of the 23rd Navajo Nation Council

Motion: Honorable Davis Filfred
Second: Honorable Leonard Pete

LEGISLATIVE SUMMARY SHEET

Tracking No. 0417-15

DATE: December 22, 2015

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; AMENDING RDCMY-21-15 WHICH ESTABLISHED THE TITLE 26 TASK FORCE TO EXTEND THE EXISTENCE OF THE TASK FORCE FROM 210 DAYS TO 300 DAYS

PURPOSE: This resolution, if approved, will amend the original Committee resolution which created the Title 26 Task Force to complete its work within 300 days of establishment.

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

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: 4:39pm 12/22/15
Posting End Date: 12/27/2015
Eligible for Action: 12/28/2015

Resources & Development Committee

PROPOSED STANDING COMMITTEE RESOLUTION
23rd NAVAJO NATION COUNCIL -- First Year, 2015
INTRODUCED BY

ALTON JOE SHEPHERD

(Sponsor)

TRACKING NO. 0417-15

AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT; AMENDING RDCMY-21-15
WHICH ESTABLISHED THE TITLE 26 TASK FORCE TO EXTEND THE
EXISTENCE OF THE TASK FORCE FROM 210 DAYS TO 300 DAYS

Section One. Findings

- A. The Resources and Development Committee has the authority to grant final approval of resolutions to develop and improve Local Governance Units and has oversight authority over Chapters. 2 N.N.C. § 501(B)(2)(c); 2 N.N.C. § 501(C)(1).
- B. The Resources and Development Committee met with the Division of Community Development and Administrative Service Centers and discussed issues and concerns pertaining to Title 26 during a recent work session.
- C. Pursuant to those discussions, the Resources and Development Committee determined it necessary to review Title 26 for possible amendments to improve the overall process as pertains to Chapter functioning and management.
- D. The Title 26 Task Force has held a number of educational seminars on the purpose and plans of the Task Force, and the Title 26 Task Force continues its educational work.
- E. The Resources and Development Committee, through RDCMY-21-15, established the Title 26 Task Force to address review of the Title 26 of the Navajo Nation Code.

- 1 F. RDCMY-21-15 created the Title 26 Task Force and stated that the Task Force was to
2 function for 90 days. The Resources and Development Committee heard a report
3 from the Chairperson of the Title 26 Task Force on August 11, 2015 and the
4 Committee decided that the Task Force needed 120 additional days to complete its
5 task. See RDCS-64-15 attached as Exhibit A.
- 6 G. The additional 120 days, approved by Resolution RDCS-64-15, for the Title 26 Task
7 Force to complete its work is not sufficient time to finalize the voluminous record and
8 document review to complete the Task Force's work.
- 9 H. The Resources and Development Committee finds it in the best interest of the Navajo
10 Nation for the Title 26 Task Force to complete its task within 300 days from the date
11 it was created by RDCMY-21-15.

12
13 **Section Two. The Resources and Development Committee amends Section Four of**
14 **RDCMY-21-15 by increasing the number of days for the Title 26 Task Force to**
15 **complete its work from 210 days to 300 days. The amendment to RDCMY-21-15 is**
16 **made as written below:**

17
18 Section Four. Directives

- 19
20 A. The Task Force shall provide to the Resources and Development Committee a
21 written report and proposed draft of Title 26 no later than ~~90~~ ~~210~~ 300 days after
22 the establishment of the Task Force.
- 23 B. The Speaker's Chief of Staff shall assign one staff assistant to assist the Title 26
24 Task Force with completing the report.
- 25
26
27
28
29
30

EXHIBIT

A

**RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
Of the 23rd Navajo Nation Council---First Year 2015**

AN ACTION

**RELATING TO RESOURCES AND DEVELOPMENT; AMENDING RDCMY-21-15
WHICH ESTABLISHED THE TITLE 26 TASK FORCE TO EXTEND THE
EXISTENCE OF THE TASK FORCE FROM 90 DAYS TO 210 DAYS**

Section One. Findings

- A. The Resources and Development Committee has the authority to grant final approval of resolutions to develop and improve Local Governance Units and has oversight authority over Chapters. 2 N.N.C. § 501(B)(2)(c); 2 N.N.C. § 501(C)(1).
- B. The Resources and Development Committee met with the Division of Community Development and Administrative Service Centers and discussed issues and concerns pertaining to Title 26 during a recent work session.
- C. Pursuant to those discussions, the Resources and Development Committee determined it necessary to review Title 26 for possible amendments to improve the overall process as pertains to Chapter functioning and management.
- D. The Resources and Development Committee, through RDCMY-21-15, established the Title 26 Task Force to address review of the Title 26 of the Navajo Nation Code.
- E. RDCMY-21-15 created the Title 26 Task Force and stated that the Task Force was to function for 90 days. The Resources and Development Committee heard a report from the Chairperson of the Title 26 Task Force on August 11,

2015 and the Committee decided that the Task Force needed 120 additional days to complete its task.

- F. The Resources and Development Committee finds it in the best interest of the Navajo Nation for the Title 26 Task Force to complete its task within 210 days from the date it was created by RDCMY-21-15.

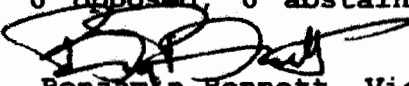
Section Two. The Resources and Development Committee amends Section Four of RDCMY-21-15 by increasing the number of days for the Title 26 Task Force to complete its work from 90 days to 210 days. The amendment to RDCMY-21-15 is made as written below:

Section Four. Directives

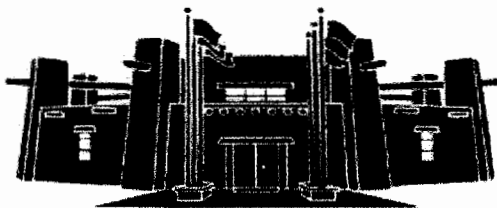
- A. The Task Force shall provide to the Resources and Development Committee a written report and proposed draft of Title 26 no later than ~~90~~ 210 days after the establishment of the Task Force.
- B. The Speaker's Chief of Staff shall assign one staff assistant to assist the Title 26 Task Force with completing the report.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Navajo Department of Transportation, Tse Bonito, Navajo Nation (New Mexico), at which quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, 0 abstained this 1st day of September, 2015

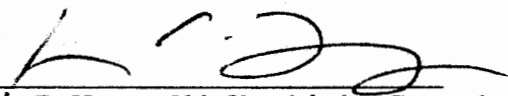

Benjamin Bennett, Vice- Chairperson
Resources and Development Committee
Of the 23rd Navajo Nation Council

Motion: Honorable Leonard Tsosie
Second: Honorable Leonard Pete



MEMORANDUM

TO: Honorable Alton J. Shepherd
23rd Navajo Nation Council

FROM: 
Levon B. Henry, Chief Legislative Counsel
Office of Legislative Counsel

DATE: December 22, 2015

SUBJECT: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT;
AMENDING RDCMY-21-15 WHICH ESTABLISHED THE TITLE 26
TASK FORCE TO EXTEND THE EXISTENCE OF THE TASK FORCE
FROM 210 DAYS TO 300 DAYS

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law, the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge.

The Office of Legislative Council confirms the appropriate standing committee(s) reviews 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).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0417-15_____

SPONSOR: Alton Shepherd

TITLE: An Action Relating to Resources and Development; Amending RDCMY-21-15 which Established the Title 26 Task Force to Extend the Existence of the Task Force from 210 days to 300 day

Date posted: December 22, 2015 at 4:39pm

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) 871-7590**

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 Nav, ajo 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.: 0417-15

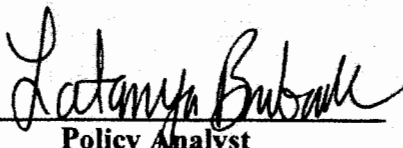
SPONSOR: Honorable Alton Joe Shepherd

TITLE An Action Relating to Resources and Development; Amending RDCMY-21
15 which Established the Title 26 Task Force to Extend the Existence of the Task
Force from 210 days to 300 day.

Posted: December 22, 2015 at 4:39 pm

5 DAY Comment Period Ended: December 27, 2015

Digital Comments received: *No comments received.*



Policy Analyst
Office of Legislative Services

12/28/15 9:53am
Date/Time

Exhibit D

Literature indicating evidence of Navajo historic/traditional governance at the local level.

Wilkins, David E. *The Navajo Political Experience*. Rev. ed. Lanham, Md.: Rowman & Littlefield, 2003. Print. Pages: 68, 69, 147.

Williams, Aubrey W., and Smithsonian Institution. *Navajo Political Process*. Washington: Smithsonian Institute, 1970. Print. Smithsonian contributions to anthropology, volume 9. Page: 37.

Iverson, Peter. *The Navajo Nation*. Westport, Conn.: Greenwood Press, 1981. Print. Page: 4.

Shepardson, Mary. *Navajo Ways in Government: A Study in Political Process*. Menasha, Wis: American Anthropological Association, 1963. Print. American Anthropological Association. Memoir 96; American anthropologist, v. 65, no. 3, pt. 2, June, 1963; Memoirs of the American Anthropological Association, no. 96. Pages: Pages: 33, 34, 48

Exhibit E

Smullin, Rebecca, and Lester K. Tsosie. 2003. "Navajo Nation LGA Post Certification: The Path Forward in Self-Governance. A Policy Analysis of the Navajo Nation Local Governance Act." Report to the Speaker, Navajo Nation Council. Harvard Project on American Indian Economic Development, John F. Kennedy School of Government, Harvard University. Accessed 12/15/2015: [<http://www.ongd.navajonnsn.gov/Portals/0/Files/nnlgapc.pdf>]

Exhibit F

Excerpts of Interest from the task force presentation

43 Chapters With Population Under 1000

Whiterock	60	Eastern	15	105430.5551	YES	12/21/2010
Burnham	240	Shiprock	13	207943.1549	YES	7/11/2011
Manuelito	350	Eastern	16	52343.36451		
Coalmine Mesa	365	Tuba City	3	413280.6093		
Black Mesa	396	Chinle	4	167785.1948		
Nahodishgish	404	Eastern	15	36044.69546		
Pueblo Pintado	436	Eastern	20	106421.8014		
Gadiah	439	Shiprock	12	111845.9862		
Lake Valley	439	Eastern	20	134088.2769		
Becenti	498	Eastern	20	127651.7454		
Cove	499	Shiprock	12	50138.43595	YES	6/5/2015
Bedahbito	522	Shiprock	12	87657.84395	YES	1/10/2012
Whitehorse Lake	542	Eastern	20	374233.8588		
Casamero Lake	547	Eastern	16	27799.25532	YES	4/15/2015
San Juan	563	Shiprock	13	14452.57945	YES	3/7/2007
Littlewater	567	Eastern	20	69917.04937	YES	11/15/2007
Forest Lake	570	Chinle	4	142686.0664		
Oak Springs	607	Fort Defiance	18	98396.43398		
Navajo Mountain	636	Tuba City	2	359829.8366		
Coppermine	658	Tuba City	1	291095.5489		
Standing Rock	678	Eastern	15	87506.05526		
Ojo Encino	699	Eastern	20	53005.68735	YES	3/6/2012
Newcomb	705	Shiprock	12	83334.63166	YES	6/18/2004

Property	Size	Location	Age	Current Status	Notes
Industrial Lake	100	Town City	5	Active Project	
Commercial	500	Port Entrance	10	Completed	
Maritime Water	200	Harbour	8	Completed	2010
Shipping Yard	150	Harbour	15	Active Project	2010
Black Shipyard	100	Town City	8	Completed	2010
Commercial	100	Port Entrance	12	Active Project	2010
Maritime Lake	100	Harbour	10	Active Project	
Black Project	100	Harbour	10	Active Project	2010
Commercial	100	Port Entrance	10	Active Project	
Shipping Yard	100	Harbour	10	Active Project	
Maritime Water	100	Port Entrance	5	Active Project	
Commercial	100	Port Entrance	5	Active Project	2010
Shipping Yard	100	Port Entrance	10	Active Project	
Industrial	100	Port Entrance	10	Active Project	2010
Industrial Water	100	Port Entrance	5	Active Project	
Shipping Yard	100	Harbour	10	Active Project	
Harbour	100	Harbour	10	Active Project	
Commercial	100	Harbour	10	Active Project	2010
Commercial	100	Harbour	10	Active Project	

ADMINISTRATIVE & DIRECT SERVICES

Fiscal Year 2013 – 2015

Overall 110 Chapters (average)

55% Administrative Cost

45% Direct Services

Individual Chapter (sample)

80% Administrative Cost

20% Direct Services

COST COMPARISON OF SAMPLE REGION

- Current Chapter Staff
Allocation

- \$108,390 x 7 chapters =
\$758,730

- Proposed Regional Staff
Allocation

- \$510,426.00
- (7 chapters combined)
- \$758,730 - \$510,426 =

\$248,304

\$270,000

(Current LGA Chapter Staff and operating
Allocations)

-

\$108,390

(Current LGA Chapter Staff Cost)

-

\$37,800

(Current Chapter Official Stipends)

=

\$123,810.00

(Operating & Service Delivery Cost)

(46% of chapter allocation is used for direct
services)

REGIONAL COST

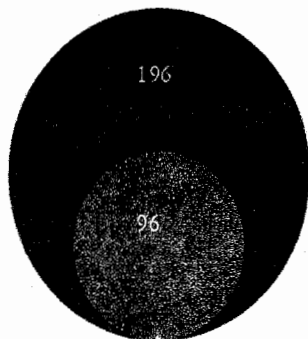


PROPOSED POSITION TITLE AND SALARIES FOR OPTION 3

Position Title	Hrly Rate	Salary	Fringe Amt	Total
Regional Manager	31.25	65,000.00	29,640.00	94,640.00
Administrative Assistant	16.36	34,028.80	15,517.13	49,545.93
Extension Agent	12.63	26,170.40	11,933.70	38,104.10
Maintenance Technician	13.75	28,600.00	13,041.60	41,641.60
Heavy Equipment Operator	14.99	31,179.20	14,217.72	45,396.92
Accountant	17.82	37,065.60	16,901.91	53,967.51
Senior Planner	21.18	44,054.40	20,088.81	64,143.21
Proposal Writer	21.18	44,054.40	20,088.81	64,143.21
Compliance Officer	19.43	40,414.40	18,428.97	58,843.37
Commissioners	????	350,567.20	159,858.64	510,425.84

NAVAJO NATION FAIR

Currently there are 110 chapter governments. would you support the merging of smaller nearby chapters to make a larger chapter?



■ YES ■ NO ■ Undecided

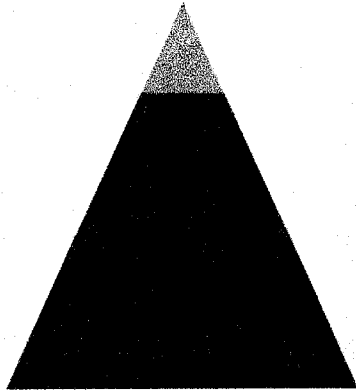
Do you think there is a need for a Vice-President position at the local chapter government?



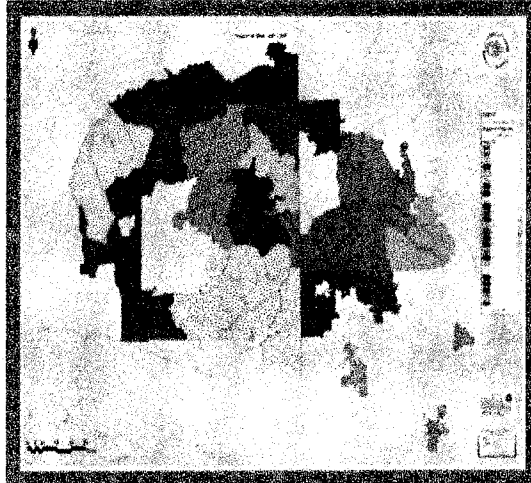
■ YES (60%) ■ NO (39%) ■ Undecided (1%)

CONSOLIDATION OF CHAPTERS

If local chapter governments were to be merged into regional governments to promote better service to the Navajo People, would you vote to support this idea?



■ YES (77%) □ NO (22%) ◻ Undecided (1%)



COMMUNITY CENTER CHAPTER HOUSES

- Chapter houses will remain open as community centers
- Office Hours 8:00 am – 5:00 pm
- Office Personnel – handle daily operation to meet concern
- Other usage: community function, office rental, etc.

Commissioner Compensation

- Question: Should Regional

- Commissioners be Salary,

- Non-Salary,

- Volunteers, or

- Stipend Pay?

- Full time part-time

Exhibit G

Calculated FY2015 Administrative Percentage

Chapters	Total Fixed Cost + Gen Funds	Total	Admin Cost %	Chapters	Total Fixed Cost + Gen Funds	Total	Admin Cost %
Black Mesa	\$123,099.00	\$261,587.00	47.1%	Tsaile/White	\$124,807.00	\$305,309.00	40.9%
Hardrock	\$123,212.00	\$280,333.00	44.0%	Ganado	\$124,768.00	\$298,839.00	41.8%
Nazlini	\$123,219.00	\$281,482.00	43.8%	Red Valley	\$124,744.00	\$294,789.00	42.3%
Rough Rock	\$123,197.00	\$277,914.00	44.3%	St. Michaels	\$125,786.00	\$362,549.00	34.7%
Round Rock	\$123,203.00	\$278,882.00	44.2%	Heurano	\$125,543.00	\$322,456.00	38.9%
Tselani/Cott	\$123,343.00	\$301,923.00	40.9%	Wide Ruins	\$125,698.00	\$278,312.00	45.2%
Whippoorwill	\$123,249.00	\$286,381.00	43.0%	Chichiltah	\$125,840.00	\$301,894.00	41.7%
Coyote Cany	\$123,257.00	\$287,712.00	42.8%	Tsayatoh	\$126,201.00	\$282,000.00	44.8%
Crystal	\$123,170.00	\$273,439.00	45.0%	Many Farms	\$126,391.00	\$313,205.00	40.4%
Houck	\$123,312.00	\$296,903.00	41.5%	Alamo	\$126,283.00	\$295,125.00	42.8%
Indian Wells	\$123,185.00	\$275,799.00	44.7%	Oljato	\$126,641.00	\$324,816.00	39.0%
Jeddito	\$123,194.00	\$277,370.00	44.4%	Counselor	\$126,276.00	\$264,584.00	47.7%
Klagetoh	\$123,182.00	\$275,374.00	44.7%	Cameron	\$127,802.00	\$282,880.00	45.2%
Low Mounta	\$123,164.00	\$272,351.00	45.2%	Lake Valley	\$129,200.00	\$255,249.00	50.6%
Mexican Sp	\$123,188.00	\$276,342.00	44.6%	Coppermine	\$129,826.00	\$274,264.00	47.3%
Oak Springs	\$123,126.00	\$266,182.00	46.3%	Casamero L	\$130,865.00	\$266,829.00	49.0%
Red Lake	\$123,149.00	\$269,872.00	45.6%	Pueblo Pint	\$130,836.00	\$261,991.00	49.9%
Sawmill	\$123,273.00	\$290,492.00	42.4%	Torreon	\$131,066.00	\$300,088.00	43.7%
Tohatchi	\$123,330.00	\$299,866.00	41.1%	Tec Nos Po	\$131,104.00	\$296,340.00	44.2%
Twin Lakes	\$123,413.00	\$313,592.00	39.4%	Aneth	\$135,698.00	\$334,293.00	40.6%
Whitecone	\$123,216.00	\$280,939.00	43.9%	Nenahnezad	\$136,839.00	\$333,811.00	41.0%
Cove	\$123,104.00	\$262,434.00	46.9%	Chinle Chap	\$148,087.00	\$496,289.00	29.8%
Cudeii (Gad	\$123,112.00	\$263,885.00	46.7%	Pinon	\$147,259.00	\$359,438.00	41.0%
Red Mesa	\$123,350.00	\$303,192.00	40.7%	Cornfields	\$146,898.00	\$299,752.00	49.0%
Rock Point	\$123,325.00	\$299,019.00	41.2%	Dilkon	\$147,004.00	\$317,289.00	46.3%
Sanostee (T	\$123,453.00	\$320,125.00	38.6%	Kinlichee	\$147,116.00	\$335,854.00	43.8%
Shiprock	\$124,751.00	\$534,775.00	23.3%	Lower Greas	\$146,886.00	\$297,756.00	49.3%
Coalmine M	\$123,191.00	\$276,886.00	44.5%	Lupton (Tsa	\$146,861.00	\$293,584.00	50.0%
Inscription	\$123,200.00	\$278,337.00	44.3%	Naschitti	\$147,051.00	\$325,030.00	45.2%
Kaibeto	\$123,274.00	\$290,613.00	42.4%	Nahata Dzil	\$146,947.00	\$307,854.00	47.7%
Navajo Mou	\$123,124.00	\$265,760.00	46.3%	Steamboat	\$147,037.00	\$322,792.00	45.6%
Tolani Lake	\$123,116.00	\$264,429.00	46.6%	Teesto	\$146,900.00	\$300,054.00	49.0%
Tonalea/Re	\$123,412.00	\$313,351.00	39.4%	Bedlabito	\$146,821.00	\$286,991.00	51.2%
Baca	\$123,264.00	\$288,861.00	42.7%	Burnham (T	\$146,801.00	\$283,726.00	51.7%
Beanti	\$123,140.00	\$268,480.00	45.9%	Hogback (T	\$147,045.00	\$324,061.00	45.4%
Churchrock	\$123,580.00	\$341,169.00	36.2%	Mexican Wa	\$146,869.00	\$295,035.00	49.8%
Crownpoint	\$123,315.00	\$297,386.00	41.5%	Newcomb	\$146,831.00	\$288,686.00	50.9%
Iyanbito	\$123,167.00	\$272,835.00	45.1%	San Juan	\$146,806.00	\$284,572.00	51.6%
Manuelito	\$123,170.00	\$273,439.00	45.0%	Sheepspring	\$146,853.00	\$292,254.00	50.2%
Mariano Lak	\$123,183.00	\$275,496.00	44.7%	Sweetwater	\$146,927.00	\$304,468.00	48.3%
Nageezi	\$123,237.00	\$284,506.00	43.3%	Two Grey Hi	\$146,948.00	\$308,036.00	47.7%
Nahodishg	\$123,048.00	\$253,307.00	48.6%	Upper Fruit	\$147,237.00	\$355,810.00	41.4%
Pinedale	\$123,299.00	\$294,786.00	41.8%	Birdsprings	\$146,863.00	\$293,947.00	50.0%
Ramah	\$123,322.00	\$298,475.00	41.3%	Bodaway-G	\$147,072.00	\$328,476.00	44.8%
Red Rock	\$123,382.00	\$308,394.00	40.0%	Chilchinbeto	\$146,910.00	\$301,748.00	48.7%
Rock Springs	\$123,381.00	\$308,332.00	40.0%	Dennehotso	\$146,986.00	\$314,265.00	46.8%
Smith Lake	\$123,123.00	\$265,698.00	46.3%	Kayenta	\$147,498.00	\$398,868.00	37.0%
Standing Ro	\$123,122.00	\$265,516.00	46.4%	Lechee	\$146,923.00	\$303,864.00	48.4%
To'hajiilee	\$123,224.00	\$282,269.00	43.7%	Leupp	\$147,104.00	\$333,858.00	44.1%
Thoreau	\$123,358.00	\$304,402.00	40.5%	Shonto	\$147,060.00	\$326,480.00	45.0%
Whitehorse	\$123,072.00	\$257,173.00	47.9%	To'nansees'd	\$147,844.00	\$456,767.00	32.4%
Tachee/Blue	\$124,268.00	\$280,668.00	44.3%	Baahaali	\$148,887.00	\$297,937.00	49.3%
Ft. Defiance	\$125,034.00	\$407,358.00	30.7%	Little Water	\$146,842.00	\$290,560.00	50.5%
Forest Lake	\$124,530.00	\$259,533.00	48.0%	Ojo Encino	\$146,805.00	\$284,391.00	51.6%
Lukachukai	\$124,767.00	\$298,597.00	41.8%	Whiterock	\$146,722.00	\$270,613.00	54.2%

Exhibit H

Calculated cost of proposed structure

[illegible]

**RESOURCES AND DEVELOPMENT COMMITTEE
22rd NAVAJO NATION COUNCIL**

SECOND YEAR 2016

COMMITTEE REPORT

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

LEGISLATION # 90-16: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; AMENDING RDCMY-21-15 WHICH ESTABLISHED THE TITLE 26 TASK FORCE TO EXTEND THE EXISTENCE OF THE TASK FORCE FROM 90 DAYS TO THE END OF NOVEMBER 2016 OR UNTIL THE TASK IS COMPLETED *Sponsor: Honorable Leonard Tsosie*

Has had it under consideration and report the same with a **DO PASS** with the following amendment

Page 1, Line 13 & 14, delete "~~OF THE 23RD NAVAJO NATION COUNCIL TERM~~" and insert the following as new language "OF NOVEMBER 2016" OR....

Page 2, Line 10 and 11, Line 16 delete "~~of the 23rd Navajo Nation Council term~~" and insert "of November 2016"

Page 2, Line 24, add the following language: "C. Navajo Nation Divisions of and Departments shall give recognition to the Task Force."

Page 2, Line 24, add the following language: "D. The Title 26 Task Force will present a complete update report to the Resources and Development Committee on April 26, 2016 or earlier."

E. The Title 26 Task Force will present an updated report to the Naabik'iyati' Committee before the 2016 Navajo Nation Council Spring Session."

Page 2, add a new Section Five as follows:

SECTION FIVE. RECOMMENDATION

A. The Navajo Commission on Government Development is encouraged to present recommendations and comments on the work of the Title 26 Task Force to the Naabik'iyati Committee in June 2016.

- B. The Navajo Nation President and Vice-President will be invited to a Naabik'iyati Committee meeting to provide recommendations and comments on the work of the Title 26 Task Force.

and thereafter the Committee approved the Legislation.

Respectfully submitted,



Walter Phelps, Pro Tem Chairperson
Resources and Development Committee
of the 23rd Navajo Nation Council

Date: March 28, 2016
Motion: Leonard Tsosie
Second: Davis Filfred
Vote: 3-1-1 (CNV)

NOTE: Chairman Alton Joe Shepherd requested to be excused to attend another meeting and appointed Honorable Walter Phelps as the Pro Temp Chairperson for the remainder of the Committee meeting.