



**FISCAL YEAR 2013
SECOND QUARTER REPORT
(January – March 2013)**



NAVAJO NATION AGENCY COUNCIL MEETINGS

**(Western Navajo; Ft. Defiance; Chinle Navajo;
Eastern Navajo; Northern Navajo)**

March 2013

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I. Accomplishments

In addition to the on-going research, the archival of documents, and daily tasks of the ONGD operation, the following is an outline of the most current accomplishments (January 2013 to March 2013) for FY 2013 Second Quarter:

January 2013

- January 3 – Meeting with contractor Bitco Accelerated Construction on extension of contract and new timelines for building set-up. The contract is for the purchase and set-up of the modular buildings for ONGD and Auditor General's Office.
- January 7 – Attend the Eastern Navajo Agency Chapter Officials' Inauguration at Ft. Wingate High School.
- January 8 – Attend the Ft. Defiance Agency Chapter Officials' Inauguration at Ganado Field House.
- January 9 – Attend the Chinle Navajo Agency Chapter Officials' Inauguration at Many Farms Community School.
- January 10 – Attend the Western Navajo Agency Chapter Officials' Inauguration at Greyhills School Gymnasium.
- January 11 – Attend the Northern Navajo Agency Chapter Officials' Inauguration at the Walter Collins Center, Upper Fruitland, NM.
- January 12 – Attend and submit the FY13 1st quarterly report to the Chinle Navajo Agency Council meeting at Many Farms Chapter.
- January 12 – Attend and submit the FY13 1st quarterly report to the Ft. Defiance Navajo Agency Council meeting at White Cone Chapter.
- The NABY Sub-Committee on Government Reform held a special meeting on January 18, 2013 in Window Rock, AZ. The Sub-Committee discussed and took action on the veto of Title 2 Reform Resolution No. CO-45-12 and the override legislation No. 0497-12; and they also discussed the status of reform initiatives.
- On January 24th attended and presented a power point presentation at the Eastern Navajo Agency Chapter Officials' Orientation Session in Albuquerque, NM. The presentation was on reform initiatives, referendum measures, governance approaches/models and update on ONGD/CNGD activities.
- January 22 to 24, the Northern Navajo Agency Chapter Officials' Orientation was held at San Juan College, Farmington, NM but due to miscommunications with the Northern Agency LGSC, ONGD was not included on the agenda.
- Attended the Navajo Nation Council Winter Session on January 29th to address the 4 referendum measures: 0367-12 Amending 11 N.N.C. § 409(C) – Amendments to Laws Approved by Initiative/Referendum; 0368-12 Amending 11 N.N.C. § 404(A) – Initiative Fees; 0369-12 Amending 2 N.N.C. § 102 – Referring a Referendum Measure on Amending 2 N.N.C. § 102 (Amending the powers of the Navajo Nation Council); and 0370-12 Amending 11 N.N.C. § 404(B) – Lowering Initiative Signature Requirements. However, the 4 referendum measures were deleted from the Council agenda and the motion passed with a 20-1 vote.

February 2013

- On February 1st attended the New Mexico Annual American Indian Legislative Day in Santa Fe, NM. Met with local legislatures on issues concerning the Navajo Nation.
- February 5 – Attended the Arizona 18th Annual Indian Nations and Tribes Legislative Day in Phoenix, AZ. Received information from the 2 sessions: 1) Joint Protocol Session – a resolution was read by Senator Jack Jackson, Jr. honoring the late Paul Williams and Lorena Williams as they were the plaintiffs in Williams v. Lee (1959), a case that came before the U.S. Supreme Court; and the session included the following tribal speakers: (a) Chairman Terry Rambler, San Carlos Apache Tribe, who spoke on health care and global warming issues; (b) Vice-Chairman Tim Hinton, White Mountain Apache Tribe, who spoke on Arizona Indian Gaming and the Arizona tribes' contribution to the states from gaming; and (c) Chairman LeRoy Shingoitewa, Hopi Tribe, who spoke on education and economic development issues. The second session was on Solar and Renewable Energy – in that the panelists spoke on initiatives of tribes regarding solar and renewable energy.
- On February 5th attended and presented a power point presentation at the Ft. Defiance Navajo Agency Chapter Officials' Orientation Session in Albuquerque, NM. The presentation was on reform initiatives, referendum measures, governance approaches/models and update on ONGD/CNGD activities. The issue of the Commission Agency representative was also discussed.
- February 13th attended and presented a power point presentation at the Chinle Navajo Agency Chapter Officials' Orientation Session in Farmington, NM. The presentation was on reform initiatives, referendum measures, governance approaches/models and update on ONGD/CNGD activities. There were questions on the availability of the 2012 Peoples Convention report and the Referendum Measures.
- February 19 – Attended the Western Navajo Agency's Meet and Greet session for the Chapter Officials. The Executive Branch Divisions and Legislative Branch Offices presented on their programs and services available to the Navajo People.
- February 20th attended and presented a power point presentation at the Western Navajo Agency Chapter Officials' Orientation Session in Flagstaff, AZ. The presentation was on reform initiatives, referendum measures, governance approaches/models and update on ONGD/CNGD activities. There were questions on the Referendum Measures and government approaches/models.
- February 26 – ONGD meeting with Design & Engineering Services on further building updates and floor covering options. Potential floor covering vendor also took measurements for price quotes.

March 2013

- March 1 – Attend and participate in a meeting with contractor Bitco Accelerated Construction on the contract, the completion of building set-up and addressing punch-lists. The contract is for the purchase and set-up of the modular buildings for ONGD and Auditor General's Office.
- March 2 – Attend and submit the FY13 2nd quarterly report to the Eastern Navajo Agency Council meeting at Crownpoint Smith Lake Chapter and to the Northern Navajo Agency Council meeting at Shiprock Chapter.
- March 5 – Commission on Navajo Government Development held an organizational meeting in Window Rock, AZ. During the meeting several issues were addressed and a meeting for March 19, 2013 was scheduled.
- March 16 – Attend and submit the FY13 2nd quarterly report to the Western Navajo Agency Council meeting at Tonalea Day School
- March 19 – Commission on Navajo Government Development's monthly regular meeting in Window Rock, AZ. Discussion items include: presentation and update on the Local Governance Act by the Division of Community Development and presentation on proposed Navajo Chapter Government Authorities.

II. Commission on Navajo Government Development

Membership Listing

Commissioner	NNC Legislation No.	Appointment Date	Term Expiration
Five Agency Representatives			
Margie Begay CENTRAL AGENCY	CJY-46-05	July 21, 2005	June 2013
Bessie Tsosie EASTERN AGENCY	CJY-65-05	November 8, 2005	October 2013
Richie Nez FT. DEFIANCE AGENCY	0041-12	March 23, 2012	January 2013
Robert C. Begay NORTHERN AGENCY	CJA-10-06	January 27, 2006	December 2013
Floyd Stevens WESTERN NAVAJO AGENCY	0003-12	January 26, 2012	January 2016
Navajo Nation Government – Branch Representatives			
Heather Clah EXECUTIVE BRANCH	0465-11	January 26, 2012	January 26, 2014
Martin Avery JUDICIAL BRANCH	0466-11	January 26, 2012	January 26, 2014
Jerry Frank LEGISLATIVE BRANCH	CJY-21-07	July 19, 2007	June 19, 2013
Other Representatives (Pursuant to 2 N.N.C. § 972)			
Sam Begay PRACTITIONER OF NATIVE HEALING ARTS	CJY-23-07	July 19, 2007	June 19, 2015
Mae Horseman WOMEN'S COMMISSION	CJY-24-07	July 19, 2007	June 19, 2013
Martha Davis DINE COLLEGE	0040-12	March 23, 2012	March 23, 2014
Andrew Curley HEALTH, EDUCATION & HUMAN SERVICES COMMITTEE	0014-12	March 23, 2012	March 23, 2014

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III. Office of Navajo Government Development Staff

Caleb Roanhorse	<i>Executive Director</i>
Victoria Lee	<i>Policy Analyst</i>
Jamie Henio	<i>Policy Analyst</i>
Patsy Yazzie	<i>Administrative Assistant</i>
<i>Vacant</i>	<i>Attorney</i>
<i>Vacant</i>	<i>Programs & Projects Specialist</i>
<i>Vacant</i>	<i>Senior Office Specialist</i>

IV. Sub-Committee on Navajo Government Reform (NABIMY-39-11)

The Navajo Nation Council’s Naa’bik’iyati’ Committee established a Sub-Committee on Government Reform (NABIMY-39-11). The purpose of the sub-committee is to cooperate with the Office of Navajo Government Development and Commission on Navajo Government Development in reviewing and analyzing the current Navajo government structure to determine a method of government reform that will be in the best interest of the Navajo People.

Leonard Tsosie, Chair	<i>Eastern Navajo Agency</i>
Jonathan Nez, Vice-Chair	<i>Western Navajo Agency</i>
Russell Begay, member	<i>Northern (Shiprock) Navajo Agency</i>
Dwight Witherspoon, member	<i>Central Agency</i>
Jonathan Hale, member	<i>Ft. Defiance Agency</i>

The Office of Navajo Government Development provides staff support to the Naa’bik’iyati’ Committee’s Sub-Committee on Government Reform. During this quarter, one Sub-Committee meeting was held on January 18th.

V. Upcoming Activities

- March 2 – Eastern Navajo Agency Council Meeting at Smith Lake Chapter
- March 2 – Northern Navajo Agency Council Meeting at Shiprock Chapter
- March 5 – Commission on Navajo Government Development Organizational Meeting, Window Rock, AZ
- March 7 – NABY Sub-Committee on Government Reform Meeting, Window Rock, AZ
- March 10 – DAYLIGHT SAVING TIME BEGINS
- March 16 – Western Navajo Agency Council Meeting at Tonalea Chapter
- March 19 – CNGD Regular Monthly Meeting, Window Rock, AZ
- March 30 – Ft. Defiance Agency Council Meeting at Nahata Dzil Chapter
- April 6 – Chinle Agency Council Meeting at Hardrock Chapter
- April 15-19 – Navajo Nation Council Spring Session
- April 22 – HOLIDAY – Navajo Nation Sovereignty Day

VI. Reference

A. Purpose & Authority

2 N.N.C. Article 3. Commission on Navajo Government Development & Office of Navajo Government Development

The Commission is a special entity created by the Navajo Nation Council with quasi-independent authority to accomplish the Council's project of instituting reforms necessary to ensure an accountable and responsible government. The purpose of the Commission and Office is to review and evaluate all aspects of existing government structure of the Navajo Nation including laws, rules and regulations, practices, functions, goals and objectives of the central government; and to develop recommendations and proposals for alternative forms of government, including chapter governments for consideration and possible adoption by the Navajo People through a referendum vote.

The Office of Government Development was established for the purpose of assisting the Commission on Navajo Government Development by making recommendations for reform that is necessary to ensure an accountable and responsible government and conduct long range comprehensive planning, evaluation, and development of goals to enhance a government that accommodates the Navajo People. It is charged with encouraging the Navajo People's involvement promoting their general welfare, ensuring government accountability, integrity, justice and domestic order. It also charged with developing proposals for alternative forms of chapter government and empowerment.

B. Commission on Navajo Government Development – History

1. CD-68-89: Title 2 of the Navajo Nation Code

- i.** In 1989, the Navajo Nation Council passed Title 2 amendments creating the Commission on Navajo Government Development and the Office of Navajo Government Development with quasi-independent authority to accomplish the Council's project of instituting reforms necessary to ensure an accountable and responsible government.

2. CJY-65-94: Amending Plan of Operation for the Commission on Navajo Government Development in Title 2.

- i.** July 22, 1994, the Navajo Nation Council passed legislation to amend the 1989 Title 2 Amendments pertaining to the Commission on Navajo Government Development. The proposed amendments changed the membership of the Commission by replacing the ONGD Director with a representative from the N.N. Women's Commission.
- ii.** The 1994 amendments titled "plan of operation" also changed the scope of work for the Commission to focus on working with the local chapter governments and local communities as a community empowerment initiative to explore alternative forms of chapter governments.

3. CO-37-07: Navajo Government Development Act of 2007

- i.** October 17, 2007, the Navajo Nation Council passed legislation to abolish the Commission on Navajo Government Development and to place the Office of Navajo Government Development under the supervision of the Navajo Nation Council Speakers office. This legislation was vetoed by President Joe Shirley Jr.
- ii.** December 19, 2007, the Navajo Nation Council through a special council session voted on resolution CD-47-07 to override President Shirley's veto of the Navajo Government Development Act of 2007. The override was successful and therefore, the Commission on Navajo Government Development was abolished.

4. SC-CV-02-10: Shirley v. Morgan

- i.** July 16, 2010, the Navajo Nation Supreme Court issued an Opinion and Order to invalidate the Navajo Nation Council's legislation on the Navajo Government Development Act of 2007 which abolished the Commission on Navajo Government Development.
- ii.** The Court stated the following: "The Commission on Government Development ("Commission") and the Office of Navajo Government Development ("Office") are the sole entities established according to the wishes of the People..... Therefore, the dissolution of the Commission and changes made to the powers of the Office by enactment of CO-37-07 (Navajo Government Development Act of 2007) on October 17, 2007 cannot stand.
- iii.** The Court made it clear to the Navajo Nation Council for them to immediately restore the Commission and Office according to the original terms in the Title II Amendments of 1989, along with proper funding. The power of government reform and their choice of government are up to the People to decide through the Commission and Office.
- iv.** At the initial meeting of the three Branch Chiefs during the FY 2012 Budget development process, Speaker Johnny Naize requested a substantial budget to fully fund the Commission on Navajo Government Development and the Office on Navajo Government Development as stated and in accordance with the Supreme Court Order, This was supported by President Ben Shelley by not line-item vetoing this budget request.

5. Reconvening of the Commission on Navajo Government Development

- i.** On November 9, 2011, the Commission on Navajo Government Development held a historic meeting by reconvening a quorum and calling an official meeting to order. The Commission reaffirmed Ms. Bessie Tsosie as the Chairperson with Ms. Mae Horseman as the Vice-Chairperson.

VII. Four (4) Legislative Referendum Measures

Legislative Measures

**0367-12 Amending 11 N.N.C. § 409(C) -
Amendments to Laws Approved by
Initiative/Referendum**

**0368-12 Amending 11 N.N.C. § 404(A) -
Initiative Fees**

**0369-12 Amending 2 N.N.C. § 102 -
Referring a Referendum Measure on
Amending 2 N.N.C. § 102
(Amending the powers of the Navajo
Nation Council)**

**0370-12 Amending 11 N.N.C. § 404(B) -
Lowering Initiative Signature
Requirements**