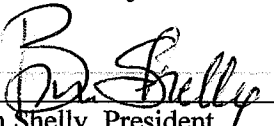




MEMORANDUM

TO: Honorable Johnny Naize, Speaker
The 22nd Navajo Nation Council

FROM:


Ben Shelly, President
THE NAVAJO NATION

DATE: July 06, 2012

SUBJECT: **Resolution No. CMY-38-12; Amending Navajo Election Code Regarding School Board Candidate Election Qualification**

On June 06, 2012 I vetoed Resolution No. CMY-38-12. On June 27, 2012 a corrected version of the Resolution was presented to the Office of the President for consideration. A memorandum that accompanied the Resolution from Speaker Naize explained the inaccuracy of the initial resolution, therefore rendering it "of no legal effect", and finding the Resolution CMY-38-12 before me for consideration once again.

I issued a memorandum dated June 06, 2012 stating my justification for veto. I asserted that only changing the law to extend term limits of school board would not address the school board vacancies and lack of school board quorum. I challenge the Health, Education, and Human Services Committee (HEHSC) and other appropriate programs and committees to examine the school board vacancy problem and come up with a better solution.

I am pleased and very appreciative that the HEHSC, Election Office, and Department of Dine Education took up the Challenge. The Parties agreed to formulate a joint sub-committee to explore and come up with a better plan to address the school board vacancy problem and examine the lack of interest from the community to participate in these elected positions.

The action of signing into law this Resolution will help fill the vacancies for this election, but the efforts of the joint sub-committee with work to address the long-term solution, and my veto justification.

I appreciate the collaboration of the HEHSC and the other parties to proactively address this matter.

CC: HEHSC Committee Members
Board of Election Supervisors
Election Office
Department of Dine Education

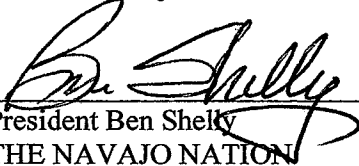
THE NAVAJO NATION



BEN SHELLY PRESIDENT
REX LEE JIM VICE PRESIDENT

TO: Honorable Johnny Naize, Speaker
The 22nd Navajo Nation Council

FROM:


President Ben Shelly
THE NAVAJO NATION

DATE: June 6, 2012

SUBJECT: Title Legislation No. CMY-38-12

Pursuant to 2 N.N.C. § 1005 (C) (10), Legislation CMY-38-12, TITLE: Amending the Navajo Nation Election Code at 11 N.N.C. §§ 6 and 8 by Authorizing Four Terms For School Board Positions and Authorizing School Board Members to Serve on One School Board is being submitted to the Navajo Nation Council, through the Office of the Speaker, within the ten (10) days requirement.

Pursuant to 2 N.N.C. § 1005 (C)(11) The Navajo Nation President has authority to veto legislation with a memorandum to the Speaker with reason(s) for the veto. I will exercise my veto authority to veto Legislation CMY-38-12, with the following justifications:

Resolution CMY-38-12 offers to change the law, by extending elective School Board position to four (4) terms. This is the proposed remedy to the vacancies and lack of school board quorum. I will assert that only changing the law to extend terms will not address the concern. The question that needs to be explored is why is there a lack of interest from citizens of the community to serve on school boards?

Educating our Navajo children is a priority to the Navajo Nation. It is also one of the Nation's biggest challenges, for many reasons. The constant challenge to find funding has turned into the challenge of maintaining current funding. The human resource, recruiting teachers is also an ever challenge because of lack of funding, housing and other matters. However, the one human resource we should not lack is the influence of parents, extended family members, and local community leaders to provide constant encouragement and expectations of our Navajo children to make completing their education a priority for themselves.

Serving on the school boards is a prime opportunity for parents and the communities to provide this local service, influence, and opportunity for their children. I would challenge the Health, Education, and Human Services Committee and all appropriate programs and committees to examine the school board vacancies problems and come up with additional solutions.

Additionally, I would encourage consideration of staggered terms to proposed law changes for appropriate elected positions. The consideration of implementing limited terms on all political elective positions would provide the opportunity for the Nation to benefit from the varied perspective from our diverse Navajo Peoples' education, experience, and other leadership.

RESOLUTION OF THE
NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL - First Year, 2011

AN ACT

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; LAW AND ORDER
NAABIK'IYATI' AND THE NAVAJO NATION COUNCIL; AMENDING THE NAVAJO
NATION ELECTION CODE AT 11 N.N.C. §§6 AND 8 BY AUTHORIZING FOUR
TERMS FOR SCHOOL BOARD POSITIONS AND AUTHORIZING SCHOOL BOARD
MEMBERS TO SERVE ON ONE SCHOOL BOARD

BE IT ENACTED:

Section 1. Findings

1. The Navajo Nation conducts elections for various elective positions, including elections for the various school boards within the Navajo Nation. 11 N.N.C. § 1 *et seq.*
2. Generally, for Navajo Nation and Chapter elections, the number of terms a person may serve in an elective position is unlimited "except as otherwise provided by law." 11 consecutive terms. 11 N.N.C. §6(D).
3. Further, school members are limited to serving on no more than one school board. 11 N.N.C. §8(D)(4)(k). Under Navajo law, school boards must represent children based on their chapter affiliation. It is possible for multiple schools to have children from the various different chapters. See the 2007 Local Community School Board Apportionment Plan, ECJA-01-08. Consequently, the law permits representation of a chapter on more than one school board. Consistent with due process, chapters should be permitted to elect school board members of their choice.
4. Since the Navajo Election Code of 1990 was enacted, the Navajo Election Administration has experienced more vacancies for school board positions than any other elective position. This has caused quorum problems for school boards.

5. It is in the best interest of the Navajo Nation to remove term limits for school board positions and to further authorize school board members to serve on one board.

Section 2. Title 11 Amendment

The Navajo Nation hereby amends 11 N.N.C. §§6 and 8 as follows:

**Chapter 1. Navajo Election Code of 1990
Subchapter 1. General Provisions**

§6. Terms of office; oath

C. Candidates elected to office in chapter elections shall be installed in office upon taking the oath of office, which shall be administered at the direction of the Board during the first week following the first Saturday in January, and their predecessors term of office shall expire upon their installation.

D. Local Community School Board members shall serve only four consecutive terms, inclusive of present terms. The school board member must not have a conflict of interest arising from any tribal, state or federal laws regarding his or her employment, including being an employee of the Navajo Nation Elections Administration or a member of the Navajo Nation Board of Election Supervisors.

§8. Qualifications for office

D. Qualifications for Other Elected Officials

4. Qualifications for Candidates for School Board:

k. If elected or appointed, the candidate shall serve on no more than one Local Community School Board.

Section 3. Effective date

The amendment enacted herein shall become effective in accord with 2 N.N.C. §2212(B).

Section 4. Codification

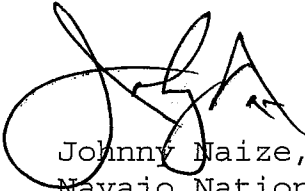
The amendments of the Navajo Nation Code enacted herein shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall include the amendment in the next recodification or supplement of the Navajo Nation Code to the extent practicable.

Section 5. Savings Clause

Should any portion of the amendments enacted herein be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation without appeal to the Navajo Nation Supreme Court, those portions not determined invalid shall remain the law of the Navajo Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 12 in favor and 0 opposed, this 25th day of May, 2012.


Johnny Naize, Speaker
Navajo Nation Council

May 29, 2012
Date

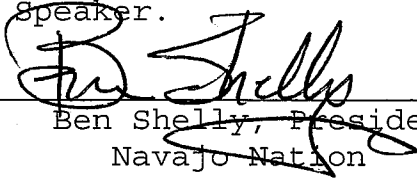
Motion: Honorable Leonard Pete
Second: Honorable Charles Damon, II

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), on this _____ day of _____ 2012.

Ben Shelly, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of JUN 06 2012 2012 for the reason(s) expressed in the attached letter to the Speaker.



Ben Shelly, President
Navajo Nation



22nd NAVAJO NATION COUNCIL – SECOND YEAR 2012

The HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL to whom has been assigned:

LEGISLATION NO. 0491-11

Has had it under consideration and report the same with the recommendation that it **DO PASS** with the following amendments:

1. Page 1, line 14: Strike "UNLIMITED" and insert "FOUR".
2. Page 1, line 15: Strike "BOARD" and insert "BOARDS"; Strike "TWO" and insert "ONE".
3. Page 2, line 7: Strike "two boards" and insert "one board".
4. Page 2, line 22: unstrike paragraph D and strike "two" and insert "four", as follows:
 - D. Local Community School board members shall serve only two four consecutive terms.
5. Page 2, line 23: Insert new paragraph as follows:
 - E. Must not have been an employee of the school within the last five years to prevent conflict of retaliations from being a recent employee to becoming a new school board member.
5. Page 3, line 1: Strike "two" and reinsert "one".
6. Page 3, line 2: strike "boards" and insert "board".

And therefore referred the same to the LAW AND ORDER COMMITTEE OF THE NAVAJO NATION COUNCIL.

Jonathan Hale

Jonathan Hale, Chairperson
Health, Education and Human Services Committee

Dated: April 4, 2012.

Motioned by: Honorable Joshua Butler
Seconded by: Honorable Dwight Witherspoon
Vote: 3 in Favor, 1 Opposed and 0 Abstain

**LAW AND ORDER COMMITTEE
22nd NAVAJO NATION COUNCIL**

SECOND YEAR 2012

COMMITTEE REPORT

Mr. Speaker,

The **LAW AND ORDER COMMITTEE** to whom has been assigned:

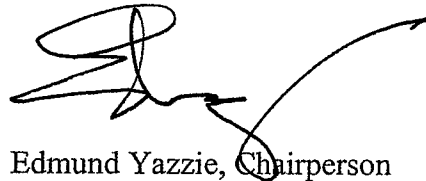
NAVAJO LEGISLATION NO. 0491-11

An Action Relating to Health, Education and Human Services; Law and Order,
Naabik'Iyati and the Navajo Nation Council: Amending the Navajo Nation Election
Code at 11 N.N.C., §6 by Authorizing Unlimited Terms fro School Board Positions.
(Sponsor: Honorable David Tom)

Has had it under consideration and report the same with a recommendation that it **DO
NOT PASS**, with no amendments

and therefore referred to **NAA'BIK'IYATI COMMITTEE**.

Respectfully submitted,



Edmund Yazzie, Chairperson
Law and Order Committee of the
22nd Navajo Nation Council

Date: April 30, 2012

The vote was 1 in favor and 3 opposed.

Motion: Elmer P. Begay

Second: Duane Tsinigine

COMMITTEE REPORT
NAA'BIK'IYATI COMMITTEE
22ND NAVAJO NATION COUNCIL--- Second Year, 2012

Mr. Speaker:

The Naa'bik'iyati' Committee, to whom has been referred;

LEGISLATION NO. 0491-11

Introduced by the Hon. David L. Tom and Hon. Charles Damon II

An action Relating to the Health, Education and Human Services, Law and Order, Naabiki'yati' and the Navajo Nation Council, Amending the Navajo Nation Election Code at 11 N.N.C. §§6 and 8 by Authorizing Unlimited Terms for School Boards Positions and Authorizing School Board Members to Serve on Two School Boards

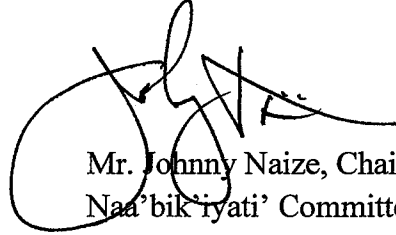
has had it under consideration and reports the same with a **DO PASS** recommendation with FOLLOWING AMENDMENTS:

1. Page 1, line 14: Strike "UNLIMITED" and insert "FOUR".
2. Page 1, line 15: Strike "BOARD" and insert "BOARDS"; Strike "TWO" and insert "ONE".
3. Page 2, line 7: Strike "two boards" and insert "one board".
4. Page 2, line 22: unstrike paragraph D and strike "two" and insert "four", as follows:
 - D. Local Community School Board members shall serve only ~~two~~ four consecutive terms, inclusive of present terms.
5. Page 2, line 23: Insert new paragraph as follows:
 - E. Must not have been an employee of the school within the last five years to prevent conflict of retaliations from being a recent employee to becoming a new school board member.
6. Page 3, line 1: Strike "two" and reinsert "one".
7. Page 3, line 2: Strike "boards" and insert "board".

And Thence referred to the Navajo Nation Council.

CERTIFICATION

I, hereby certify that the foregoing legislation was duly considered by the Naa'bi'iyati Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same amount was passed with a vote of 11 in favor and 2 opposed this 24th day of May 2012.

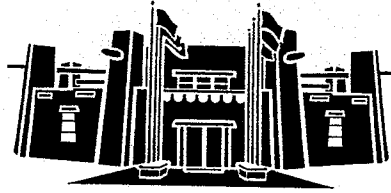
A handwritten signature in black ink, appearing to read 'Johnny Naize', is written over the printed name below.

Mr. Johnny Naize, Chairperson
Naa'bi'iyati' Committee

MOTION: Jonathan Hale

SECOND: Dwight Witherspoon

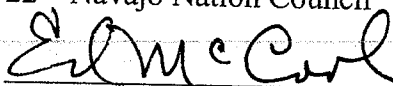
Office of Legislative Counsel
Telephone: (928) 871-7166
Fax: (928) 871-7576



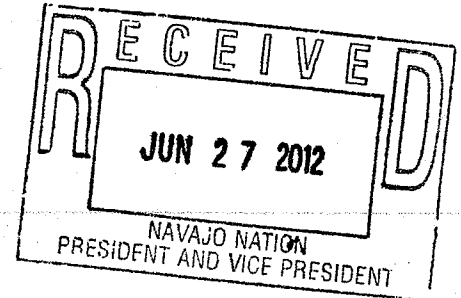
Johnny Naize
Speaker of the Navajo Nation Council

MEMORANDUM

TO: Johnny Naize, Speaker
22nd Navajo Nation Council

FROM: 
Edward A. McCool, Acting Chief Legislative Counsel
Office of Legislative Counsel

DATE: June 27, 2012



SUBJECT: Engrossment of Navajo Nation Council Resolution CMY-38-12

As you know, Council Resolution CMY-38-12 was not engrossed accurately when it was initially presented to you for certification and then sent over to the President. This inaccuracy rendered that version of no legal effect.

Attached for your certification is an accurate rendering of CMY-38-12 which includes all amendments as adopted by the Naabik'íyáti Committee and the Council. This document is entitled to your certification and needs to be forwarded to the President for his disposition.

Please know that in the future all legislation enacted by Council shall be reviewed by the Office of Legislative Counsel for completeness, prior to being submitted to your office for your certification.

Thank you.

RESOLUTION OF THE
NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL - First Year, 2011

AN ACT

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; LAW AND ORDER
NAABIK'IYATI' AND THE NAVAJO NATION COUNCIL; AMENDING THE NAVAJO
NATION ELECTION CODE AT 11 N.N.C. §§6 AND 8 BY AUTHORIZING FOUR
TERMS FOR SCHOOL BOARD POSITIONS AND AUTHORIZING SCHOOL BOARDS
MEMBERS TO SERVE ON ONE SCHOOL BOARD

BE IT ENACTED:

Section 1. Findings

1. The Navajo Nation conducts elections for various elective positions, including elections for the various school boards within the Navajo Nation. 11 N.N.C. § 1 et seq.
2. Generally, for Navajo Nation and Chapter elections, the number of terms a person may serve in an elective position is unlimited "except as otherwise provided by law." 11 consecutive terms. 11 N.N.C. §6(D).
3. Further, school members are limited to serving on no more than one school board. 11 N.N.C. §8(D)(4)(k). Under Navajo law, school boards must represent children based on their chapter affiliation. It is possible for multiple schools to have children from the various different chapters. See the 2007 Local Community School Board Apportionment Plan, ECJA-01-08. Consequently, the law permits representation of a chapter on more than one school board. Consistent with due process, chapters should be permitted to elect school board members of their choice.
4. Since the Navajo Election Code of 1990 was enacted, the Navajo Election Administration has experienced more vacancies for school board positions than any other elective position. This has caused quorum problems for school boards.
5. It is in the best interest of the Navajo Nation to remove term limits for school board positions and to further authorize school board members to serve on one board.

Section 2. Title 11 Amendment

The Navajo Nation hereby amends 11 N.N.C. §§6 and 8 as follows:

**Chapter 1. Navajo Election Code of 1990
Subchapter 1. General Provisions**

§6. Terms of office; oath

C. Candidates elected to office in chapter elections shall be installed in office upon taking the oath of office, which shall be administered at the direction of the Board during the first week following the first Saturday in January, and their predecessors term of office shall expire upon their installation.

D. Local Community School Board members shall serve only four consecutive terms, inclusive of present terms. The School Board member must not have a conflict of interest arising from any tribal, state or federal laws regarding his or her employment, including being an employee of the Navajo Nation Elections Administration or a member of the Navajo Nation Board of Election Supervisors.

E. Must not have been an employee of the school within the last five years to prevent conflict of retaliation from being a recent employee to becoming a new school board member.

§8. Qualifications for office

D. Qualifications for Other Elected Officials

4. Qualifications for Candidates for School Board:

k. If elected or appointed, the candidate shall serve on no more than one Local Community School Board.

Section 3. Effective date

The amendment enacted herein shall become effective in accord with 2 N.N.C. §2212(B).

Section 4. Codification

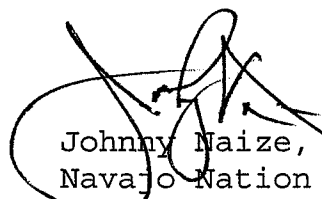
The amendments of the Navajo Nation Code enacted herein shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall include the amendment in the next recodification or supplement of the Navajo Nation Code to the extent practicable.

Section 5. Savings Clause

Should any portion of the amendments enacted herein be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation without appeal to the Navajo Nation Supreme Court, those portions not determined invalid shall remain the law of the Navajo Nation.

CERTIFICATION

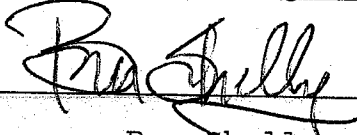
I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 12 in favor and 0 opposed, this 25th day of May, 2012.


 Johnny Naize, Speaker
 Navajo Nation Council
June 27, '12
 Date

Motion: Honorable Leonard Pete
 Second: Honorable Charles Damon, II

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), on this _____ day of JUL 06 2012 2012.



Ben Shelly, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2012 for the reason(s) expressed in the attached letter to the Speaker.

Ben Shelly, President
Navajo Nation

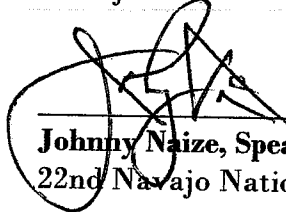
**LEGISLATIVE BRANCH
NAVAJO NATION**



HONORABLE JOHNNY NAIZE
Speaker, 22nd Navajo Nation Council

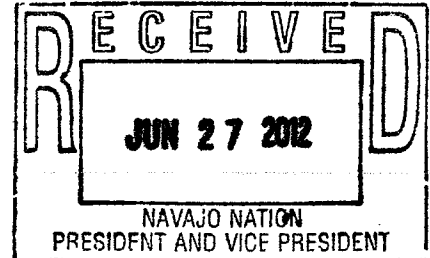
MEMORANDUM

TO : Ben Shelly, President
Navajo Nation

FROM : 
Johnny Naize, Speaker
22nd Navajo Nation Council

DATE : June 27, 2012

SUBJECT : Engrossment of Navajo Nation Council Resolution CMY-38-12



Council Resolution CMY-38-12 was not engrossed accurately when it was initially presented to you for you signing. This inaccuracy rendered that version of no lefal effect, so indicted in the attached letter from Legislative Counsel.

Attached for your signature is an accurate rendering of CMY-38-12 which includes all amendments as adopted by the Naabik'iyáti Committee and the Council.

Thank you.

cc: File