

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0083-21_

SPONSOR: Pernell Halona

**TITLE: An Action Relating to an Emergency and the Navajo Nation Council;
Removing Pearline Kirk as Controller of the Navajo Nation**

Date posted: May 14, 2021 at 12:24 PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0083-21

DATE: May 14, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY AND THE NAVAJO NATION COUNCIL; REMOVING PEARLINE KIRK AS CONTROLLER OF THE NAVAJO NATION

PURPOSE: This resolution, if approved, will remove Pearline Kirk as Controller of the Navajo Nation and request the President and Budget & Finance Committee to quickly appoint an Acting Controller

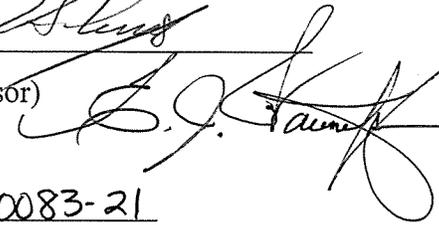
This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL – Third Year, 2021

INTRODUCED BY



 (Prime Sponsor) 

TRACKING NO. 0083-21

**AN ACTION RELATING TO AN EMERGENCY AND THE NAVAJO NATION
 COUNCIL; REMOVING PEARLINE KIRK AS CONTROLLER OF THE
 NAVAJO NATION**

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A).
- B. Pursuant to 2 N.N.C. §164 (A)(16) “[m]atters constituting an emergency shall be limited to the cessation of law enforcement services, and 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 resolution(s) and must be a matter requiring final action by the Council.”

SECTION TWO. FINDINGS

- A. The Navajo Nation Code establishes that “the Controller shall be appointed by the President of the Navajo Nation, at a negotiated salary with the approval of the Navajo Nation Council and shall serve at the pleasure of the Navajo Nation Council.” 12 N.N.C. § 202(B).

1 B. The Navajo Nation Council voted to confirm Pearline Kirk as the Controller of the
2 Navajo Nation on February 16, 2017. The legislation confirming Ms. Kirk was signed
3 by the Speaker of the Navajo Nation on February 21, 2017. CF-17-17, attached as
4 **Exhibit 1.**

5 C. The Navajo Nation Code provides that “the purpose of the Office of the Controller shall
6 be the formulation, implementation, and execution of the financial plans and policies
7 of the Navajo Nation in order that accurate and complete accounts and reports be
8 rendered, the assets of the Navajo Nation be properly protected and modern methods
9 of financial management be implemented.” 12 N.N.C §201(B).

10 D. The Navajo Nation Code further provides that the Controller is to serve as an official
11 advisor to the Budget and Finance Committee and as such “shall provide appropriate
12 support, advice and counsel on all matters.” 2 N.N.C. § 302.

13 E. The duties of the Controller include reporting to “the Navajo Nation Council and its
14 committees concerning the financial condition of the Navajo Nation and [to] be solely
15 responsible to the Council and the Budget and Finance Committee concerning the
16 propriety of financial transactions, and compliance with Council or committee
17 directives.” 12 N.N.C. § 203(B).

18 F. Pursuant to 12 N.N.C. § 202 (B), the Controller serves at the pleasure of the Navajo
19 Nation Council. The Navajo Nation Council no longer desires to retain Ms. Kirk in the
20 position of Controller of the Navajo Nation and finds it to be in the best interest of the
21 Navajo Nation to remove Ms. Kirk from her position as the Controller of the Navajo
22 Nation.

23 G. The determination by the Navajo Nation Council to immediately remove the Controller
24 and to request the President appoint an Acting Controller constitutes an emergency
25 situation meeting the criteria of 2 N.N.C. § 164 (A)(16) relative to the continuing
26 provision of direct services required as an entitlement under Navajo Nation and federal
27 law.

28
29 **SECTION THREE. APPROVING THE REMOVAL OF PEARLINE KIRK AS**
30 **THE CONTROLLER OF THE NAVAJO NATION**

1 The Navajo Nation Council hereby approves the immediate removal of Pearline Kirk as
2 the Controller of the Navajo Nation.

3
4 **SECTION FOUR. EFFECTIVE DATE**

5 This resolution shall become effective pursuant to 2 N.N.C. §§ 221 (A) and (C).
6

7 **SECTION FIVE. REQUESTING THE PRESIDENT TO APPOINT AN ACTING**
8 **CONTROLLER OF THE NAVAJO NATION**

9 A. Pursuant to 12 N.N.C. § 202 (B), the President may appoint an Acting Controller, with
10 the consent of the Budget and Finance Committee, to serve during a vacancy in the
11 Controller position. The Navajo Nation Council hereby requests the President to work
12 with the Budget and Finance Committee to expeditiously appoint an Acting Controller
13 who shall serve until a permanent Controller is confirmed by the Navajo Nation
14 Council.

15 B. To ensure continuity in the Navajo Nation's financial procedures and policies, and
16 should the Navajo Nation President delay action in the appointment of an Acting
17 Controller, the Standing Delegation of Authority, attached as **Exhibit 2**, currently in
18 place in the Office of the Controller is recognized as the authority for an Acting
19 Controller.
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