



Council Votes to remove Pearline Kirk as Controller of the Navajo Nation during Special Session

FOR IMMEDIATE RELEASE: May 19, 2021

WINDOW ROCK Ariz. — On Wednesday, the 24th Navajo Nation Council commenced on a two-day Special Session where deliberation on Legislation No. 0083-21 was held to remove Pearline Kirk as Navajo Nation Controller. During the process, irregularities concerning contracts between the Office of the Controller (OOC) and Agile Technologies were found regarding unlawful Covid-19 testing on the Navajo Nation.

“With the American Rescue Plan Act Funds coming, we need to make sure we perform our due diligence in ensuring the people’s money is spent in an ethical manner from the top to the bottom,” said Speaker Seth Damon (Bááhaalí, Chichiltah, Manuelito, Red Rock, Rock Springs, Tséyatoh). “It is unfortunate that we have to make these hard decisions, but the people’s safety is our number one priority.”

In re-establishing the purpose of the legislation, sponsoring Delegate Pernell Halona (Coyote Canyon, Mexican Springs, Naschitti, Tohatchi, Bahasti’aa’) cited his distrust in Kirk, including issues he witnessed between her office and entities such as the Eastern Agency Council (EAC) who passed a resolution expressing a vote of no confidence in the OOC.

The EAC passed a resolution on March 6 in response to Kirk’s alleged failure to adequately administer Coronavirus Aid, Relief, and Economic Security Act (CARES) funds to Eastern Agency chapters through Legislation No. 201-20. The resolution also included the Crownpoint Chapter’s position of poor management and unfair due diligence against Kirk for projects within Eastern Agency, which was approved with a vote of 15 in favor and 11 opposed.

Council Delegates Nathaniel Brown (Dennehotso, Kayenta, Chiiłchinbii’tó) and Amber Kanazbah Crotty (Cove, Toadlena/Two Grey Hills, Red Valley, Tsé’áłnáoozt’íí, Sheepsprings, Beclabito, Gad’ii’ahí/Tó Ko’í) asked further about Delegate Halona’s intent behind sponsoring the emergency Legislation, warning about documentation and the precedents such actions could be setting for Council’s conduct.

“Through all of this, I have lost confidence in her and I have many reasons in addition to the light Madam Attorney General [Doreen McPaul] has shed on this,” added Delegate Halona. “She serves at the pleasure of NNC, and we don’t need to provide any discretion.”

Earlier, Council Delegate Raymond Smith, Jr. had motioned to move 0083-21 to the beginning of the agenda before hearing reports from the OOC, Agile Technologies, the Navajo Nation Department of Health, the Navajo Nation Human Research Review Board and the Navajo Nation Attorney General. Soon after, Honorable Delegate Vince James (Jeddito, Cornfields, Ganado, Kinłichii’, Steamboat) introduced a second amendment removing all reports from the agenda.

Before the final vote, the Council entered a one and a half hour executive session where Madam Attorney General Doreen McPaul and Chief Legislative Council Dana Bobroff provided updates on new developments regarding the criminal charges filed by the Navajo Nation Department of Justice against Kirk.

Council Delegate Carl Slater (Round Rock, Rock Point, Tséch'izí, Lukachugai, Tsáile-Wheatfields) added, "The Controller has not cooperated with any investigations since 2017 and it becomes very suspect if you're a member of the Navajo Nation Government while declining to participate when called on by your Department of Justice."

After two days of deliberation totaling 12 hours of discussion, Council Delegate Jamie Henio (Alamo, Ramah, Tóhajíilee) motioned to cease debate, which passed with a vote of 15 in favor and 7 opposed.

The debate on Legislation 0083-21 concluded with a final vote of 13 in favor and 10 opposed thereby enacting the immediate removal of Ms. Pearline Kirk as the Controller of the Navajo Nation.

According to McPaul, the investigation will continue against Kirk and the passage of 0083-21 does not establish Council's position on the investigation. Additionally, McPaul said they will be following up with the Agile Technologies Board in the coming weeks.

As further stated by 0083-21, the Council now awaits the Navajo Nation Office of the President and Vice President's recommendation for the appointment of a new Controller.

###

MEDIA CONTACTS

Timothy E. Benally, Public Information Officer, timothybenally@navajo-nsn.gov (928) 380-6121
Donvan Hanley, Legislative Staff Assistant, dahanley@navajo-nsn.gov