

THE NAVAJO NATION
LEGISLATIVE BRANCH
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LEGISLATION NO: _0181-21_

SPONSOR: Edison J. Wauneka

TITLE: An Action Relating to the Naabik'iyáti' Committee; Confirming the Navajo Nation President's Appointment of Shana Barehand to Serve as a Member of the Navajo Tax Commission

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LEGISLATION SUMMARY SHEET

TRACKING NO. 0181-21

DATE: August 18, 2021

TITLE OF LEGISLATION: AN ACTION RELATING TO THE NAABIK'IYATI' COMMITTEE; CONFIRMING THE NAVAJO NATION PRESIDENT'S APPOINTMENT OF SHANA BAREHAND TO SERVE AS A MEMBER OF THE NAVAJO TAX COMMISSION

PURPOSE OF THIS LEGISLATION: to confirm the President's appointment of Shana Barehand to the Navajo Tax Commission.

21-307-1

5-DAY BILL HOLD PERIOD: VSREAHUM
Website Posting Time/Date:
Posting End Date: AUGUST 31, 2021
Eligible for Action: SEPTEMBER 1, 2021

PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL - Third Year, 2021

INTRODUCED BY



(Sponsor)

TRACKING NO. 0181-21

AN ACTION

RELATING TO THE NAABIK'IYATI' COMMITTEE; CONFIRMING THE
NAVAJO NATION PRESIDENT'S APPOINTMENT OF SHANA BAREHAND
TO SERVE AS A MEMBER OF THE NAVAJO TAX COMMISSION

SECTION ONE. AUTHORITY

- (A) Pursuant to 2 N.N.C. §3352(B), the President of the Navajo Nation has the authority to appoint members of the Navajo Tax Commission.
- (B) The Naabik'iyati' Committee is a standing committee of the Navajo Nation Council and is empowered to give final confirmation of the Navajo Nation President's appointments to boards, commissions, and colleges, unless otherwise provided by law. 2 N.N.C. §700(A) and §701(A)(1).

SECTION TWO. FINDINGS

- (A) The Navajo Tax Commission is established under the Executive Branch of the Navajo Nation Government. 2 N.N.C. §3351.
- (B) The Navajo Tax Commission consists of five (5) members, at least three (3) of whom shall be enrolled Navajo Nation members. 2 N.N.C. §3352(A).
- (C) Pursuant to 2 N.N.C. §3352(B), the President of the Navajo Nation shall, at the times required under Subsection (C) and (E), nominate a person qualified by virtue of education, experience, or office, and upon confirmation by the Government Services

1 Committee of the Navajo Nation Council, such person shall be appointed to serve a
2 term as a commissioner of the Navajo Tax Commission. Pursuant to Navajo Nation
3 Council Resolution No. CO-45-12, the “Government Services Committee” now means
4 the Naabik’iyáti’ Committee.

5 (D) Pursuant to 2 N.N.C. §3352(C), the terms of office of commissioners shall be five (5)
6 years; provided however, that in order to stagger the expiration of terms of office,
7 March 31 of each year shall be the common anniversary date.

8 (E) Pursuant to 2 N.N.C. §3352(D), a commissioner shall be removed only for cause by
9 the President of the Navajo Nation and upon ratification by the Naabik’iyáti’
10 Committee of the Navajo Nation Council; provided that the person so removed may
11 then appeal his/her removal to the Supreme Court of the Navajo Nation. For the
12 purposes of this Subsection, “cause” means:

- 13 1. Incapacity. Physical or mental incapacity where such incapacity extends or is
14 expected to extend longer than six months.
- 15 2. Nonfeasance. Failure to perform the duties of office, including, but not limited to,
16 repeated and unexcused failure to attend the meetings and other official functions of
17 the Commission.
- 18 3. Ex parte violation. Participation in ex parte consultation with any representative of a
19 taxpayer who is an appellant in a dispute before or with the Commission.
- 20 4. Certain other acts. Any act that is a felony in the jurisdiction where committed, or
21 any act involving moral turpitude that is a misdemeanor in the jurisdiction where
22 committed.
- 23 5. A vacancy in the Commission, whether caused by death, removal, or resignation
24 shall be filled by an interim appointment to complete the vacated term made in
25 accordance with this Section.

26 (F) By letter dated May 28, 2021, the President of the Navajo Nation appointed Shana
27 Barchand to serve on the Navajo Tax Commission. Letter attached as **Exhibit A**.

28 (G) Ms. Barchand’s letter of interest and resume are attached as **Exhibit B** and **Exhibit C**.

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1 **SECTION THREE. CONFIRMATION**

2 Pursuant to 2 N.N.C. §3352(B), the Naabik'iyáti' Committee hereby confirms the
3 appointment of Shana Barchand to serve on the Navajo Tax Commission for a term of five
4 (5) years beginning as of April 1, 2020 and ending on March 31, 2025.

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