

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0051-23_

SPONSOR: Amber Kanazbah Crotty

TITLE: An Act Relating to the Law and Order, and Naabik'iyáti' Committees, and the Navajo Nation Council; Rescinding CJA-01-18 Relating to Agreements Not Requiring Navajo Nation Council or Committee Approval, to Provide for Transparency and Accountability

Date posted: April 04, 2023 7:53 PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

SUMMARY OF PROPOSED LEGISLATION

TrackingNo. 0051-23

Date: April 4, 2023

Re: **AN ACT RELATING TO THE LAW & ORDER, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; RESCINDING CJA-01-18 RELATING TO AGREEMENTS NOT REQUIRING NAVAJO NATION COUNCIL OR COMMITTEE APPROVAL, TO PROVIDE FOR TRANSPARENCY AND ACCOUNTABILITY**

Purpose of this Legislation:

to rescind CJA-01-18 to reinstate reviews and signatures of Division Directors, Controller, OMB, and Attorney General, for agreements not requiring Council or committee approval.

OLC No. 23-072-1

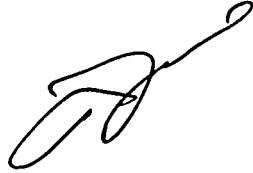
5-DAY BILL HOLD PERIOD: J. Johnson
Website Posting Time/Date: _____
Posting End Date: 04-09-23
Eligible for Action: 04-10-23

Law & Order Committee
Thence
Naabik'íyáti' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 25th NAVAJO NATION COUNCIL - First Year, 2023

3 Introduced by:

4
5 _____
6 (Prime Sponsor)

7
8 Tracking No. 0051-23 

9
10 AN ACT

11 RELATING TO THE LAW & ORDER, AND NAABIK'ÍYÁTI' COMMITTEES,
12 AND THE NAVAJO NATION COUNCIL; RESCINDING CJA-01-18 RELATING TO
13 AGREEMENTS NOT REQUIRING NAVAJO NATION COUNCIL OR COMMITTEE
14 APPROVAL, TO PROVIDE FOR TRANSPARENCY AND ACCOUNTABILITY

15
16 BE IT ENACTED:

17
18 SECTION ONE. AUTHORITY

- 19 A. The Law & Order Committee of the Navajo Nation Council reviews and recommends
20 proposed amendments to the Navajo Nation Code. 2 N.N.C. §600(B)(14).
21 B. The Naabik'íyáti' Committee of the Navajo Nation Council reviews all proposed legislation
22 that requires final action by the Navajo Nation Council. 2 N.N.C. §164(A)(9).
23 C. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).
24 As such, the Council may rescind its approved resolutions.

25
26 SECTION TWO. FINDINGS

- 27 A. The Navajo Nation Council approved Resolution No. CJA-01-18. **EXHIBIT A.** In this
28 Resolution the Council amended 2 N.N.C. §164(B) to remove the review and signature of
29 certain documents by Division Directors, the Controller, the Director of the Office of
30 Management and Budget, and the Attorney General. Said documents are those that do not

1 require approval by the Navajo Nation Council or any of its committees. See SECTION
2 THREE of CJA-01-18.

3 B. In lieu of the reviews and signatures of the persons listed above, CJA-01-18 inserted a
4 requirement for review and signature of the Navajo Nation President, for documents that do
5 not require approval by the Navajo Nation Council or any of its committees. See SECTION
6 THREE of CJA-01-18.

7 C. Since the adoption of CJA-01-18, the Navajo Nation Council has observed a lack of
8 transparency and accountability with respect to subcontracts implementing agreements
9 approved under 2 N.N.C. §164(A), grants providing funds to the Navajo Nation, contracts
10 expending funds appropriated by the Council, letters of assurance, memoranda of
11 understanding, memoranda of agreement, and other agreements that do not expend funds, or
12 amendments related to such documents.

13 D. The Navajo Nation has a fiduciary duty to ensure that all legal agreements, even those that
14 do not go before the Navajo Nation Council or its committees, are duly reviewed by all
15 persons with expertise to ensure transparency and accountability regarding the subject matter
16 of such agreements and the Navajo Nation's obligations. The Navajo Nation Council
17 therefore finds it in the best interest of the Navajo Nation to rescind CJA-01-18 in its entirety.
18

19 **SECTION THREE. RESCINDING CJA-01-18**

20 A. The Navajo Nation hereby rescinds CJA-01-18 in its entirety.

21 B. With such rescission, the provisions of 2 N.N.C. §164(B) shall read as follows:

22 * * * *

23 B. Agreements not requiring Committee or Council approval.

24 1. Subcontracts implementing agreements approved under 2 N.N.C. § 164(A),
25 grants providing funds to the Navajo Nation, contracts expending funds
26 appropriated by the Navajo Nation Council, Letter of Assurance agreements,
27 Memoranda of Understanding, Memoranda of Agreement and other
28 agreements that do not expend funds, associated amendments shall not require
29 approval by resolution by the Navajo Nation Council or its committees.

30 2. Prior to final execution as provided in 2 N.N.C. § 222, documents not

1 requiring approval by resolution of the Navajo Nation Council or its
2 committees shall be reviewed and signed by the ~~President of the Navajo~~
3 ~~Nation within ten (10) calendar days after the document(s) is logged in at the~~
4 ~~Office of the President; and, upon notice to the Speaker and Chairperson of~~
5 ~~the oversight committee for an extension, an additional ten (10) days shall be~~
6 ~~allowed. following:~~

7 a. The appropriate Division Director for departments and activities under his
8 or her supervision;

9 b. The Controller (or designee) for all documents having a financial impact
10 on the Navajo Nation;

11 c. The Director of the Office of Management and Budget (or designee) for all
12 documents having a financial impact on the Navajo Nation; and

13 d. The Attorney General of the Navajo Nation (or designee).

14 * * * *

15
16 **SECTION FOUR. CODIFICATION**

17 The provisions of this Act that amend or adopt new sections of the Navajo Nation Code shall
18 be codified by the office of Legislative Counsel. The Office of Legislative Counsel shall
19 incorporate such amended provisions in the next codification of the Navajo Nation Code.

20
21 **SECTION FIVE. EFFECTIVE DATE**

22 This Act shall become effective in accordance with 2 N.N.C. §221(B).

23
24 **SECTION SIX. SAVING CLAUSE**

25 If any part of this Act is invalidated by the Supreme Court of the Navajo Nation, or by any
26 Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, the
27 remainder of this Act shall be the law of the Navajo Nation.