



FISCAL YEAR 2022
SECOND QUARTER REPORT
(January - March)



April 1, 2022

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I. Purpose & Authority

2 N.N.C. Article 3. Commission on Navajo Government Development & Office of Navajo Government Development

The Commission on Navajo Government Development (CNGD) is a special entity created by the Navajo Nation Council with quasi-independent authority to accomplish the Council's project of instituting reforms necessary to ensure an accountable and responsible government. The purpose of the Commission and Office is to review and evaluate all aspects of existing government structure of the Navajo Nation including laws, rules and regulations, practices, functions, goals and objectives of the central government; and to develop recommendations and proposals for alternative forms of government, including chapter governments for consideration and possible adoption by the Navajo People through a referendum vote.

The Office of Government Development (ONGD) was established for the purpose of assisting the Commission on Navajo Government Development by making recommendations for reform that are necessary to ensure an accountable and responsible government and conduct long range comprehensive planning, evaluation, and development of goals to enhance a government that accommodates the Navajo People. It is charged with encouraging the Navajo People's involvement promoting their general welfare, ensuring government accountability, integrity, justice and domestic order. It also charged with developing proposals for alternative forms of chapter government and empowerment.

II. History

A. CD-68-89: Title 2 of the Navajo Nation Code

In 1989, the Navajo Nation Council passed Title 2 amendments creating the Commission on Navajo Government Development and the Office of Navajo Government Development with quasi-independent authority to accomplish the Council's project of instituting reforms necessary to ensure an accountable and responsible government.

B. CJY-65-94: Amending Plan of Operation for the Commission on Navajo Government Development in Title 2.

July 22, 1994, the Navajo Nation Council passed legislation to amend the 1989 Title 2 Amendments pertaining to the Commission on Navajo Government Development. The proposed amendments changed the membership of the Commission by replacing the ONGD Director with a representative from the N.N. Women's Commission.

The 1994 amendments titled "Plan of Operation" also changed the scope of work for the Commission to focus on working with the local chapter governments and

local communities as a community empowerment initiative to explore alternative forms of chapter governments

C. CO-37-07: Navajo Government Development Act of 2007

October 17, 2007, the Navajo Nation Council passed legislation to abolish the Commission on Navajo Government Development and to place the Office of Navajo Government Development under the supervision of the Navajo Nation Council Speakers office. President Joe Shirley Jr., vetoed this legislation.

December 19, 2007, the Navajo Nation Council through a special council session voted on resolution CD-47-07 to override President Shirley's veto of the Navajo Government Development Act of 2007. The override was successful and therefore, the Commission on Navajo Government Development was abolished.

D. SC-CV-02-10: *Shirley v. Morgan*

July 16, 2010, the Navajo Nation Supreme Court issued an Opinion and Order to invalidate the Navajo Nation Council's legislation on the Navajo Government Development Act of 2007, which abolished the Commission on Navajo Government Development.

The Court stated the following: "The Commission on Government Development ("Commission") and the Office of Navajo Government Development ("Office") are the sole entities established according to the wishes of the People...

Therefore, the dissolution of the Commission and changes made to the powers of the Office by enactment of CO-37-07 (Navajo Government Development Act of 2007) on October 17, 2007 cannot stand.

The Court made it clear to the Navajo Nation Council for them to immediately restore the Commission and Office according to the original terms in the Title 2 Amendments of 1989, along with proper funding. The power of government reform and their choice of government are up to the People to decide through the Commission and Office.

At the initial meeting of the three Branch Chiefs during the FY 2012 Budget development process, Speaker Johnny Naize requested a substantial budget to fully fund the Commission on Navajo Government Development and the Office on Navajo Government Development as stated and in accordance with the Supreme Court Order. President Ben Shelley supported this by not line item vetoing this budget request in an amount of \$998,661.

E. Reconvening of the Commission on Navajo Government Development

On November 9, 2011, the Commission on Navajo Government Development held a historic meeting by reconvening a quorum and calling an official meeting

to order. The Commission reaffirmed Ms. Bessie Tsosie as the Chairperson with Ms. Mae Horseman as the Vice-Chairperson.

- F. CD-92-20: Amending 2 N.N.C. §§ 970 – 978 (Article 3 - the Plan of Operation), for the Commission on Navajo Government Development and the Office of Navajo Government Development.

November 5, 2020, Navajo Nation President vetoed Navajo Nation Council Resolution CO-80-20, An Action Relating to Law and Order, Naabik'iyati' and Navajo Nation Council; Amending 2 N.N.C. §§ 970-978, Commission on Navajo Government Development and the Office of Navajo Government Development.

December 28, 2020, the Navajo Nation Council passed CD-92-20, An Action Relating to Naabik'iyati' Committee and Navajo Nation Council; Overriding the Navajo Nation President's Veto of Navajo Nation Council Resolution CO-80-20.

A very significant change in the 2020 Amendments, under 2 N.N.C. § 970. Establishment is, "The Commission is a special entity created by the Navajo Nation Council with quasi-independent authority to accomplish the People's project of instituting reforms necessary to ensure and accountable, responsible, ethical, and equally representative government." Hence, the following overstrike and underscore "...~~the Council's~~ project," to "...the People's project."

III. Office of Navajo Government Development Staff

The Commission appointed a new Executive Director, Harrison Tsosie, and his first day was on March 14, 2022. Mr. Tsosie has been with the Navajo Nation for over 20 years and his most notable position was being the Attorney General for the Navajo Nation. ONGD has two (2) vacant position and the Executive director is currently in the process of hiring a new Policy Analyst, but will not be advertising for a new Research Assistant until he has reviewed the positions and has determine the needs for the office.

Harrison Tsosie	<i>Executive Director</i>
DeWayne Crank	<i>Policy Analyst</i>
[VACANT]	<i>Policy Analyst</i>
Tauve Begaye	<i>Administrative Assistant</i>
Wanda Nelson	<i>Senior Office Specialist</i>
Mariah Stanley	<i>Research Assistant</i>
[VACANT]	<i>Research Assistant</i>

IV. Accomplishments

In addition to the on-going research and daily tasks of the ONGD operation, the following is an outline of the most current accomplishments for the Second Quarter of FY 2022:

A. Program Performance Criteria Goal Statements

i. Sustainability government initiatives for all levels of Navajo Nation Government

Goal: 2 Actual: 1

1. The Commission passed resolution CNGD-0301-20 and continues to promote Navajo Cultural Sustainability. The resolution specifically requests Navajo spiritual consideration and intervention in the wake of the COVID-19 pandemic.

ii. Government reform initiatives and recommendations

Goal: 1 Actual: 1

1. Legislation 0251-21: An Act Relating to Law and Order, Budget and Finance, and Naabik'iyati' Committee, and the Navajo Nation Council; Establishing a Referendum for Dine Voters to Decide Whether to Increase the Number of Navajo Nation Council Delegates from 24-48, Beginning with the November 2026 Navajo Nation General Election. [Vetoed by President Nez; should be an imitative vote; Resolution number CJA-12-22]
2. .

iii. Navajo Nation Chapter technical assistance and empowerment

Goal: 4 Actual: 3

1. The ONGD presented to Steamboat Commission Government strategic work session on the history of the Navajo Nation, including Alternative forms of Government (AFOG) and provided technical assistance.
2. The ONGD provided, Greasewood Springs Chapter, technical assistance on AFOG – specifically Commission-manger and NaT'aa / Atsilasdai Executive form of Governance.
3. The ONGD presented to Shonto Community Governance on Title 26 and AFOG – Foundation of Local empowerment for Chapters.

iv. Public education on sustainability, Title 1, 2, and 26 reform

Goal: 2 Actual: 2

1. There have been no in-person presentations to the public due to the COVID-19 pandemic; however, ONGD staff and Commissioners have called in on Agency Council teleconferences to provide updates on current projects from there agency representative.
 2. Resource and Development Committee request on updates on Title 26 reform; will need to work with Rodrick Begay, Chapter Attorney and Office of Legislative Counsel on Title 26 reform initiatives.
- v. **Partnership with educational, government, and community-based organizations, and NGOs**

Goal: 2 Actual: 2

The ONGD is currently collaborating on the following projects:

1. The ONGD has been contacted by the Red Earth Cree First Nation from Saskatchewan, Canada area. ONGD welcomed the Director of Nation Building for the tribe. The Red Earth Cree First Nations are currently working on developing a Governmental structure and would like to learn about the Governmental Structure of the Navajo Nation and possibly create one similar to the N.N.
2. University of California, Dr. Nanibaa' Garrison, Associate Professor (Institute for Society & Genetics at University of California, Los Angeles) request assistance in on Genetic Research Policy.

V. Other Meetings

A. Navajo Nation Council and Committee Meetings

- i. 01/4/22 – Budget & Finance Committee regular meeting in Window Rock, AZ via teleconference.
- ii. 01/5/22 – Resources & Development Committee Regular meeting in Window Rock, AZ via teleconference.
- iii. 01/06/22 – Resources & Development Committee Leadership meeting in Window Rock, AZ via teleconference.
- iv. 01/07/22 – Navajo Nation Council Special Session in Window Rock, AZ via teleconference.
- v. 01/10-11/22 – Resources & Development Committee Leadership meeting in Window Rock, AZ via teleconference.

- vi. 01/11/22 – Health, Education and Human Services Committee special meeting in Window Rock, AZ via teleconference.
- vii. 01/12/22 – Resources & Development Committee Regular meeting in Window Rock, AZ via teleconference.
- viii. 01/12/22 – Health, Education and Human Services Committee special meeting in Window Rock, AZ via teleconference.
- ix. 01/13/2022 - Naa’bik’iyati’ Committee Regular meeting in Window Rock, AZ via teleconference.
- x. 01/18/22 – Resources & Development Committee special meeting in Window Rock, AZ via teleconference.
- xi. 01/19/22 – Resources & Development Committee regular meeting in Window Rock, AZ via teleconference.
- xii. 01/19/22 – Budget & Finance Committee regular meeting in Window Rock, AZ via teleconference.
- xiii. 01/19/22 – Health, Education and Human Services Committee regular meeting in Window Rock, AZ via teleconference.
- xiv. 01/20/22 – Health, Education and Human Services Committee Special meeting in Window Rock, AZ via teleconference
- xv. 01/20/22 – Resources & Development Committee special meeting in Window Rock, AZ via teleconference.
- xvi. 01/20-21/2022 - Naa’bik’iyati’ Committee special meeting in Window Rock, AZ via teleconference.
- xvii. 01/24-28/22 – Navajo Nation Council Winter Session in Window Rock, AZ via teleconference.
- xviii. 01/29/22 – Resources & Development Committee Leadership meeting in Window Rock, AZ via teleconference.
- xix. 02/01/22 – Budget & Finance Committee Regular Meeting in Window Rock, AZ via teleconference.
- xx. 02/07/22 – Resources & Development Committee Work Session in Twin Arrows Navajo Casino Resort, AZ via teleconference.

- xxi. 02/07/22 – Health, Education and Human Services Committee Special Meeting in Window Rock, AZ via teleconference.
- xxii. 02/09/22 – Resources & Development Committee Regular meeting in Tsaile Wheatfields Blackrock Chapter, AZ via teleconference.
- xxiii. 02/09/22 – Health, Education and Human Services Committee Regular Meeting in Window Rock, AZ via teleconference.
- xxiv. 02/14-15/22 – Resources & Development Committee Work Session in Window Rock, AZ via teleconference.
- xxv. 02/15/22 – Budget & Finance Committee Regular meeting in Window Rock, AZ via teleconference.
- xxvi. 02/16/22 – Resources & Development Committee Regular meeting in Window Rock, AZ via teleconference.
- xxvii. 02/16/22 – Health, Education and Human Services Committee Regular Meeting in Window Rock, AZ via teleconference.
- xxviii. 02/17/22 - Naabik'iyáti' Committee Special meeting in Window Rock, AZ via teleconference.
- xxix. 02/17/22 – Health, Education and Human Services Committee Special meeting in Window Rock, AZ via teleconference
- xxx. 02/19&22/22 – Resources & Development Committee Leadership meeting in Twin Arrows Navajo Casino & Resort, AZ via teleconference.
- xxxi. 02/22/22 – Health, Education and Human Services Committee Work Session in Window Rock, AZ via teleconference.
- xxxii. 02/23/22 – Health, Education and Human Services Committee Regular meeting in Window Rock, AZ via teleconference.
- xxxiii. 02/23/22 – Resources & Development Committee Leadership meeting in Window Rock, AZ via teleconference.
- xxxiv. 02/23/22 – Health, Education and Human Services Committee Regular meeting in Window Rock, AZ via teleconference.
- xxxv. 02/24/22 - Naabik'iyáti' Committee Regular meeting in Window Rock, AZ via teleconference.

- xxxvi. 02/25/22 – Resource & Development Committee Special meeting in Window Rock, AZ via teleconference.
- xxxvii. 02/28/22 – Resource & Development Committee Work Session in Twin Arrows Navajo Casino & Resort, AZ via Teleconference.
- xxxviii. 03/01/22 – Budget & Finance Committee Leadership meeting in Window Rock, AZ via teleconference.
- xxxix. 03/02/22 – Resource & Development Committee Regular meeting in Window Rock, AZ via Teleconference
 - xl. 03/03/22 - Naabik'íyáti' Committee Work Session in Window Rock, AZ via teleconference
 - xli. 03/08/22 – Resource & Development Committee Work Session in Window Rock, AZ via teleconference.
 - xlii. 03/09/22 – Health, Education and Human Services Committee Regular meeting in Window Rock, AZ via teleconference.
 - xliii. 03/10/22 – Resources & Development Committee Regular meeting in Window Rock, AZ via teleconference.
 - xliv. 03/10/22 - Naabik'íyáti' Committee Regular meeting in Window Rock, AZ via teleconference.
 - xlv. 03/11&14/22 – Resources & Development Committee Leadership meeting in Window Rock, AZ via teleconference.
 - xlvi. 03/15/22 – Budget & Finance Committee Regular meeting in Window Rock, AZ via teleconference.
 - xlvii. 03/16/22 – Resources & Development Committee Regular meeting in Window Rock, AZ via teleconference.
 - xlviii. 03/17/22 - Naabik'íyáti' Committee Special meeting in Window Rock, AZ via teleconference.
 - xlix. 03/17/22 – Navajo Nation Council Special Session in Window Rock, AZ via teleconference
 - 1. 03/21/22 – Health, Education and Human Services Committee Work Session in Window Rock, AZ via teleconference.

- li. 03/23/22 – Resources & Development Committee Regular meeting in Window Rock, AZ via teleconference.
- lii. 03/21/22 – Health, Education and Human Services Committee Regular Meeting in Window Rock, AZ via teleconference.
- liii. 03/24-25/22 - Naabik’íyáti’ Committee Regular meeting in Twin Arrows Casino & Resort, AZ via teleconference
- liv. 03/26/22 – Resources & Development Leadership Meeting in Twin Arrows Navajo Casino & Resort, AZ via Teleconference.
- lv. 03/30/22 – Resources & Development Committee Regular meeting in Window Rock, AZ via teleconference.
- lvi. 03/30/22 – Health, Education and Human Services Committee Regular Meeting in Window Rock, AZ via teleconference
- lvii. 03/30-31/22 – Resources & Development Committee Leadership meeting in Window Rock, AZ via teleconference.

B. Administrative Meetings/Work Sessions/Trainings

- i. 2/10/22-2/11/22 – Commission on Navajo Government Development Subcommittee hybrid 2-day work session in Farmington, NM via Teleconference and in-person
- ii. ONGD Staff is available for Navajo History, Title 1, 2 and 26, Rules of procedure, Plan of Operation recommendations/trainings and Alternative Form of Governance information.

VI. Commission Membership

Commissioner	NNC Legislation No.	Appointment Date	Term Expiration
Five Agency Representatives			
Marcus Tulley CENTRAL AGENCY	CJA-10-22	January 25, 2022	January 25, 2026
Anselm Morgan EASTERN AGENCY	CJA-03-22	January 25, 2022	January 25, 2026

Shawnevan Dale FT. DEFIANCE AGENCY	CJY-27-19	July 16, 2019	July 16, 2023
James Benally NORTHERN AGENCY	CAP-29-21	April 27, 2021	April 27, 2025
Loretta Seweingyawma WESTERN NAVAJO AGENCY	CAP-28-21	April 27, 2021	April 27, 2025
Navajo Nation Government – Branch Representatives			
Zane James EXECUTIVE BRANCH	CO-57-21	October 25, 2021	October 25, 2025
VACANT JUDICIAL BRANCH	VACANT	VACANT	VACANT
Larry Rodgers LEGISLATIVE BRANCH	CD-56-19	December 27, 2019	December 27, 2023
Other Representatives (Pursuant to 2 N.N.C. § 972)			
Rex Lee Jim PRACTITIONER OF NATIVE HEALING ARTS	CO-50-21	March 31, 2021	March 21, 2025
VACANT WOMEN’S COMMISSION			
Natasha Goldtooth DINE COLLEGE	CAP-26-21	April 27, 2021	April 27, 2023
Rachel Brown [Pending] HEALTH, EDUCATION & HUMAN SERVICES COMMITTEE	Legislation 0037-22	PENDING	PENDING

- A. The Office is working with Hon. Delegate Carl Slater and Co-Sponsor Edison J. Wauneka through the confirmation process for the representative, Rachel Brown, to Health, Education & Human Services Committee. Currently Legislation No. 0037-22 is awaiting Navajo Nation Council confirmation.
- B. The Women Commission is currently inactive for FY 2022, will resume FY2023 when funding is resume under First and Second Lady Office.
- C. The Office is working with the Judicial Branch to nominate a representative to the Commission on Navajo Government Development and currently being advertise.

VII. FY 2022 First Quarter Budget Information

The following table illustrates the approved FY 2022 budget of \$574,40 and the FY 2022 Second quarter actual expenditures, revised budget, remaining budget available and percentage of budget used:

Account	Original Budget	Revised Budget	Actuals	Budget Available	Projected Expended %
2001 Personnel Expenses	471,081	471,081	150,123	320,958	31.87%
3000 Travel Expenses	18,220	21,756	11,981	9,755	55.07%
3500 Meeting Expenses	12,500	12,500	8,311	4,189	66.49%
4000 Supplies	18,107	16,107	6,620	9,087	43.59%
5000 Lease and Rental	7,460	7,460	784	5,512	26.11%
5500 Communications and Utilities	10,960	10,960	3,541	7,419	32.3%
6000 Repairs and Maintenance	5,500	5,500	0	5,500	0.00%
6500 Contractual Services	5,000	5,000	0	5,000	0.00%
7000 Special Transaction	25,573	32,573	9,887	19,035	41.56%
9000 Capital Outlay	0	0	0	0	0.00%
TOTAL EXPENSES	\$574,401	\$583,436	\$191,246	\$386,975	33.67%

VIII. 2022 Proposed Government Reform Referendum Measures

The Commission took action to suspend reform initiatives on the formal adoption of three-branch government, and the Navajo Nation Constitution. This decision was made in light of the ongoing COVID-19 pandemic which severely limits the ONGD’s ability to carry-out major reform initiatives. These initiatives will be re-visited when government operations are restored to full capacity.

However, the commission continues to work diligently on a document that the commission hopes to introduce to the general public in by the 3rd quarter

The ONGD and Commission are fully aware about referendum criteria pursuant to 11 N.N.C. § 403 (A): Referendum measures referred by the Navajo Nation Council and Chapters. The Navajo Nation Council shall, by resolution, refer a referendum measure for public vote. The resolution shall place timelines for the election which shall be held at the next regularly scheduled Navajo Nation election (primary, general or Navajo Nation-wide chapter election) if such election is scheduled no sooner than 60 days following the adoption of the resolution

OR at a special election to be held no sooner than 60 days and not later than 90 days from the date of the passage of the resolution referring the enactment. The resolution shall provide the language to be placed on the ballot in accordance with 11 N.N.C. § 407(A).

The code essentially states, a referendum resolution passed by Navajo Nation Council must fit in a tight window of “no sooner than 60 days from the adoption... OR... and not 90 days from date of the passage of the resolution. The ONGD and commission must work very closely with the Navajo Board of Election Supervisors and Navajo Election Administration for any impending special (“Nation-Wide”) election in 2022, so to fit the code’s tight window for any referendum placed on the ballot.

IX. Commission Resolutions

- a. **Resolution No. CNGD-0101-22:** AN ACTION TO APPOINT HARRISON TSOSIE TO SERVE AS THE EXECUTIVE DIRECTOR OF THE OFFICE OF NAVAJO GOVERNMENT DEVELOPMENT
- b. **RESOLUTION NO. CNGD-0102-22:** AN ACTION TO APPROVE THE REQUEST OF THE COMPREHENSIVE GOVERNMENT REFORM SUB-COMMITTEE OF THE COMMISSION ON NAVAJO GOVERNMENT DEVELOPMENT FOR AN EXTENSION TO CONTINUE WORKING ON THE WORKING DRAFT DOCUMENT, “*DIYIN NOHOKÁÁ DINE’É BIBEE HAZ’ÁANII BITSISILE’*” TO FEBRUARY 18, 2022.
- c. **RESOLUTION NO. CNGD-0201-22:** AN ACTION TO AMEND RESOLUTION CNGD-0101-22, “AN ACTION TO APPOINT HARRISON TSOSIE TO SERVE AS THE EXECUTIVE DIRECTOR OF THE OFFICE OF NAVAJO GOVERNMENT DEVELOPMENT.”
- d. **RESOLUTION NO. CNGD-0202-22:** AN ACTION TO ACCEPT THE DRAFT DOCUMENT, “*DIYIN NOHOKÁÁ DINE’É BIBEE HAZ’ÁANII BITSISILE’*” FROM THE COMPREHENSIVE GOVERNMENT REFORM SUB-COMMITTEE AND ACKNOWLEDGING THE ASSIGNMENT OF THE SUB-COMMITTEE AS COMPLETED.

2. Future Activities

- A. Continue meeting FY 2022 Form 2 Performance Criteria Goals and will revise for FY 2023
- B. The ONGD will be working with the Division of Community Development and Administrative Service Center to explore a more hand-on assistance to Navajo chapters while also exploring government reform initiatives at the local level.
- C. The CNGD will continue to develop recommendations for reform at all levels of government in order to develop a comprehensive system of government for the Navajo People.

- D. The ONGD will continue to work with our partners as well as form new partnerships to pursue government reform initiatives to benefit the Navajo People.
- E. The ONGD will continue to provide the support the CNGD and work to fulfill and maintain a full commission membership in order to ensure that the Commission continues to operate at full capacity.
- F. The ONGD is working on organizing another work session in the month of April 2022 for the commission.
- G. The next regularly scheduled meeting of the Commission on Navajo Government Development will take place on **Friday, April 15, 2022, at 1:00 PM via teleconference and in-person.**