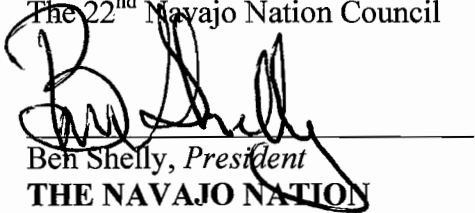




MEMORANDUM

TO: Honorable Johnny Naize, Speaker
The 22nd Navajo Nation Council

FROM:


Ben Shelly, *President*
THE NAVAJO NATION

DATE: November 4, 2013

SUBJECT: Legislation CO-56-13; An action relating to Naa'Bik'iyáti'; Amending 11 N.N.C. §440(A) Initiative Fees.

Pursuant to 2 N.N.C. §1005(C)(10), the above titled Legislation CO-56-13 is being submitted to the Navajo Nation Council, through the Office of the Speaker, within the ten (10) days requirement.

Accept this memorandum as my appreciation for the passage of Legislation CO-56-13 to reduce the cost of initiative fees. This is our first step to ensure an accountable and responsible Navajo government.

However, we need to listen to our Navajo people entirely. As expressed in the letter addressed to Speaker, and myself, Acting Vice President Andrew Curley has urged the Navajo Nation Council to reconsider the remaining referendum measures: lowering initiative signatures, amendment to laws approved by initiative/referendum, and amending 2 N.N.C. §102. I stand in consensus with Acting Vice President Curley and the Commission on Navajo Government Development.

I robustly urge the Navajo Nation Council to reconsider the remaining referendum measures. As mentioned in the opinion of *Shirley v. Morgan*, "the ideal Navajo Nation government is not one that is governed by perfect individuals, but which is oriented toward the public interest and recognizes fully that the power to govern comes from the People." No. SC-CV-02-10.

Lets continue to perform our efforts together and allow our Navajo people to participate in the development of our Navajo Nation government.

**LEGISLATIVE BRANCH
NAVAJO NATION**



HONORABLE JOHNNY NAIZE
Speaker, 22nd Navajo Nation Council

November 4, 2013

Honorable President Ben Shelly
Office of the President and Vice-President
Navajo Nation
PO Box 7440
Window Rock, Arizona 86515

Received

NOV - 4 2013

Honorable Council Delegates
22nd Navajo Nation Council
PO Box 3390
Window Rock, Arizona 86515

**Office of the President & Vice President
Legal Counsel**

Dear Honorable President Shelly and Honorable Council Delegates:

In 1989, the Navajo Nation Council established the Commission on Navajo Government Development. The Council gave it quasi-independent authority to recommend and institute reforms necessary to ensure an accountable and responsible government. In carrying out this mandate and considering opportunities for government reform with the peoples' involvement, we appreciate the passage of the legislation to reduce the cost of initiative fees found in Title 11 of the Navajo Nation Code.

At the 2002 Navajo Nation Statutory Reform Convention, chapter and community delegates in attendance approved 26 amendments that the Commission on Navajo Government Development at the time had proposed. The Commission and delegates in attendance believed these amendments were significant for government reform.

In the Supreme Court opinion *Shirley v. Morgan* (SC-CV-02-10), the justices wrote: "it would be proper for the Commission to revisit and update the proposed [2002 statutory] amendments with the People, following which a plan shall be presented for the People to accept or reject those amendments through chapter resolutions, referendum or other publicly accepted means."

In an attempt to broaden the participation of the Navajo people in questions on government reform, the Office of Government Development organized the 2012 Peoples Convention held August 29-30, 2012 in Farmington, New Mexico. The Commission and Office presented four referendum measures that were part of the original 26 amendments from the 2002 Statutory Reform Convention to the participants in order to receive

feedback. The report from this convention was distributed to the 22nd Navajo Nation Council and chapter delegates in attendance.

We ask the Navajo Nation Council to reconsider the referendum measures on lowering the initiative signature requirements; amendments to laws approved by initiative/referendum; and amending 2 N.N.C. § 102. Together, we can fulfill the purpose of enabling the People to participate in the development of our Navajo Nation government and to make our government stronger, accountable and transparent. On behalf of the Commission on Navajo Government Development, thank you for this consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Curley', written over the printed name.

Andrew Curley, Vice-Chairperson
Commission on Navajo Government Development

RESOLUTION OF THE
NAVAJO NATION COUNCIL

22ND NAVAJO NATION COUNCIL - Third Year, 2013

AN ACT

RELATING TO NAABIK'ÍYÁTI'; AMENDING 11 N.N.C. §404(A),
INITIATIVE FEES

BE IT ENACTED:

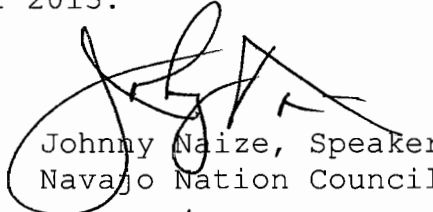
Section One. Amending 11 N.N.C. §404(A)

§ 404. Initiatives by petition of registered voters

1. Where the registered voters, through a Petition Committee, seek to conduct an initiative election as a special election, independent of any regularly scheduled Navajo Nation or chapter election, the Petition Committee shall provide the Election Administration with a non-refundable cashier's check in the amount of five two hundred dollars (~~\$500.00~~ \$200.00), in the case of a chapter initiative, or two one thousand ~~five hundred~~ dollars (~~\$2,500.00~~ \$1,000.00), in the case of a Navajo Nation initiative, to cover costs of as a petition initiative application fee for conducting the special initiative election. The non-refundable cashier's check shall be provided to the Election Administration just prior to final certification of the petition and prior to the election being called by the Board of Election Supervisors pursuant to 11 N.N.C. §404(B)(14)(c). The Election Administration shall deposit the cashier's check with the Navajo Nation Controller.

CERTIFICATION

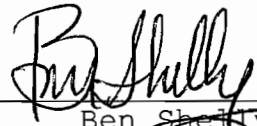
I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 20 in favor and 0 opposed, this 22nd day of October 2013.


Johnny Naize, Speaker
Navajo Nation Council
Oct 24, '13
Date

Motion: Honorable Alton Joe Shepherd
Second: Honorable Danny Simpson

ACTION BY THE NAVAJO NATION PRESIDENT:

- 1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this _____ day of NOV 04 2013 2013.



Ben Shelly, President
Navajo Nation

- 2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2013, for the reason(s) expressed in the attached letter to the Speaker.

Ben Shelly, President
Navajo Nation