



TSE DÁÁ K'ÁÁN CHAPTER GOVERNMENT

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TDK-2603-04

Objecting to the Office of Navajo Government Development's (ONGD)'s Expedited Reform Proposal; Demanding Legally Sufficient Review and Non-Conflicted Independent Legal Counsel

WHEREAS:

1. Pursuant to the Navajo Nation Local Governance Act, (LGA), 26 N.N.C. §3 and Navajo Nation Council Resolution CAP-32-78, the Tse Dáá K'áán Community Chapter, (Chapter) is a duly certified chapter of the Navajo Nation Government as listed at 11 N.N.C. Part 1 Section 10, and Local Governance Certified as of June 21, 2007 per TCDCJN-16-07.
2. Pursuant to the LGA, 26 N.N.C. §103, (A) and §103(B), the chapter is recognized as a local government entity and delegated certain authorities and responsibilities with respect to making decisions over local matters consistent with Navajo Nation law and had the authority enact upon 26 N.N.C. §103 et seq.
3. The Tse Dáá K'áán Chapter is a Navajo Nation Chapter, in a chapter system which has been used since 1923 as the primary community forum for deliberation, consensus, and petitioning without autonomous power, and which remains in a state of enforced non-autonomy by the central government, whether or not the Chapter is certified or non-certified, awaiting the full restoration of the local autonomy and home rule exercising *Naachidí Nahat'á* hoped for by the 1995 proposal of the Local Empowerment Initiative.
4. Because the Navajo Nation Department of Justice (DOJ) strongly objected to the proposal's emphasis on local autonomy, in 1998 the Local Governance Act (LGA) was enacted instead, which has been a system of demoralizing forever conditions, like being told you can own your own home, but only after you spend your life maintaining the property, and if you miss even one day of janitorial work (any clerical error), you have "proven" you aren't ready for ownership justifying more and more restrictions.
5. We are tired of this administrative treadmill and yes, we believe the LGA is broken and does need fixing, but so far no one has asked us; not the DOJ which has been imposed on us as the "principal legal advisor," nor the Office of Navajo Government Reform (ONGD) which has the task in its plan of operations of empowering Chapters through offering proposals that "enhance, honor and comply" with *Diné bi beenahaz'áanii Bitsé Silei* at 2 N.N.C. §§ 201-206 (CD-92-20, Dec 23, 2020).
6. We have long known of DOJ's efforts to "tweak" the LGA along the lines of its historical objection to local autonomy; we only recently learned of the ONGD's intent to "supersede" the Local Governance Act in its entirety and permanently separate Chapters from Navajo Nation property and resources, without notifying chapters of this intent, without convening any chapter hearings, and while making available only 48 pages of a 108 page comprehensive reform document.

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Robert Lapahie, Jr., President · *Jerald Tsosie, Vice President* · *Matthew D. Tso, Secretary/Treasurer*
Rickie Nez, Council Delegate · *Lavone Garnenez, Farm Board* · *Larry Johnson, Grazing Representative*
Roman McCabe, Chapter Manager

7. ONGD's proposal is intended to be rushed onto the Nov 3, 2026 ballot as a referendum question; it calls itself *Diyin Nohookáá Dine'é Bi Beehaz'áanii Bitsí Siléí*—the Collective Will but contains nothing but man-made law; perhaps it is simply using that name in order to technically comply with the conditions in its plan of operations
8. The ONGD has set March 6, 2026 as the final deadline for public input on its document, a date which cannot easily be found as it is not on its main website, yet is apparently the FINAL date for public input before the document is internally revised and prepared for certification by the Navajo Election Board by May; it appears ONGD wants to bypass all normal review, including Council consideration and majority chapter approval required under 26 N.N.C. § 1(E).
9. Our principal legal advisor, the DOJ, has known of the ONGD's massive effort that includes chapter restructure at least since the November 25, 2025 special work session of the Resource and Development Committee (RDC), which discussed ONGD's document.
10. We believe the DOJ is unable to act as our principal legal advisor especially in this case because there exists an inherent structural conflict of interest in the DOJ simultaneously reporting to the central government and having to defend and provide amendments in keeping with central government initiatives.
11. We have so many questions—how can we respond to a 108 page document for which only 48 pages are available; how can a March 6 public input deadline before a document of that size is placed on referendum within 8 months even be acceptable under Navajo statutory law and especially Diné Fundamental Law; and why the race toward referendum of a document we are told emphasizes business and investors, and addresses Diné Nihi Keyah as a “commodity”?
12. We believe that Navajo Election Board's Resolution BOESS-070-14, which requires each referendum question be single subjects and not multiple subjects that would confuse voters, ought to prevent certification of largely unknown and unexamined content to be raced to ballot as a single referendum question.

NOW, THEREFORE, BE IT RESOLVED THAT:

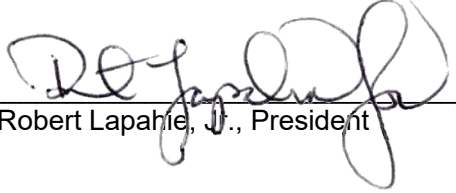
1. The Tse Dáá K'áán (Hogback) Community Chapter requests that the ONGD immediately release the 108-page proposal to be considered by the Navajo Nation Council and subjected to a formal, legally sufficient legislative review process pursuant to 26 N.N.C. § 1(E).
2. We believe the DOJ is conflicted and unable to properly safeguard the local governance interests of Chapters, due to its inherent structural conflict and as shown by its failure to disclose the ONGD's strategy to supersede the LGA.
3. We demand that the Navajo Nation Council immediately appropriate emergency funds, or allow use of other funds, for the 110 Chapters to retain Independent Special Counsel to review the amendments proposed by the DOJ Chapter Unit and the ONGD proposal.
4. We formally petition the Navajo Election Board to review the ONGD reform proposal for compliance with Resolution BOESS-070-14.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Tse Dáá K'áán Community Chapter at a duly called chapter meeting at Tse Dáá K'áán (Navajo Nation) New Mexico, at which a quorum of chapter membership was present and the same was passed by a vote of 20 in Favor, 0 Opposed and 1 Abstained on the 22nd day of March 2026.

Motion: Lavone Garnenez

Second: Ruby Nelson



Robert Lapahie, Jr., President

Jerald Tsosie, Vice President



Matthew D. Tso, Secretary/Treasurer