



# DINÉ POLICY INSTITUTE: RECOMMENDATIONS FOR RE-STRUCTURING THE NAVAJO NATION COUNCIL

Robert Yazzie,  
Executive Director

Avery Denny,  
Cultural Liaison

Amber Crotty,  
Policy Analyst

Dana Eldridge,  
Research Assistant

Moroni Benally,  
Research Consultant

Michael Lerma,  
Research Consultant

Andrew Curley,  
Research Consultant



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## BACKGROUND

In December 2009, the Navajo citizens voted to reduce the size of the Navajo Nation Council from eighty-eight Delegates to twenty-four. The Navajo Nation Supreme Court rejected a provision that permitted the President of the Navajo Nation to develop and approve a standing committee and legislative branch reorganization plan if the Council failed to do so by August 15, 2009 because “reorganization is essentially a political and management decision that should be left to the legislative branch.”<sup>1</sup> The Court ordered that “The 22<sup>nd</sup> Navajo Nation Council shall prioritize, develop and approve the reorganization plans as an initial order of business.”<sup>2</sup> That process will drive a focused review of existing statutory requirements for legislative and committee structure and it will also require particular attention to the “higher law” of the Navajo Nation “in fundamental customs and traditions, ... substantive rights found in the Treaty of 1868, the Navajo Nation Bill of Rights, the Judicial Reform Act of 1985, and the Title II Amendments of 1989” that “set the boundaries for permissible action by the legislative, executive and judicial branches of the Navajo Nation.”<sup>3</sup>

On January 11, 2011, an eighty-eight member Council will be replaced by a twenty-four member Council. Currently, the Navajo Nation Council has twelve standing committees. In the coming weeks an assessment is needed on how the committee system should be re-structured to accommodate the size of the reduced Council. This re-structuring requires not only a detailed assessment of the Committee-system, but also the impacts the reduced Council will have on the interactions between the Legislative and Executive Branch, as well as the impact on the chapters. Each of these committees has oversight authority over divisions, departments, programs, and commissions of the Navajo Nation Executive, Judicial and Legislative Branch.<sup>4</sup>

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<sup>1</sup> Timothy Nelson v. Initiative Committee to Reduce Navajo Nation Council, Office of the President, No. SC-CV-03-10, (Corrected June 2, 2010, effective May 28, 2010; *Order of Correction*, June 2, 2010).

<sup>2</sup> *Id.*

<sup>3</sup> Office of the Navajo Nation President and Vice-President v. The Navajo Nation Council, No. SC-CV-02-10, slip op. at 12 (Nav. Sup. Ct., Opinion and Order on Reconsideration, July 16, 2010).

<sup>4</sup> See Appendix A for full list of Twelve Committees.

## Recommendations on Re-structuring

The following report provides recommendations, based on an analysis of the workload of the Navajo Nation Council Committee system, on how to re-structure the Committee system. This report finds that continuing the current Twelve Standing Committees substantially increases the workload of the Delegates and Staff of the Office of Legislative Services (OLS).

This research study is based on a sample of 3,233 pieces of legislation from March 2007 to July 2010. Analyzing the legislative record is critical in providing options toward feasible governance after the reduction takes place. This report analyzes three recommendations for re-structuring:

1. Traditional Navajo Leadership
2. Committee of the Whole
3. Consolidation Based on Policy Scope

### **Diné Policy Institute**

The Diné Policy Institute, as the research entity of Diné College, uses the framework of Sa'ah Naaghái Bik'eh Hózhóón to inform its methods of data collection, analysis, and recommendations. This framework includes four focal domains: Nitsáhákees, Nahat'á, Iiná, Siihasin. Nitsáhákees is the process of thinking, more broadly to give direction and guidance to the issue at hand. Nahat'á is strategic planning examining Diné bi Beehaz'áanii Bitsé Siléí (foundation of Diné law), statutory laws, and the organizational structures, and their interaction to bring a result. Iiná is life and associated with the political effects as well and organizational effectiveness. The committee system needs to be vibrant, efficient and effective to maintain the well-being of the Navajo Nation. Siihasin is the achievement of optimal results; it establishes and maintains healthy relationships. The process of Nitsáhákees, Nahat'á, Iiná, Siihasin is in a constant cycle of examination to continuously analyze issues for growth and development.

## Framework of Traditional Navajo Leadership

The Traditional Leadership Framework recognizes Navajo culture as a foundation to examine the legislative process. Navajo cultural foundations guide the interpretation of Higher Law and provide the beginning point for restructuring.

Navajos exercise their leadership and decision-making traditions through Naat'áanii (leaders); Hashkéjį Naat'áanii (war leadership); Hózhójį Naat'áanii (peace leadership); and the Naachid (a gathering of both war- and peace-leaders). In this Traditional Leadership Framework, rooted in Diné bi Beehaz'áanii Bitsé Siléí, there is participatory democracy, respect-driven leadership, planning, consensus, and other elements of leadership. At the stage of Nahat'á (planning stage of decision-making), Navajos ask basic questions so they can frame relevant issues that will guide the process. In applying the Traditional Leadership Framework to the issue of restructuring the Council, the most basic question then, is, "What is a legislature?"

The foundation of the contemporary Navajo Nation government is Title II, enacted on December 15, 1989. Title II, however, is not rooted in Traditional Navajo Leadership and Government. Title II establishes the Navajo Nation Government. It states:

- "There is hereby established the Navajo Nation government consisting of the Legislative, Executive and Judicial Branches, and political subdivisions of which are not under any branch of the Central government."<sup>5</sup>
- "The Legislative Branch shall consist of the Navajo Nation Council and any entity established under the Navajo Nation Council."<sup>6</sup>
- "The Navajo Nation Council shall be the governing body of the Navajo Nation..."<sup>7</sup>

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<sup>5</sup> 2 N.N.C. § 1 (2005).

<sup>6</sup> 2 N.N.C. § 101 (A) (2005).

<sup>7</sup> 2 N.N.C. § 102 (A) (2005).

## Recommendations on Re-structuring

Given these Code provisions, the Navajo Nation Council<sup>8</sup>:

- reserves all powers not delegated
- must “supervise” all delegated powers
- can discipline or remove its members
- confirms division director appointments made by the president
- must “establish standing committees”
- delegates such authority to such committees that it deems necessary and proper for such committees to execute the purposes delegated

Those are the only limitations established by specific statutory declaration. There are other limitations, however, such as the separation of powers that are established by preamble provisions. These provisions explain how specific powers are exercised. The term “governing body” is not defined in the statute. Judicial decisions hold that the Navajo Nation Council is not the sole governing body of the Navajo Nation.<sup>9</sup> The overall governmental power of the Navajo Nation is distributed among the current three branch government to assure that one branch will not dominate the other. The branches as a whole will respond to the People.

Since pre-contact times in the Naachid, Navajo leaders exercised the Naa Bik’í Yáti’ (talking things out). This traditional legislative procedure guided many treaty negotiations between the U.S. and Navajo Nation, including the Treaty of 1868. Today some elements of Naa Bik’í Yáti’ can be found in Navajo Nation Council legislative debate

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<sup>8</sup> 2 N.N.C. § 102 (B-G) (2005).

<sup>9</sup> Halona v. MacDonald (Navajo Nation Ct. App. Filed Jan. 24, 1978) reported in 5 INDIAN L. REP § M at 119 (1978).

## Recommendations on Re-structuring

The traditional process of Naa Bik'í Yáti' when dealing with the Naayéé' (negative forces) addresses five principles of good governance, namely:

- (1) Voice and Legitimization; a process of carrying out popular will, that encourages and allows participation and promotes consensus decision-making. Legitimacy is dependent on leadership serving the people, if this relationship is not fulfilled, the people can utilize their voice to de-legitimize the leadership.
- (2) Nahat'á; a strategic vision to address the Naayéé', with the long-term development of the Navajo People in mind. Good Navajo governance can keep Naayéé', such as hunger and poverty, under control with strategic planning.
- (3) Performance; Good Navajo governance listens to the needs and desires of the people and responds with effectiveness and efficiency.
- (4) Accountability; to the public and other governmental entities using transparent process that promotes the free flow of information. Good Navajo governance is responsible to the public by being fair, honest and open. Leadership should not mislead the public in their decision-making.
- (5) Fairness; equity and equality for all and strict observance of the rule of law and the mandates of the Higher Law. Leaders, and anyone else for that matter, cannot satisfy their own personal sense of justice. Fairness, Equity, and Equality should be maintained through leadership.

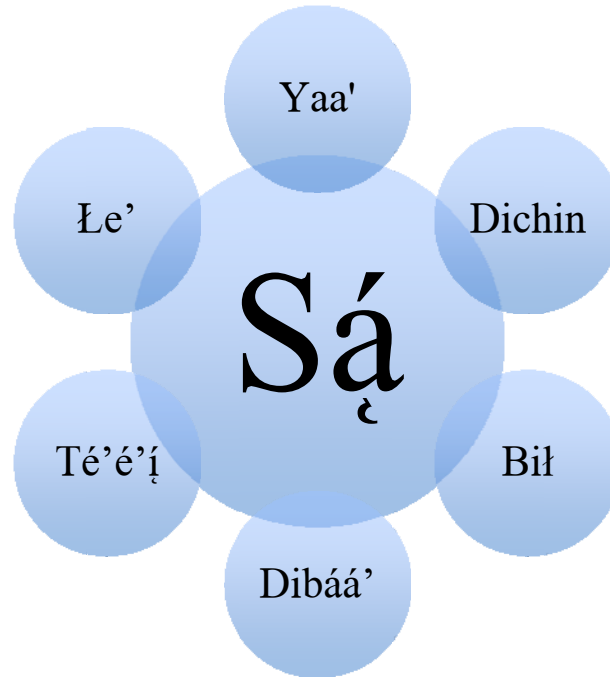
These five principles support the concept of traditional Navajo leadership because they flow directly from the Naa Bik'í Yáti' process. Still, some will remain unconvinced that traditional teachings are relevant today.



## Recommendations on Re-structuring

This figure details the six Naayéé' allowed to live so they could serve the five fingered earth surface people, and Sá (life).

Figure 1



These six Naayéé' contribute to life. If the Naayéé' are handled appropriately, people can live a long life. Too much or too little Naayéé' will harm life; people must maintain a middle-ground with Naayéé'. Keeping the proper distance, not getting too close or too far, is key to living a long life according to Navajo Natural Law. The Navajo philosophy of life should be present in any government adopted by Navajo people today.

This Traditional Navajo Leadership Framework guide and be incorporated into future government restructuring and reform. Forthcoming research from DPI will demonstrate how TNLf could be infused into Ethics Rules.

## PURPOSE OF THE NAVAJO NATION COUNCIL

The Navajo Nation Council enacted the Fundamental Laws of the Diné. These laws emphasize the essence of good Navajo governance. The Fundamental Laws state:

It is the right and freedom of the Diné to choose leaders of their choice; leaders who will communicate with the people for guidance; leaders who will use their experience and wisdom to always act in the best interest of the people; and leaders who will ensure the rights and freedoms of the generations yet to come; and

All leaders chosen by the Diné are to carry out their duties and responsibilities in a moral and legal manner in representing the people and the government; the people's trust and confidence in the leaders and the continued status of a leader are dependent upon adherence to the values and principles of Diné bi beenahazáanii[sic]; and,

The leader(s) of the Legislative Branch...shall enact policies and laws to address the immediate and future needs... of the people<sup>10</sup>

This provides a framework for understanding the purpose of the Legislative Branch. The purpose for the committees of the Navajo Nation Council is to enact policies and laws to address the immediate and future needs of the Navajo people, while maintaining the interest of the people.

More specifically, the Navajo Nation Council is to “supervise all powers delegated,” “discipline and/or promulgate rules, regulations and procedures for the conduct of its meeting and that of its committees,” and to provide “appropriate oversight”<sup>11</sup> to the different divisions, programs, and branches of the Navajo Nation government.

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<sup>10</sup> 2 N.N.C. § 203 (A-C) (2005).

<sup>11</sup> 2 N.N.C. § 102 (C-F) (2005).

## Recommendations on Re-structuring

To summarize, the Navajo Nation Council addresses and fulfills this statutory mandate and obligation to the people through the Committee system. The reduction of the Council does not change its purpose as outlined here. Therefore, the twenty-second Navajo Nation Council must ensure that services continue at current levels (under the twenty-first Navajo Nation Council) while also addressing the concerns of the people without disruption.

Given the statutory requirement that one Delegate serve on only one committee, and that each committee (except the Public Safety and Intergovernmental Services Committees)<sup>12</sup> requires eight Delegates, the twenty-four member Council cannot meet the statutory requirement. This report provides analysis on how the Navajo Nation Council can move forward and continue to serve the people of the Navajo Nation with a Council of twenty-four.

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<sup>12</sup> The Public Safety Committee requires 7 and the Intergovernmental Relations Committee consist of the Chairs and Vice-Chairs of each standing Committee (the Speaker of the Navajo Nation Council is the Chair of this committee).

## PROBLEM STATEMENT

The broad effects of the Council Reduction constitute a multi-faceted problem and therefore cannot be addressed by any single party because it spans various sectors.

- The current Twelve Committee system of the Navajo Nation Council is not compatible with a twenty-four member Council. The 22<sup>nd</sup> Navajo Nation Council faces a tremendous task of re-structuring the Navajo Nation Committee System to ensure that current levels of legislative productivity continue.
- The Statutory law of the Navajo Nation states, “Each delegate to the Navajo Nation Council shall be appointed **to no more than one** standing committee....”<sup>13</sup>
- Statutory law requires that a quorum of five be present before the committee acts on legislation<sup>14</sup>.
- The Navajo Nation Code requires that at least one member of each committee “shall be from each of the five agencies,”<sup>15</sup> thus requiring committees to be comprised of at least five Delegates.

Representation is a major consideration in the re-structuring of the committee systems. Issues of representation at the committee level need to be addressed to mitigate the concerns listed above. These major themes are consistent with the literature on legislative reorganization. The academic literature identifies the following concerns<sup>16</sup>:

1. Range and exclusivity of committees – membership of committees are limited, time-frame for each committee is limited.
2. Make-up of membership of committees – issues of selection based on party affiliation, interests, or representation of the people.
3. Selection and rotation of the chair – what process is most appropriate for the needs of the people and the issues.

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<sup>13</sup> 2 N.N.C. § 180 (2005); Bold Added.

<sup>14</sup> 2 N.N.C. § 183 (A, E)(2005).

<sup>15</sup> 2 N.N.C. § 181 (B) (2005).

<sup>16</sup> (Martorano et al. 2006, Hedlund 1989).

## Recommendations on Re-structuring

4. Representation requirement of committees, as well as concerns of “at-large” membership – some committees have community “ad-hoc” status for more direct participation of the people on the committee.
5. Executive session requirements – issues of transparency.
6. Staff size, method of staff selection (by central agency or directly by elected officials), and restrictions on staff activities.
7. Mechanisms of communication – how do committees communicate with constituents, the public, other committees and branches of government?

To assess the issues of the Council Reduction, Diné Policy Institute (DPI) worked collaboratively with the OLS staff to identify some of the reduction implications.<sup>17</sup>

The work sessions with the OLS staff identified key areas of concern. The immediate concerns deal with the need to amend Title II to ensure a smooth transition from eighty-eight delegates to twenty-four.

The following major themes emerged from this discussion:

- the concentration of Delegate power
- decreased representation at the chapter level
- increased expenses associated with the increased workload of delegates and staff
- technical and infrastructural concerns

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<sup>17</sup> See Appendix B for a complete list of concerns from OLS staff.

## ANALYSIS OF WORKLOAD

### Forecasting Workload of Delegates

The workload of Delegates must be taken into consideration. Navajo Nation Council Delegates are law-makers, but they are also responsible for ensuring that the needs of their communities are addressed and met. Based on an informal survey of Delegates<sup>18</sup>, it is apparent that Delegate workload extends beyond simple legislation and includes a breadth of activities. The range of responsibilities for each Delegate includes:

- Meet with community/district members to discuss and strategize on issues and concerns
- Collaborate with regional governments to develop policies that affect the communities/districts
- Ensure funding is available for communities/districts
- Work with county, state, and federal governments to ensure that Navajo interests are considered and met
- Work with other Delegates to ensure interests of the Navajo Nation are met

Survey results indicate that Delegates do not have:

1. the resources or the capacity to address all the concerns they deal with, nor do the Chapters; and
2. Enough time to adequately meet the needs of their constituents while also attending to their responsibilities as law-makers effectively.

To determine the reduction's effect on the productivity of the Council, this report analyzes Delegate legislative workload over the past four years. This analysis demonstrates that Delegate workload will increase substantially if the Council is to consider the same amount of legislation as in previous years.<sup>19</sup>

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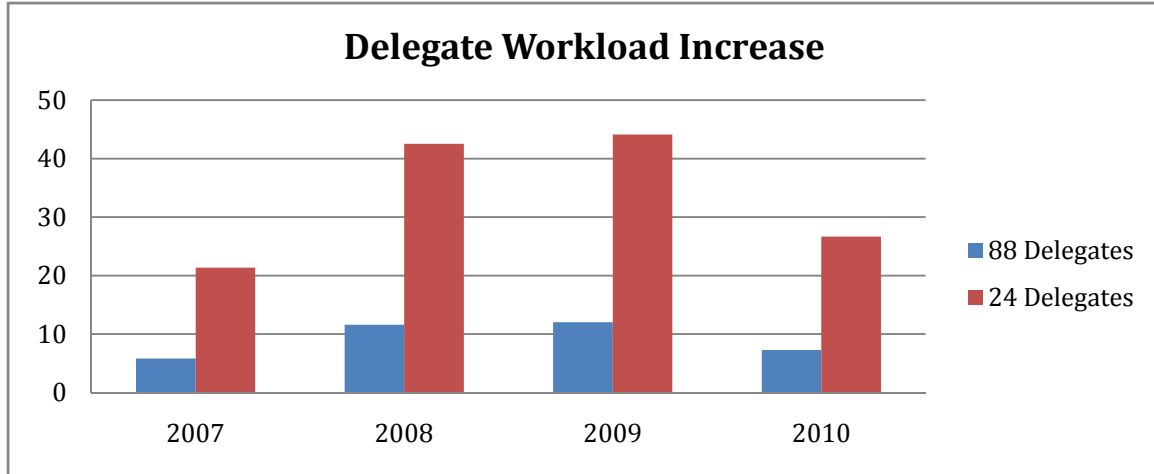
<sup>18</sup> Survey conducted July 29-August 2, 2010. These surveys were followed up by individual interviews.

<sup>19</sup> For the comprehensive data and analysis on the workload of the Council, see Appendix C.

## Recommendations on Re-structuring

The following graph shows the forecasted increase in the overall legislative workload of the Council.

Figure 2



This graph represents an increase in the workload by a factor of 3.67<sup>20</sup>. This is based on an analysis of current workload and projected workload. For every 1 piece of legislation that current Delegates work on, the incoming Delegates must complete approximately 4 pieces of Legislation in order to maintain the current level of workload output.

The projected increase of 3.67 only takes into account legislative workload. It does not take into account the duties and responsibilities that Delegates provide to their constituents, and a host of other factors (e.g. attending to the needs of the people, representation of the Navajo Nation to external entities, and so forth). Therefore, the actual increase in delegate workload extends beyond the projected 3.67 fold increase and will need to be addressed in the options for restructuring.

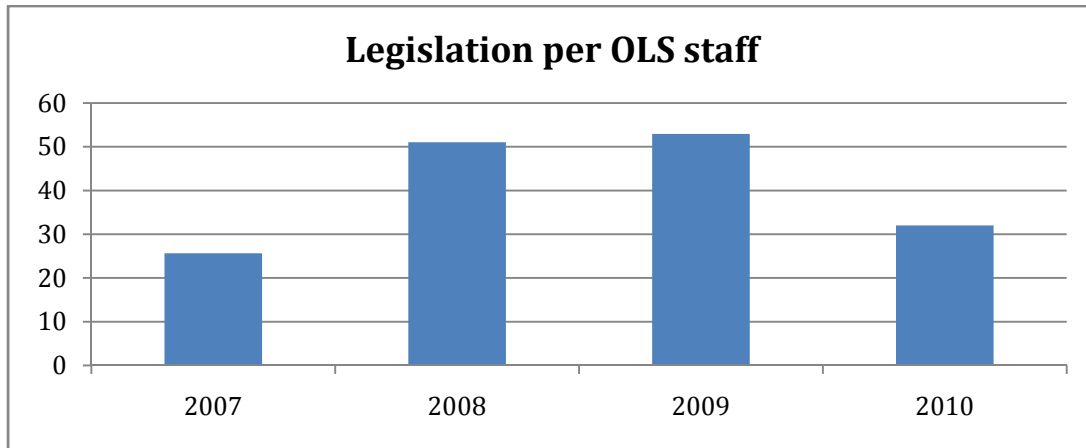
### Forecasting Workload of Legislative Staff

As the workload of the Delegates increases, so will the workload of the Office of Legislative Services (OLS) staff, who provide critical legislative assistance to Delegates. This increase will affect the efficiency of the OLS in researching, analyzing, and advising on legislation, which in turn will affect the overall productivity of the Council. Therefore this report also analyzes the workload of the OLS staff in terms of legislation.

<sup>20</sup> See Appendix D for an explanation of how the figure of 3.67 was calculated.

## Recommendations on Re-structuring

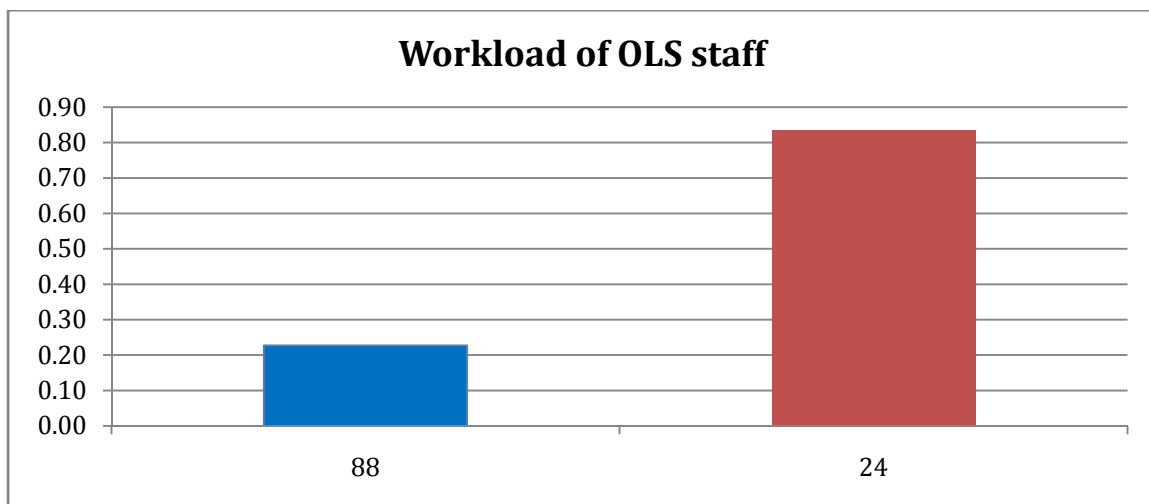
Figure 3



The above graph shows the number of legislation each OLS staff member worked on per Delegate. In 2007, the OLS staff member worked on an average of 26 legislations as their total workload; in 2008, it was 51 legislations; in 2009 it was 53 legislations; and, in 2010 it is 32.

Every OLS staff member works on an average of 40 legislations per year. Excluding the Director and the Office Specialists, OLS has on average 20 staff. Using the aforementioned projected increase of 3.67 per Delegate, the projected workload of OLS was also determined. Based on this simple analysis, it is clear that the workload of the OLS staff will drastically increase.

Figure 4



This graph shows a projected increase of 3.67 times more work for the OLS staff than their current workload.



## Recommendations on Re-structuring

The projected increase by 3.67 changes the workload from 40 hours per week per OLS staff member to 147 hours per week. In order to keep up with the current demand of work, this data indicates the need to increase the staff by a factor of 3.67. With a current staff of 20, a 3.67 increase requires an additional 53 OLS staff members, a total of 73 staff members.

The costs related to decreased quality of work is an important consideration, as the Navajo Nation Council is to work to effectively and efficiently address the needs and interests of its citizens. To be efficient, requires Delegate's support staff to be able to produce high quality work. Increasing their workload without increasing the staff will diminish the capacity to produce quality work on behalf of Delegates for their constituents.

It is important to note that the projections of the workload of the Council Delegates and the Office of Legislative Staff are only estimates. These estimates are subject to change based on more extensive research than is considered in this short study.

## Maintaining Twelve Standing Committees

Given the statutory and structural constraints discussed in the Problem Statement, and the impending increasing workload, this report will examine how the committee system will function with 24 Council Delegates.

While there are 12 committees, the Intergovernmental Relations Committee is comprised of the chairs and vice-chairs of the standing committees. The chair of the Intergovernmental Relations is the Speaker of the Navajo Nation Council. The Speaker serves only on one committee; thus  $24 - 1 = 23$  Delegates to be distributed among the remaining 11 committees. While the Navajo Nation statutory law stipulates that the committees have representation from each of the five agencies, the previous analysis showed, this would not be possible without **extensive amendments** to the Navajo Nation Code. Given Code requirements regarding membership and quorum it is clear that maintaining the Twelve Standing Committees is **not technically and legally feasible**.

Figure 5

<b>24 Council</b>												
	<b>PS</b>	<b>EC</b>	<b>ER</b>	<b>GS</b>	<b>ED</b>	<b>TCDC</b>	<b>JC</b>	<b>RC</b>	<b>HS</b>	<b>HSSC</b>	<b>BFC</b>	<b>IGRC</b>
Required Delegates	7	8	8	8	8	8	8	8	8	8	8	12 Not feasible
Agency Representation	§ NO	§ NO	§ NO	§ NO	§ NO	§ NO	§ NO	§ NO	§ NO	§ NO	§ NO	5
Quorum	§ NO	§ NO	§ NO	§ NO	§ NO	§ NO	§ NO	§ NO	§ NO	§ NO	§ NO	5

## Recommendations on Re-structuring

If the current Twelve Standing Committees remain, Delegates will have to serve on two or three committees, further exacerbating the increase in Delegate workload; particularly if a Delegate is assigned to several high-demand committees<sup>21</sup>. Furthermore, intensifying the workload of the OLS staff increases the likelihood that less attention will be given to work resulting in decreased quality of work; making it impossible to continue with current levels of service.

Based on this analysis, maintaining the Twelve Standing Committees **is not feasible** and the Committee system should be re-structured to accommodate the reduced Council.

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<sup>21</sup> See Appendix C for a breakdown of Legislation per Committee.

## RECOMMENDATIONS

This report will now consider three options to restructure the Council committee system to accommodate the incoming twenty-second Navajo Nation Council. The following recommendations are analyzed based on recommendations from the Office of Legislative Services staff and consolidation emerging from the legislative data. It is not possible to resolve all of the issues raised by the work sessions with the OLS staff before the restructuring takes place.

The most pressing concerns must be prioritized and addressed first. Therefore the best recommendations for restructuring the Navajo Nation Council committee system are ones that:

- Alleviate drastic workload increase.
- Mitigate the potential discord between Navajo citizens and their elected representatives.
- Ensure the Navajo Nation Council Committee system continues to serve and represent the interests of the Navajo people.
- Ensure Navajo Nation governmental branches work together with collegiality towards the best interest of the Navajo people.

### Recommendation 1: Traditional Leadership Model

This option is derived from an interpretation of Navajo cultural conceptions of leadership and efficient decision-making.

### Recommendation 2: Committee of the Whole

This option will eliminate all current standing committees. A single committee comprised of all members of the Navajo Nation Council would conduct all committee work.

### Recommendation 3: Consolidated Committees

This option represents data-driven consolidation options around the policy focus of the current existing committees.

## Recommendations on Re-structuring

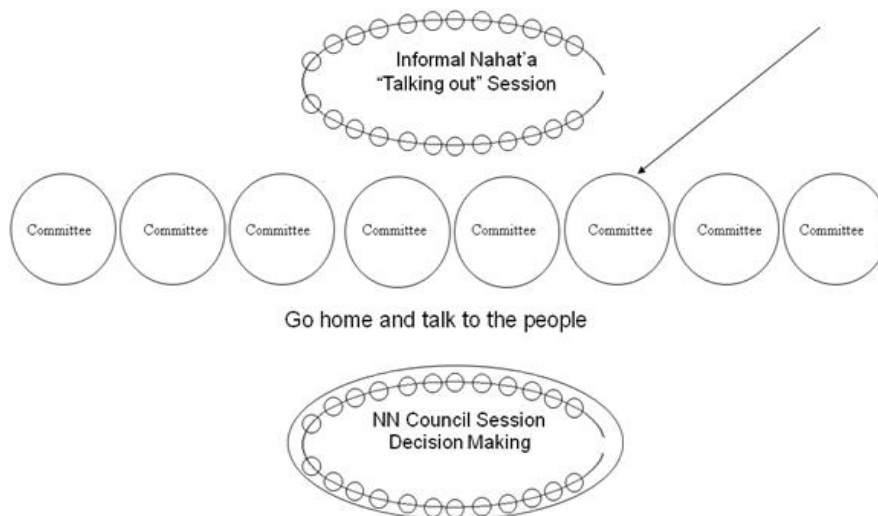
Each recommendation will be assessed on the following criteria:

- Technical and Legal feasibility; that is will the components of the option actually work?
- Financial feasibility will also be assessed; that it is, can the option be afforded?
- Administrative feasibility; that is, will the option be possible to implement given the administrative context – will there be enough employees?
- Representation; that is, how representative is the restructuring recommendation is of the different agencies of the Navajo Nation?

## Recommendation 1- Traditional Leadership

This recommendation looks to the Fundamental Law (Higher Law) for guidance. It separates out two important functions; the technical process of identifying and defining legislative functions and the purpose of Council reorganization and restructuring.

Skeptics are concerned about disconnect between traditional leadership ways and contemporary issues. What can we learn from Navajo Tradition? Figure 6 is one possible outline for how traditional ways can be used to create good Navajo governance toward a prosperous and sustainable life.



How much time is needed for the legislative function? It might be possible, for example, to hold formal meetings based on western-styled legislative rules at least once a month. This should satisfy the need for more intense involvement with a popularly-elected democratic body. It would be undesirable to have a continuously-meeting legislature. A monthly session could be limited to a five-day week. The session could be further limited to enacting statutes, appropriating funds, and doing strictly legislative business during that week.

### **Informal Naa Bik'í Yáti' (Talking Things Out)**

Exploring the connection between traditional Nahat'á governing and contemporary Council demands is a challenge. The Naa Bik'í Yáti' session is a long-standing tradition. This process provides the people the opportunity to talk to their leaders. It is a time for dialogue between leaders and their constituents. The Naa Bik'í Yáti' is an example of good Navajo governance. The most important responsibilities of a Delegate are to make time and to listen. To make government participation meaningful the voice of the public is given priority. Through Naa Bik'í Yáti' Delegates develop a strategic vision and perspective on long-term goals. If there is anywhere in the government process for genuine responsiveness, it is through Naa Bik'í Yáti'. The concerns of the people are then carried to the committees. This gives a true sense of the peoples' concerns to the Delegates. This way, the Delegates can legislate accordingly. Delegates now must do their homework. The issues of THE PEOPLE can be taken forward onto the formal committee and council floor.

How will this work in a practical way? How can the Naa Bik'í Yáti' work with the current day Navajo Nation Council? In a Naa Bik'í Yáti' session, there is time set aside for the Council to sit as a traditional body. The body will be listening to the needs and grievances of the people, identifying the issues and emergent problems of the day, and talking things out. In other words, the Council could sit as a "Committee of the Whole" to get information, hold hearings on issues of public interest, receive petitions, and talk about public issues.

### **Committee Process with Naa Bik'í Yáti'**

Now that that the Council is informed with issues from the Naa Bik'í Yáti', the Committee(s) can set aside a time for Committee work. This will allow Committee(s) sufficient time to consider legislative action and its impact on the people. While committees exercise delegated power, it will be important for them to have precise delegated authority. Once Committee(s) have met, the Delegates will then return to their home districts and present the pending legislation to their constituents.

## Recommendations on Re-structuring

### **T'áá Hooghandi Bił Dahane' (Talking to the People Process)**

Following the tradition of the leader-rider who sat with the people around their fires and communicated their wishes to the Naachid, and then returned back to the people, the Delegates would return to the chapter constituents to and consult the people about the Committee work.

### **The Council Decision Making**

As the information gathering process ends, the formal transparent legislative process begins. But this is not the end point. The cycle must begin again to ensure legitimacy; that the people support their leaders and the process of decision making.

#### *Technical and Legal Feasibility*

Title II will need to be amended so that the Council can sit as a Committee of the Whole to fulfill the traditional element of Naa Bik'í Yáti' and T'áá Hooghandi Bił Dahane' (Talking to the People Process).

#### *Financial Feasibility*

Naa Bik'í Yáti' requires regular consultation meetings and additional supportive staff in regional districts. This process inherently will decrease time spent on administrative issues and will focus the Council on legislative responsibilities. Future analysis of the Council budget will shed light on how this process could be implemented.

#### *Administrative Feasibility*

Additional staff will be needed consisting of highly skilled legislative Advisors, public information officers and regional Liaisons.

#### *Representation*

This addresses long-standing concerns about equitable representation at the Chapter-level. There is substantial, inherent increase of representation through Naa Bik'í Yáti' and T'áá Hooghandi Bił Dahane'



## Recommendation 2 - Committee of the Whole

The committee of the whole would be comprised of all members of the Navajo Nation Council. All committee work and all statements of policy; intergovernmental agreements; budgets resolutions; re-allocations; legislation; debate; recommend amendments; proposed agenda; and the enactment of positive law would be reviewed and approve by the Committee of the Whole.

The Speaker of the Navajo Nation Council would chair this committee or new Chairperson selected at the onset of each meeting. A quorum of the Committee of the Whole will consist of a simple majority of all members, 13 members, of the Navajo Nation Council in order to formally act. When a quorum is present, any motion or resolution shall be passed if it receives a majority of all votes cast in favor or opposed, unless a larger proportion than a simple majority has been properly stipulated in advance or is required by Navajo nation law.

### *Technical and Legal Feasibility*

For the Committee of the Whole to be statutorily defined requires that the Navajo Code be significantly amended. The committee of the whole will require a quorum to act on legislation; however, given the increased workload of the Delegates, achieving a quorum may not always be feasible. As a result, the effectiveness of the legislative workload will be adversely affected.

- Meeting daily to maintain the current Twelve Standing Committee the legislative output is not likely.
- The effectiveness of the Council will be reduced, as more work is placed on them.
- The **policy specialization will be lost.**

With the Committee of the Whole, all Delegates would be exposed to all legislation; this decreases the ability for Delegates to increase their specialization of policy areas. Having Delegates specialize in certain policy areas increases the effectiveness and quality of legislative work. Thus, the **technical and legal feasibility is low.**

## Recommendations on Re-structuring

### *Financial Feasibility*

With the increase in the workload of the Delegates, and assuming the Council wishes there to be no major disruption in its legislative output, the Council will be required to increase the support staff. Given the strain on the Navajo Nation budget, increasing the staff of the OLS may be difficult, however, for this option, it would be necessary. Thus, **the financial feasibility is within the capacity of the Navajo Nation, but it is not high.**

### *Administrative Feasibility*

To ensure that current levels of workload output are maintained, requires that the staff of the OLS be increased. This increase will mitigate the inefficiencies that will arise with increasing the workload of the Delegates. If staff is not increased, this committee of the whole **will not be effective or efficient.**

### *Representativeness*

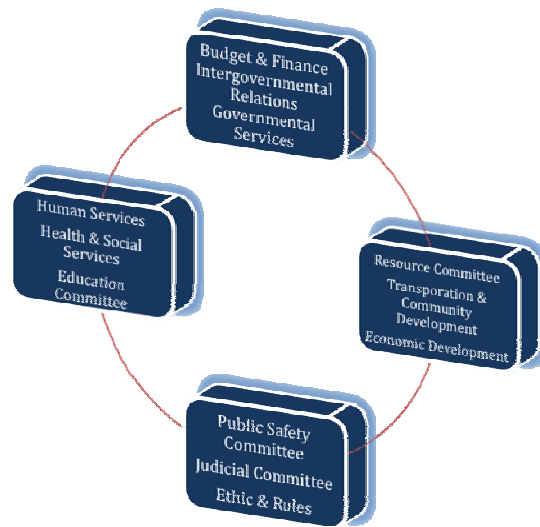
Since all Delegates from all agencies will be a part of the committee of the whole, the committee would be reasonably equitable. However, further research on the representative nature of the electoral districts is merited, as that directly impinges on the representativeness of the committee of the whole. In terms of representation of each agency, **the committee of the whole is high.**

### Recommendation 3 - Consolidation of Committees

The Consolidation of Committees re-structuring recommendation relies on the analysis of legislative data on the types of policies the Navajo Nation Council Committee system entertains.

Based on analysis<sup>22</sup>, the committees can be consolidated as follows:

Figure 7



These committees have a considerable degree of overlap in terms of their legislative focus, thus these committees have similar policy areas.

#### *Technical and Legal Feasibility*

Having a single delegate on one committee allows the Delegate to specialize in that policy area and to ensure that their time is not overspent on sitting on multiple committees, thereby decreasing the efficacy of their deliberations and work productivity.

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<sup>22</sup> See Appendix F for Policy Area Overlap by Committee.

## Recommendations on Re-structuring

The consolidation of these committees based on the policy scope is the most viable, as they are naturally occurring, thus consolidating around these four specific committees would capitalize on the existing policy specialization of the incumbents and the knowledge base of the OLS staff. However, if Delegates were to serve on two or more committees, the workload of the Delegate will increase, thus the most efficient system is that of four committees. Thus, **the technical and legal feasibility is high.**

### *Financial Feasibility*

The increase in legislative workload necessitates a greater number of supportive staff. The financial feasibility **is within the capacity** of the Navajo Nation; **it is medium.**

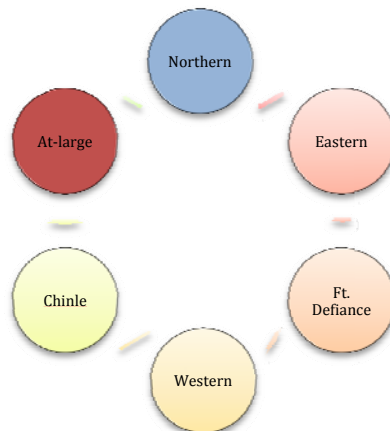
### *Administrative Feasibility*

To ensure that current levels of workload output are maintained requires that the staff of the OLS be increased. Due to the limited OLS workspace, new support staff would have to find alternative worksites such as regional local governance centers or Chapter houses. This increase will mitigate the inefficiencies that will arise with increasing the workload of the Delegates. If staff is not increased, this Consolidation of Committees **will not be effective or efficient.**

### *Representativeness*

Since there are four committees, representation from the five agencies will be maintained. In terms of representation of each agency, **the Consolidation of Committees is high.**

Figure 8



## CONCLUSION

Prompted by the reduction of the Navajo Nation Council from eighty-eight Delegates to twenty-four, and the upcoming instatement of the twenty-second Navajo Nation Council on January 11, 2011, the Diné Policy Institute analyzed legislative data to determine recommendations for the restructuring of the Council committee system. Through research and analysis of legislative data and legislative workload, the Diné Policy Institute determined that the current Twelve Standing Committee system is unfeasible and incompatible with a twenty-four member Council. For this reason, this report recommends three alternatives to the Committee system structure; Traditional Leadership, Committee of the Whole, and Consolidation of Committees.

During this process DPI consulted the Traditional Navajo Leadership Framework and the leadership as outlined by the Fundamental Law to inform these recommendations. As previously stated, according to the Fundamental Law, the purpose for the committees of the Navajo Nation Council is to enact policies and laws to address the immediate and future needs of the Navajo people, while maintaining the interests of the Navajo people. The Diné Policy Institute is confident that the recommendations outlined here meet this mandate of good Navajo governance.

This report also identified areas of analysis and recommendation that warrant future and more in-depth research, namely legislative workload and the legal implementation of the Traditional Leadership recommendation. The Diné Policy Institute is committed to conducting future research on such issues, and to continue to work with Navajo leadership to implement good Navajo governance.



## **APPENDICES**

### **Appendix A: List of Committees**

Budget and Finance Committee  
Education Committee  
Economic Development Committee  
Ethics and Rules Committee  
Government Services Committee  
Health and Social Services Committee  
Human Services Committee  
Intergovernmental Relations Committee  
Judiciary Committee  
Public Safety Committee  
Resources Committee  
Transportation and Community Development

## Appendix B: List of Concerns from OLS Staff

### ISSUES

Council Structure	<ul style="list-style-type: none"><li>• Fewer Delegates leading to more power for single Delegate</li><li>• When population increases, less representation for the people</li><li>• Decrease the number of committees</li><li>• Adequate representation of districts</li></ul>
Delivery of government services	<ul style="list-style-type: none"><li>• Minimal Change</li><li>• Delegates may favor one community over another, potentially biasing government services provided</li></ul>
Legitimacy of Navajo Nation Council	<ul style="list-style-type: none"><li>• Increase legitimacy by demonstrating capacity of Navajo Nation to successfully internal issues</li><li>• May increase problems of decision-making because of quorum issues</li></ul>
Relationship with Navajo citizens	<ul style="list-style-type: none"><li>• Less representation of the people</li><li>• Decreased accessibility of Delegates by the people</li><li>• Increased inequity of representation</li><li>• Limited lobbying time on behalf of constituents</li><li>• Increase frustration of communities with their Delegate</li><li>• Increased fragmentation in communication between Delegates and constituents</li></ul>
Efficacy of Council Deliberations	<ul style="list-style-type: none"><li>• Increased work productivity</li><li>• Fewer Delegates increases depth of deliberations</li><li>• More efficient decision-making</li><li>• Delegates may be overwhelmed by workload, leading to lack of preparedness.</li><li>• May increase length of meetings</li></ul>
Relationship with 'foreign' governments	<ul style="list-style-type: none"><li>• Fewer Delegates increases information asymmetry between Navajo Nation and 'foreign' governments</li><li>• Fewer Delegates increases each Delegates interaction with 'foreign'</li><li>• Increases Delegates authority to represent the interests of the Navajo Nation</li><li>• "Too many Chiefs" syndrome</li></ul>

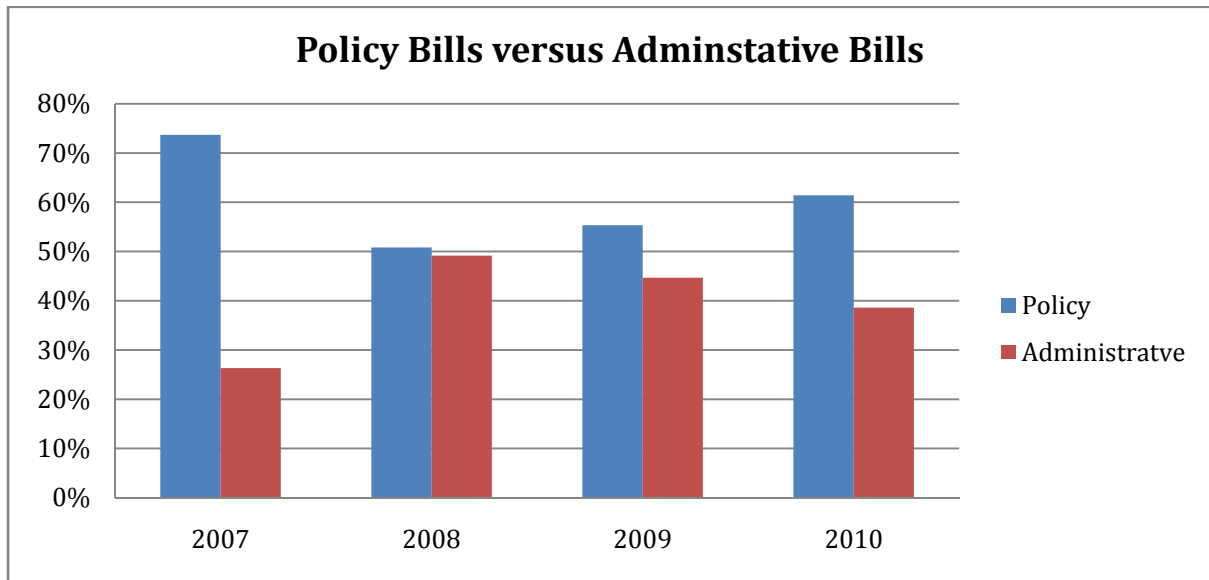


## Recommendations on Re-structuring

- |                                 |  |
|---------------------------------|--|
| Chapter representation          | <ul style="list-style-type: none"><li>• Decreased chapter representation</li><li>• Increased competition for Delegate's attention</li><li>• Delegates stretched thin over more chapters</li><li>• Decreased time with chapters</li><li>• Increased frustration of Chapters</li><li>• Delegate increasingly unfamiliar with Chapter's needs</li></ul>                                 |
| Government finances             | <ul style="list-style-type: none"><li>• Increased travel time, increases travel expenses</li><li>• Increases expenses for Delegates to meet the needs of the Navajo Nation and their constituents</li><li>• May need to hire new Legislative staff assigned to assist Delegates</li></ul>  |
| Personnel policy and procedures | <ul style="list-style-type: none"><li>• Need to re-classify staff</li><li>• Increase staff to capture increased workload</li><li>• Increase responsibility of staff</li><li>• Need to review and revise staff qualifications</li></ul>   |
| Other Issues                    | <ul style="list-style-type: none"><li>• May affect the relationship with the President</li><li>• Geographic considerations</li><li>• Need to amend quorum requirements</li><li>• Eliminate or consolidate standing committees</li><li>• Need more office space and equipment</li><li>• Disruption in the continuity of services</li><li>• Re-design Delegate work stations</li></ul> |

### Appendix C: Data Analysis of Legislative Workload

In this study, the researchers coded the sampled legislation to determine whether the legislation dealt with substantive policy issues or administrative issues. About 58% of the legislations dealt with policy development and 42% dealt with administrative issues. A previous study found that more than 50 percent of the legislation before the council was administrative.<sup>23</sup> From 2005 to 2010 that has dropped to 42%.



This graph shows the breakdown of the percentage of the type of resolutions per year. This shows that the Council has consistently privileged policy resolutions and bills over administrative resolutions and bills.

The following table shows the ratios of Policy bills to Administrative bills over the past four years.

Policy Bills to Administrative Bills			
2007	2008	2009	2010 <sup>24</sup>
2.80	1.03	1.24	1.59

<sup>23</sup> Final Report to the Navajo Nation Council Subcommittee on Legislative Branch Effectiveness. 2005.

<sup>24</sup> It should be noted that the 2010 data are from January to August 9, 2010.

## Recommendations on Re-structuring

For 2007, for every 14 policy bills considered by the Council only 5 administrative bills were considered. However for 2008, for every 10 policy bills considered, only 1 administrative bill was considered. For 2009, for every 12 policy bills considered, only 1 administrative bill was considered. And, for 2010, for every 16 policy bills considered only 1 administrative bill was considered. For all years, the ratio is 1.38:1, or over all years for every 13 policy bills considered the committees considered only 1 administrative bill. This is an improvement from the previous report where the ratio was nearly 1 to 1.

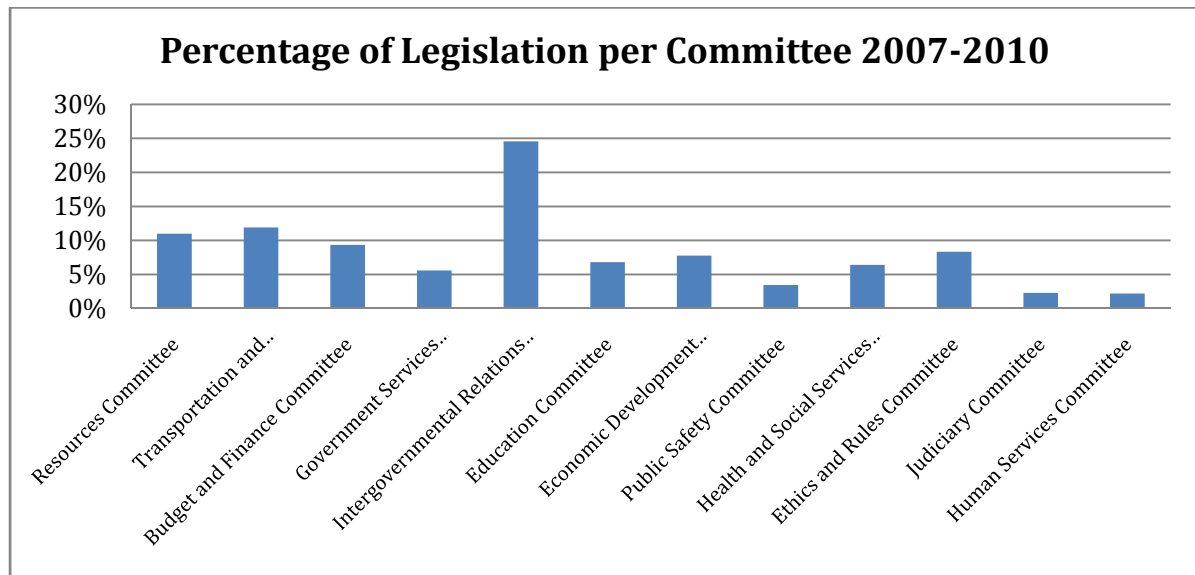
### *Committee Workload*

Percentage of the Total Legislation for each Committee

<b>COMMITTEE</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
<b>Resources Committee</b>	8.77%	9.21%	12.09%	13.75%
<b>Transportation and Community Development</b>	9.75%	14.50%	11.43%	10.31%
<b>Budget and Finance Committee</b>	11.89%	8.72%	8.69%	9.38%
<b>Government Services Committee</b>	6.24%	5.09%	4.44%	7.66%
<b>Intergovernmental Relations Committee</b>	19.30%	24.39%	27.76%	23.75%
<b>Education Committee</b>	9.16%	5.39%	5.48%	9.38%
<b>Economic Development Committee</b>	8.19%	9.50%	6.89%	6.09%
<b>Public Safety Committee</b>	4.09%	3.04%	3.87%	2.81%
<b>Health and Social Services Committee</b>	6.24%	6.76%	6.80%	5.31%
<b>Ethics and Rules Committee</b>	12.09%	7.84%	7.55%	7.34%
<b>Judiciary Committee</b>	1.56%	3.23%	1.89%	2.03%
<b>Human Services Committee</b>	2.73%	1.37%	3.02%	1.72%
<b>Original Data (N=3233)</b>				

## Recommendations on Re-structuring

Percentage Legislation per Committee 2001-2010



For comparisons, we take the ratios of each committee relative to the Intergovernmental Relations Committee (IGR) per year<sup>25</sup>, then ratios across years.

COMMITTEE (Ratio within years)	2007	2008	2009	2010
Resources Committee	0.45	0.38	0.44	0.58
Transportation and Community Development	0.51	0.59	0.41	0.43
Budget and Finance Committee	0.62	0.36	0.31	0.39
Government Services Committee	0.32	0.21	0.16	0.32
Intergovernmental Relations Committee	1.00	1.00	1.00	1.00
Education Committee	0.47	0.22	0.20	0.39
Economic Development Committee	0.42	0.39	0.25	0.26
Public Safety Committee	0.21	0.12	0.14	0.12
Health and Social Services Committee	0.32	0.28	0.24	0.22
Ethics and Rules Committee	0.63	0.32	0.27	0.31
Judiciary Committee	0.08	0.13	0.07	0.09
Human Services Committee	0.14	0.06	0.11	0.07
Original Data (N=3233)				

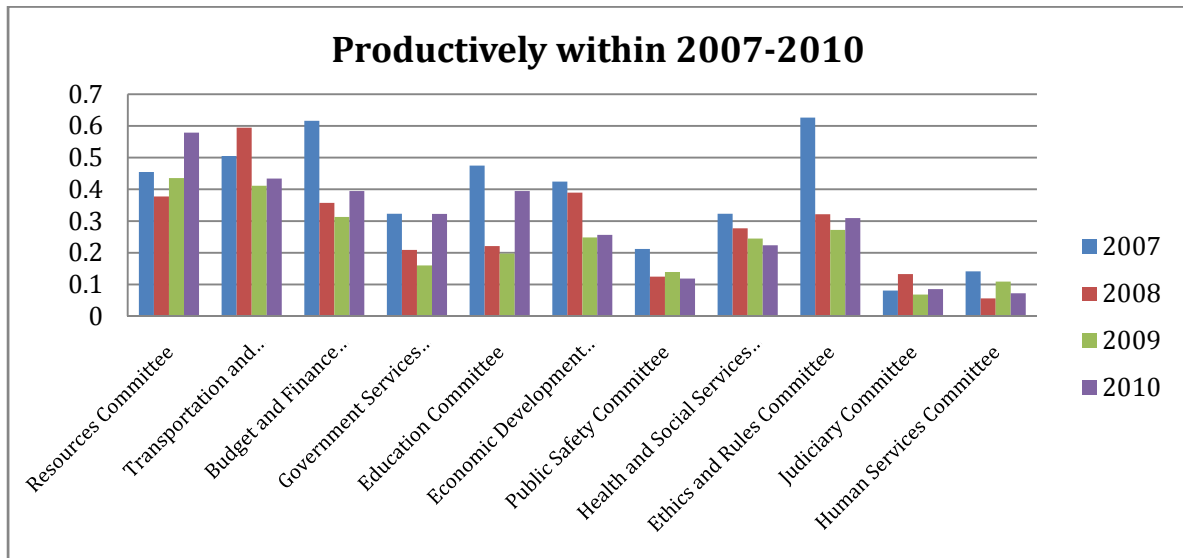
In 2007, Transportation and Community Development (51%), Budget and Finance (62%), and Ethics and Rules (63%) total work output (in terms of legislation) is at least

<sup>25</sup> Using the Intergovernmental Relations Committee as the baseline since it was the most productive committee (2007-2010)

## Recommendations on Re-structuring

half the workload output of IGR (i.e. for every 10 pieces of legislation IGR produces, Ethics and Rules produces 6.3).

From this analysis of the level of workload output (in terms of legislation), we find that both the Judiciary and Human Services Committee are on average (0.9) in every year less producing less than one piece of legislation per 10 the IGR produces.



This graph shows that all committees produced less than the IGR Committee in every year.

## Recommendations on Re-structuring

We now take a look at productivity across years, that is, we compare the committee's productivity to it-self across years<sup>26</sup>. The following table presents those results.

<b>COMMITTEE (Ratio across years)</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
<b>Resources Committee</b>	0.35	0.73	1.00	0.69
<b>Transportation and Community Development</b>	0.41	<b>1.22</b>	1.00	0.55
<b>Budget and Finance Committee</b>	0.66	0.97	1.00	0.65
<b>Government Services Committee</b>	0.68	<b>1.11</b>	1.00	<b>1.04</b>
<b>Intergovernmental Relations Committee</b>	0.34	0.85	1.00	0.52
<b>Education Committee</b>	0.81	0.95	1.00	<b>1.03</b>
<b>Economic Development Committee</b>	0.58	<b>1.33</b>	1.00	0.53
<b>Public Safety Committee</b>	0.51	0.76	1.00	0.44
<b>Health and Social Services Committee</b>	0.44	0.96	1.00	0.47
<b>Ethics and Rules Committee</b>	0.78	<b>1.00</b>	1.00	0.59
<b>Judiciary Committee</b>	0.40	<b>1.65</b>	1.00	0.65
<b>Human Services Committee</b>	0.44	0.44	1.00	0.34
<b>Original Data (N=3233)</b>				

From this analysis:

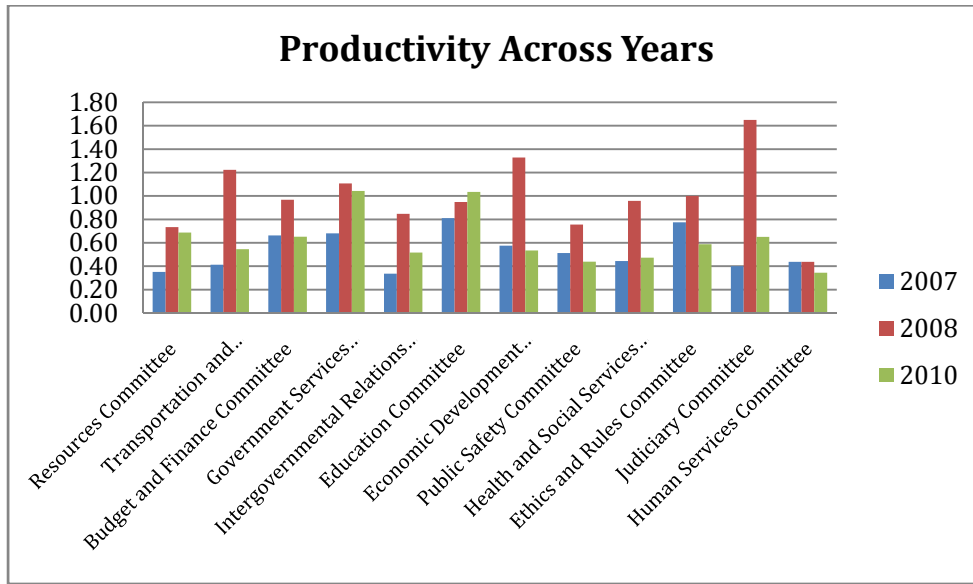
- Government Services Committee workload, relative to 2009, produced more in 2008 and 2010.
- Resources, Budget and Finance, Intergovernmental Relations, Public Safety, Health and Human Services, and Human Services, for 2007, 2008, and 2010 consistently produced less than they did in 2009.
- Human Services Committee it did not even produce 50% (in 2007, 2008 and 2010) of what it produced in 2009.

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<sup>26</sup> Using 2009 as the baseline for comparing since it was the most productive of all four years.

## Recommendations on Re-structuring

The following graph illustrates these proportions.



For most Committees, 2008 was the most productive, relative to 2009. However, as noted before for the Human Services Committee the productivity across 2007, 2008, and 2010 is consistently less than their productivity for 2009.

### *Delegate Workload per Committee*

The following table and graph present ratios of workload in each Committee per Delegate (assuming Delegates do equivalent work) over all four years (2007-2010).

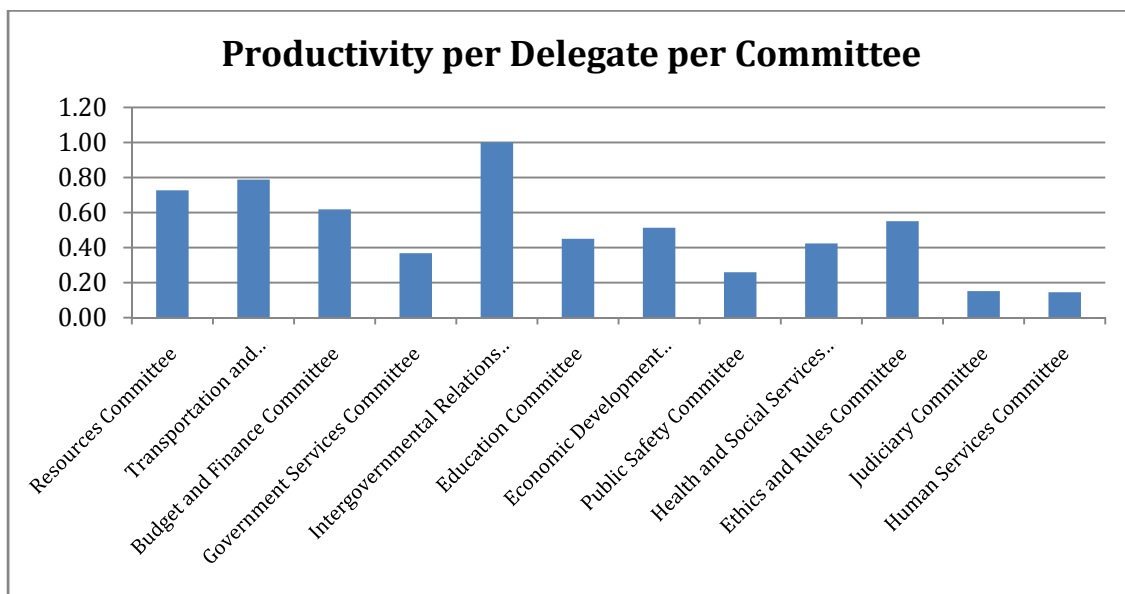
Committee	Legislation Per Delegate	Ratio (Relative to IGR)
Resources Committee	11.1	0.73
Transportation and Community Development	12.0	0.79
Budget and Finance Committee	9.4	0.62
Government Services Committee	5.6	0.37
Intergovernmental Relations Committee	15.3	1.00
Education Committee	6.9	0.45
Economic Development Committee	7.8	0.51
Public Safety Committee	4.0	0.26
Health and Social Services Committee	6.5	0.42
Ethics and Rules Committee	8.4	0.55
Judiciary Committee	2.3	0.15
Human Services Committee	2.2	0.15
Original Data (N=3233)		

## Recommendations on Re-structuring

To make comparisons of workload per Delegate across committees, we use Intergovernmental Relations Committee (IGR) as the baseline – it is the most productive committee. Thus, the ratios computed are relative to the IGR. Thus, we see that a Delegate serving in the Resources Committee carries 73% of the workload of a Delegate in IGR, in other words, for every 10 pieces of legislations a Delegate in the IGR Committee produces, a Delegate in Resources produces only 7.3.

- The Delegates in the following Committees produce at least half the work as Delegates in the IGR Committee: Resources (73%), Transportation and Community Development (79%), Budget and Finance (62%), Economic and Community Development (51%), and Ethics and Rules (55%).

The Delegates in the following Committees produce less than 50% of the work of Delegates in the IGR: Government Services (37%), Education (45%), Public Safety (26%), Health and Social Services (42%), Judiciary (15%), and Human Services Committee (15%). Based on these ratios, the least productive Committees are the Judiciary and Human Services Committee, as the Delegates in these Committees (on average) produce only 1.5 pieces of legislation per 10 pieces of legislation for Delegates in the IGR. The following graph visually illustrates the productivity, relative to the IGR Committee.





## Recommendations on Re-structuring

Based on this analysis, if the current Committee system is not re-structured, then at least 8 Delegates would have to serve on three committees, with the rest serving on two committees. Based on where the Delegates serve, this could nearly *double*, and in some situation *triple* the workload of Delegates.

### *Delegate Workload across all Committees*

The following table provides the number of legislations per Delegate per year.

	Legislation per Delegate	Ratio (Relative to 2009) <sup>27</sup>
<b>2007</b>	5.83	0.48
<b>2008</b>	11.60	0.96
<b>2009</b>	12.03	1.00
<b>2010</b>	7.27	0.60
<b>Original Data (N=3233)</b>		

From this table, we learn that in 2007, each Delegate worked on 5.8 pieces of legislation. This was their overall workload, when all Committees are combined. What is more relevant is the ration or proportion of workload per Delegate. This proportion helps in providing comparisons.

Thus, the comparisons are relative to 2009. In 2007, the workload per Delegate was only 48% that of the workload for 2009. For 2008, the workload was 96% the workload for 2009, and for 2010 (as of July) it was 60% that of 2009.

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<sup>27</sup> This ration uses 2009 (the most productive year) as the baseline.

## Appendix E: In-depth Explanation of Recommendation Criteria

### *Technical and Legal Feasibility*

The committee of the whole requires amendments to the Navajo Nation Code. What amendments or actions would need to be adopted for the 24 to legislate?

Giving Authority to the 24 - The provisions of the Navajo Nation Code that are of most concern are Subchapter 1 of Chapter 3 of Title 2, “Establishment,” and Subchapter 2, “Powers; composition.” The Legislative Branch of Navajo Nation government is the Council and “any entity established under the Navajo Nation Council.”<sup>28</sup> The incoming Council could be that entity, if it is created by an amendment to Title 2. The Council is the “governing body” of the Nation and it has the authority to promulgate rules for meetings.<sup>29</sup> It is likely that the Council could provide some structure and procedures for the 24, but they could not exercise legislative power without a formal amendment to the Code. The legislative procedures in Subchapter 2 are straightforward, and a body of the 24 could use them if it had the authority.

The 24 “Legally” Amending the Code - The 24 cannot “legally” amend the Navajo Nation Code without the express authority to do so. However, that does not mean that the 24 cannot act to formulate proposed policy and legislation. While the transition Council cannot legislate, as such, it can meet as a caucus and deliberate, making announcements of straw votes on various subjects. In terms of the quorum, given that the Transition Council would not have full legislative powers, it would not need to have a quorum to act.

### *Financial Feasibility*

The previous analysis on the OLS staff workload suggested that to ensure that current work output-levels are maintained, at its highest, the staff will need to be increased by 3.6, this is roughly equal to increasing the OLS staff by 53. This increase ensures that

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<sup>28</sup> 2 N.N.C. § 101(A) (2005)

<sup>29</sup> 2 N.N.C. § 102(A), (E) (2005).

## Recommendations on Re-structuring

Delegates are able to meet the increased demands and responsibilities without any disruption in legislative output or in serving the interests and needs of the Chapters and the Nation.

The estimate of 53 is based on insufficient analysis, based on insufficient data. Thus, a more modest estimate should be seriously considered. Based on the data the following range is suggested: 5 (min) to 53 (max). While there is great variance in this range, it is recommended that a more modest. The minimum estimate suggests increasing the staff by 5. Given that the average salary of both Legislative Advisors and Reports is about \$35,000 a year with a modest fringe of 20%, the total cost of an additional staff member, just in terms of salary is \$42,000 a year. Increasing the staff by 5 would cost \$210,000 (for salary only).

The maximum estimate suggests increasing the staff by 53, again, given the average salary of both Legislative Advisors and Reports is about \$35,000 a year with a modest fringe of 20%, the total cost of an additional staff member, just in terms of salary is \$42,000 a year. The rough estimate for 53 additional staff in the OLS would be \$2,226,000. These are only estimates and should be used with caution, to re-state, not enough data was collected to provide a more reasonable range. However, what is clear is that the OLS staff will need to be increased, thus increasing the actual costs to the Navajo Nation, to ensure that current levels of work output are maintained under 24 –member Council.

### *Administrative Feasibility*

Given the political climate and the social context (the sentiments and interests of the Navajo polity, as well as other publics relevant to the Navajo Nation such as state and federal governments, business interests, and the capacity of the Judiciary to oversee the legislative and executive), will maintaining the Twelve Standing Committees be possible to actually implement? This criterion asks whether there is organizational support: that is, will the OLS have the sufficient equipment, physical facilities, and sufficient staff to support the increased workload of the reduced Council?

## Recommendations on Re-structuring

This re-structuring requires not only a detailed assessment of the Committee-system, but also the impacts the reduced Council will have on the interactions between the Legislative and Executive Branch, as well as the impact on the chapters.

### *Representation*

There are four components to representation, specific to the Navajo Nation.

1. **Navajo Nation Council Delegate**

The Delegates is the party representing the district, which elected them.

2. **Constituents of the District**

The constituents of the agency, but more specifically the district are being represented by a single Delegate (in the case of the district) and by a group of Delegates (in the case of the agency).

3. **Opinions, interests of the constituents being represented**

The Delegates represent the interests of the constituents.

4. **The Navajo Nation Council and its committees.**

The Navajo Nation Council and its committees is the context wherein the representation occurs.

This option focuses on the forum in which representation takes place: the committees of the Navajo Nation Council. There are current 5 agencies and 24 electoral districts. The five agencies include: Northern, Eastern, Western, Chinle, and Ft. Defiance. Agency representation on standing committees has been an important political institution in the Navajo Nation Council. The mechanism of representation ensures (at the minimum) that Delegates from various agencies are provided the opportunity to voice the interests and concerns of their constituents. Maintaining the congruency of this institution from the current committee system to the committee of the 24 Council is the motivating component of this option.

This option broadly requires that a member of each of the five Navajo agencies, who are elected as Council Delegates, should maintain representation in each of the Navajo Nation Council committees.

## Recommendations on Re-structuring

### *Justification for Agency Representation*

Navajo political legitimacy has historically resided at the local level. As such, the chapter house and the regional agency (e.g., Western Agency, Northern Agency, Chinle Agency, Eastern Agency and Ft. Defiance Agency) remain important sub-political units within Navajo governance.<sup>30</sup> Therefore this option maintains agency representation within every committee. This claim is based on the normative position that traditional forms of governance should be made part of ongoing government reform efforts and, by extension, local governance *better reflects* traditional forms of governance.

In order to accomplish this each committee will require (in the very least) five-members. With a council of twenty-four members, and assuming that one member serves on only one committee, we conclude—based on the arithmetic—that a total of four committees are at most possible ( $24/5=4$  r.4). The fairest distribution of council delegates under this schematic would give each agency one member representation within each of the four committees with one at large in each committee, thereby making the committee size six council delegates in total ( $24/6=4$ ).

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<sup>30</sup> The passage of Title 26—The Local Governance Act in 1998 is an example of the Navajo Nation government’s renewed emphasis on improved local community representation. In theory this act gives chapter houses the authority to set land-use policy, establish tax regimes, and restructure their chapter house governments. In practice however this act has strayed significantly from its intention and today the central government maintains dominant authority over the affairs of chapter house governments, even those chapter houses “certified” under Title 26.

## Appendix F: Policy Overlap by Committee

The following data tables breaks down the policy focus of each committee over the past 4 years (2007-2010).

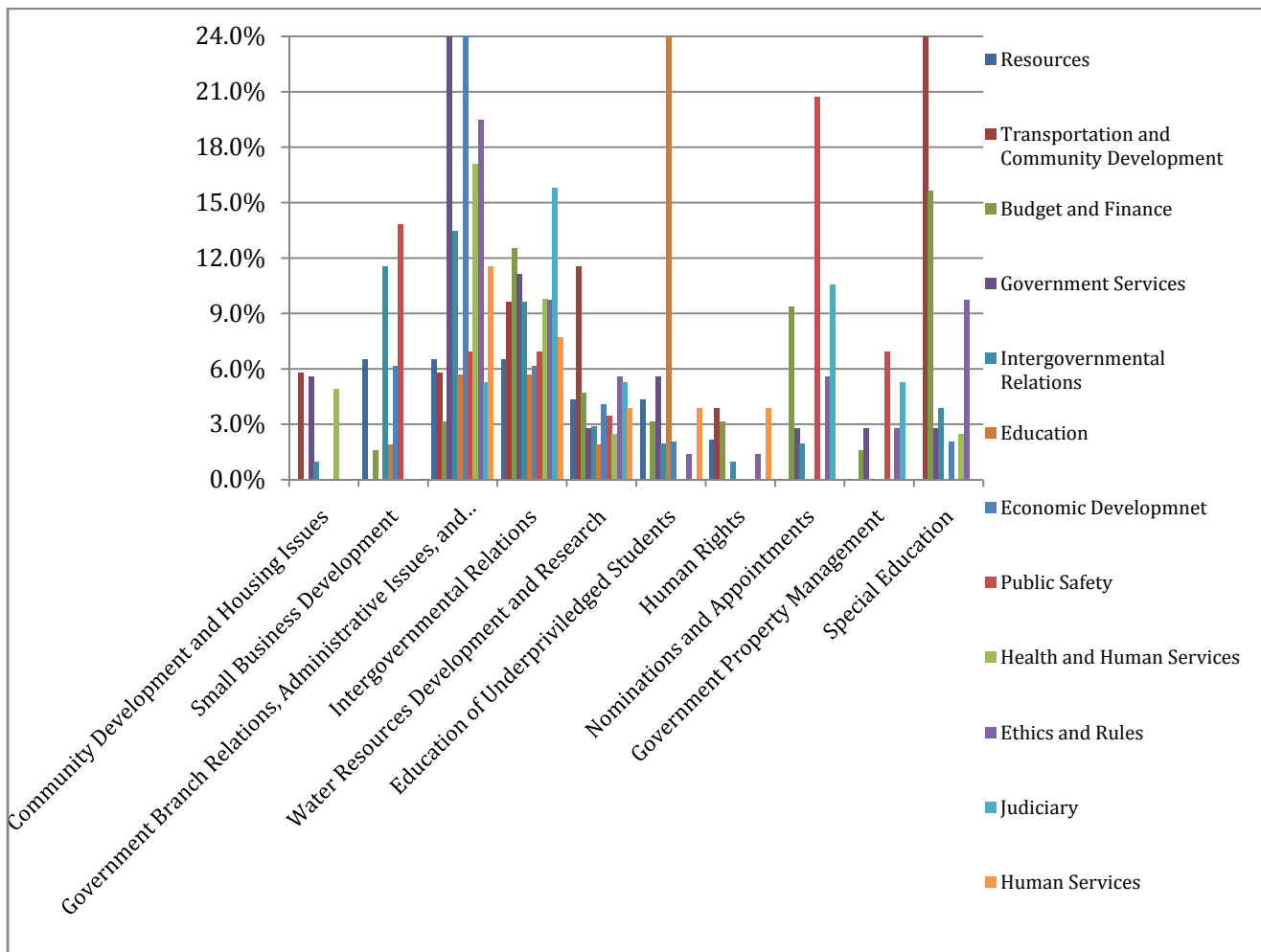
<b>2007 Minor Policy by Committee</b>	Resources	Transportation and Community Development	Budget and Finance	Government Services	Intergovernmental Relations	Education	Economic Development	Public Safety	Health and Social Services	Ethics and Rules	Judiciary	Human Services
Community Development and Housing Issues	0.00%	<b>6.52%</b>	<b>6.52%</b>	<b>6.52%</b>	<b>4.35%</b>	<b>4.35%</b>	2.17%	0.00%	0.00%	0.00%	0.00%	0.00%
Small Business Development	<b>5.77%</b>	0.00%	<b>5.77%</b>	<b>9.62%</b>	<b>11.54%</b>	0.00%	<b>3.85%</b>	0.00%	0.00%	<b>28.85%</b>	0.00%	0.00%
Government Branch Relations, Administrative Issues and NNC Operations	0.00%	1.56%	<b>3.13%</b>	<b>12.50%</b>	<b>4.69%</b>	<b>3.13%</b>	<b>3.13%</b>	<b>9.38%</b>	1.56%	<b>15.63%</b>	<b>5.26%</b>	<b>11.54%</b>
Intergovernmental Relations	<b>5.56%</b>	0.00%	<b>30.56%</b>	<b>11.11%</b>	<b>2.78%</b>	<b>5.56%</b>	0.00%	2.78%	2.78%	2.78%	<b>15.79%</b>	<b>7.69%</b>
Water Resources Development and Research	0.96%	<b>11.54%</b>	<b>13.46%</b>	<b>9.62%</b>	2.88%	1.92%	0.96%	1.92%	0.00%	<b>3.85%</b>	<b>5.26%</b>	<b>3.85%</b>
Education of Underprivileged Students	0.00%	1.89%	<b>5.66%</b>	<b>5.66%</b>	1.89%	<b>24.53%</b>	0.00%	0.00%	0.00%	0.00%	0.00%	<b>3.85%</b>
Human Rights	0.00%	<b>6.12%</b>	<b>36.73%</b>	<b>6.12%</b>	<b>4.08%</b>	2.04%	0.00%	0.00%	0.00%	2.04%	0.00%	<b>3.85%</b>
Nominations and Appointments	0.00%	<b>13.79%</b>	<b>6.90%</b>	<b>6.90%</b>	<b>3.45%</b>	0.00%	0.00%	<b>20.69%</b>	<b>6.90%</b>	0.00%	<b>10.53%</b>	0.00%
Government Property Management	<b>4.88%</b>	0.00%	<b>17.07%</b>	<b>9.76%</b>	2.44%	0.00%	0.00%	0.00%	0.00%	2.44%	<b>5.26%</b>	0.00%
Special Education	0.00%	0.00%	<b>19.44%</b>	<b>9.72%</b>	<b>5.56%</b>	1.39%	1.39%	<b>5.56%</b>	2.78%	<b>9.72%</b>	0.00%	0.00%

This table identifies the overlap by of the minor-policy area by year for each Committee. The minor policies reported above are those wherein two or more committees spent 3% of their time on that specific minor-policy, thus suggesting a degree of overlap in that specific policy domain or focus.

- Thus in 2007, we see that the TCDC, GS, and HSSC committees each considered policy related to “Community Development and Housing Issues.” These committees spent about 5% of their legislative workload on this specific policy domain.
- Again from this table we see that Resources, IGR, Economic Development and Public Safety spent between 6% and 14% of their time on policy related to “Small Business Development.”

## Recommendations on Re-structuring

- All committees spent between 3% and 33% of their time on legislation related to “Government Branch Relations, Administrative Issues, and Navajo Nation Council Operations.”
- For the focus on “Water Resources Development and Research” all committees except for the Health and Human Services Committee spent between 3% and 12% of their time (in terms of acting on legislation). This suggests that the policy domain for water policy is *not well-defined*. The following graph depicts the policy overlap.



## Recommendations on Re-structuring

The following table depicts the minor policy area by committee for 2008.

<b>2008 Minor Policy by Committee</b>	Resources	Transportation and Community Development	Budget and Finance	Government Services	Intergovernmental Relations	Education	Economic Development	Public Safety	Health and Human Services	Ethics and Rules	Judiciary	Human Services
Small Business Development	<b>6.3%</b>	0.7%	2.2%	<b>3.6%</b>	2.8%	0.0%	<b>53.8%</b>	0.0%	0.0%	<b>6.7%</b>	<b>4.5%</b>	0.0%
Intergovernmental Relations	<b>7.4%</b>	<b>25.3%</b>	<b>4.3%</b>	<b>7.1%</b>	<b>24.4%</b>	<b>6.6%</b>	1.9%	<b>5.1%</b>	<b>6.4%</b>	2.2%	0.0%	<b>3.8%</b>
Government Property Management	<b>7.4%</b>	<b>17.3%</b>	<b>6.5%</b>	1.8%	<b>12.2%</b>	1.6%	<b>3.8%</b>	<b>5.1%</b>	<b>9.0%</b>	<b>4.4%</b>	<b>4.5%</b>	<b>3.8%</b>
Electricity, Electrification	<b>9.5%</b>	<b>4.7%</b>	0.0%	0.0%	2.8%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Natural Resources, Land and Forest Management	<b>11.6%</b>	<b>4.7%</b>	2.2%	1.8%	1.2%	<b>3.3%</b>	<b>3.8%</b>	<b>7.7%</b>	0.0%	1.1%	<b>4.5%</b>	0.0%
Government Operations (Budgets, Appropriations)	<b>11.6%</b>	<b>16.0%</b>	<b>42.4%</b>	<b>16.1%</b>	<b>7.9%</b>	<b>11.5%</b>	<b>13.5%</b>	<b>25.6%</b>	<b>6.4%</b>	<b>28.9%</b>	<b>13.6%</b>	<b>11.5%</b>
Government Branch Relations, Administrative Issues, and NNC Operations	<b>5.3%</b>	0.7%	<b>4.3%</b>	<b>10.7%</b>	<b>5.1%</b>	1.6%	1.0%	0.0%	<b>3.8%</b>	<b>11.1%</b>	<b>13.6%</b>	0.0%
Arts and Entertainment	<b>5.3%</b>	0.0%	<b>3.3%</b>	1.8%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Natural Gas and Oil	<b>3.2%</b>	0.0%	0.0%	<b>3.6%</b>	0.0%	0.0%	1.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Education	2.1%	0.7%	<b>3.3%</b>	0.0%	<b>3.5%</b>	<b>27.9%</b>	0.0%	0.0%	2.6%	2.2%	0.0%	0.0%
Nominations and Appointments	1.1%	0.0%	0.0%	<b>5.4%</b>	2.8%	<b>3.3%</b>	<b>3.8%</b>	0.0%	<b>6.4%</b>	<b>5.6%</b>	<b>11.4%</b>	<b>3.8%</b>
Elementary and Secondary Education	1.1%	0.7%	<b>3.3%</b>	0.0%	1.2%	<b>14.8%</b>	0.0%	0.0%	0.0%	<b>3.3%</b>	0.0%	0.0%
Veterans Issues	1.1%	1.3%	<b>3.3%</b>	<b>3.6%</b>	0.8%	0.0%	0.0%	0.0%	0.0%	1.1%	0.0%	<b>15.4%</b>
Health	0.0%	0.0%	<b>3.3%</b>	<b>3.6%</b>	<b>6.3%</b>	0.0%	1.9%	0.0%	<b>29.5%</b>	0.0%	2.3%	<b>3.8%</b>
Government Efficiency and Bureaucratic Oversight	0.0%	<b>6.7%</b>	<b>3.3%</b>	<b>3.6%</b>	2.8%	0.0%	0.0%	0.0%	<b>3.8%</b>	1.1%	2.3%	0.0%
Executive Branch Dealing with Law and Crime	0.0%	0.0%	0.0%	<b>5.4%</b>	<b>3.9%</b>	0.0%	0.0%	<b>23.1%</b>	1.3%	1.1%	<b>6.8%</b>	0.0%
Youth Employment	0.0%	0.7%	0.0%	<b>3.6%</b>	<b>3.1%</b>	<b>8.2%</b>	0.0%	2.6%	0.0%	1.1%	0.0%	0.0%

- From this table we observe that Resources, Government Services, Economic Development, Ethics and Rules, and Judiciary Committees all focused on “Small Business Development” legislation, they range from 3.6% to 53% of their time on this policy area.
- This table shows that Resources and Transportation and Community Development have substantial overlap in “Small Business Development,”

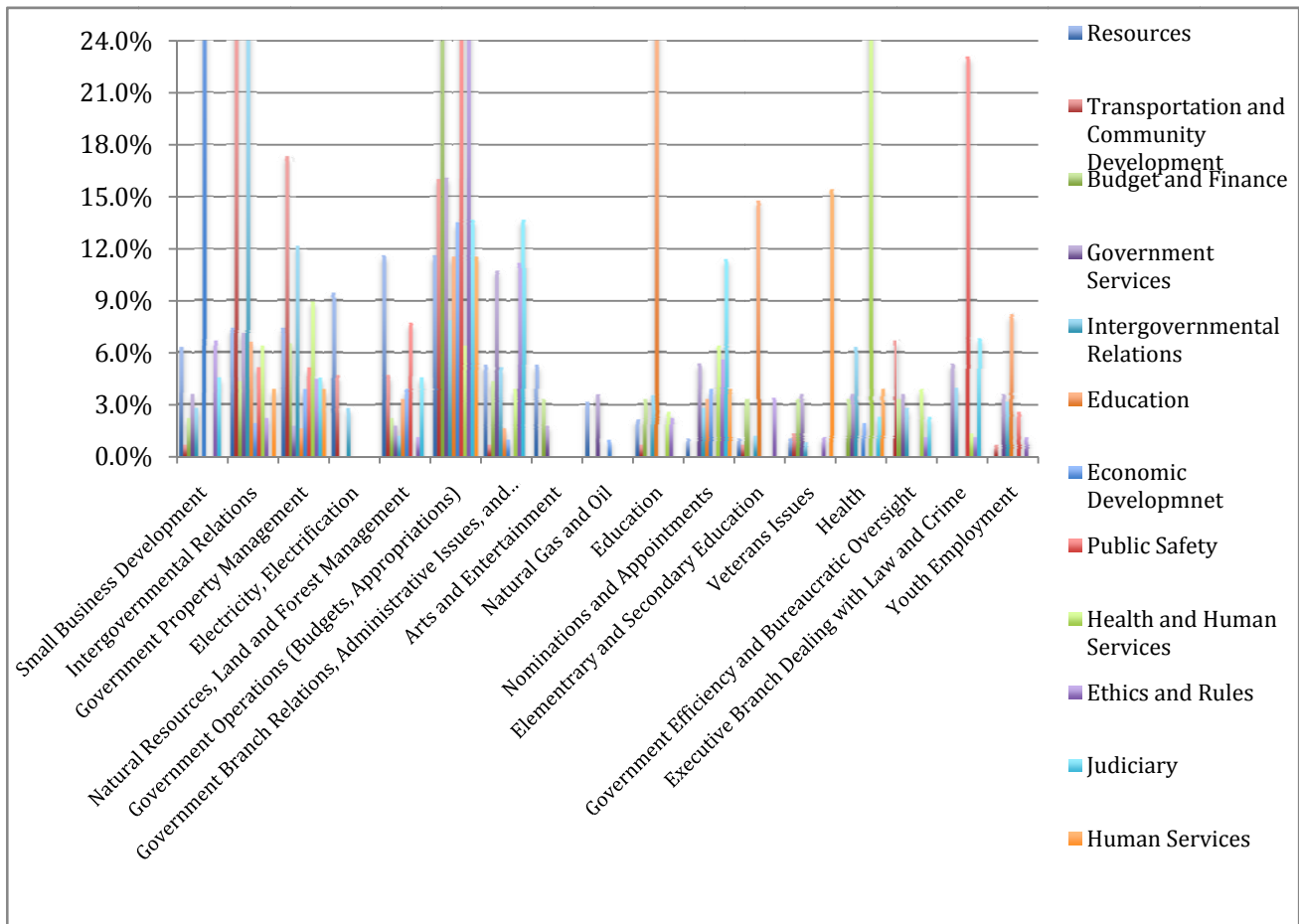


## Recommendations on Re-structuring

“Intergovernmental Relations,” Government Property Management,” “Natural Resources, Land and Forest Management,” and “Government Operations.”

- Again, there is considerable overlap between Budget and Finance and Government Services.
- Again with Education and Transportation and Community Development and Economic Development. The bold identifies percentage of legislative time over 3%.

The following graph depicts the overlap of the policy areas by committee.



## Recommendations on Re-structuring

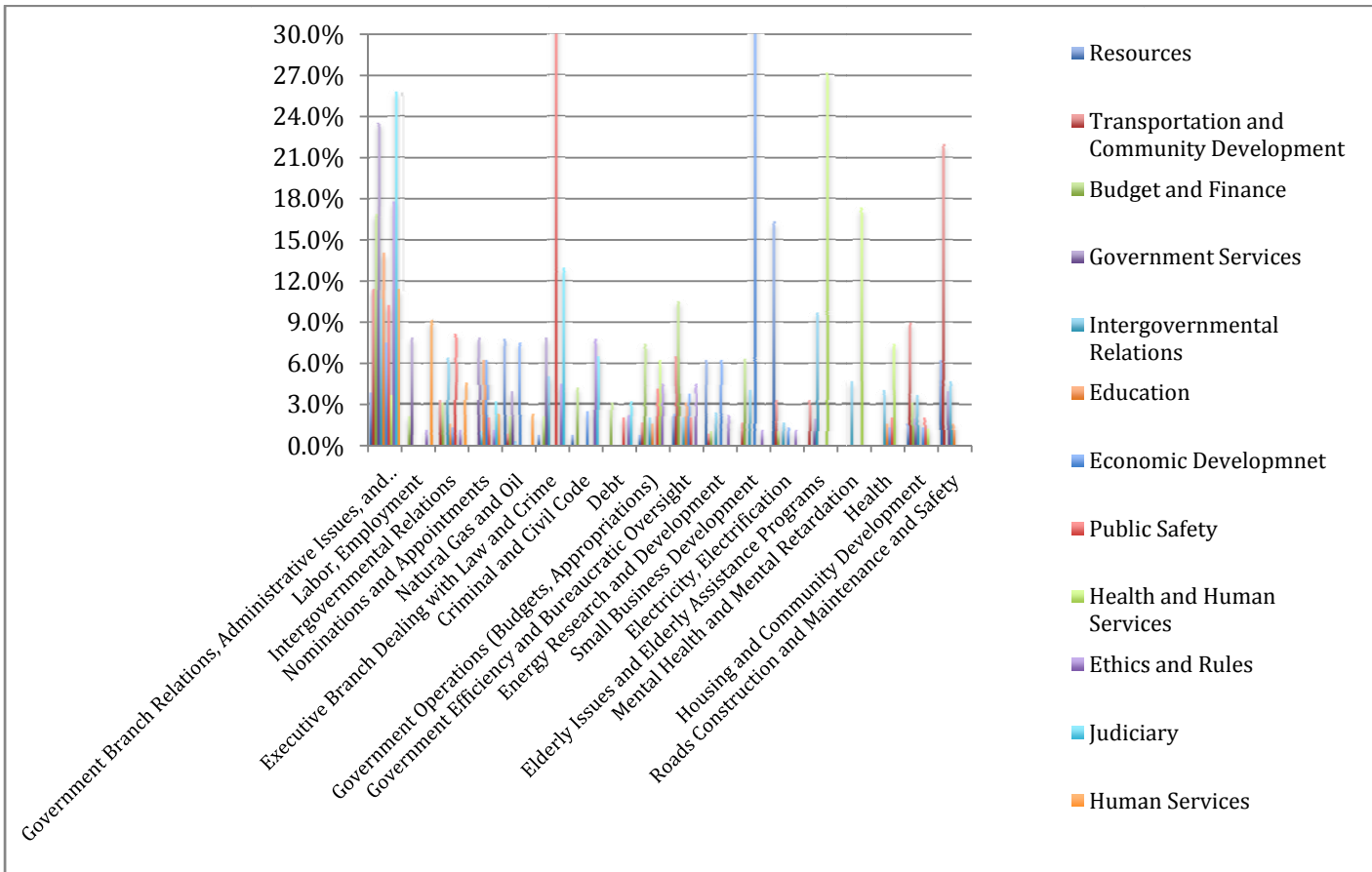
The following table shows minor policy area for 2009 by committee.

<b>2009 Minor Policy by Committee</b>	Resources	Transportation and Community Development	Budget and Finance	Government Services	Intergovernmental Relations	Education	Economic Development	Public Safety	Health and Human Services	Ethics and Rules	Judiciary	Human Services
Government Branch Relations, Administrative Issues, and NNC Operations	<b>3.88%</b>	<b>11.38%</b>	<b>16.84%</b>	<b>23.53%</b>	<b>10.70%</b>	<b>14.06%</b>	<b>7.50%</b>	<b>10.20%</b>	<b>3.70%</b>	<b>17.78%</b>	<b>25.81%</b>	<b>11.36%</b>
Labor, Employment	0.00%	0.00%	2.11%	<b>7.84%</b>	0.00%	0.00%	0.00%	0.00%	0.00%	1.11%	0.00%	<b>9.09%</b>
Intergovernmental Relations	0.00%	<b>3.25%</b>	<b>3.16%</b>	0.00%	<b>6.35%</b>	1.56%	1.25%	<b>8.16%</b>	0.00%	1.11%	0.00%	<b>4.55%</b>
Nominations and Appointments	0.00%	0.00%	0.00%	<b>7.84%</b>	1.00%	<b>6.25%</b>	<b>6.25%</b>	2.04%	0.00%	1.11%	<b>3.23%</b>	2.27%
Natural Gas and Oil	<b>7.75%</b>	0.81%	2.11%	<b>3.92%</b>	0.33%	0.00%	<b>7.50%</b>	0.00%	0.00%	0.00%	0.00%	2.27%
Executive Branch Dealing with Law and Crime	0.78%	0.00%	2.11%	<b>7.84%</b>	<b>5.02%</b>	0.00%	0.00%	<b>36.73%</b>	0.00%	<b>4.44%</b>	<b>12.90%</b>	0.00%
Criminal and Civil Code	0.78%	0.00%	<b>4.21%</b>	0.00%	0.00%	0.00%	2.50%	0.00%	0.00%	<b>7.78%</b>	<b>6.45%</b>	0.00%
Debt	0.00%	0.00%	<b>3.16%</b>	0.00%	0.00%	0.00%	0.00%	2.04%	0.00%	2.22%	<b>3.23%</b>	0.00%
Government Operations (Budgets, Appropriations)	0.78%	1.63%	<b>7.37%</b>	0.00%	2.01%	1.56%	0.00%	<b>4.08%</b>	<b>6.17%</b>	<b>4.44%</b>	0.00%	0.00%
Government Efficiency and Bureaucratic Oversight	2.33%	<b>6.50%</b>	<b>10.53%</b>	0.00%	2.01%	<b>3.13%</b>	<b>3.75%</b>	2.04%	0.00%	<b>4.44%</b>	0.00%	0.00%
Energy Research and Development	<b>6.20%</b>	0.81%	1.05%	0.00%	2.34%	0.00%	<b>6.25%</b>	0.00%	0.00%	2.22%	0.00%	0.00%
Small Business Development	0.00%	1.63%	<b>6.32%</b>	0.00%	4.01%	0.00%	<b>32.50%</b>	0.00%	0.00%	1.11%	0.00%	0.00%
Electricity, Electrification	<b>16.28%</b>	<b>3.25%</b>	1.05%	0.00%	1.67%	0.00%	1.25%	0.00%	0.00%	1.11%	0.00%	0.00%
Elderly Issues and Elderly Assistance Programs	0.00%	<b>3.25%</b>	0.00%	1.96%	<b>9.70%</b>	0.00%	0.00%	0.00%	<b>27.16%</b>	0.00%	0.00%	0.00%
Mental Health and Mental Retardation	0.00%	0.00%	0.00%	0.00%	<b>4.68%</b>	0.00%	0.00%	0.00%	<b>17.28%</b>	0.00%	0.00%	0.00%
Health	0.00%	0.00%	0.00%	0.00%	<b>4.01%</b>	1.56%	1.25%	2.04%	<b>7.41%</b>	0.00%	0.00%	0.00%
Housing and Community Development	1.55%	<b>8.94%</b>	<b>3.16%</b>	1.96%	<b>3.68%</b>	0.00%	1.25%	2.04%	1.23%	0.00%	0.00%	0.00%
Roads Construction	<b>6.20%</b>	<b>21.95%</b>	0.00%	<b>3.92%</b>	<b>4.68%</b>	1.56%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%

## Recommendations on Re-structuring

This shows that a substantial amount of time between the Judiciary and Public Safety committees is spent on overlapping policy areas.

- For example, the Public Safety committee spent 37% of its time on “Law and Crime” policy and Judiciary spent 13% of its time on the same policy area.
- In addition, we see that Resources and Transportation and Community Development have considerable overlap again.



The graph above depicts the natural overlap of the policy foci for the various committees.

## Recommendations on Re-structuring

The next table shows the overlap of the minor policy area by committee for 2010.

- This table shows again the overlap between Resources and Transportation and Community Development,
- as well as the overlap between Budget and Finance and Government Services, and the Public Safety and Judiciary Committee

2010 Minor Policy by Committee	Resources	Transportation and Community Development	Budget and Finance	Government Services	Intergovernmental Relations	Education	Economic Development	Public Safety	Health and Human Services	Ethics and Rules	Judiciary	Human Services
	Disaster Relief	0.00%	0.00%	<b>3.17%</b>	<b>7.55%</b>	0.64%	0.00%	0.00%	<b>3.85%</b>	0.00%	0.00%	0.00%
Food Assistance, Nutrition Monitoring	0.00%	0.00%	1.59%	0.00%	1.28%	0.00%	0.00%	0.00%	<b>9.30%</b>	<b>3.51%</b>	0.00%	0.00%
Higher Education	0.00%	0.00%	<b>3.17%</b>	<b>5.66%</b>	1.92%	6.06%	0.00%	0.00%	0.00%	1.75%	0.00%	0.00%
Elderly Issues and Elderly Assistance Programs	0.00%	0.00%	1.59%	0.00%	<b>3.85%</b>	0.00%	0.00%	0.00%	<b>13.95%</b>	0.00%	0.00%	0.00%
Racial Group Discrimination, Racial Preference Employment	0.00%	0.00%	0.00%	0.00%	2.56%	1.52%	0.00%	0.00%	0.00%	<b>3.51%</b>	<b>4.17%</b>	0.00%
Training and Workforce Development	0.00%	2.94%	<b>3.17%</b>	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	<b>3.51%</b>	0.00%	0.00%
Housing and Community Development	0.00%	<b>4.41%</b>	1.59%	<b>7.55%</b>	2.56%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Government Property Management	0.00%	<b>4.41%</b>	1.59%	1.89%	0.64%	1.52%	<b>8.70%</b>	<b>7.69%</b>	0.00%	1.75%	<b>8.33%</b>	0.00%
Community Development and Housing Issues	0.00%	<b>5.88%</b>	<b>3.17%</b>	<b>3.77%</b>	0.00%	0.00%	0.00%	0.00%	0.00%	1.75%	0.00%	0.00%
Executive Branch Dealing with Law and Crime	1.12%	0.00%	0.00%	<b>3.77%</b>	0.64%	0.00%	0.00%	<b>11.54%</b>	0.00%	0.00%	0.00%	0.00%
Regulation of Political Campaigns	2.25%	1.47%	<b>4.76%</b>	1.89%	<b>3.85%</b>	1.52%	<b>4.35%</b>	<b>3.85%</b>	2.33%	<b>5.26%</b>	<b>4.17%</b>	<b>4.35%</b>
Nominations and Appointments	2.25%	2.94%	<b>3.17%</b>	<b>7.55%</b>	1.92%	<b>6.06%</b>	<b>10.87%</b>	<b>7.69%</b>	<b>6.98%</b>	<b>3.51%</b>	<b>8.33%</b>	<b>4.35%</b>

## Recommendations on Re-structuring

Government Branch Relations, Administrative Issues, and NNC Operations	2.25%	<b>4.41%</b>	<b>12.70%</b>	<b>9.43%</b>	<b>4.49%</b>	<b>3.03%</b>	0.00%	0.00%	<b>6.98%</b>	<b>8.77%</b>	<b>12.50%</b>	0.00%
Intergovernmental Relations	2.25%	<b>5.88%</b>	1.59%	1.89%	<b>11.54%</b>	<b>3.03%</b>	2.17%	0.00%	<b>4.65%</b>	0.00%	<b>4.17%</b>	0.00%
Government Efficiency and Bureaucratic Oversight	2.25%	<b>19.12%</b>	<b>26.98%</b>	<b>9.43%</b>	<b>10.90%</b>	0.00%	<b>6.52%</b>	<b>3.85%</b>	2.33%	<b>21.05%</b>	<b>4.17%</b>	<b>4.35%</b>
Natural Gas and Oil	<b>3.37%</b>	0.00%	0.00%	1.89%	0.00%	0.00%	<b>8.70%</b>	0.00%	0.00%	0.00%	0.00%	0.00%
Small Business Development	<b>3.37%</b>	0.00%	<b>9.52%</b>	0.00%	1.92%	0.00%	<b>23.91%</b>	0.00%	2.33%	1.75%	0.00%	<b>4.35%</b>
Water Resources	<b>6.74%</b>	0.00%	0.00%	1.89%	1.92%	0.00%	<b>4.35%</b>	0.00%	0.00%	1.75%	0.00%	0.00%
Development and Research	<b>8.99%</b>	<b>17.65%</b>	<b>3.17%</b>	1.89%	<b>3.85%</b>	0.00%	0.00%	<b>3.85%</b>	0.00%	0.00%	0.00%	0.00%
Roads Construction and Maintenance and Safety	<b>8.99%</b>	<b>17.65%</b>	<b>3.17%</b>	1.89%	<b>3.85%</b>	0.00%	0.00%	<b>3.85%</b>	0.00%	0.00%	0.00%	0.00%
Natural Resources, Land and Forest Management	<b>10.11%</b>	<b>5.88%</b>	0.00%	0.00%	<b>3.85%</b>	0.00%	2.17%	0.00%	0.00%	0.00%	0.00%	0.00%
Electricity, Electrification	<b>20.22%</b>	1.47%	0.00%	<b>5.66%</b>	0.00%	1.52%	<b>4.35%</b>	0.00%	0.00%	<b>3.51%</b>	0.00%	0.00%