



THE NAVAJO NATION

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CONTACT: GEORGE HARDEEN
COMMUNICATIONS DIRECTOR
OFFICE – 928-871-7917
CELL – 928-309-8532
pressoffice@opvp.org

2005 efficiency report on Navajo Nation Council outlines justifications for President's government reform initiative

WINDOW ROCK, Ariz. – A 2005 study commissioned by the Navajo Nation Council to evaluate its effectiveness found that it has poor legislative record-keeping, delegates are prevented from dealing with issues that should be heard by the full Council but often are not, and oversight committees spend more than half their time micro-managing executive branch functions.

Titled "Final Report to the Navajo Nation Council Subcommittee on Legislative Branch Effectiveness," the 82-page report repeatedly recommends that the Council re-evaluate how it oversees the Executive Branch.

"Delegation of decision-making authority to the executive branch and its respective agencies would allow the Council and its legislative committees to focus more exclusively on policy development and would preserve the balance of power that a three-branch government provides," the report states.

Navajo Nation President Joe Shirley, Jr., said the report's findings document what is commonly known among tribal employees and division directors but may not be known by the Navajo people.

"The people may ask why they haven't heard of this study before," the President said. "As a report card, it gives our legislative body a low grade."

Besides the Council's repeated depletion of the Undesignated, Unreserved Fund and waiver of the Appropriations Act and other laws, the President said the efficiency report provides the qualitative analysis the Navajo people have been seeking that further justifies reducing the size of the Navajo Nation Council.

More than anything else, he said, the study demonstrates a long-term ineffectiveness of the large, cumbersome legislative body, and the need for government reform that begins with reducing its size.

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– Final Report to the Navajo Nation Council
Subcommittee on Legislative Branch Effectiveness

The study examined a six-year period from 2000 to 2005. All records and data for the report were provided by the legislative branch although no information was provided from three Council standing committees in 2000, 2004 and 2005 respectively, the report states.

Data was compiled and the report written between October and December 2005 by the National Conference of State Legislatures and its subcontractors JVA Consulting and Mark Fleming.

The report is available online from the Navajo Government Development Office website at www.ongd.navajo.org/files/frnnc.pdf.

The report says the biggest challenge the researchers faced was ensuring accuracy because of the unclear nature of legislation, missing information, and errors.

“The most critical reason was lack of a common understanding of the nature of resolutions considered by the Navajo Nation Council and its standing committees,” the report states. “A second challenge was incomplete data. The third was possible errors in the coding and processing of data.”

The Navajo Nation Council refers to legislation it considers and passes as a “resolution.”

In recent criticism of President Shirley’s initiative on government reform, Navajo Nation Council Speaker Lawrence T. Morgan was quoted in the media as saying a reduction of the council to 24 delegates would limit services to the people.

However, the Council’s efficiency report said providing services is a function that belongs to the executive branch, not the legislative branch, and that the Council should refrain from micro-managing.

“Re-examining the role and function of the legislative and executive branch [sic] may be helpful in determining which administrative actions should be handled by which branch,” the report states. “Many of the administrative actions considered by the Navajo Nation Council are functions more appropriately handled by the administrative agencies within the executive branch and should be delegated accordingly.”

Increasing costs of the legislative branch are not a result of passing more laws but of inefficiency, it says.

“Workload and cost increases within the legislative branch appear to be more a result of procedural and systemic inefficiencies than an increase in the overall number of resolutions considered in each session,” the report states.

The study’s research includes a qualitative analysis of the number of pieces of legislation that were introduced over six years, the number of assignments to standing

committees, and a growth and trend analysis over a five-to-15 year period.

“The Navajo Nation Council (needs) to assess how it would like to operate versus how it actually does operate, and determine what steps are necessary to bridge this gap.”

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Among its other major findings:

- From 2000 to 2005, the Navajo Nation Council considered between 800 to 1,300 pieces of legislation each year. In four of the years studied, legislation dealt with executive branch functions 56-to-58 percent of the time, and once – in 2004 – 42 percent of the time.

“In almost every year considered, more than 50 percent of the resolutions were primarily focused on administrative matters,” the report states.

And of those, it says, nearly a quarter of the resolutions focused on grant and contract issues.

- While the Navajo Nation Council is supposed to be a policy-making body, a majority of its policy decisions are being made by standing committees and are not reaching the full council.

“It is unclear whether they ever receive the attention of the full Council,” the report states.

- Of 2,950 policy resolutions considered from 2000 to 2005, only 391 appear on the Navajo Nation Council’s resolution logs.

“With so many resolutions apparently being handled by the committees alone, many delegates are prevented from commenting or acting on a number of substantive policy issues,” the study states. “The Navajo Nation

Council may wish to consider if it wants the committees to have decision-making authority over policy issues that may never be heard by the full Council.”

- When it comes to drafting policy, 40-to-50 percent of the policy-focused resolutions considered by committees were of a “non-substantive” nature.

“This distinction between the substantive and non-substantive policy resolutions is important if the goal of the legislative branch is to focus on policy development as much as possible.”

- The legislative branch tends to interfere in the functions of the executive branch.

“Although the council does not appear to handle a large number of administrative resolutions, the committees consider a nearly equal blend of policy and administrative matters,” the report states.

The report makes clear that the role of the Legislative Branch is to develop policy and to appropriate funds necessary to operate the government, and that the role of the Executive Branch is to administer programs established by the Legislative Branch.

However, to improve the Council’s efficiency, it recommends re-examining these roles and functions to determine which administrative actions should be handled by which branch.

“A necessary first step in the reform process is for the Navajo Nation Council to assess how it would like to operate versus how it actually does operate, and determine what steps are necessary to bridge this gap,” the report states.

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