



THE NAVAJO NATION

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Second Navajo Government Development Office efficiency report reveals Navajo Nation Council representation expensive, excessive

WINDOW ROCK, Ariz. – A second Navajo Government Development Office efficiency report shows that the Navajo Nation Council is significantly more expensive than other legislatures but is better paid, has attendance problems although delegates have time to sit on other governmental bodies, and has the highest percentage of representation per constituent in the country.

The November 2001 report, titled *Lawmaking and Oversight Efficiency Study; Increasing the Efficiency of the Navajo Nation Council and Standing Committees*, is a comparative analysis of the Navajo Nation Council measured against other state, county and city governments.

The report examines the scope of legislator responsibilities, costs of lawmaking, productivity of meetings, and information management.

Data for the report were compiled from surveys of council delegates and legislative staff by ETD Environmental Consulting of Flagstaff, Ariz.

Among the areas identified as needing improvement were delegate professionalism, meeting attendance and tardiness, committee assignments based on expertise, and the publication of voting and attendance records.

The report is available from the Navajo Government Development Office but is not posted on its website.

Despite findings of inefficiency, high costs, and a lack of delegate preparation, the report expressed doubt that Navajo Nation Council delegates would make the necessary changes to bring greater efficiency to their lawmaking process, or that they would implement its recommendations.

“The likelihood that the current delegates would vote for such changes, however, is doubtful,” the report concludes. “The unwillingness of delegates to change their attitude

“The unwillingness of delegates to change their attitude toward their responsibilities may be the number one barrier to more effective and efficient lawmaking on the Nation.”

– *Lawmaking and Oversight Efficiency Study; Increasing the Efficiency of the Navajo Nation Council & Standing Committees*

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Navajo Nation President Joe Shirley, Jr., said the second report means that more than enough data exists for Navajo voters to place an initiative on the November ballot about reducing the size of the Navajo legislature, especially when combined with findings of a 2005 efficiency report titled *Final Report to the Navajo Nation Council Subcommittee on Legislative Branch Effectiveness*.

“When the people ask whether the Navajo Nation Council needs to be reformed, the answer is yes, according to the Navajo Nation Council’s own information,” President Shirley said. “These reports show that the Navajo people are not getting the government their money is paying for but that council delegates are.”

Navajo Nation Council Speaker Lawrence T. Morgan has criticized the government reform initiative, saying reducing the council from 88 to 24 delegates would limit representation of the Navajo people.

But the report found that the 88-member council provides 26 times the representation per constituent than the Arizona Legislature at 30 percent more cost per legislative item.

“Transparency of government is a major component of advanced governments. The Navajo Nation needs to promote public involvement even at the expense of the comfort level of the delegates.”

– Lawmaking and Oversight Efficiency Study, Navajo Government Development Office

Even reducing the council to 24 delegates would still provide 13 times the representation per constituent than the Arizona Legislature, and would remain one of the highest levels of representation of any legislature in the country.

The report documents that when examined by several standards of measurement, the Navajo Nation is currently over-represented by an 88-member legislature compared to state, city and county governments.

When measured by population, figures ran from a high in Arizona of 54,000 constituents per legislator to a low in West Virginia of 13,500 constituents per legislator. In the states the report studied, the average figure was 27,380 constituents per legislator.

By comparison, Navajo Nation delegates represented only 2,100 constituents in 2001 – or about 26 times fewer than those represented by Arizona legislators – and 13 times fewer than the average state legislator.

Today, each council delegate represents an average of 3,409 constituents, which is still significantly fewer constituents than their state legislative counterparts.

To measure the cost of legislation, the level of responsibility held by individual lawmakers was determined by quantifying the general fund budget per lawmaker in each legislative

body. These ranged from a high of \$72 million per representative in Arizona to a low of \$31 million per representative in Nevada.

By comparison, the 2002 Navajo Nation general fund budget was only \$1.4 million per delegate. This represents a significantly lower proportion of responsibility than their counterpart state lawmakers, the report states.

When measured against the cost of lawmaking, however, the opposite was found, with costs per Navajo Nation Council delegate being significantly higher than those for state legislators.

“Total legislative costs for items introduced for the states studied ranged from a high of \$19,900 per legislative item in Arizona to a low of \$11,200 per legislative item in Utah,” the report states.

“The (Navajo Nation Council) cost per legislative item was \$30,000.”

The report found that salary costs per legislative item put the Navajo Nation Council pay scale far ahead of state legislatures. These ranged from a high of \$1,765 in the Arizona legislature per item to a low of \$181 in the Nevada legislature.

That compared to \$4,678 per legislative item for the Navajo Nation Council, which can be view as either financially inefficient lawmaking for the public or lucrative lawmaking for lawmakers.

“The cost of legislation for the (Navajo Nation Council) is very high,” the report states. “Average total state legislative cost per legislative item was less than \$20,000, whereas the comparable cost for the (Navajo Nation Council) is greater than \$30,000.”

The Navajo Nation’s total legislative budget for FY 2002 was \$12.6 million, and delegates’ salaries totaled \$4.5 million, the report said. That equals 40 percent of the total legislative budget. New Mexico spends five percent of its total legislative budget on legislators’ salaries, it said.

The Navajo Nation Legislative Branch budget for FY 2008 is \$31.5 million, nearly two-and-a-half times the FY 2002 amount.

What is needed, the report states, is more policy and budget analysts, and a better record-keeping system for the legislative branch.

"If the Navajo Nation legislative budget were less burdened by the high percentage going to salaries for delegates, it might be possible to fund these new components without an overall increase in the budget," the report states.

Speaker Morgan criticized the government reform initiative by saying reducing the council to 24 members would result in less contact between delegates and constituents, leaving less time for delegates to address Navajo needs.

Because the report found that council delegates sit on many other boards and government bodies, it said that takes time away from their responsibilities as full-time delegates.

"A (Navajo Nation Council) delegate who is paid a full-time salary should understand that this service should have a higher priority than all other public services," the report states. "Survey participants strongly recommended that delegates refrain from participating on schools boards and tribal enterprise boards."

The report recommended that board memberships be listed as an incompatible service while serving as a delegate under Section 104 of Title II, along with employment by the federal government or being an elected federal official.

The report states there is a need for greater professionalism on the part of delegates.

"A higher degree of professionalism is needed among some delegates to increase efficiency," the report states. "It is proposed that enhanced enforcement mechanisms be developed through amendments to Title II and the Navajo Nation Council Rules of Order, which will empower the leadership to hold the delegates to a higher level of professionalism."

It noted that a source of inefficiency, termed "the most frequent and frustrating challenge," was that both committee and council meetings fail to start on time because delegates are either late or absent.

One the reasons cited for this by the report is because of delegates' membership on other boards "which takes away from their full-time paid position as a council delegate."

Among other challenges confronting council committees, the report said, was "too much focus on personal issues, out of town meetings are non-productive, delegates are not prepared for meetings, too much time is spend on each agenda item, too many outside interferences such as phone calls and other meetings, delegates leaving early, and lack of communication between the oversight committee and the division."

Although Speaker Morgan has said that reducing the council's size would discourage the public's participation in government, the report noted that more public involvement was needed in 2001 and urged that it be encouraged through the dissemination of council information, particularly delegate voting and attendance records.

"Transparency of government is a major component of advanced governments," it states. "The Navajo Nation needs to promote public involvement even at the expense of the comfort level of the delegates."

President Shirley has said three significant examples of the council limiting public involvement have occurred since December. One example is when it abolished the Government Reform Commission and moved its office under the authority of the Speaker's office.

A second is legislation passed during its spring session that revised the Eastern Navajo Agency Land Commission's plan of operation that called for the Speaker to appoint six council delegates as members, leaving local officials and citizens only one place on the commission. The President vetoed the legislation for that reason.

A third instance was legislation introduced during the spring session that calls for removing the Navajo Nation Board of Education's elected members, slashing the board's authority and giving it to the council's education committee. The legislation was referred back to the committee.

The report also found that council agency caucuses are not used to inform and educate delegates about proposals and issues that go before the full council.

Although the purpose of caucuses is to inform delegates about issues, information is often prohibited from being disseminated unless approved by the caucus sponsor, preventing delegates from hearing opposing views.

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