



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

MEMORANDUM

TO: Honorable LoRenzo Bates, *Speaker*
23rd Navajo Nation Council

FROM: 
Russell Begaye, *President*
THE NAVAJO NATION

DATE: November 2, 2018

SUBJECT: **Resolution No. CO-70-18: AN ACT RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER AND NAA'BIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. §§ 1031, 1033, 1034 AND 1035 RELATING TO THE VETERANS ADVISORY COUNCIL**

Pursuant to 2 N.N.C. § 1005(C)(10), action for Resolution No. CO-70-18 is being submitted to the Navajo Nation Council, through the Office of the Speaker, within the ten (10)-day requirement.

After thorough review of Resolution No. CO-70-18, I hereby exercise my veto authority, pursuant to 2 N.N.C. § 1005(C)(11), to **Resolution No. CO-70-18: An Act Relating to Health, Education and Human Services, Law and Order and Naa'bik'íyáti' Committees and the Navajo Nation Council; Amending 2 N.N.C. §§ 1031, 1033, 1034 and 1035 Relating to the Veterans Advisory Council**. The justification for the use of the President's veto authority is set forth below:

Resolution No. CO-70-18 is premature as it was drafted and passed by the Navajo Nation Council without input from all five Navajo Nation Agencies. Resolution No. CO-70-18 is divisive as evidenced by the Eastern Navajo Agency Veterans Organization's Resolution No. ENA-CVO-010-18 (see attachment) strongly opposing the amendments of 2 N.N.C. §§ 1031, 1033, 1034 and 1035, and requesting the Health, Education and Human Services Committee, Law and Order Committee and the Naa'bik'íyáti' Committees and the Navajo Nation Council to oppose the proposed legislation in the best interests of the Eastern Navajo Agency Veterans Organization:

6. Mr. Kee Allen Begay the sponsor of the legislation has not come before us the Eastern Navajo Agency Veterans Organization meeting to orientate the proposed legislation to our (31) Chapters Veterans Organization; and

7. The Eastern Navajo Agency Veterans Organization have observed we do not have all the membership of the Navajo Veterans Advisory Council serving in our Easter[sic] Navajo Agency Veterans Organization best interest.

ENA-CVO-010-18

A veteran's advisory body should be one that is unifying and equally representative of all Navajo veterans from all agencies. In order to create an advisory body that is truly representative of all Navajo veterans, it is the firm belief of this Administration that any modifications to the current Veterans Advisory Council shall be done so with the input from veterans from all five agencies. This task should be accomplished through public forums held throughout the Navajo Nation—an opportunity for all Navajo veterans to speak to the potential reorganization of an advisory body tasked with the responsibility of representing their best interests.

For these reasons, I must exercise my veto authority, pursuant to 2 N.N.C. §1005(C)(11) to Resolution No. CO-70-18.

SCANNED
7/20/2018 10:30
E-MAILED
10/30/18



Eastern Navajo Agency Veterans Organization
P. O. Box 570
Crownpoint, New Mexico 87313
(Contact Number: 505/786-2030)



George H. Tolth, Commander

Lester Emerson, Vice-Commander

Jerry Whiterock, Secretary/Treasurer

ENA-CVO-010-18

RESOLUTION OF THE EASTERN NAVAJO AGENCY VETERANS ORGANIZATION

THE EASTERN NAVAJO AGENCY VETERANS ORGANIZATION HEREBY STRONGLY OPPOSED THE AMENDING 2 N.N.C. § § 1031, 1033, 1034, AND 1035 RELATING TO THE VETERANS ADVISORY COUNCIL TO CHANGE TO THE BOARD OF COMMISSIONER. REQUESTING THE HEALTH, EDUCATION & HUMAN SERVICE COMMITTEE, THE LAW AND ORDER AND NAABIK'IYATI' COMMITTEES AND THE NAVAJO NATION COUNCIL TO DISAPPROVE THE PROPOSED LEGISLATION 0467-17 THE BOARD OF COMMISSIONER FOR THE NAVAJO NATION VETERANS ADVISORY COUNCIL.

WHEREAS:

1. Pursuant to CJA - 3- 16, the Health, Education, and Human Services Committee was given oversight responsibilities over the Navajo Nation Veterans Administration and the Navajo Nation Veterans Advisory Council. The committee was further authorized to approve plans of operation for these entities, respectively. 2N.N.C. § 1034.
2. Pursuant to the Health, Education & Human Services Committee of the Navajo Nation Government, the Eastern Navajo Agency Veterans Organization was sanctioned and certified as a sub-division of the Navajo Nation Government to serve in the best interest of the local Navajo people, including Veterans surviving spouses and dependents, and Gold Stars Mothers; and
3. Pursuant to the Navajo Nation Council Resolution CMA- 25-71, the Eastern Navajo Agency Veterans Organization was established, and which also established the Navajo Nation Administration Veterans Affairs within the Executive Branch of the Navajo Nation; and
4. The Eastern Navajo Agency Veterans Organization is comprised of 31 Eastern Agency Navajo Veterans Organizations; and
5. The Eastern Navajo Agency Veterans Organization and family members had their monthly meeting on July 12, 2018 at 8:00 am, at Sky City Casino, Acoma, New Mexico. The Veterans and family members had lengthy of discussion and disagreed with the proposed legislation by amending the Navajo Veterans Advisory Council to Board of Commissioner; and
6. Mr. Kee Allen Begay the sponsor of the legislation has not come before us the Eastern Navajo Agency Veterans Organization meeting to orientate the proposed legislation to our (31) Chapters Veterans Organization; and
7. The Eastern Navajo Agency Chapter Veterans Organization have observed we do not have all the membership of the Navajo Veterans Advisory Council serving in our Easter Navajo Agency Chapter Veterans Organization best interest.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Eastern Navajo Agency Chapter Veterans Organization hereby strongly opposed to amending 2 N.N.C. § 1031, 1033, 1034, and 1035 relating to the Veterans Advisory Council to change to the Board of Commissioner.
2. Therefore, we are requesting the Health, Education & Human Service Committee, the Law and Order and Naabik'iyati' Committees and the Navajo Nation Council to oppose the proposed Legislation 0467-17 in the best interest of the Eastern Navajo Agency Chapter Veterans Organization.

Motioned by: Mr. Willie Norton

Seconded by: Mr. Alvin Brown

CERTIFICATION

We hereby certify that the foregoing resolution was considered by a duly called regular special meeting of the Eastern Navajo Agency Veterans Organization, at Sky City Casino, Acoma, New Mexico (Navajo Nation) at which the same was approved by a vote of **40** in favor, **01** opposed, and **12** abstained on this 12th day of July 2018.

*George H. Tolth, Commander
Eastern Navajo Agency Veterans Organization*

*Lester Emerson, Vice-Commander
Eastern Navajo Veterans Organization*

*Jerry Whiterock, Secretary/Treasurer
Eastern Navajo Agency Veterans Organization*

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL -- Fourth Year, 2018

AN ACT

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. §§ 1031, 1033, 1034 AND 1035 RELATING TO THE VETERANS ADVISORY COUNCIL

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Health, Education and Human Services Committee of the Navajo Nation Council reviews and recommends resolutions relating to veterans and the Veterans Advisory Council. 2 N.N.C. §§ 400(A), 401 (B)(6)(a) and 1034.
- B. The Law and Order Committee of the Navajo Nation Council reviews and makes recommendations to the Navajo Nation Council proposed amendments to the Navajo Nation Code and possess oversight authority over the Navajo Nation Division of Public Safety. 2 N.N.C. §§ 601 (B)(14) and 601 (C)(1) (2012).
- C. The Naabik'iyáti' Committee of the Navajo Nation Council reviews proposed legislation which requires final action by the Navajo Nation Council. 2 N.N.C. § 164 (A)(9).
- D. Enactments of positive law must be reviewed and approved by resolution by the Navajo Nation Council. 2 N.N.C. § 164(A).

SECTION TWO. FINDINGS

- A. The Navajo Nation Veterans Advisory Council was established through Resolution CJA-3-16, attached as **Exhibit A**.
- B. The current Veterans Advisory Council is limited in their authority to properly execute the needs of Navajo veterans.
- C. Supporting resolution by the Fort Defiance Agency Veterans Organization is attached as **Exhibit B**.
- D. Supporting resolution by the Northern Agency Veterans Organization is attached as **Exhibit C**.
- E. Pursuant to 2 N.N.C. 1035, amendments to the articles require a two-thirds (2/3) vote of the Navajo Nation Council upon recommendation from the Navajo Nation Veterans Advisory

Council. See Navajo Veterans Advisory Council Recommendation attached as **Exhibit D**.

- F. It is in the best interest of the Navajo Nation to amend Title 2 of the Navajo Nation Code to change the composition of the Navajo Nation Veterans Advisory Council to a Navajo Nation Veterans Board of Commissioners.

SECTION THREE. AMENDING NAVAJO NATION CODE TITLE 2

The Navajo Nation amends the Navajo Nation Code, Title 2 as follows:

NAVAJO NATION CODE
TITLE 2. NAVAJO NATION GOVERNMENT
CHAPTER 5. EXECUTIVE BRANCH
SUBCHAPTER 1. GENERALLY

ARTICLE 3. NAVAJO NATION VETERANS ADMINISTRATION

§ 1031. Navajo Nation Veterans Administration establishment

- A. The Navajo Nation Veterans Administration is established under the Office of the President and Vice-President of the Navajo Nation. The President of the Navajo Nation, ~~after consultation with the Navajo Nation Veterans Advisory Council,~~ shall retain by contract for a term of six (6) years an Executive Director who shall head the Veterans Administration, upon the selection and continuing recommendation by the Navajo Nation Veterans Board of Commissioners.

ARTICLE 4. NAVAJO NATION VETERANS ~~ADVISORY COUNCIL~~ BOARD OF COMMISSIONERS

§ 1033. Navajo Nation Veterans ~~Advisory Council~~ Board of Commissioners Establishment

- A. The Navajo Nation Veterans ~~Advisory Council~~ Board of Commissioners is established under the Executive Branch of the Navajo Nation government with legislative oversight by the Health, Education and Human Services Committee.
- B. The purpose and authority of the Veterans ~~Advisory Council~~ Board of Commissioners is to ~~provide policy advice to~~

recommend and advise the President of the Navajo Nation and the Navajo Nation Council regarding veteran issues and concerns relating to funding, housing, Veterans Administration, policies, regulations, and other issues relating to veterans.

C. Membership, selection, term of office

1. A Navajo Nation Veterans ~~Advisory Council~~ Board of Commissioners is established consisting of ~~eleven~~ ten (10±) members.
2. The ~~Advisory Council~~ Board of Commissioners shall consist of the ten (10) Agency Veteran Commanders, one (1) female and one (1) male selected by each Agency.
3. All ten (10) ~~as the~~ Commissioners shall be designated voting members. ~~with the~~ Administration Executive Director and a designee from the Blue Star Mothers or Gold Star Mother and disabled veteran acting as a shall be non-voting members of the Commission.
34. The ~~Advisory Council~~ Board of Commissioners shall select from its voting members a Chair and Vice-Chair.
45. Designated ~~members~~ Commissioners shall be Veterans selected ~~and/or removed~~ by their respective Chapter Veteran Organizations, and confirmed by the Health, Education and Human Services Committee of the Navajo Nation Council. Commissioners shall be removed upon the recommendation by the Commissioner's respective Chapter Veterans Organization and a vote by the Health, Education and Human Services Committee of the Navajo Nation Council.
56. The ~~Council~~ Commissioners shall meet on a ~~quarterly~~ bi-monthly basis and as necessary. Voting members shall receive a meeting stipend, and travel expense reimbursement and budget pursuant to Navajo Nation laws, policies and procedures and budget.
7. The Board of Commissioners shall have a reoccurring budget and technical support for all meetings.

D. Authority of the Board of Commissioners

1. To hire and terminate the Administration Executive Director.

2. To approve the rules, policies and procedures for the Board of Commissioners and the Veterans Administration in accordance with the laws of the Navajo Nation.
3. To recommend to the Health, Education and Human Services Committee and Navajo Nation Council the adoption of legislation appropriate to address the concerns of veterans and veteran affairs.
4. To review and make recommendations for funding and budget matters of the Board of Commissioners and the Veterans Administration.

§ 1034. Oversight

The Navajo Nation authorizes the establishment of the Navajo Nation Veterans Administration and the Navajo Nation Veterans ~~Advisory Council~~ Board of Commissioners. Legislative oversight and confirmation and removal of voting Commissioners shall be provided by the Health, Education and Human Services Committee of the Navajo Nation Council, which will have final approval of the respective plans of operation.

§ 1035. Amendments

~~These~~ These Articles may be amended by a two-thirds (2/3) vote of the Navajo Nation Council upon recommendation from the Navajo Nation Veterans ~~Advisory Council~~ Board of Commissioners.

SECTION FOUR. APPROVAL AND ACCEPTANCE OF AMENDMENTS TO 2 N.N.C. §§ 1031, 1033, 1034 AND 1035 RELATING TO VETERANS AGENCY COUNCIL

The Navajo Nation hereby approves the Amendments to 2 N.N.C. §§ 1031, 1033, 1034 AND 1035.

SECTION FIVE. DIRECTIVE TO AMEND PLANS OF OPERATION

Divisions, departments and programs of which these amendments affect, shall within 90 days of approval of this action amend the respective Plans of Operation to ensure conformity with these amendments.

SECTION SIX. CODIFICATION

The provisions of the Act, which amend or adopt new sections of the Navajo Nation Code, shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall

incorporate such amended provisions in the next codification of the Navajo Nation Code.

SECTION SEVEN. SAVINGS CLAUSE

Should any provision of this Act be determined invalid by the Navajo Nation Supreme Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, the remainder of the Act shall remain the law of the Navajo Nation.

SECTION EIGHT. EFFECTIVE DATE

The provisions of this Act shall become effective in accord with 2 N.N.C. § 221(B) and § 1035.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 19 in favor and 00 opposed, on this 17th day of October 2018.



LoRenzo C. Bates, Speaker
23rd Navajo Nation Council

10-23-18

Date

Motion: Honorable Alton Joe Shepherd

Second: Honorable Jonathan Perry

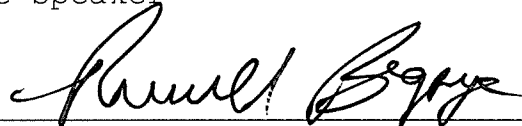
Speaker LoRenzo C. Bates not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (c)(10), on this _____ day of _____ 2018.

Russell Begaye, President
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (c)(11), on this 2nd day of November 2018 for reason(s) expressed in the attached letter to the Speaker



Russell Begaye, President
Navajo Nation