



The 21st Navajo Nation Council

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Council tables one item for Nov. 4 Special Session, votes against Orlanda Smith-Hodge's proposals to amend Title 2 of the Navajo Nation Code

WINDOW ROCK, Ariz. – The third day of the 2010 Fall Session ended with the 21st Navajo Nation Council denying passage of the Caucus Membership Act of 2010 and the Committee Appointments Act of 2010 and the tabling of an item until the Nov. 4 Special Session.

The session began with heavy discussion that led to an executive session of a legislation that would approve a construction contract between the Navajo Nation and RJN Construction Management, Inc., for completion of the Shiprock Home for Women and Children. RJN Construction Management Inc., started construction of the shelter and left the project idle at 80 percent completion after being suspended by the Navajo Housing Authority for being in noncompliance with NAHASDA regulations and NHA polices.

The legislation, sponsored by Danny Simpson, requires the Council to waive provisions in Titles 2, 5, 7 and 12 of the Navajo Nation Code to approve the construction contract, which the Navajo Department of Justice says to rebid out because the loss of funding for the project "does not meet the requirements of an emergency condition as defined in the procurement process."

Despite Navajo DOJ's stance, Simpson said he would like to see the Council approve the construction contract for completion of the shelter before money allocated for this project is reverted back to the State of New Mexico. As a result of its budget deficit, the state is looking at various capital outlay funds to help even out its budget.

Simpson said a New Mexico JPA grant of \$1.1 million and Navajo Nation Abandoned Mines Lands Program funds in the amount of \$300,000 complies with the emergency procurement requirements and would complete the construction of the shelter. Currently, the shelter rents out a modular facility at \$6,000 per month as a result of its incomplete facility and would incur more costs if the construction contract was rebid out.

The shelter provides services to women and children, including men who are victims of domestic violence.

Gloria Champion, executive director for the Shiprock Home for Women and Children, said the temporary shelter is overcrowded, cold during the winter, and has homeless families staying at the shelter, which is mostly attributed to the harsh economic conditions.

In an effort to maintain the shelter funds, the Council voted to table the legislation until a Nov. 4 Special Session and directed Navajo DOJ to do all it can to save the funds for the project. The Council voted 55-5 to table Simpson's legislation.

In other action, the Council voted against Orlanda Smith Hodge's pieces of legislation: the Caucus Membership Act of 2010 and the Committee Appointments Act of 2010. Smith Hodge sponsored the "acts" in an effort to help transition the 22nd Navajo Nation Council by amending provisions in Title 2 of the Navajo Nation Code.

The Caucus Membership Act of 2010 would have allowed agency caucuses to recommend the appointment of Council delegates for standing committee membership and the confirmation of those appointments by the Navajo Nation Council. Essentially, the Act would have eliminated the Speaker's role in recommending the appointment of Council delegates to standing committees, except at-large committees.

"These laws need to be changed during a regular session," Smith Hodge said. "The amendments to these laws have to happen now because the new Council would not be able to change those laws on their own. When the new administration comes in, they will have the opportunity to further amend. This legislation is a tool for the new Council."

In spite of Smith Hodge's logic, most other Council delegates disagreed with the proposal.

"We all know the people voted to downsize the Council and the ruling of the Supreme Court said not to interfere with Title 2," said Amos Johnson. "This legislation allows for amending Title 2. It is up to the 24 Council delegates who will come into office to make those changes."

"As a Council, we go through these unnecessary exercises," added Leonard Tsosie. "I wish we could save our time because there are more pressing needs and pieces of legislation needed to address more important issues out there. I do not know if one legislator should bind the future legislature – the 22nd Navajo Nation Council."

Mr. Tsosie also said the Caucus Membership Act would prevent the Navajo people from implementing their ideas in the restructuring of the Legislative Branch.

Chief Legislative Counsel Frank Seanez said Title 2 amendments for such a proposal could "be left to the 22nd Navajo Nation Council and will not bring the 22nd Council to an immediate and grinding halt."

After various "points of order" and "questions of privilege," the Council voted 46-18 to deny passage of the Caucus Membership Act of 2010 in the best interest of the Navajo Nation and more importantly the Navajo people.

Like the Caucus Membership Act, the Committee Appointments Act of 2010 was denied passage on a vote of 38-24. The act would have appointed members of the new Council to be appointed to multiple standing committees, boards and commissions.

Day four of the 2010 Fall Session will resume tomorrow with more legislative action items. For more information regarding the adopted agenda and pieces of proposed legislation, please visit www.navajonationcouncil.org.

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