



NAVAJO NATION DEPARTMENT OF JUSTICE OFFICE OF THE ATTORNEY GENERAL

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Department of Justice – Chapter Unit Report Northern Navajo Agency Council Meeting March 15, 2025

I. Amendments to the Local Governance Act (LGA)

In 2024, the Chapter Unit (CU) emailed the four (4) models of LGA amendments to all 110 Chapters. CU also provided a report to the ENAC on 9/13/24 and 12/14/24. Also in December, Legislation 0270-24 proposed to amend the LGA by combining models one and three. The combined model offered: 1) to certify the FMS template for the remaining Chapters; 2) allow each Chapter to decide whether to allow Officials to supervise the Chapter Executive or to appoint a Chapter Executive to serve at the pleasure of the community; 3) allow Chapters to regionalize; and 4) officially recognize Agency Councils in the Navajo Nation Code within the LGA. However, the Legislation was withdrawn by the Sponsor in early January after the Resources & Development Committee (RDC) received a report from the Auditor General's Office which created concerns for certifying the remaining sixty-five (65) non-governance certified Chapters to become governance certified.

On February 11, 2025, the RDC held a Leadership Meeting to discuss possible amendments to the LGA. The CU, Auditor General, and Administrative Service Center each provided an oral report. The RDC offered numerous suggestions and also requested to revisit models two and four. Accordingly, CU drafted LGA amendments which combined models two and four. The new draft was shared with all 110 Chapters via email on February 26, 2025. The basic differences between the combined models are illustrated below.

COMBINING 1 & 3	COMBINING 2 & 4
<u>110 LGA CERTIFIED CHAPTERS</u> 65 non-governance certified Chapters forced to adopt the template FMS.	<u>KEEP NON-LGA CERTIFICATION</u> Non-LGA can exercise new §103(A) LGA Certified still has §103(D) & (E) powers
<u>SUPERVISION OF CHAPTER EXECUTIVE</u> Chapter Official supervises the Chapter Executive (old model one); <u>or</u> Chapter Executive is appointed and serves an at-will position who can be removed by Chapter Resolution (old model two).	<u>SUPERVISION OF CHAPTER EXECUTIVE</u> For Non-Governance Certified Chapters, Chapter employees remain under DCD. For LGA Certified Chapters, option to designate a Chapter Official to supervise the Chapter Executive or have the Chapter Executive serve an at-will appointed position who can be removed by Chapter Resolution.
<u>REGIONALIZATION OPTION</u> new §3001 - §3004	
<u>AGENCY COUNCILS</u> new §4001 - §4004	<u>AGENCY COUNCILS</u> new §3001 - §3004

II. Amendments to the 2010 Five Management System

Unfortunately, not much progress made in this second quarter. Therefore, the status remains unchanged.

- A. Personnel – New draft incorporates the structures of Alternative Forms of Government. We also want to make it consistent with the Navajo Nation Personnel Policies Manual which is also being revised.
- B. Fiscal – New draft adds the ability for Chapters to make payments by debit card. Once completed, this will be shared with the Auditor General's office for their review.
- C. Property – The Navajo Nation's Property Management System is being evaluated to see if any of those provisions could be added to the Property FMS.
- D. Records – Not yet amended.
- E. Procurement – Not yet amended but CU anticipates that when the Navajo Nation Procurement Regulations are enacted by the Budget & Finance Committee, CU will be adding the additional options as well.

III. Rules of Order for Chapter Meetings

Section 1003(C) of the LGA allows Chapters to adopt standard rules of order to conduct Chapter Meetings. However, many Chapters have not adopted any rules of order. Many Chapter mistakenly believe that the Robert's Rules of Order apply to Chapter Meeting but they do not. In fact, the Robert's Rules for the Consent Calendar (a.k.a., Consent Agenda) is inconsistent with the operation of a Chapter Meeting. Therefore, one of CU's projects is to develop a template Rules of Order that will resolve those inconsistencies. This project is anticipated to be completed by the end of the second quarter.

IV. Current Cemetery & Burial Regulations; Possible Amendments

In 2024, the RDC approved the Navajo Nation Cemetery and Burial Regulations by Resolution RDCF-07-24. On February 29, 2024, the CU issued an advisory memorandum addressed to all 110 Chapters which explained the legal effect of those Regulations.

Recently, CU has been receiving questions and allegations of violations. Accordingly, the CU issued emails to all Chapters on February 18, 2025 and February 20, 2025 to remind everyone about the lack of authority of Chapter Officials/Employees to sign forms for burials occurring within a family plot. It may be prudent for Chapters to remind their community members through meetings and/or public notice of the Burial Regulations. In fact, any individual can perform a search and download a copy of the Regulations here: <https://dibb.nnols.org/publicreporting.aspx>.

V. HIGH Q

Except in limited circumstances such as disciplinary actions, the CU is not accepting requests for legal services via email. Every legal service request must be processed through the online High Q portal which can be found here: <https://nndoj.navajo-nsn.gov/High-Q>.

We have received reports from Chapters about problems they have been having with High Q. If you are having problems, please do not hesitate to reach me at rbegay@nndoj.org or Cynthia Freeman at cfreeman@nndoj.org.