

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0231-24

SPONSOR: Crystalyne Curley

**TITLE: An Action Relating to an Emergency for the Navajo Nation Council;
Appointing Michelle Espino as Chief Legislative Counsel.**

Date posted: October 23, 2024 at 2:05 PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0231-24

DATE: October 23, 2024

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; APPOINTING MICHELLE ESPINO AS CHIEF LEGISLATIVE COUNSEL

PURPOSE: The purpose of this legislation is to appoint Michelle Espino as the Chief Legislative Counsel for the Office of Legislative Counsel.

Final Authority: Navajo Nation Council

Vote Required: Simple Majority

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each Council Delegate to review the proposed resolution in detail.

OLC No. 24-515-1

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
25th NAVAJO NATION COUNCIL – Second Year, 2024

INTRODUCED BY

Venerable

Walt

[Signature]

[Signature]

[Signature]

(Prime Sponsor)

Stuen

TRACKING NO. 0231-24

Amber Kanazbah Grotty

[Signature]

RELATING TO AN EMERGENCY ACTION
RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL;
APPOINTING MICHELLE ESPINO AS CHIEF LEGISLATIVE COUNSEL

BE IT ENACTED:

SECTION ONE. AUTHORITIES

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A). As such, the Navajo Nation Council may consider proposed legislation regarding an emergency matter pursuant to 2 N.N.C. § 164(A)(16).
- B. “[M]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council.” 2 N.N.C. § 164(A)(16).
- C. The Navajo Nation Council appoints the Chief Legislative Counsel. 2 N.N.C. § 963(A).
- D. The Naabik’iyati’ Committee is composed of the full membership of the Navajo Nation Council. See eg. 2 N.N.C. § 700(B) and (D).

1 **SECTION TWO. FINDINGS**

2 A. The Navajo Nation Code at 2 N.N.C. § 963 states the manner and requirements
3 for the appointment of a Chief Legislative Counsel. Specifically, 2 N.N.C. §§
4 963 (A), (B) and (C) state:

5 2 N.N.C. § 963. Personnel

6 A. There is hereby established the position of Chief Legislative
7 Counsel, who shall be a state-licensed attorney, appointed by the Navajo
8 Nation Council upon recommendation of the Naabik’iyati’ (formerly,
9 Intergovernmental Relations) Committee of the Navajo Nation Council.
10 The Chief Legislative Counsel shall serve at the pleasure of the Navajo
11 Nation Council at a negotiated salary. The appointment shall be effective
12 upon the approval of the Navajo Nation Council. The Chief Legislative
13 Counsel shall not be allowed to engage in the private practice of law.

14 B. A state-licensed attorney or firm, selected in accordance with
15 Navajo preference laws, may be hired as the Chief Legislative Counsel
16 under a contract. Such contract shall not exceed one year and shall be
17 approved by the Navajo Nation Council upon recommendation of the
18 Naabik’iyati’ (formerly, Intergovernmental Relations) and the Budget and
19 Finance Committees of the Navajo Nation Council. Such attorney contract
20 shall require the training of a qualified Navajo replacement within the term
21 of the contract.

22 C. A non-Navajo licensed attorney may be hired only if a licensed
23 Navajo attorney cannot be found to fill the position of Chief Legislative
24 Counsel.

25 B. The Department of Personnel Management received one application from an
26 individual interested in the position of Chief Legislative Counsel. The
27 Department of Personnel Management stated in its memorandum attached as
28 **Exhibit A:** “Pursuant to your request, the Chief Legislative Counsel position
29 was advertised from July 11, 2024 to July 24, 2024. A total of 1 application(s)
30 were received at our office on or before July 24, 2024 closing date...Our

1 qualification assessment revealed that there was 1 who met the minimum
2 qualification requirements established for the position.”

3 C. The Speaker and the Selection Committee selected applicant, Ms. Michelle
4 Espino, a Navajo individual. Memorandum of Department of Personnel
5 Management, as well as employment documents, are attached hereto as **Exhibit**
6 **A.**

7 D. This legislation is put forth as an emergency measure because the Chief
8 Legislative Counsel directly advises the Navajo Nation’s legislation branch,
9 which makes critical decisions on matters directly impacting the Navajo people. It
10 is a pressing public need to have Chief Legislative Counsel appointed by the
11 Navajo Nation Council due to important decisions that need to be made by the
12 legislative branch that require legal advisement.

13
14 **SECTION THREE. APPOINTMENT**

15 The Navajo Nation Council appoints Ms. Michelle Espino as the Chief Legislative
16 Counsel, Office of Legislative Counsel, to serve at the pleasure of the Navajo Nation
17 Council. 2 N.N.C. § 963 (A).

18
19 **SECTION FOUR. EFFECTIVE DATE**

20 The appointment shall be effective upon the Navajo Nation Council’s approval. 2
21 N.N.C. § 963 (A).