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Navajo Nation President Joe Shirley, Jr., vetoes legislation to allow chapters to disapprove leases, reallocate funding

WINDOW ROCK, Ariz. – Navajo Nation President Joe Shirley, Jr., on Friday vetoed two pieces of legislation; one that would have allowed chapters to disapprove mineral and energy leases that they might not like, and the other that would have allowed chapters to reallocate funds for non-emergency purposes.

In vetoing Resolution No. CD-53-10, the President said allowing chapters to disapprove mineral and energy leases, permits, and agreements would be contrary to Navajo Nation public policy.

To avoid anticipated conflicts at the local level, unnecessary bureaucracy, and the possible deterrence of development on the Navajo Nation, authority to decide mineral and energy leases, permits and related agreements is a function that clearly should be made by central government representatives, he said.

“Each member of the Navajo Nation, through their government, holds an equitable property interest in all real estate, minerals, and interests derived therefrom,” the President said in his veto message to Navajo Nation Council Speaker Lawrence T. Morgan.

The legislation would have given chapters power to disapprove the use and development of resources even if that was in the best interest of the Navajo Nation, he said. That would impact the government’s ability to acquire property and funds for the benefit of the entire Nation, he said.

The legislation contemplated the appointment of a permanent Navajo Negotiation Team of which five members would be appointed by chapter resolution. The President said that at any given time there could be more than one ongoing negotiation involving Navajo Nation energy resources or rights-of-way.

“To expect the five-member chapter representatives to fully and fairly represent all the chapters’ interests at the same time is unrealistic and could result in serious conflicts, not only to the detriment of the respective chapters but to the Nation as a whole,” he said.

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The legislation would have caused energy development on the Navajo Nation would become much more difficult, costly, and would threaten the continued growth and success of Navajo Nation Oil & Gas Co., according to Mr. NNOGC President and CEO Wilson Groen.

The President also vetoed Resolution No. CD-55-10 which would have authorized chapters to reallocate all chapter funds regardless of whether the funds were restricted or not.

He noted that all trust funds, such as the Chapter Claims and Nation Building Funds, Veteran Trust Funds and Scholarship Funds, must be expended consistent with their respective provisions set forth in Title 12 of the Navajo Nation Code.

Failure to expend funds in accordance with the requirements set forth in the Code would result in the comingling of funds. That, in turn, would result in audit findings that negatively impact the chapters and the Navajo Nation.

“I am also concerned that should emergency funds be appropriated, yet subsequently reallocated for non-emergency purposes, the ability of the Nation to seek reimbursements from FEMA for areas where Declarations of Emergency are made and expenses incurred will be negated,” he said.

President Shirley recommended that the legislation be redrafted to specifically authorize the reallocation of general funds only, adding he understood the need for chapters to have some flexibility in the use of chapter funds.

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