



THE NAVAJO NATION

Executive Order No. 06-2023

NAVAJO NATION EXECUTIVE BRANCH DOCUMENT REVIEW

WHEREAS:

1. The President of the Navajo Nation serves as the Chief Executive Officer for the Executive Branch of the Navajo Nation government with full authority to conduct, supervise, and coordinate personnel and programs, see 2 N.N.C. § 1005 (A); and
2. The President of the Navajo Nation and Executive Branch elected officials, appointed officials, and employees hold a fiduciary responsibility obligating them to hold one another accountable in protecting the interests of the Navajo Nation and in ensuring the efficient operation of the Executive Branch; and
3. The Navajo Nation Council has clarified what documents it must review and approve and what documents it does not need to review and approve, see 2 N.N.C. §§ 164 (A) and (B); and
4. The Navajo Nation Council has reinstated the requirement that the Division Director, Controller (or designee), Director of Office of Management and Budget (or designee), and the Attorney General (or designee) review and sign certain documents by passing Resolution CJY-61-23 to be codified at 2 N.N.C. § 164 (B); and
5. I signed this resolution into law as my administration supports accountability and transparency and at the same time my administration is also seeking to streamline the Navajo Nation government to be more effective and responsive to the needs of the Navajo people; and
6. The Navajo Nation President, Vice President, or their designee are empowered to

execute contracts or agreements pertaining to the Executive Branch, see 2 N.N.C. § 222 (A); and

7. The Navajo Nation Council has outlined conditions that must be met when the Navajo Nation enters into contracts, see 2 N.N.C. § 223; and
8. The Navajo Nation Council requires that the Business Regulatory Department (“BRD”) within the Division of Economic Development ensure compliance with the Navajo Business Opportunity Act prior to the final authority approving a contract, see 5 N.N.C. § 207(C)(5); and
9. The Navajo Nation Council has defined many terms concerning document review, see 2 N.N.C. § 110; and
10. The most recent Executive Order issued on the Executive Branch document review process was issued in 2018 and implemented an outdated law, see Executive Order No. 09-2018; and
11. A 2013 Executive Order also issued on the Executive Branch document review process must be updated and replaced to implement the Navajo laws identified above and to reflect developments over the last decade, see Executive Order No. 07-2013.

THEREFORE:

I, Dr. Buu Nygren, President of the Navajo Nation, by the power vested in me hereby order:

1. Executive Order No. 09-2018 is rescinded in its entirety.
2. Executive Order No. 03-2013 is being updated and replaced with this Executive Order No. 06-2023.

I further order that:

1. There continue to be three (3) categories of document review:
 - a. Section 164(A) Review: covering documents that require Legislative

- approval under Section 164(A) of Title 2 of the Navajo Nation Code.
- b. Section 164(B) Review: covering documents that require review and signature of Executive Branch officials or employees prior to execution by the President under Section 164(B) of Title 2 of the Navajo Nation Code.
 - c. Executive Official Review: covering documents that require review and signature of the Navajo Nation President or other Executive Branch official or employee pursuant to Navajo Nation laws or may require Legislative approval and are not documents listed in Sections 164 (A) and (B) of Title 2 of the Navajo Nation Code.
2. All documents be reviewed by the applicable Division Director at the start of the document review process.
 3. All documents that require action by the Legislative Branch be reviewed by the Office of the President and Vice President before submission to the Legislative Branch for action.
 4. The use of a 164 Review Form and an Executive Official Review Form for signature by Reviewing Officials until such time an adequate electronic replacement is available.
 - a. The Office of the Controller shall continue to manage those Review Forms and issue document control numbers through the Navajo Nation's Financial Management Information System ("FMIS") until such time as an adequate replacement is available.
 - b. I further order that when a document is expending Fiscal Recovery Funds, which are funds provided to the Navajo Nation from the United States through the American Rescue Plan Act, the review form shall be printed on bright yellow and shall be reviewed as soon as the document is submitted to any Reviewer for review. This requirement will expire when Fiscal Recovery Funds are no longer available for obligation and expenditure.
 5. An expedient review system by limiting the number of days each Reviewer is allowed to complete their review. The allowed number of days is found in the attached Guideline.
 6. The attached Guideline shall provide administrative instructions and best practices for efficient review of the three (3) categories of documents.

7. I delegate the authority to update these Guidelines to the collective group of the Director of the Office of Management and Budget or designee, the Controller or designee, and the Attorney General or designee. The Attorney General or designee will obtain concurrence of any updates to the Guideline from the Legal Counsel to the Office of the President and Vice President before the collective group issues updated Guidelines.
8. I order the Director of the Office of Management and Budget or designee, the Controller or designee, and the Attorney General or designee to post this Executive Order and attached Guideline on each of their respective websites. I also order these three (3) Navajo Nation Officials or designee(s) ensure that the most recent Guideline are posted on their respective websites.
9. I order the Director of the Office of Management and Budget or designee, the Controller or designee and the Attorney General or designee to each develop guidance for use by the Navajo Nation Executive Branch to assist the Executive Branch in ensuring that their documents will be deemed sufficient. This guidance shall be posted on their respective websites within 90 days of this Executive Order and shall thereafter be kept current.
10. This order is effective immediately.

EXECUTED this 18th day of August 2023.



Dr. Buu Nygren, *President*
THE NAVAJO NATION

ATTEST:



Ethel Branch, *Attorney General*
Navajo Nation Department of Justice