

RESOLUTION OF THE  
22<sup>ND</sup> NAVAJO NATION COUNCIL  
22<sup>ND</sup> NAVAJO NATION COUNCIL - THIRD YEAR, 2013

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER, AND  
NAABIK'ÍYÁTI': AMENDING 2 N.N.C. §§1352, 1355, 1356, THE PLAN OF  
OPERATION FOR THE NAVAJO DIVISION OF PUBLIC SAFETY, GSCAU-61-95,  
TO REASSIGN AND TRANSFER THE NAVAJO DEPARTMENT OF HIGHWAY SAFETY  
TO THE NAVAJO DIVISION OF TRANSPORTATION

BE IT ENACTED:

Section 1. Findings

A. The Navajo Division of Public Safety acknowledges and approves the reassignment and transfer of all funding, personnel, and property necessary to maintain full operations of the Navajo Department of Highway Safety. The concurrence of the Executive Director, Division of Public Safety, is attached hereto as Exhibit B. The concurrence of the Division Director, Division of Transportation, is attached hereto as Exhibit C; and

B. The oversight authority of the Department of Highway Safety shall transfer from the Law and Order Committee to the Resources and Development Committee; and

C. The Plan of Operation for the Navajo Division of Public Safety, as amended by this Resolution, shall take immediate effect and shall supersede any and all prior plans of operation for the Navajo Division of Public Safety, including Resolution GSCAU-61-95; and

D. The Navajo Nation finds it in the best interest of the Navajo Nation to amend the Plan of Operation for the Navajo Division of Public Safety, as set forth in Exhibit A, removing the Department of Highway Safety in its entirety, reassigning and transferring all components of the Navajo Department of Highway Safety to the Navajo Division of Transportation.

**Section 2. Amendments to Title 2**

The Navajo Nation hereby amends 2 N.N.C. §§1352, 1355, 1356 as follows:

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**Title 2**

**Chapter 5. Executive Branch**

**Subchapter 15. Division of Public Safety**

**§ 1351. Establishment**

There is hereby established the Navajo Division of Public Safety within the Executive Branch of the Navajo Nation Government.

**§ 1352. Purpose and objectives**

A. The purposes of the Navajo Division of Public Safety shall be:

1. To plan, organize and administer all aspects of the Navajo Division of Public Safety programs so as to provide multi-public safety services that meet the needs of tribal members of the Navajo Nation, as well as other individuals and entities, within the territorial jurisdiction of the Navajo Nation as defined in 7 N.N.C. § 254 and 18 U.S.C. § 1151.

2. To exercise control and authority over all law enforcement and public safety activities within the Navajo Nation and adjoining Indian Country as designated under Navajo, federal and other applicable laws where the Navajo Nation exercised jurisdiction.

B. The objectives of the Navajo Division of Public Safety include, but are not limited to the following:

1. To maintain law and order by the enforcement of applicable criminal laws and the safeguarding of the lives and properties of the persons on the Navajo Nation by deterring criminal activities and violations of tribal, state and federal laws,

through effective investigation, and to provide assistance in prosecutions and appropriate court actions, in cooperation with the Navajo Nation Office of the Prosecutor and other criminal justice entities which possess jurisdiction; to negotiate and enter into appropriate agreements with other governmental jurisdictions to carry out the responsibilities herein, in compliance with applicable Navajo Nation laws, rules and regulations.

~~2. To provide support services in the collection of information and generation of reports relating to vehicular accidents which involve injuries, deaths and property damage for purposes of minimizing contributing factors; to provide defensive driver education for Navajo Nation employees; and to issue Navajo Nation's driver's permits.~~

23. To plan for, respond to, and aid in the recovery from natural and man-made disasters on the Navajo Nation and to coordinate with and train tribal and affiliated non-tribal entities in the development of a comprehensive emergency management plan.

34. To provide fire and rescue services and to develop community volunteer fire services to effectively and efficiently respond to fire and rescue operations; to provide training facilities and instructors for local fire departments; to enforce fire and building codes and other applicable codes related to fire safety.

45. To respond to medical emergencies by rendering emergency care, and to transport the sick or injured to a clinic or hospital when appropriate.

56. To establish, operate and provide support services for victims of serious or violent crimes.

67. To provide and coordinate support services to ensure the availability of counseling for Division employees.

78. To coordinate and disseminate information on safety programs and to facilitate funding mechanism for its component departments with non-tribal entities.

89. To plan for, establish, provide and operate appropriate correctional facilities and appropriate correctional services.

#### **§ 1353. Personnel**

The Navajo Division of Public Safety shall be administered by an Executive Director appointed by the President of the Navajo Nation, with the consent of the Navajo Nation Council, and who shall serve at the pleasure of the President of the Navajo Nation. The Executive Director shall exercise full authority and control over all division activities and shall be responsible for the selection and supervision of all department directors and all personnel, including delegation of authorities. The Executive Director shall further exercise full authority to commission certified law enforcement personnel pursuant to standards approved by the Navajo Nation. All personnel shall be subject to the Navajo Nation Personnel Policies and Procedure and other applicable grant or contract provisions.

#### **§ 1354. Organization**

The Navajo Division of Public Safety shall comprise such departments and administrative components as may be deemed necessary by the Executive Director to fulfill its purposes, subject to legislative review and approval of the Division's Plan of Operation. The specific functions and responsibilities of the Navajo Division of Public Safety are more fully set forth within the Plans of Operations for its component departments.

#### **§ 1355. Legislative Oversight**

The Navajo Division of Public Safety shall operate under the legislative oversight of the Law and Order ~~Public Safety~~ Committee of the Navajo Nation Council, pursuant to the powers granted that committee in Title 2, N.N.C. § 661 et seq.

#### **§ 1356. Amendments**

This Plan of Operation may be amended from time to time by the Navajo Nation Council upon recommendation of the Law and Order ~~Public Safety~~ Committee and the Naabik'iyáti' Government Services Committee of the Navajo Nation Council as deemed appropriate.

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**Section 3. Effective Date**

The amendment enacted herein shall be effective pursuant to 2 N.N.C. § 221(B).

**Section 4. Codification**

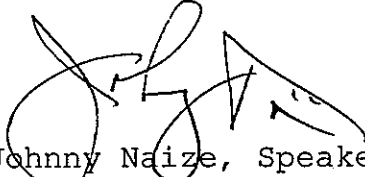
The provision of the act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of the Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

**Section 5. Savings Clause**

Should any provision of this Act be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation without appeal to the Navajo Nation Supreme Court, those provisions of the Act which are not determined invalid shall remain the law of the Navajo Nation.

**C E R T I F I C A T I O N**

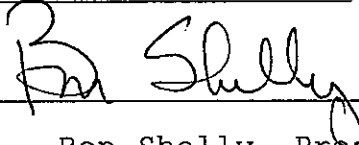
I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 19 in favor and 0 opposed, this 16th day of April 2013.

  
Johnny Naize, Speaker  
Navajo Nation Council

Motion: Honorable David Tom  
Second: Honorable Alton Shepherd

ACTION BY THE NAVAJO NATION PRESIDENT:

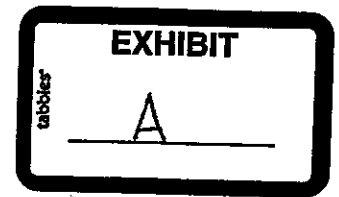
1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C)(10), on this \_\_\_\_\_ day of APR 26 2013 2013.



Ben Shelly, President  
Navajo Nation

2. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C) (10) and 2 N.N.C. § 164 (A) (17), on this \_\_\_ day of \_\_\_\_\_, 2013. The justification of my line-item veto is set forth by memorandum.

Ben Shelly, President  
Navajo Nation



**Navajo Division of Public Safety  
Enabling Legislation**

**§ 1351 Establishment**

There is hereby established the Navajo Division of Public Safety within the Executive Branch of the Navajo Nation Government.

**§ 1352 Purpose and Objectives**

- A. The purposes of the Navajo Division of Public Safety shall be:
1. To plan, organize and administer all aspects of the Navajo Division of Public Safety programs so as to provide multi-public safety services that meet the needs of tribal members of the Navajo Nation, as well as other individuals and entities, within the territorial jurisdiction of the Navajo Nation as defined in 7 N.N.C § 254 and 18 U.S.C. § 1151
  2. To exercise control and authority over all law enforcement and public safety activities within Navajo Nation and adjoining Indian County as designated under Navajo, federal and other applicable laws where the Navajo Nation exercised jurisdiction.
- B. The objective of the Navajo Division of Public Safety include, but are not limited to the following:
1. To maintain law and order by the enforcement of applicable criminal law and the safeguarding of the lives and properties of the persons on the Navajo Nation by deterring criminal activities and violations of tribal, state and federal laws, through effective investigation, and to provide assistance in prosecutions and appropriate court actions, in cooperation with the Navajo Nation Office of the Prosecutor and other criminal justice entities which possess jurisdiction; to negotiate and enter into appropriate agreements with other governmental jurisdictions to carry out the responsibilities herein, in compliance with applicable Navajo Nation laws, rules and regulations.
  - ~~2. To provide support services in the collection of information and generation of reports relating to vehicular accidents which involve injuries, deaths and property damage for purposes of minimizing contributing factors; to provide defensive driver education for Navajo Nation employees; and to issue Navajo Nation driver's permits.~~
  23. To plan for, respond to, and aid in the recovery from natural and man-made disasters on the Navajo Nation and to coordinate with and train tribal and affiliated non-tribal entities in the development of a comprehensive emergency management plan.
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56. To establish, operate and provide support services for victims of serious or violent crimes.
67. To provide and coordinate support services to ensure the availability of counseling for Division employees.
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#### **§ 1354 Organization**

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#### **§ 1355 Legislative Oversight**

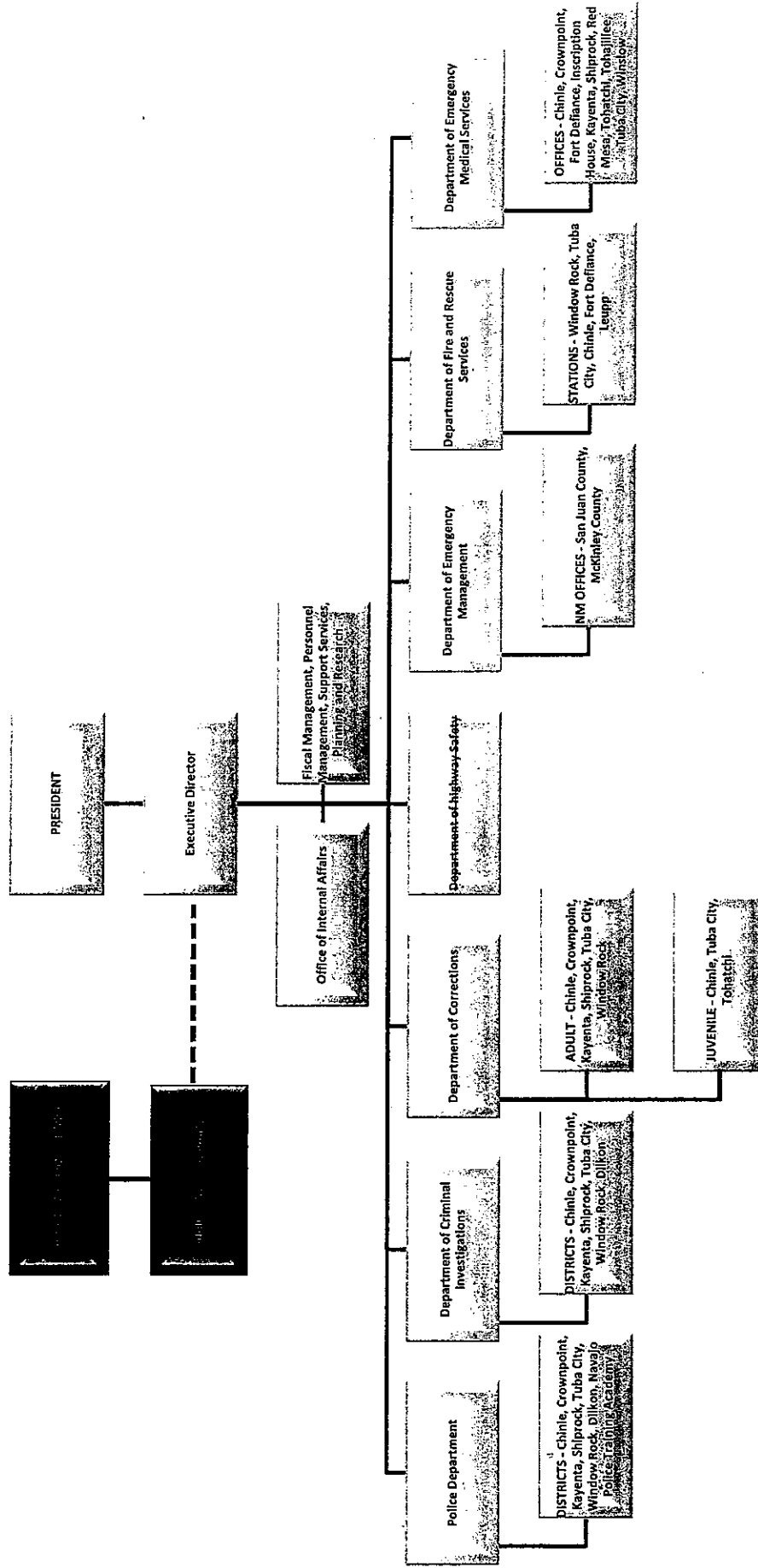
The Navajo Division of Public Safety, shall operate under the legislative oversight of the Law and Order Public Safety Committee of the Navajo Nation Council, pursuant to the powers granted that committee in Title 2, N.N.C. § 600 661 *et seq.*

#### **§ 1356 Amendments**

This Plan of Operation may be amended from time to time by the Navajo Nation Council upon recommendation of the Law and Order Public Safety Committee and the Naa'bik'iyati' Government Services Committee of the Navajo Nation Council as deemed appropriate.



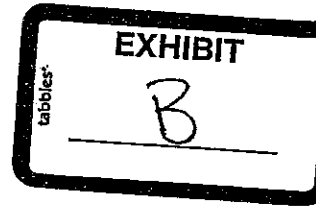
# NAVAJO DIVISION OF PUBLIC SAFETY Organization Chart



# THE NAVAJO NATION



BEN SHELLY PRESIDENT  
REX LEE JIM VICE PRESIDENT



August 18, 2011

S.A.S Reviewer  
C/O Department of Highway Safety  
Window Rock, Arizona 86515

RE: Letter of Support

Sir/Madam,

The Navajo Nation Division of Public Safety supports of the Department of Highway Safety transition plans to operate under the Division of Transportation; to carry out their initiative in providing on going traffic safety, education, and awareness which is an important component to a Transportation unit. The Division of Transportation is a new Division and through the activities that the Department of Highway Safety perform.

The Department of Highway Safety was established in 1995 under the Division of Public with goals in reducing unnecessary injuries involved in Motor Vehicle crashes throughout the Navajo Nation. The Division of Public Safety continues to keep the working relationship in assisting the department with their efforts on enforcements.

Please do call 928-871-6572 for any questions and in advance, I like to express my gratitude of thanks in all the work that you do in supporting our Division.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Billison".

8/17/2011

Mr. John Billison, Executive Director  
Navajo Division of Public Safety  
PO Box 3360  
Window Rock, Arizona 86515

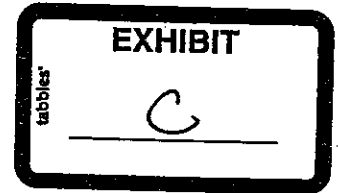


# NAVAJO DIVISION OF TRANSPORTATION

POST OFFICE BOX 4620  
WINDOW ROCK, ARIZONA 86515

TEL: 928.871.6498  
FAX: 928.871.7987

## MEMORANDUM



August 2, 2011.

Mabel Henderson, Director  
Department of Highway Safety  
Navajo Nation  
Window Rock, Arizona

Dear Ms. Henderson:

The Highway Safety Department is important to Navajo Nation transportation. As such, we talked previously about the Department's transfer into the Navajo Division of Transportation (Navajo DOT). This is to inform you that in my consultation with both the Chairs of the Resources and Development Committee (RDC) and Law and Order Chair, they fully support the transfer of Highway Safety into Navajo DOT.

To accommodate an orderly transfer into the Division it is necessary that all essential actions to effect the move is covered and planned. The legal and procedural transfer of the Highway Safety Department should be initiated immediately with the physical move to follow as soon as the Navajo Transportation Center Complex is completed at Tse Bonito.

The change will surely be to our mutual benefit as well as to the Navajo Nation. Please contact me to begin planning the transfer; there is much to cover in making the change. 928.871.6498

With Regards,

Paulson Chaco, Division Director  
Navajo Division of Transportation

**COMMITTEE REPORT**  
**RESOURCES AND DEVELOPMENT COMMITTEE**  
**22<sup>ND</sup> NAVAJO NATION COUNCIL --- Third Year, 2013**

**Mr. Speaker:**

The Resources and Development Committee, to whom has been referred;


**LEGISLATION NO. 0001-13**

Introduced by the Hon. Katherine Benally

An action relating to Resources and Development, Law and Order, and Naabik'iyati'; amending 2 N.N.C. §§1352,1355, 1356, the Plan of Operation for the Navajo Division of Public Safety, GSCAU-61-95, to reassign and transfer the Navajo Department of Highway Safety to the Navajo Division of Transportation

has had it under consideration and reports the same with a **DO PASS** recommendation with no amendments.

And thence referred to the **LAW AND ORDER COMMITTEE** on this 8<sup>th</sup> Day of January, 2013.

  
Roscoe D. Smith, Vice Chairperson

Motion: Leonard Pete  
Second: Leonard Tsosie  
Vote: 3-0-0

**LAW AND ORDER COMMITTEE  
22<sup>nd</sup> NAVAJO NATION COUNCIL**

**THIRD YEAR 2013**

**COMMITTEE REPORT**

Mr. Speaker,

The **LAW AND ORDER COMMITTEE** to whom has been assigned:

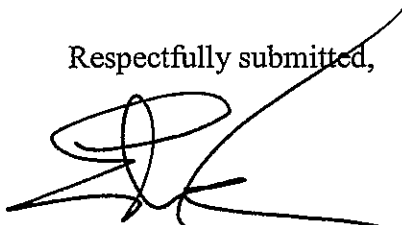
**Legislation # 0001-13:**

An Action Relating to Resources and Development, Law and Order, and Naabik'Iyati': Amending 2 N.N.C. §§1352, 1355, 1356, The Plan of Operation for the Navajo Division of Public Safety, GSCAU-61-95, to Reassign and Transfer the Navajo Department of Highway Safety to the Navajo Division of Transportation. (*Prime Sponsor: Katherine Benally; Co-Sponsor: George Apachito*)

Has had it under consideration and report the same with a **DO PASS**, with no amendments

and therefore referred to **NAABIK'IYATI COMMITTEE**.

Respectfully submitted,



Edmund Yazzie, Chairperson  
Law and Order Committee of the  
22<sup>nd</sup> Navajo Nation Council

Date: February 19, 2013

The vote was 3 in favor and 0 opposed

Motion: Alton Joe Shepherd

Second: Elmer P. Begay

22<sup>nd</sup> NAVAJO NATION COUNCIL

Third Year 2013

Mr. Speaker:

The NAABIK'ÍYÁTI' COMMITTEE to whom has been assigned

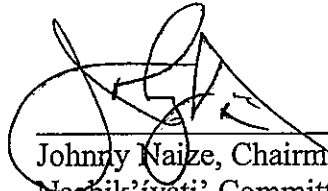
**NAVAJO LEGISLATIVE BILL # 0001-13**

An Action Relating to Resources and Development, Law and Order, and Naabik'iyati': amending 2. N.N.C. §§1352, 1355, 1356, the Plan of Operation for the Navajo Division of Public Safety, GSCAU-61-95, to Reassign and Transfer the Navajo Department of Highway Safety to the Navajo Division of Transportation

has had it under consideration and reports the same with the recommendation that it **Do Pass** with no amendment

and therefore, referred to the **NAVAJO NATION COUNCIL**

Respectfully submitted,

  
\_\_\_\_\_  
Johnny Najze, Chairman  
Naabik'iyati' Committee

Adopted: 6-7-11  
Tom Platero, Executive Director  
Office of Legislative Services

Not Adopted: \_\_\_\_\_

28 February 2013

The vote was 14 in favor 0 opposed  
Motion: Elmer Begay  
Second: David Tom