

RESOLUTION OF THE
22ND NAVAJO NATION COUNCIL
22ND NAVAJO NATION COUNCIL - THIRD YEAR, 2013

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER, AND NAABIK'ÍYÁTI': AMENDING 2 N.N.C. §1371 AND THE PLAN OF OPERATION FOR THE NAVAJO DIVISION OF TRANSPORTATION (NDOT), GSCAU-26-09, TO REASSIGN AND TRANSFER THE NAVAJO DEPARTMENT OF HIGHWAY SAFETY TO NDOT, AND APPROVING ALL NDOT DEPARTMENT PLANS OF OPERATION

BE IT ENACTED:

Section 1. Amending the Navajo Division of Transportation Plan of Operation

1. The Navajo Nation hereby amends the Plan of Operation for the Navajo Division of Transportation, as set forth in Exhibit A, reassigning and transferring all components of the Navajo Department of Highway Safety to the Navajo Division of Transportation.
2. The Navajo Division of Transportation 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.
3. The oversight authority of the Department of Highway Safety shall transfer from the Law and Order Committee to the Resources and Development Committee.
4. The Plan of Operation for the Navajo Division of Transportation, as amended by this Resolution, shall take immediate effect and shall supersede any and all prior plans of operation for the Navajo Division of Transportation, including Resolution GSCAU-26-09.

Section 2. Amending the Navajo Division of Transportation's Department Plans of Operation

1. The Navajo Nation hereby amends the Plans of Operations for the Department of Airport Management, Department of Highway Safety, Department of Project Management, Department of Transportation Planning, and Department of Roads, as set forth in Exhibit D.
2. The Plans of Operation for the Department of Airport Management, Department of Highway Safety, Department of Project Management, Department of Transportation Planning, and Department of Roads, as amended by this Resolution, shall take immediate effect and shall supersede any and all prior plans of operation for the Department of Airport Management, Department of Highway Safety, Department of Project Management, Department of Transportation Planning, and Department of Roads.

Section 3. Amending 2 N.N.C. § 1371

* * * *

Title 2

Chapter 5. Executive Branch

Subchapter 17. Division of Transportation

§ 1371. Purpose

The purpose of the Navajo Nation Division of Transportation is to exclusively administer the Navajo Nation transportation programs within the Navajo Nation, to ~~provide~~ ensure an effective and efficient transportation system, ~~to ensure the operation and to promote the~~ improvement of the transportation system and to provide the necessary resources to accomplish the objectives herein. The Division shall operate pursuant to a plan of operation as recommended by the Resources Transportation and Community Development Committee and ~~approved by the Government Services Committee.~~

* * * *

1. Effective Date

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

2. Codification

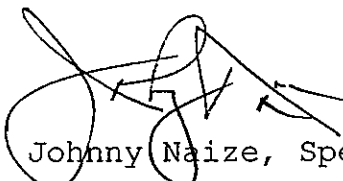
The provision of the act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

3. 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 22 in favor and 0 opposed, this 16th day of April 2013.



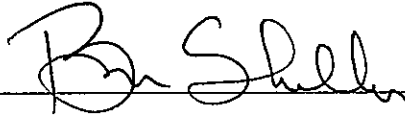
Johnny Naize, Speaker
Navajo Nation Council

Motion: Honorable Katherine Benally

Second: Honorable Jonathan Hale

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 NATION DIVISION OF TRANSPORTATION
PLAN OF OPERATION**

I. ESTABLISHMENT

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

II. PURPOSE

The Purpose of the Navajo Nation Division of Transportation is to exclusively administer the Navajo Nation Transportation programs within the Navajo Nation, to ~~provide~~ ensure an effective and efficient transportation ~~system, to ensure the operation, and to promote the~~ improvement of the transportation system, and to provide the necessary resources to accomplish the objectives herein.

III. PERSONNEL AND ORGANIZATION

A. PERSONNEL

1. There is hereby established the position of the Executive Director and such other positions that are necessary and provided in the budget approved by the Navajo Nation Council for the Navajo Nation Division of Transportation.
2. All Navajo Nation Division of Transportation personnel shall be hired and compensated pursuant to the ~~policies and guidelines of the~~ Navajo Nation Personnel Policies ~~and Procedures Manual~~, except the Executive Director who shall be appointed by and serve at the pleasure of the President of the Navajo Nation and confirmed by the Navajo Nation Council.
3. Pursuant to Navajo Nation laws and regulations, the Executive Director shall be authorized to retain professional and technical highway transportation experts as deemed necessary to carry out the purpose of the Navajo Nation Division of Transportation subject to availability of funds.

B. ORGANIZATION

1. The Navajo Nation Division of Transportation shall comprise of programs and administrative components as may be deemed necessary subject to legislative review and approval of the department's ~~and/or~~ program's Plans of Operation.

43 The Navajo Division of Transportation shall consist of the following Departments
44 and Programs:

- 45
- 46 ▪ Department of Airport Management
- 47 ▪ Department of Highway Safety
- 48 ▪ Department of Project Management
- 49 ▪ Department of Roads
- 50 ▪ Department of Transportation Planning
- 51 ▪ Administrative Support

52

53 2. The organizational chart of the Navajo Nation Division of Transportation is
54 attached and incorporated herein as Exhibit "A".

55

56 IV. RESPONSIBILITY AND AUTHORITY

57

58 The Executive Director of the Navajo Nation Division of Transportation shall have the following
59 responsibilities and authorities:

- 60
- 61 1. Be responsible for the efficient management and administration of the Navajo Nation
62 Division of Transportation and its departments and/or programs ~~within Navajo Nation~~
63 ~~Division of Transportation~~ and applicable safety programs.
- 64
- 65 2. Maintain and operate all Navajo Nation highways, roadways, airports—infrastructure,
66 scenic byways including coordination and collaboration with federal, state, county and
67 local governments with the development and operation of ~~Navajo~~ transportation
68 systems on the Navajo Nation.
- 69
- 70 3. Provide quarterly reports of all activities within Navajo Nation Division of Transportation
71 and its departments and programs to the President of the Navajo Nation and the
72 ~~Transportation Resources~~ and ~~Community~~ Development Committee of the Navajo
73 Nation Council.
- 74
- 75 4. Represent the Navajo Nation Government within areas of the Navajo Nation Division of
76 Transportation responsibilities and authorities when dealing with intergovernmental
77 matters, include, ing but not limited to, the gathering and submission of transportation
78 data and inventory data to other government entities pursuant to intergovernmental
79 contracts or subcontracts.
- 80
- 81 5. Supervise and direct all Department and/or Program Managers within the Navajo
82 Nation Division of Transportation.
- 83
- 84 6. Develop, recommend and implement ~~upon adoption by the appropriate Navajo Nation~~
85 ~~legislative body~~ policies, rules and regulation governing matters delegated to the Navajo

86 Nation Division of Transportation and its departments and programs within Navajo
87 Nation Division of Transportation.
88

89 7. Set priorities and participate in the overall Navajo Nation Division of Transportation
90 departments and programs budget planning process.
91

92 8. Design and construct transportation facilities pursuant to Navajo Nation priority plans.
93

94 9. Negotiate contracts, grants, and agreements appurtenant to the Navajo Nation Division
95 of Transportation and subject to Navajo Nation laws, rules, and regulations.
96

97 10. Conduct periodic performance reviews of Navajo Nation Division of Transportation
98 departments and programs for effectiveness and progress to ensure compliance with
99 the annual fiscal year budget requirements and applicable contracts.
100

101 11. Coordinate all ~~with~~ Navajo Nation Division of Transportation Departments and Programs
102 ~~the~~ administrative, financial and operating policies ~~for the Navajo Nation Division of~~
103 ~~Transportation.~~
104

105 12. Represent the Navajo Nation Division of Transportation at executive level planning
106 sessions.
107

108 V. LEGISLATIVE OVERSIGHT

109
110 The Navajo Nation Division of Transportation shall operate under the legislative oversight of the
111 Resources ~~Transportation~~ and Community Development Committee of the Navajo Nation
112 Council.
113

114 VI. AMENDMENTS

115
116 This Plan of Operation may be amended as deemed necessary by the Resources and
117 Development ~~Government Services~~ Committee of the Navajo Nation Council ~~upon the~~
118 ~~recommendation of the Transportation and Community Development Committee of the Navajo~~
119 ~~Nation Council.~~
120

EXHIBIT A

NAVAJO DIVISION OF TRANSPORTATION
ORGANIZATION CHART

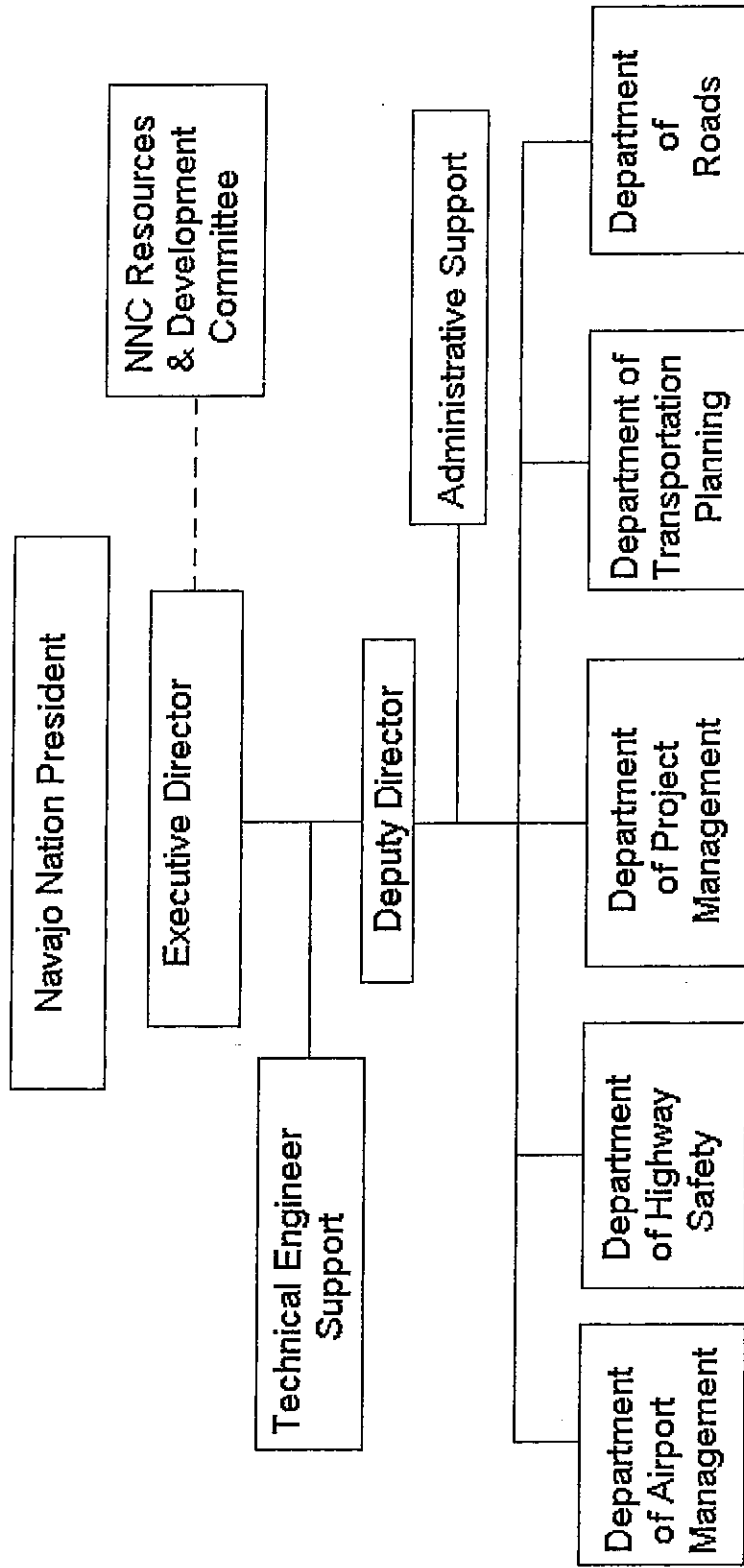
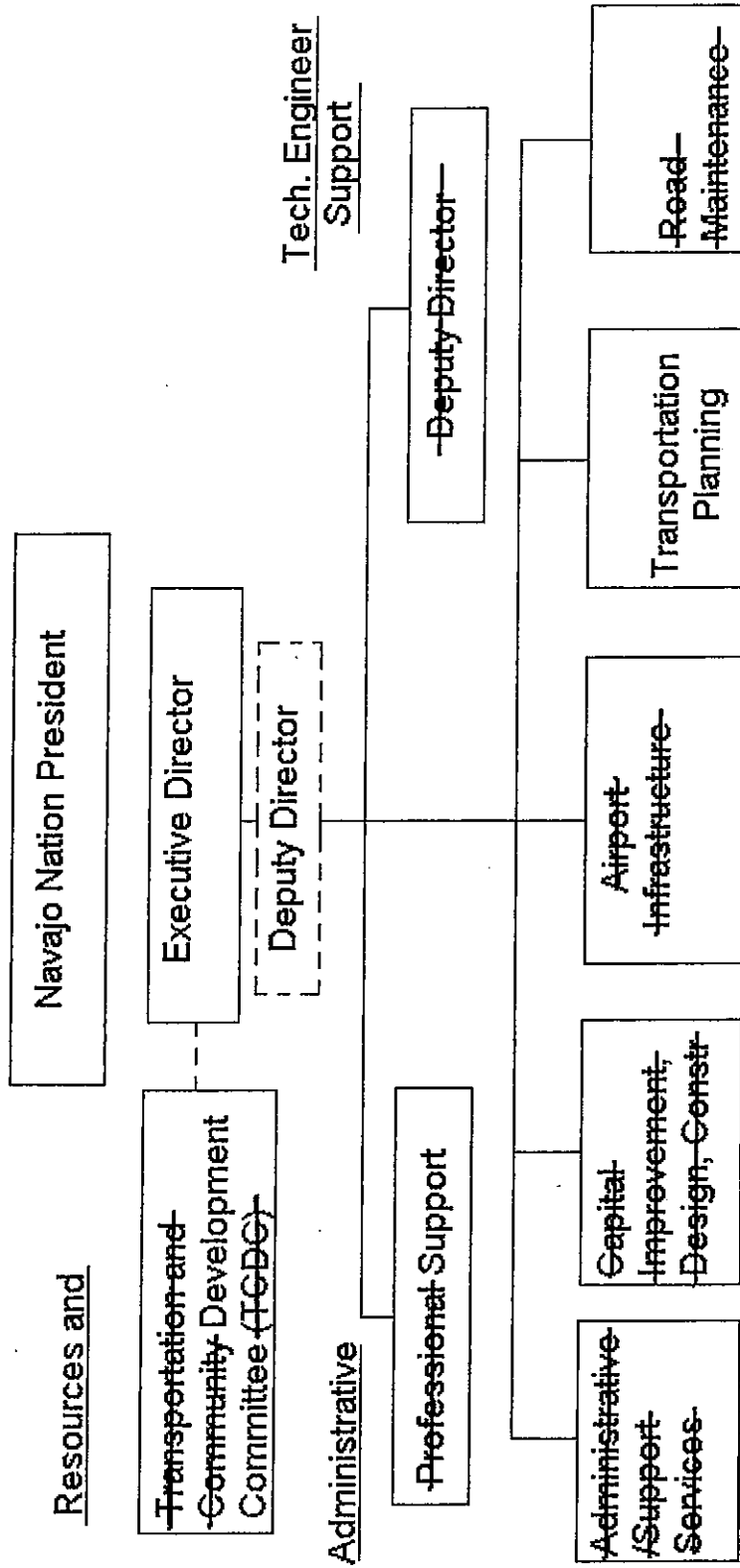


EXHIBIT A

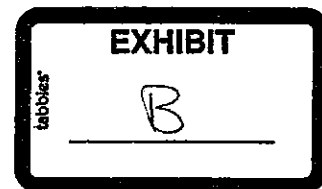
NAVAJO DIVISION OF TRANSPORTATION
ORGANIZATION CHART



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



September 30, 2011

S.A.S. Reviewers
The Navajo Nation
Window Rock, Arizona 86515

Dear Sir/Madam:

The Navajo Nation Division of Transportation (Division) being recently established is processing the amendment to its Plan of Operation to address the reorganization of the Division and the addition of the Navajo Department of Highway Safety from the Navajo Division of Public Safety. The Division proposes to process the approval of the Plan of Operation for the Department of Airport Management, Department of Project Management, Department of Transportation Planning, Department of Roads and the new Department of Highway Safety. The organization chart is attached with the proposed amendments to the Division Plan of Operation.

It is the intent of the Division to accept the Department of Highway Safety from the Division of Public Safety intact with all the resources and assigned Navajo Nation budget accounts and external funds. The Division is still growing and understands the great demand of needs that will require the changes in the Plan of Operation to better address these concerns and responsibilities.

We express our appreciation for your time and effort. If there are any questions, feel free to call me at (928) 871-6498 NDOT.

Sincerely,

Mr. Paulson Chaco, Division Director
Navajo Nation Division of Transportation
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

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B. ORGANIZATION

1. The Program Manager shall report to the Division Director and the Deputy Director of the Executive Department.
2. The organizational chart of the Department within the Navajo Nation Division of Transportation is attached as Exhibit "A".

IV. RESPONSIBILITY AND AUTHORITY

A. The Program Manager shall have the following responsibilities and authorities:

1. Report and be accountable to the Division Director and Deputy Director for the purpose and objectives of the Department.
2. Execute directives of the Navajo DOT administration.
3. Represent the Department at division and executive levels.
4. Promulgate Navajo DOT policies and guidelines to ensure the proper and timely implementation of Department projects.
5. Administer the policies and procedures of the Nation necessary for effective management of the Department and to fulfill the program purpose and objectives.
6. Ensure safe and efficient operation of Nation Airports within the authority vested through the Nation and in accordance with FAA Part 5010 and Part 107 regulations.
7. Exercise supervisory control and guidance over program staff and delegate authority to other staff members.
8. Act as media contact regarding airport activities and responds to all airport emergencies; major or minor incidents.
9. Ensure seamless customer services.
10. Prepare and plan the annual budget for the Department, conduct periodic review thereof, and participate in overall program and budget reviews.

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- 11. Establishes and maintains effective working relationships with other employees, officials, and all members of the general public.
- 12. Establish, implement and administer the Airport Fund Management Plan.
- 13. Provide oral and written reports to oversight committee, Nation Chapters, Federal and State agencies.
- 14. Provide monthly, quarterly, and annual written reports to the Division Director and Resources and Development Committee of the Navajo Nation Council.
- 15. Coordinate with other departments of Navajo DOT.
- 16. Conduct annual review of the Department Plan of Operation and Fund Management Plan and recommend any amendments.

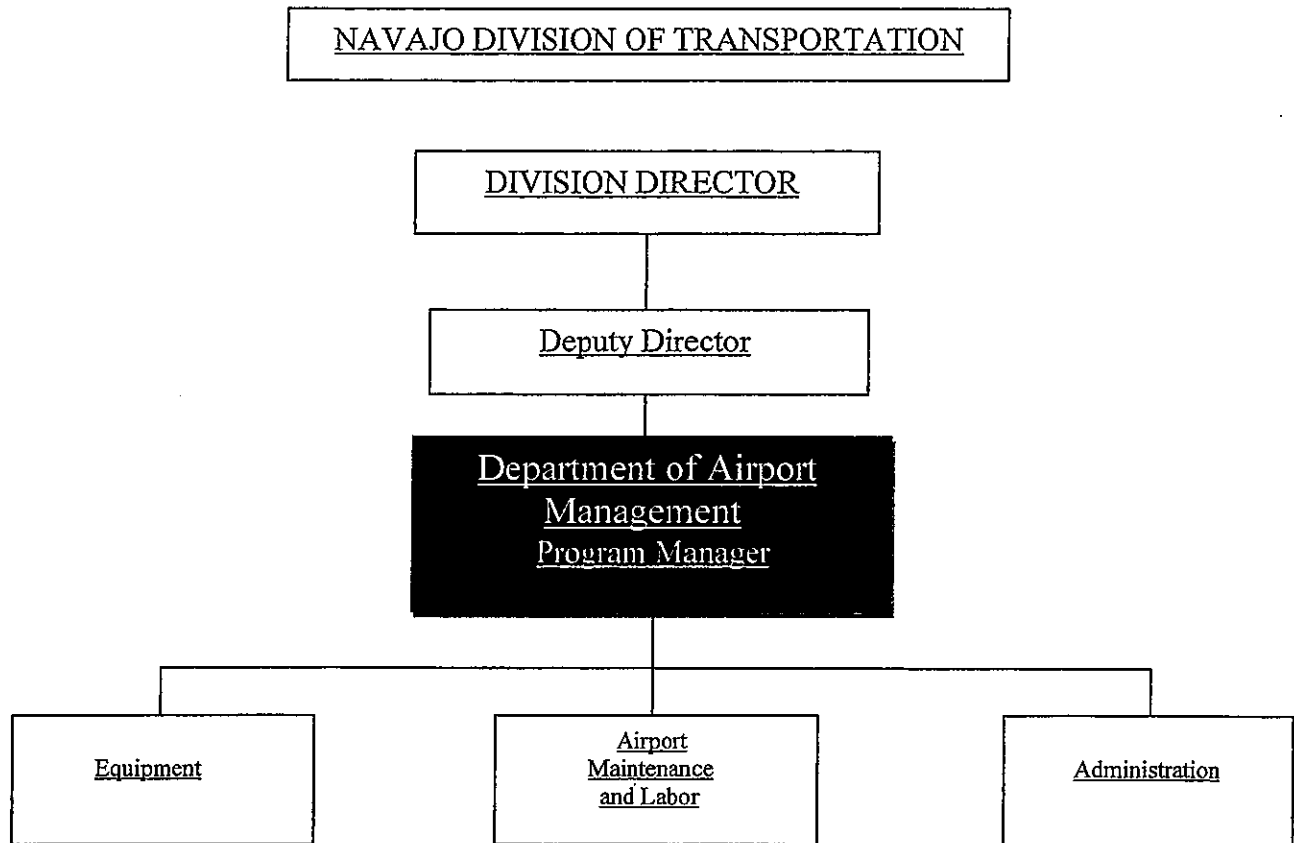
V. LEGISLATIVE OVERSIGHT

The Resources and Development Committee of the Navajo Nation Council shall serve as the Legislative oversight of the Navajo Division of Transportation and the Department of Airport Management pursuant to 2 N.N.C. §421 and §423.

VI. AMENDMENTS

The Department Plan of Operation may be amended as deemed necessary by the Resources and Development Committee of the Navajo Nation Council.

EXHIBIT A



**NAVAJO DEPARTMENT OF HIGHWAY SAFETY
PLAN OF OPERATION**

I. ESTABLISHMENT

There is hereby established the Navajo Department of Highway Safety within the Navajo Division of ~~Public Safety~~ Transportation. The Director of the Navajo Department of Highway Safety shall be under the direct supervision of the Executive Director of the Navajo Division of ~~Public Safety~~ Transportation.

II. PURPOSE AND OBJECTIVES

The purpose of the Navajo Department of Highway Safety is to reduce traffic related fatalities, injuries, and property damage on roadways within the territorial jurisdiction of the Navajo Nation as defined by Title 7 N.T.C. 254 and 18 U.S.C. Section 1151. The Department will work toward establishing and implementing various highway safety standards, and provide driver's improvement programs for students and employees of the Navajo Nation. The applications of these objectives are subject to the availability of funds.

III. STAFFING AND ORGANIZATION

- A. All personnel shall be employed and compensated in accordance with applicable Navajo Nation Personnel Policies Manual, and the Director of the Navajo Department of Highway Safety shall be selected by the Executive Director of the Division of ~~Public Safety~~ Transportation in accordance with the established Navajo Nation Personnel Policies & Procedures Manual.
- B. The Navajo Department of Highway Safety shall be staffed sufficiently to accomplish the purposes and objectives stated herein.
- C. The Department Director shall be authorized to make decisions regarding additional personnel positions as needed to carry out the organizational purpose and objectives as stated herein. Additional positions shall be acquired within applicable rules and policies established for conducting the annual Navajo Nation budget process.

IV. AUTHORITY AND RESPONSIBILITY

- A. The responsibilities of the Navajo Department of Highway Safety shall include, but are not limited to, the following:
 - 1. To approve and provide a Driver's Improvement Program necessary for Navajo Nation employees to obtain a Navajo Nation Vehicle Operator's Permit.

2. To develop and maintain a filing system for Navajo Nation vehicle photographic identification permits.
3. To conduct motor vehicle record's background checks to ensure that holders of Navajo Nation vehicle operator's permit have a valid state driver's license.
4. To regulate and monitor ~~Infant Restraint Free Learner~~ Child Car Seat Program outlets located within the Territorial jurisdiction of the Navajo Nation.
5. To develop and implement computerize system for maintaining Navajo Nation traffic records.
6. To approve and provide a traffic safety skill development and educational program to Navajo Nation divisions, departments, programs, including High Schools located within the Territorial jurisdiction of the Navajo Nation.

B. The responsibilities of the Director of the Navajo Department of Highway Safety shall include, but are not limited to, the following:

1. To develop and implement policies and procedures necessary to provide effective and efficient highway safety services within the territorial jurisdiction of the Navajo Nation.
2. To administer the Navajo Department of Highway Safety in compliance with all Navajo Nation laws, rules and regulations.
3. To gather information necessary to develop an annual budget for the Navajo Department of Highway Safety.
4. To negotiate contracts, grants and agreements on behalf of the Navajo Department of Highway Safety in compliance with all Navajo Nation laws, rules and regulations.
5. To report directly to the Executive Director regarding all activities of the Navajo Department of Highway Safety on a regular basis.

V. LEGISLATIVE OVERSIGHT

The Navajo Department of Highway Safety, Navajo Nation Division of ~~Public Safety~~ Transportation, shall operate under the legislation oversight of the ~~Public Safety~~ Resource Development Committee of the Navajo Nation Council, pursuant to the powers granted that committee in Title 2, N.T.C. 661 et seq.

VI. AMENDMENTS

This Plan of Operation may be amended from time to time by the ~~Government Services~~ Nabik'iyati Committee upon recommendation of the ~~Public Safety~~ Resource Development Committee of the Navajo Nation Council as deemed appropriate.

1 DEPARTMENT OF PROJECT MANAGEMENT
2 PLAN OF OPERATION

3
4 I. ESTABLISHMENT

5 The Department of Project Management (Department) is hereby established
6 within the Navajo Nation Division of Transportation (Navajo DOT) of the
7 Executive Branch of the Navajo Nation government (Nation).

8
9 II. PURPOSE

10 The purpose of the Department is to provide support to the Navajo DOT in the
11 areas of transportation pre-design, design, survey, cultural resource
12 management, environmental and construction of public roads that are within
13 and provide access to the Nation.

14
15 III. OBJECTIVE

16 A. The objectives of the Department shall be to:

- 17 1. Provide services for eligible public road projects approved by the
18 Resources and Development Committee of the Navajo Nation
19 Council for the Navajo Nation Road Fund Management Plan.
20 2. Provide professional services for the development, planning,
21 maintenance or construction of public roads within the Nation.
22 3. Provide surveying and mapping activities on all public roads
23 within the Nation boundaries in compliance with the latest Navajo
24 DOT Spatial Data Collection Standards.
25 4. Provide Cultural Resource Management and Environmental
26 clearance activities on all public roads within the Nation
27 boundaries in compliance with all applicable laws and regulations.
28 5. Review, coordinate and approve the design and specifications for
29 Nation road funds projects to ensure compliance with all
30 applicable State, Federal and Nation regulations, codes and
31 standards.

- 32 6. Ensure that public road projects are constructed with timely,
33 efficient and cost effective methods by administering and
34 monitoring construction activities.
35 7. Enhance coordination with private, State, County and Federal
36 agencies in the provision of services to public roads within the
37 Nation.
38

39 IV. PERSONNEL AND ORGANIZATION

40 A. PERSONNEL

- 41 1. The Department Manager shall be hired and supervised by the
42 Division Director and Deputy Director of Navajo DOT, in
43 accordance with the Navajo Nation Personnel Policies Manual.
44 2. The Department Manager shall be authorized to recommend
45 professional, technical and administrative positions as needed to
46 carry out the organization purposes and objectives stated herein.
47 Additional positions shall be established in accordance with the
48 Navajo Nation Personnel Policies Manual pursuant to rules
49 established for conducting the annual Navajo Nation budget
50 process.
51 3. All personnel shall be employed and compensated in accordance
52 with applicable Navajo Nation Personnel Policies Manual.
53

54 B. ORGANIZATION

- 55 1. The Department shall consist of such sections and functions as
56 maybe necessary to accomplish the purpose cited as follows:
57 a. Engineering
58 b. Surveying
59 c. Cultural Resource Management
60 d. Environmental
61 e. Construction Management
62 f. Special Projects

- 63 2. The organizational chart of the Department is attached as Exhibit
64 “A” and incorporated herein.
65

66 V. RESPONSIBILITY AND AUTHORITY

67 A. The Department Manager shall have the following responsibilities and
68 authorities:

- 69 1. Report and be accountable to the Division Director and Deputy
70 Director for the purpose and objectives of the Department.
71 2. Formulate administrative operating policies and procedures
72 necessary for effective management of the Department and
73 accomplish the program purposes and objectives.
74 3. Recruit and hire competent individuals in accordance with Navajo
75 Nation Personnel Policies Manual.
76 4. Coordinate activities with the other departments of Navajo DOT.
77 5. Represent the Department in Executive level planning.
78 6. Prepare and plan the annual budget for the Department and
79 conduct periodic review and participate in program and budget
80 reviews.
81 7. Administer the policies and procedures of the Nation necessary for
82 effective management of the Department and to fulfill the program
83 purpose and objectives.
84 8. Administer the Road Fund Management Plan.
85 9. Conduct annual review of the Department Plan of Operation and
86 Road Fund Management Plan.

87 B. The Department shall have the following responsibilities:

- 88 1. Provide project management services regarding Fuel Excise Tax
89 (FET) projects.
90 2. Serve as the construction management authority for all public
91 roads within the Nation that are not addressed by the Federal
92 government, Indian Reservation Roads Program or State and
93 County highway maintenance programs.

- 94 3. Assist in the application for and administer public road design,
95 maintenance and construction programs through Federal, State or
96 other funding sources.
- 97 4. Establish and administer a revolving account system utilizing
98 funds received for chapter and departmental services on public
99 road projects not funded by the FET program.
- 100 5. Provide engineering, surveying, cultural resource management,
101 environmental and construction management services for public
102 roads within an established invoice system.
- 103 6. Implement an automated network of Nation public road project
104 information, monitoring and management that will ensure effective
105 project development.
- 106 7. Protect and manage all assets, funds and properties, including but
107 not limited to, cultural resources and historical properties.
- 108 8. Develop a standard Navajo Nation Public Roads project manual
109 for accountability and project coordination.
- 110 9. Implement, administer and monitor construction management and
111 alternative delivery process to ensure Navajo Nation public road
112 projects completion on a timely, efficient and cost effective
113 manner.
- 114 10. Carry out other responsibilities as assigned by the Division
115 Director.

116

117 V. LEGISLATIVE OVERSIGHT

118 The Resources and Development Committee of the Navajo Nation Council shall
119 serve as the Legislative oversight of the Navajo Division of Transportation and
120 the Department of Project Management pursuant to 2 N.N.C. §421 and §423.

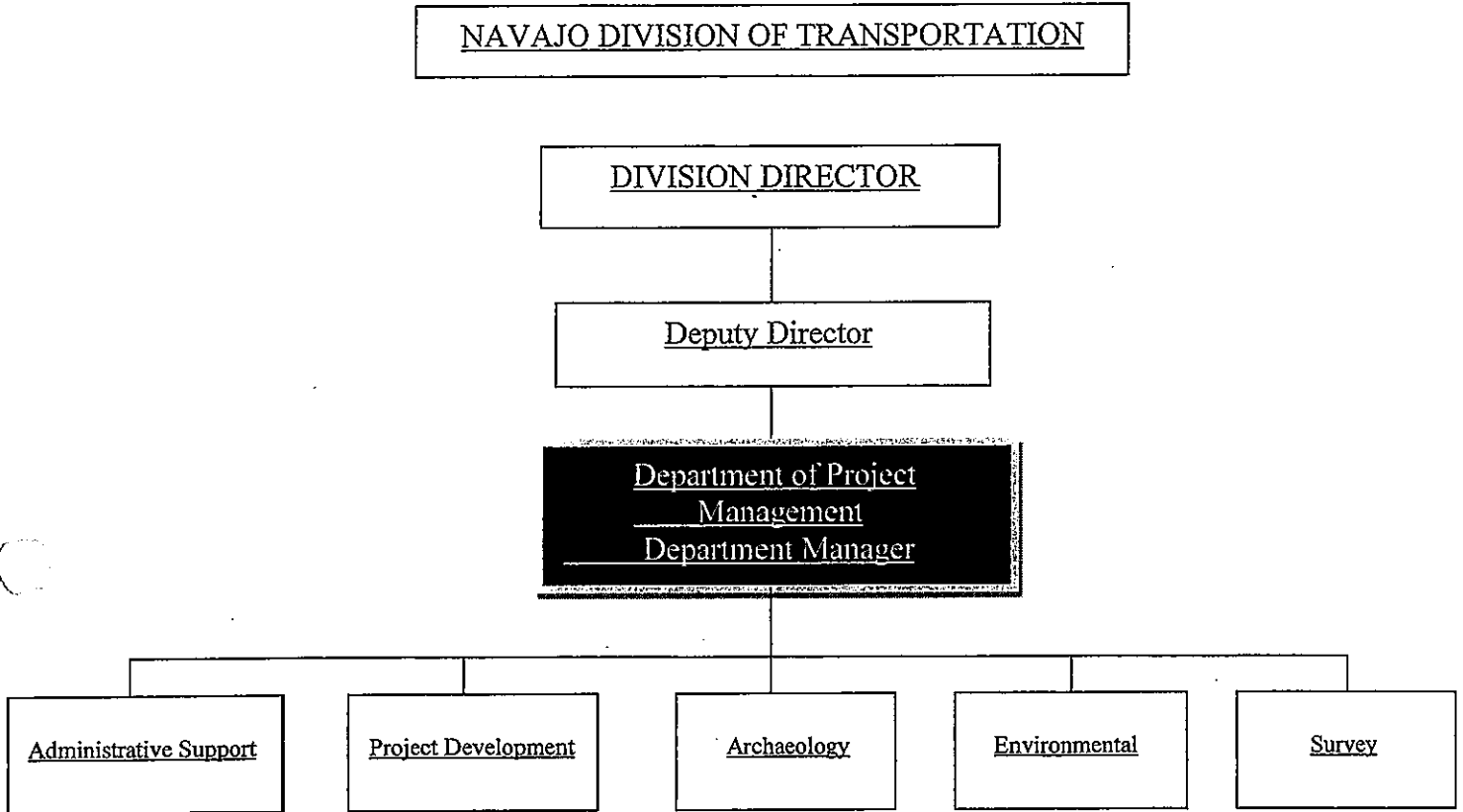
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122 VI. AMENDMENTS

123 The Department Plan of Operation may be amended as deemed necessary by the
124 Resources and Development Committee of the Navajo Nation Council.

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EXHIBIT A



1 **DEPARTMENT OF TRANSPORTATION PLANNING**

2 **PLAN OF OPERATION**

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I. ESTABLISHMENT

The Department of Transportation Planning (Department) is hereby established within the Navajo Nation Division of Transportation (Navajo DOT) of the Executive Branch of the Navajo Nation government (Nation).

II. PURPOSE

The purpose of the Department is to provide technical services to the Navajo Nation DOT in the areas of Planning, GIS/Accident, and Indian Reservation Roads Inventory in accordance with the Public Law 93-638 contract with the Bureau of Indian Affairs Navajo Regional Office.

III. OBJECTIVE

- A. To be the point of reference for all transportation planning activities.
- B. To provide technical assistance in the area of planning, road inventory, accident data, asset management and GIS.

IV. PERSONNEL AND ORGANIZATION

A. PERSONNEL – All personnel shall be employed and compensated in accordance with applicable Navajo Nation Personnel Policies Manual. The Department shall comprise of the following staff:

- 1. Administrative Staff
- 2. Planning Staff
- 3. Inventory/GIS Staff
- 4. GIS/Accident Staff

B. ORGANIZATION

- 1. The Department Manager shall report to the Division Director and the Deputy Director of the Executive Department.

- 31 2. The organizational chart of the Department within the Navajo
32 DOT is attached and incorporated herein as Exhibit "A".

33
34 V. **RESPONSIBILITY AND AUTHORITY**

35 The Department Manager shall have the following responsibilities and
36 authorities:

- 37 1. Report and be accountable to the Division Director and Deputy
38 Director for the purpose and objectives of the Department.
39 2. Execute directives of the Division Director.
40 3. Represent the Department at division and executive levels.
41 4. Ensure the deliverables of the Department's Public Law 93-638
42 contract are submitted in accordance with contractual deadlines to
43 the Bureau of Indian Affairs Navajo Regional Office.
44 5. Promulgate Navajo DOT policies and guidelines to ensure the
45 proper and timely implementation of Department projects.
46 6. Exercise supervisory control and guidance over Department staff
47 and delegate authority to other staff members.
48 7. Administer the policies and procedures of the Nation necessary for
49 effective management of the Department and to fulfill the purpose
50 and objectives.
51 8. Prepare the Nation's Public Law 93-638 contract operating budget
52 in accordance with the Budget Instructions and Policies Manual
53 prepared by the Office of Management and Budget.
54 9. Provide monthly, quarterly and annual written reports to the
55 Division Director and Resources and Development Committee of
56 the Navajo Nation Council.
57 10. Coordinate activities with other departments of the Navajo DOT.
58 11. Conduct annual reviews of the Department Plan of Operation.

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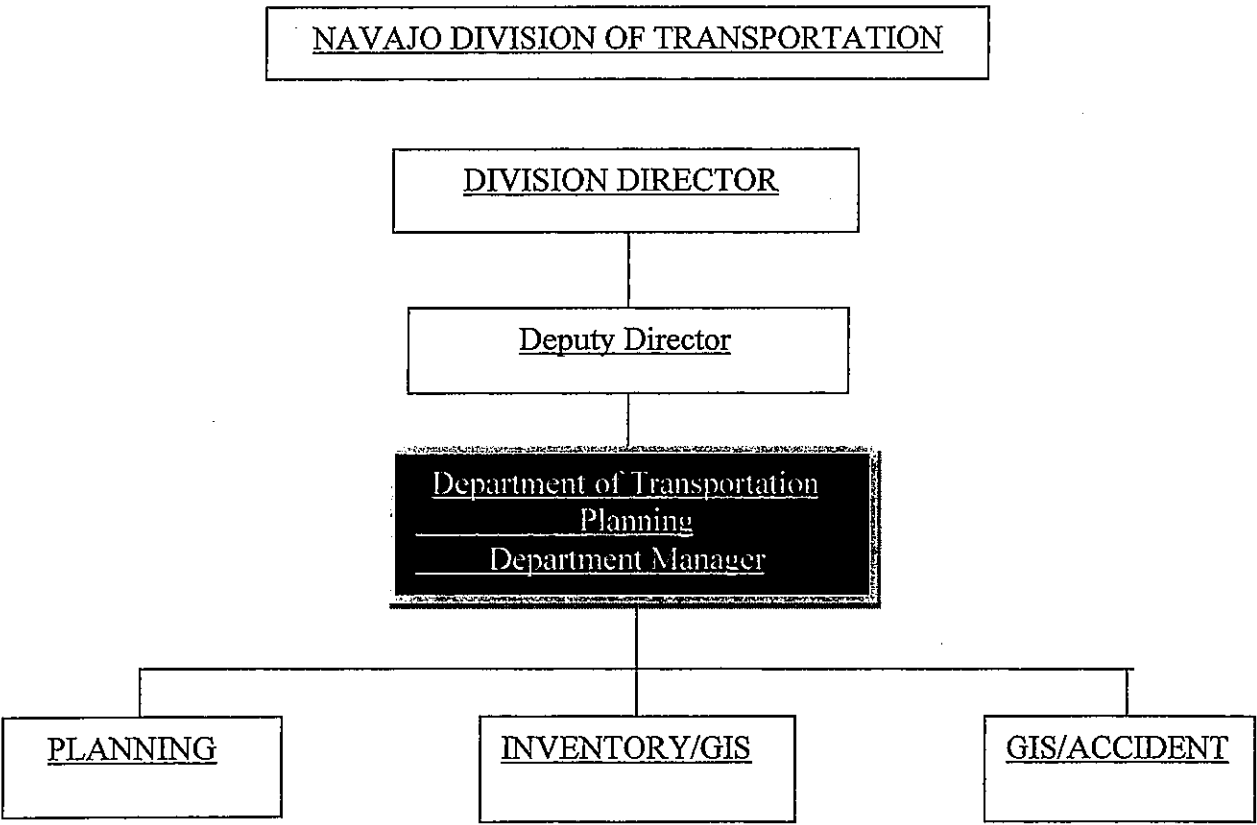
V. LEGISLATIVE OVERSIGHT

The Resources and Development Committee of the Navajo Nation Council shall serve as the Legislative oversight of the Navajo Division of Transportation and the Department of Transportation Planning pursuant to 2 N.N.C. §421 and 423.

VI. AMENDMENTS

The Department Plan of Operation may be amended as deemed necessary by the Resources and Development Committee of the Navajo Nation Council.

EXHIBIT A



1 **DEPARTMENT OF ROADS**

2 **PLAN OF OPERATION**

3
4 **I. ESTABLISHMENT**

5 The Department of Roads (Department) is hereby established within the
6 Navajo Nation Division of Transportation (Navajo DOT) of the Executive
7 Branch of the Navajo Nation government (Nation).

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9 **II. PURPOSE**

10 The purpose of the Department is to improve, repair, and maintain the Navajo
11 Nation transportation network of roadways and to provide necessary services
12 for the safe usage and protection of the roadway investments as designated by
13 the Navajo Nation approved road inventory.

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15 **III. OBJECTIVE**

16 A. Provide and execute an updated Maintenance Plan on an annual basis.

- 17 1. Develop, update and utilize a Maintenance Plan.
- 18 2. Utilize an asset management program to develop and maintain
19 annual plans with budgets for the Department.
- 20 3. Conduct an annual assessment of roadways.
- 21 4. Receive recommendations with planners and communities to
22 establish and prioritize road maintenance activities.

23 B. Maintain roadways in accordance with annual Maintenance Plan.

- 24 1. To assist in road fund projects as needed.

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26 **IV. PERSONNEL AND ORGANIZATION**

27 A. PERSONNEL – All personnel shall be compensated in accordance with
28 applicable Navajo Nation Personnel Policies Manual. The Department shall
29 comprise of the following:

- 30 1. Management – Department Manager
- 31 2. Administrative Support

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- 3. Field Operations
- 4. Equipment

B. ORGANIZATION

- 1. The Department Manager shall report to the Division Director and the Deputy Director of the Executive section.
- 2. The organizational chart of the Department within Navajo DOT is attached as Exhibit "A".

V. RESPONSIBILITY AND AUTHORITY

A. The Department Manager shall have the following responsibilities and authorities:

- 1. Plan and execute the Navajo DOT Department maintenance and management program.
- 2. Adequately staff and manage the sections with personnel pursuant to the provisions and guidelines of the Navajo DOT and the Navajo Nation Personnel Policies Manual.
- 3. Formulate the overall administrative and operating policies and procedures pertaining to the Department and take such action as deemed necessary for accomplishment of objectives.
- 4. Establish, implement and administer the fund management plan.
- 5. Seek additional sources of funding and technical assistance to enhance the Department.
- 6. Recommend and coordinate with the other departments of Navajo DOT to carry out necessary duties.
- 7. Exercise supervisory control and guidance over Department staff and delegate authority to other staff members.
- 8. Represent the Department in Executive level planning.
- 9. Conduct special projects and programs as may be assigned.
- 10. Prepare and plan the annual budget for the Department, conduct periodic review thereof, and participate in overall program and budget reviews.

63 11. Coordinate and execute services on the Navajo Nation within the
64 areas of responsibility and authority dealing with regulatory
65 agencies.

66 12. Review and update the Navajo DOT Department Plan of Operation
67 on an annual basis.

68 B. Field Operations shall have the following responsibilities:

69 1. Provide road maintenance services on the Nation inventoried
70 public routes and School Bus Routes under contract or funded by
71 the Nation.

72 2. Assist in maintenance of County and BIA routes under
73 Memorandum of Agreements.

74 3. Construct Fuel Excise Tax projects and other improvements as
75 directed by Division Director.

76 4. Establish and maintain Department to enhance the roads programs
77 for improved service, safety and staff development.

78 5. Provide submittals for reporting and documentation of Department
79 activities as required from program and funding sources.

80 6. Care and preventive maintenance on heavy equipment and other
81 assets to ensure program delivery.

82 7. Provide recommendations and guidance to management as needed
83 to ensure efficient and effective delivery of services.

84 C. Equipment

85 1. Establish and execute an equipment maintenance program on
86 heavy equipment and other assets to ensure program delivery.

87 2. Perform diagnostic services; procure parts and supplies to ensure
88 repairs as needed.

89 3. Maintain current heavy equipment mechanic certification, tools
90 and licenses.

91 4. Make recommendations to management to ensure optimal
92 performance of equipment and labor needs.

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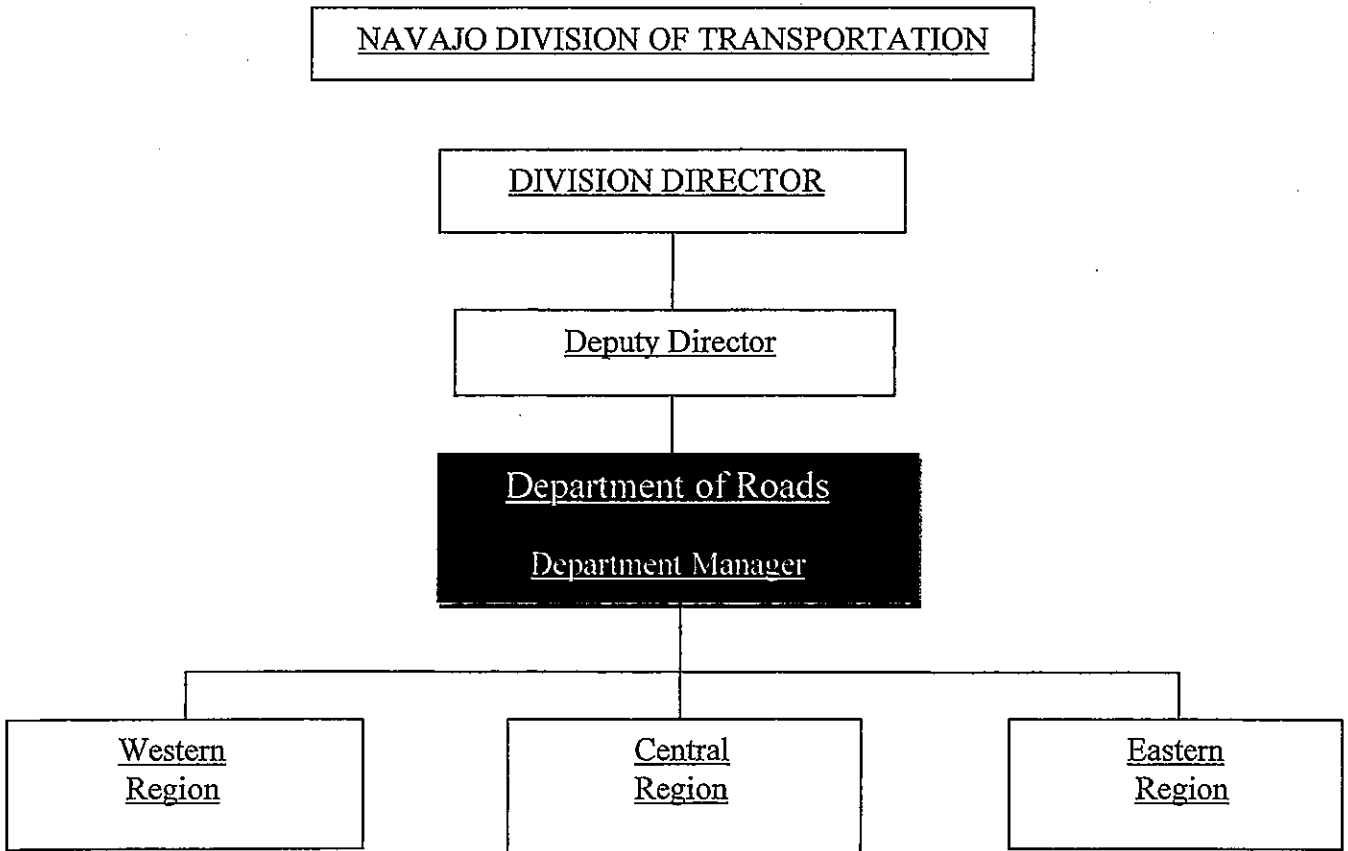
V. LEGISLATIVE OVERSIGHT

The Resources and Development Committee of the Navajo Nation Council shall serve as the Legislative oversight of the Navajo Division of Transportation and the Department of Roads pursuant to 2 N.N.C. §421 and 423, et seq.

VI. AMENDMENTS

The Department Plan of Operation may be amended as deemed necessary by the Resources and Development Committee of the Navajo Nation Council.

EXHIBIT A



COMMITTEE REPORT
RESOURCES AND DEVELOPMENT COMMITTEE
22ND NAVAJO NATION COUNCIL --- Third Year, 2013

Mr. Speaker:

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

LEGISLATION NO. 0015-13

Introduced by the Hon. Jonathan Nez

An action relating to Resources and Development, Law and Order, and Naabik'iyati'; amending 2 N.N.C. §1371 and the Plan of Operation for the Navajo Division of Transportation (NDOT), GSCAU-26-09, to reassign and transfer the Navajo Department of Highway Safety to NDOT, and approving all NDOT Department Plans of Operation

has had it under consideration and reports a DEFERRAL action for a committee work session

On this 12th Day of February, 2013.


Katherine Benally, Chairperson

Motion: Leonard H. Pete

Second: Leonard Tsosie

Vote: 3-0-0

**LAW AND ORDER COMMITTEE
22nd NAVAJO NATION COUNCIL**

THIRD YEAR 2013

COMMITTEE REPORT

Mr. Speaker,

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

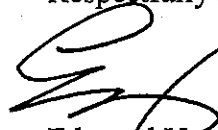
Legislation # 0015-13:

An Action Relating to Resources and Development, Law and Order, and Naabik'Iyati: Amending 2 N.N.C. §1371 and the Plan of Operation for the Navajo Division of Transportation (NDOT), GSCAU-26-09, to Reassign and Transfer the Navajo Department of Highway Safety to NDOT, and Approving All NDOT Department Plans of Operation. (*Prime Sponsor: Jonathan Nez; Co-Sponsor: Roscoe Smith*)

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
22nd Navajo Nation Council

Date: March 4, 2013

The vote was 3 in favor and 0 opposed

Motion: Alton Joe Shepherd

Second: Russell Begaye

Directives included in Main motion:

- (1) Provide a minor & major impact analysis prior to Naabik'Iyati meeting;
- (2) Provide draft copy of the proposed NDOT Personnel Policy & Procedures;
- (3) Provide a "clean" copy of the Exhibits and insert tabs to Department's Plan of Operation.



LAW AND ORDER COMMITTEE
OF THE
22ND NAVAJO NATION COUNCIL

MARCH 12, 2012

MINUTE ENTRY

**TOPIC: REVIEW OF DEPARTMENT OF HIGHWAY SAFETY'S
PLAN OF OPERATION**

This matter having come before the Law and Order Committee on 12th day of March, 2012, during a duly scheduled regular meeting at Crownpoint Dine College - Crownpoint, New Mexico, at which a quorum was present;

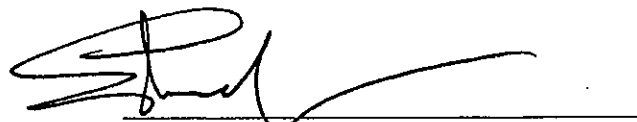
Mr. Ramone Yazzie, Sr., Acting Director of Highway Safety Department provided a report on the status of the Department's Plan of Operation. He reported the Department will be transferred to Navajo Division of Transportation as soon as the proposed transfer is approved by the oversight Committee. Mr. Yazzie further mentioned SAS # 24240, a resolution amending the Department's Plan of Operation and Transfer to NDOT is currently at Department of Justice for their legal review.

Upon discussion, the Committee issued a directive to Department of Justice to stop further review of SAS #24240 until proper consultation is made with the Department's oversight committee, the Law and Order Committee. Presently, the Committee does not support the Department's transfer to NDOT.

The matter was discussed and directive certified as follow:

MOTION: Russell Begaye
SECOND: Elmer P. Begay
VOTE: 3 - 0

DATE: March 12th, 2012.


Chairman Edmund Yazzie
LAW AND ORDER COMMITTEE
22nd Navajo Nation Council

COMMITTEE REPORT
RESOURCES AND DEVELOPMENT COMMITTEE
22ND NAVAJO NATION COUNCIL --- Third Year, 2013

Mr. Speaker:

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

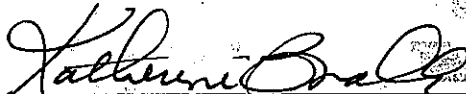
LEGISLATION NO. 0015-13

Introduced by the Hon. Jonathan Nez

An action relating to Resources and Development, Law and Order, and Naabik'iyati; amending 2 N.N.C. §1371 and the Plan of Operation for the Navajo Division of Transportation (NDOT), GSCAU-26-09, to reassign and transfer the Navajo Department of Highway Safety to NDOT, and approving all NDOT Department Plans of Operation

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 26th Day of February, 2013.


Katherine Benally, Chairperson

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

COMMITTEE REPORT
RESOURCES AND DEVELOPMENT COMMITTEE
22ND NAVAJO NATION COUNCIL --- Third Year, 2013

Mr. Speaker:

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

LEGISLATION NO. 0015-13
Introduced by the Hon. Roscoe D. Smith

An action relating to Resources and Development, Law and Order, and Naabik'iyati; amending 2 N.N.C. §1371 and the Plan of Operation for the Navajo Division of Transportation (NDOT), GSCAU-26-09, to reassign and transfer the Navajo Department of Highway Safety to NDOT, and approving all NDOT Department Plans of Operation

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

1. A Highway Safety Plan and Road Maintenance Manual will be developed and presented to the Resources and Development Committee by April 2013

And hence referred to the **LAW AND ORDER COMMITTEE** on this 26th Day of February, 2013.


Katherine Benally, Chairperson

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

22nd NAVAJO NATION COUNCIL

Third Year 2013

The NAABIK'ÍYÁTI' COMMITTEE to whom has been assigned

NAVAJO LEGISLATIVE BILL # 0015-13

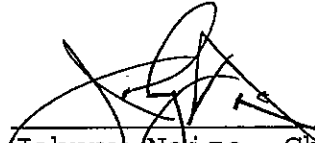
(Sponsors: Honorable Jonathan Nez, Honorable Roscoe Smith)

An Action Relating to Resources and Development, Law and Order, and Naabik'iyáti'; Amending 2 N.N.C §1371 and the Plan of Operation for the Navajo Division of Transportation (NDOT), GSCAU-26-09, to Reassign and Transfer the Navajo Department of Highway Safety to NDOT, and Approving all NDOT Department Plans of Operation.

has had it under consideration and reports the same DO PASS with no amendment

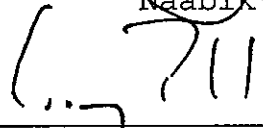
and therefore referred to the NAVAJO NATION COUNCIL.

Respectfully submitted,



Johnny Naize, Chairman
Naabik'iyáti' Committee

Adopted:



Tom Platero, Executive Director
Office of Legislative Services

Not Adopted: _____

11 April 2013

Motion: David Tom

Second: Jonathan Hale

Vote: 15 in favor, 0 opposed