

THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

November 4, 2021

Hon. Seth Damon
Office of the Speaker
Post Office Box 3390
Window Rock, AZ 86515

RE: CO-59-21, *An Action Relating to Health, Education and Human Services, Resources and Development, Law and Order, Budget and Finance, Naabik'iyati' Committees and the Navajo Nation Council; Approving the Transfer of the Navajo Transit System from the Navajo Division of General Services to the Navajo Division of Transportation; Amending the Navajo Transit System Plan of Operation and Organizational Chart; and Amending 2 N.N.C. §1252 (B) (8)-(9)*

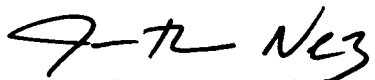
Dear Speaker Damon,


Early in our Administration we produced the Hozhó Diné Bi Nahat'á Strategic Plan which was designed to increase government accountability while providing a methodology for goal setting, tracking, implementation, and improvement. Our Divisions looked to improving government services and to streamline the process for quicker response to those services. In the case of the Transit System it was clear and logical the Program would fare better under the Navajo Division of Transportation.

We look forward to the final step in the transfer process with the Resources and Development Committee working with the Navajo Division of Transportation to amend their Plan of Operation to include the Navajo Transit System. Other recommendations for improving government services may be coming and we look forward to the changes that will increase government accountability.

Thank you to Council Delegate Carl Slater for supporting the change and thank you 24th Navajo Nation Council for CO-59-21, which we sign into law.

Sincerely,


Jonathan Nez, President
THE NAVAJO NATION


Myron Lizer, Vice President
THE NAVAJO NATION

RESOLUTION OF THE
NAVAJO NATION COUNCIL
24th NAVAJO NATION COUNCIL - THIRD YEAR, 2021

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, LAW AND ORDER, BUDGET AND FINANCE, NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; APPROVING THE TRANSFER OF THE NAVAJO TRANSIT SYSTEM FROM THE NAVAJO DIVISION OF GENERAL SERVICES TO THE NAVAJO DIVISION OF TRANSPORTATION; AMENDING THE NAVAJO TRANSIT SYSTEM PLAN OF OPERATION AND ORGANIZATIONAL CHART; AND AMENDING 2 N.N.C. § 1252(B)(8) - (9)

BE IT ENACTED:

SECTION ONE. AUTHORITIES

- A. The Navajo Nation Council enacts laws and sets policy for the Navajo Nation. 2 N.N.C. § 102.
- B. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council with authority to review proposed legislation that requires final action by the Navajo Nation Council. 2 N.N.C. § 164(A)(9).
- C. The Health, Education and Human Services Committee is the standing committee of the Navajo Nation Council with the authority to recommend to the Navajo Nation Council the creation of any Division or Department intended to be under the Committee's oversight, by adoption of its Plan of Operation; and to rescind that Plan of Operation for any Division or Department under the Committee's oversight. 2 N.N.C. §§ 400(A), 401(B)(8).
- D. The Resources and Development Committee is the standing committee of the Navajo Nation Council with the authority to recommend to the Navajo Nation Council the creation of any Division or Department intended to be under the Committee's oversight, by adoption of its Plan of Operation. 2 N.N.C. §§ 500(A), 501(B)(14).
- E. The Law and Order Committee is the standing committee of the Navajo Nation Council with the authority to review and make recommendations to the Navajo Nation Council on proposed amendments to the Navajo Nation Code. 2 N.N.C. §§ 600(A), 601(B)(14).
- F. The Budget and Finance Committee is the standing committee of the Navajo Nation Council with the authority to review and

recommend to the Navajo Nation Council the budgeting, appropriation, investment, and management of all funds. 2 N.N.C. §§ 300(A), 301(B)(2).

SECTION TWO. FINDINGS

- A. The Government Services Committee established the Master Plan of Operation for the Division of General Services along with the Plan of Operation for the Navajo Transit System. Pursuant to Resolution No. GSCS-69-95. The Government Services Committee was rescinded and replaced by the Health, Education and Human Services Committee pursuant to CAP-10-11, incorporated by reference.
- B. The Navajo Transit System is currently operating under the Navajo Division of General Services, and the Health, Education and Human Services Committee is the legislative oversight Committee.
- C. The Navajo Nation desires to transfer the Navajo Transit System from Navajo Division of General Services to the Navajo Division of Transportation. When the Navajo Transit System is transferred to the Navajo Division of Transportation, the Resources and Development Committee will be the legislative oversight Committee. See **Exhibit A**.
- D. The Navajo Nation Department of Justice reviewed the amendments to the Navajo Transit System Plan of Operation, Organizational Chart, and 2 N.N.C. § 1252(B)(8)-(9) and determined the transfer and these changes to be legally sufficient. Attached as **Exhibit B**.
- E. The Navajo Nation finds it to be in the best interest to transfer the Navajo Transit System from the Navajo Division of General Services to the Navajo Division of Transportation, and to amend the Plan of Operation and Organizational Chart, and 2 N.N.C. § 1252(B)(8)-(9).

SECTION THREE. AMENDING AND APPROVING THE NAVAJO TRANSIT SYSTEM PLAN OF OPERATION AND ORGANIZATIONAL CHART

The Navajo Nation Council hereby approves the amended Navajo Transit System Plan of Operation along with the amended Organizational Chart pursuant to **Exhibit A**.

SECTION FOUR. APPROVING AND AMENDING 2 N.N.C. § 1252(B)(8)-(9)

The Navajo Nation Council hereby amends 2 N.N.C. § 1252(B)(8)-(9) as follows:

THE NAVAJO NATION CODE
TITLE 2 NAVAJO NATION GOVERNMENT
Chapter 5. Executive Branch
Subchapter 11. Division of General Services

§ 1252. Purposes and Objectives

B. The objectives of the Division of General Services shall include:

~~8. Providing a ground transportation system for the Navajo people by offering low cost fixed route services on and around the Navajo Nation and by offering charter services to various groups in and around the Navajo Nation.~~

9.8. Maintaining custodial care of all vital official Navajo Nation Government records and providing duplicating services for the Government.

SECTION FIVE. DIRECTIVE

The Navajo Nation hereby directs the following entities to make all necessary changes as follows:

A. The Navajo Nation Office of the Controller, Office of Management and Budget, Department of Personnel Management, and all other affected Navajo Nation entities shall implement the necessary changes to reflect the transfer of the Navajo Transit System from the Division of General Services to the Navajo Division of Transportation set forth herein.

B. The Navajo Division of Transportation and the Navajo Division of General Services shall update all necessary documents and other items to reflect the changes set forth herein.

SECTION SIX. CODIFICATION

The provisions 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.

SECTION SEVEN. SAVING 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, the remainder of the Act shall remain the law of the Navajo Nation.

SECTION EIGHT. EFFECTIVE DATE

The provisions of this Act shall become effective pursuant to 2 N.N.C. § 221(B).

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 24th 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 00 Opposed, on this 20th day of October 2021.


Honorable Seth Damon, Speaker
24th Navajo Nation Council

10/26/2021

DATE

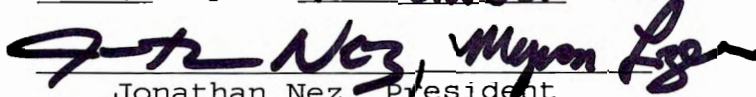
Motion: Honorable Otto Tso

Second: Honorable Wilson C. Stewart, Jr.

Speaker Seth Damon not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

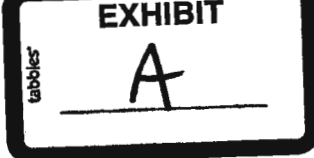
1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this 04 day of November, 2021.



Jonathan Nez, President
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this _____ day of _____, 2021 for the reason(s) expressed in the attached letter to the Speaker.

Jonathan Nez, President
Navajo Nation



NAVAJO TRANSIT SYSTEM
PLAN OF OPERATION
Updated September, 2021

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5 **I. ESTABLISHMENT**

6 There is hereby established the Navajo Transit System within the Navajo Division of ~~General~~
7 ~~Services-Transportation~~ of the Navajo Nation Government Executive Branch.

8
9 **II. PURPOSE**

10 Transportation transit services to be performed are described as follows:

11 **A. Fixed Route Services:**

12 To operate and serve as a common carrier, by motor vehicle, in interstate and or foreign
13 commerce, over regular routes, transporting passengers and their baggage, ~~newspapers~~
14 ~~and express mail~~, between points in New Mexico, Arizona, Utah and beyond these
15 areas, if necessary.

16 **B. Charter Services:**

17 To provide irregular motor coach routes of passengers and their baggage, in the same
18 vehicle under special operations, ~~between points in Arizona and New Mexico and other~~
19 ~~points in Arizona, New Mexico, Utah, Colorado, California, Nevada, Idaho, Oregon,~~
20 ~~Washington, Oklahoma, Texas, Kansas, Mississippi, Illinois, Arkansas, Tennessee,~~
21 ~~North Carolina, Virginia, Missouri, Louisiana, and the District of Columbia.~~ in
22 compliance with 49 U.S.C. §5323(d) and 49 C.F.R. Part 604 and as approved by
23 funding agencies.

24 **III. STAFF AND ORGANIZATION**

25 **A. STAFFING**

- 26 1. There shall be a ~~Director-Manager~~ of Navajo Transit System. The
27 ~~Director-Manager~~ of the Navajo Transit System Department shall be
28 hired by the Division Director of the Navajo Division of ~~General~~
29 ~~Services-Transportation~~ pursuant to Personnel Policies of the Navajo
30 Nation Government and report to the ~~Executive Director of the Division~~

1 of ~~General Services~~. The Manager of Navajo Transit System shall
2 report to and under the direct supervision of the Division Director of the
3 Navajo Division of Transportation.

4 The ~~Director-Manager~~ shall be authorized to recommend additional
5 professional, technical and clerical positions as needed to execute
6 purposes stated herein. Additional personnel positions shall be acquired
7 in accordance with Navajo Nation Personnel Policies and ~~Procedures~~
8 Manual and applicable budget rules established for conducting the
9 annual Navajo Nation budget process.

11 **B. ORGANIZATION**

12 The organizational chart of the Navajo Transit System is displayed as Attachment I.

14 **IV. RESPONSIBILITY AND AUTHORITY**

15 A. The ~~Director~~ Manager and staff of Navajo Transit System is hereby authorized
16 and responsible to:

- 17 1. Administer and operate ~~both fixed routes and charter public~~
18 transportation services.
- 19 2. Administer and operate limited charter services as approved by funding
20 sources on a case-by-case basis.
- 21 3. Assure compliance with guidelines, rules, regulations and requirements
22 set by the funding sources and the Navajo Nation Council.
- 23 4. Communicate ~~tariffs and motor coach bus fare~~ rates to all necessary
24 Navajo Nation agencies.
- 25 5. Provide safe and reliable public transportation services.
- 26 6. Collect daily bus fare rates and, compile Recap data, reconcile tickets
27 and revenue and submit daily depository of funds to Cashiers. ~~Analyze~~
28 ~~daily ticket count for customary receipts.~~
- 29 5. ~~Prepares performance reports for Federal funding compliance.~~

- 1 ~~6. Prepare reports, budgets and revisions, daily bookkeeping, Purchase~~
- 2 ~~Requisitions, Request for Direct Payment (RDP), Interdepartmental~~
- 3 ~~Charge Requisitions (ICR), final accounting.~~
- 4 7. Prepare and manage budgets, expenditures, revenue, inventory, and
- 5 financial reporting.
- 6 8. Maintain NTS fleet of buses, vans and all its assets including
- 7 administrative office, buildings, parking lots, garages, etc.
- 8 9. Manage daily fixed routes schedules and daily driver's schedules.
- 9 10. Assure safety in all aspects of Transit operations.
- 10 11. Assure a reasonable level of customer service.
- 11 12. Provide necessary training to staff.
- 12 13. Abide by the Navajo Nation Personnel Policies and Procedures Manual
- 13 (NNPPM) and shall in no way influence or pressure staff members on
- 14 any political matters, applicable Navajo Nation laws, regulations and
- 15 policies.
- 16 14. Other duties as assigned by the Division Director.

17 **B. Navajo Transit System – Operating Authority:**

18 1. ~~The Navajo Transit System became operational in November 1980, and~~

19 ~~on April 11, 1983, received its permanent operating authority, the~~

20 ~~Certificate of Public Convenience and Necessity from the Federal Interstate~~

21 ~~Commerce Commission, attached hereto as Attachment II. This certificate~~

22 ~~is evidence of the Navajo Transit System's authority to engage in~~

23 ~~transportation as a common carrier by Motor Vehicle, as established by the~~

24 Navajo Nation Council.

25 **V. LEGISLATIVE OVERSIGHT**

26 ~~The Government Services Committee of the Navajo Nation Council shall provide legislative~~

27 ~~oversight for the Navajo Transit System pursuant to 2 N.T.C §343 (b)(4).~~

28 The Navajo Transit System, Navajo Division of Transportation, shall operate under the

29 legislative oversight of the Resource and Development Committee of the Navajo Nation

30 Council, pursuant to 2 N.N.C. §500 and §501(B)(2)(g).

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VI. AMENDMENTS

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

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ATTACHMENT I
NAVAJO DIVISION OF TRANSPORTATION
NAVAJO TRANSIT SYSTEM ORGANIZATION CHART
Updated: September 2021

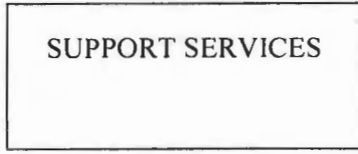
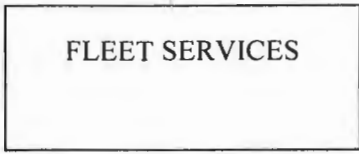
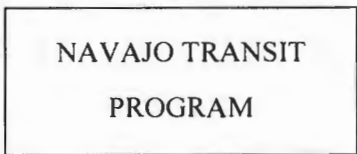
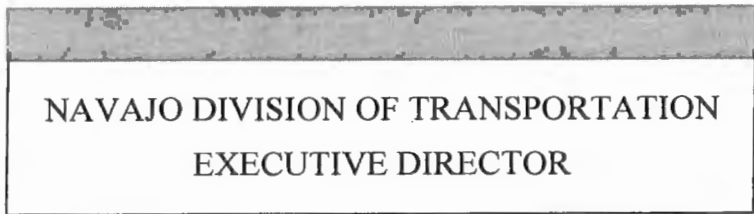


EXHIBIT
 B



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT
REVIEW
REQUEST
FORM



RESUBMITTAL

DOJ

4/8/21 @ 3:41 PM
DATE / TIME
 7 Day Deadline

DOC #: 016 002
SAS #:
UNIT: Hsqw

*** FOR NNDOJ USE ONLY - DO NOT CHANGE OR REVISE FORM VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED ***

CLIENT TO COMPLETE			
DATE OF REQUEST:	4/9/2021	DIVISION:	General Services
CONTACT NAME:	Tom Platero	DEPARTMENT:	Executive Administration
PHONE NUMBER:	928 871-6311	E-MAIL:	tom.platero@navajo-nsn.gov
TITLE OF DOCUMENT: <i>Update Navajo Transit System Plan of Operation</i>			
DOJ SECRETARY TO COMPLETE			
DATE/TIME IN UNIT:	<i>4/9/21 @ 4:05 pm</i>	REVIEWING ATTORNEY/ADVOCATE:	<i>LTJ Lee Harrison / Ju</i>
DATE TIME OUT OF UNIT:	<i>6/2/21 9:25 Ju</i>		
DOJ ATTORNEY / ADVOCATE COMMENTS			
<i>5/27/21 - Ruvik Light Rice - Legally Sufficient.</i>			
REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
<i>for TRC</i>	<i>5/27/21 @ 4:45</i>	<i>Uky</i>	<i>6/1/21</i>
DOJ Secretary Called: <i>Tom Platero</i> for Document Pick Up on <i>6/2/21</i> at <i>9:15</i> By <i>Ju</i>			
PICKED UP BY: (Print)	DATE / TIME:		

Document No. 016002

Date Issued: 03/03/2021

EXECUTIVE OFFICIAL REVIEW

Title of Document: Navajo Transit System Plan of Operation

Contact Name: TULLEY, MARGUS C. *Tom Platero*

Program/Division: DIVISION OF GENERAL SERVICES

Email: marcustulley@navajo-nsn.gov

Phone Number: 928-729-4002 *928 871-6311*

tom.platero@navajo-nsn.gov

Business Site Lease Sufficient Insufficient

- 1. Division: _____ Date: _____
- 2. Office of the Controller: _____ Date: _____
- (only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)
- 3. Office of the Attorney General: _____ Date: _____

Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions

- 1. Division: _____ Date: _____
- 2. Office of the Attorney General: _____ Date: _____

Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications

- 1. Office of Management and Budget: _____ Date: _____
- 2. Office of the Controller: _____ Date: _____
- 3. Office of the Attorney General: _____ Date: _____

Navajo Housing Authority Request for Release of Funds

- 1. NNEPA: _____ Date: _____
- 2. Office of the Attorney General: _____ Date: _____

Lease Purchase Agreements

- 1. Office of the Controller: _____ Date: _____
- (recommendation only)
- 2. Office of the Attorney General: _____ Date: _____

Grant Applications

- 1. Office of Management and Budget: _____ Date: _____
- 2. Office of the Controller: _____ Date: _____
- 3. Office of the Attorney General: _____ Date: _____

Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval

- 1. Division: (L. P. 11) Date: 04/09/2021
- 2. Office of the Attorney General: WJ Date: 6/1/21

Relinquishment of Navajo Membership

- 1. Land Department: _____ Date: _____
- 2. Elections: _____ Date: _____
- 3. Office of the Attorney General: _____ Date: _____

Land Withdrawal or Relinquishment for Commercial Purposes Sufficient Insufficient

1. Division: _____ Date: _____
 2. Office of the Attorney General: _____ Date: _____

Land Withdrawals for Non-Commercial Purposes, General Land Leases and Resource Leases

1. NLD _____ Date: _____
 2. F&W _____ Date: _____
 3. HPD _____ Date: _____
 4. Minerals _____ Date: _____
 5. NNEPA _____ Date: _____
 6. DNR _____ Date: _____
 7. DOJ _____ Date: _____

Rights of Way

1. NLD _____ Date: _____
 2. F&W _____ Date: _____
 3. HPD _____ Date: _____
 4. Minerals _____ Date: _____
 5. NNEPA _____ Date: _____
 6. Office of the Attorney General: _____ Date: _____
 7. OPVP _____ Date: _____

Oil and Gas Prospecting Permits, Drilling and Exploration Permits, Mining Permit, Mining Lease

1. Minerals _____ Date: _____
 2. OPVP _____ Date: _____
 3. NLD _____ Date: _____

Assignment of Mineral Lease

1. Minerals _____ Date: _____
 2. DNR _____ Date: _____
 3. DOJ _____ Date: _____

ROW (where there has been no delegation of authority to the Navajo Land Department to grant the Nation's consent to a ROW)

1. NLD _____ Date: _____
 2. F&W _____ Date: _____
 3. HPD _____ Date: _____
 4. Minerals _____ Date: _____
 5. NNEPA _____ Date: _____
 6. DNR _____ Date: _____
 7. DOJ _____ Date: _____
 8. OPVP _____ Date: _____

OTHER:

1. _____ Date: _____
 2. _____ Date: _____
 3. _____ Date: _____
 4. _____ Date: _____
 5. _____ Date: _____

NAVAJO NATION

912

Navajo Nation Council 2021 Fall Session

10/20/2021

10:22:36 AM

Amd# to Amd#	Legislation 0201-21: Approving	PASSED
MOT Tso	the Transfer of the Navajo	
SEC Stewart, W	Transit System from the Navajo	
	Division of General Services....	

Yeas : 22

Nays : 0

Excused : 0

Not Voting : 1

Yea : 22

Begay, E	Daniels	Slater, C	Tso, D
Begay, K	Freeland, M	Smith	Tso, E
Begay, P	Halona, P	Stewart, W	Walker, T
Brown	Henio, J	Tso	Yazzie
Charles-Newton	James, V	Tso, C	Yellowhair
Crotty	Nez, R		

Nay : 0

Excused : 0

Not Voting : 1

Wauneka, E

Presiding Speaker: Damon