RESOLUTION OF THE
LAW AND ORDER COMMITTEE
OF THE NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL – Third Year 2013

AN ACTION
RELATING TO LAW AND ORDER; AMENDING THE PLAN OF OPERATION
FOR THE NAVAJO NATION ETHICS AND RULES OFFICE

BE IT ENACTED:

Section One. Findings and Purpose:

1. By Navajo Nation Council Resolution CAP-10-11, the number of standing committees of the Navajo Nation Council was reduced from 12 to 5. The Law and Order committee, a new committee, assumed duties and responsibilities of certain committees abolished, including the Public Safety, Judiciary and Ethics and Rules Committees. 2 N.N.C. §600 et seq. (2011). The Law and Order Committee was also given general oversight authority over the Ethics and Rules Office, among other programs. 2 N.N.C. §601(c).

2. Pursuant to 2 N.N.C. §601(B)(4), the Law and Order Committee has the statutory authority to “review and approve plans of operation for all divisions, departments and programs under the Committee’s oversight authority and to amend or rescind such plans of operation.”

3. For purposes of reflecting changes enacted by CAP-10-11, the Plan of Operation for the Ethics and Rules Office must be amended.

4. The Ethics and Rules Office Plan of Operation was last amended December 17, 2008, by resolution IGRD-316-08.

Section Two: Amending Ethics and Rules Office Plan of Operation.

The Navajo Nation hereby amends the Plan of Operation for the Navajo Nation Ethics and Rules Office, as provided in Exhibit “A” attached hereto.
CERTIFICATION

I hereby certify that the foregoing resolution was duly considered the Law and Order Committee of the 22nd Navajo Nation Council at a duly called meeting held at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 3 in favor, 0 opposed and 0 abstained, on this 25th day of January, 2013.

[Signature]

Edmund Yazzie, Chairman
Law and Order Committee

Motion: Alton Joe Shepherd
Second: Duane S. Tsinigine
Title 2. Navajo Nation Government

Chapter 6. Navajo Nation Ethics in Government Law

Subchapter 6. Ethics and Rules Office

§ 3786. Establishment

There is hereby established the Ethics and Rules Office within the Navajo Nation government.

§ 3787. Purpose and Objectives

The purposes and objectives of the Ethics and Rules Office shall be:

A. To represent the Navajo Nation in all administrative hearings convened pursuant to the Navajo Ethics in Government Law, 2 N.N.C. §3741 et seq., provide administrative assistance to the Ethics and Rules Committee of the Navajo Nation Council in ensuring adherence to legislative mandates under the Navajo Nation Ethics in Government Law, Ethics and Rules Committee Plan of Operation, and other applicable laws of the Navajo Nation;

B. To represent the interests of the Navajo Nation in maintaining the highest standards of ethical conduct by the elected and appointed public officials, officers and representatives of the Navajo Nation in the performance of their public and official duties and functions (includes candidates and public employees);

C. To maintain and make available for official information complete and current written records of all laws, resolutions, rules, regulations and other official enactments, rulings, decisions or opinions relating to requirements, prohibitions or standards of ethical conduct;

D. To protect the interests of the Navajo People in ensuring fair, honest and efficient conduct of the government of the Navajo Nation, in accordance with the laws of the Navajo Nation and the will of the Navajo People, through review, recommendation and sponsorship of projects, legislation, rules and standards in furtherance of these ends; and

E. To assist the Ethics and Rules Committee with its statutory duties and responsibilities.
§ 3788. Personnel and organization

A. There is established the positions of Director for the Ethics and Rules Office, presenting officers, investigators and administrative/secretarial staff as may be budgeted by the Navajo Nation Council.

B. The Ethics and Rules Committee and the Executive Director of the Office of Legislative Services, with the assistance of the Department of Personnel Management, or its successor, shall have the authority to employ the Director of the Ethics and Rules Office.

C. The Director, with the assistance of the Department of Personnel Management, or its successor, shall have the authority to hire the administrative/secretarial staff, pursuant to the Navajo Nation Personnel Policies Manual.

D. All Ethics and Rules Office personnel, including the Director, shall be subject to and entitled to the benefits of the Navajo Nation Personnel Policies Manual.

E. The Director of the Ethics and Rules Office shall be administratively responsible to the Executive Director, Office of Legislative Services, in carrying out policies authorized and directed by the Ethics and Rules Committee of the Navajo Nation Council, as provided under Section 3787 of this Subchapter. However, he or she shall exercise independent professional judgment as to all matters relative to reports of possible ethics violations under the Navajo Ethics in Government Law, 2 N.N.C. §3741 et seq., and matters concerning administrative complaints filed thereunder.

§ 3789. Duties, responsibilities and authority

A. The Director shall be a member, in good standing, of the Navajo Nation Bar Association; he or she shall have the authority necessary and proper to carry out the purposes set forth in § 3787 of this Chapter and the Navajo Ethics in Government Law.

B. Under general direction, the Director of the Ethics and Rules Office shall have the duties, responsibility, and authority to assist the Ethics and Rules Committee of the Navajo Nation Council to:

1. Provide recommendations to the Ethics and Rules Committee appropriate entities of the Navajo Nation concerning rules and regulations necessary to implement provisions
of the Navajo Nation *Ethics in Government Law* and to publish same after proper approval;

2. Maintain records of written advisory opinions issued by the Ethics and Rules Committee on the requirements of the Navajo Nation Ethics in Government Law, upon request from persons whose conduct is subject thereto and who have specific need to use such opinions;

3. Assist investigators of the Ethics and Rules Office with receiving, examining and investigating reports of alleged violations of the Navajo *Ethics in Government Law* or rules and regulations thereto;

4. Determine, with the assistance of Investigators and Presenting Officers, whether formal administrative ethics complaints will be filed with the Ethics and Rules Committee; Delegate, if appropriate and when necessary, any or all duties and responsibilities over certain cases to Presenting Officers; and, pursuant to Navajo Nation law, appoint outside counsel in certain cases if he or she deems necessary and provided funds are available.

5. Present, on behalf of the Navajo Nation, all cases before the Ethics and Rules Committee filed for administrative hearing;

6. Educate officials, employees and programs of the Navajo Nation, including chapters, on the intent, purpose and requirements of the Navajo *Ethics in Government Law*;

7. Assist in conducting public hearings on matters involving ethics in government; and

8. Prepare the annual proposed annual budget for the Ethics and Rules Office and the Ethics and Rules Committee.

§ 3790. Political practices prohibited

The staff of the Ethics and Rules Office shall not, for the purposes of personal gain, intentionally use any information or conduct any proceedings for with the wrongful intent of causing harm or injury to the political standing or reputation of any elected official, employee or other officer member of the Navajo Nation Council, the President and
Vice President of the Navajo Nation, or any other employee, or officer of the Navajo Nation.

§ 3791. Legislative oversight

The Ethics and Rules Law and Order Committee shall be the legislative oversight committee for the Ethics and Rules Office pursuant to 2 N.N.C. § 834(B)(7).

§ 3792. Construction

Nothing contained in this Plan of Operation shall be construed to limit the authority of the Ethics and Rules Office Committee of the Navajo Nation Council and/or their representatives in ensuring adherence to and carrying out the legislative intent of the Navajo Nation Ethics in Government Law and the Ethics and Rules Committee's Plan of Operation, and all applicable laws of the Navajo Nation.

§ 3793. Amendments

This Plan of Operation may be amended by the Ethics and Rules Law and Order Committee of the Navajo Nation Council, subject to the approval of Intergovernmental Relations Committee of the Navajo Nation Council.