

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

**22<sup>nd</sup> 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 22<sup>nd</sup> 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 25<sup>th</sup> day of January, 2013.**

A handwritten signature in black ink, appearing to be 'Edmund Yazzie', written over a horizontal line.

**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.~~

1       **§ 3788. Personnel and organization**

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

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

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

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

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

21  
22       **§ 3789. Duties, responsibilities and authority**

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

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

- 29             1. Provide recommendations to ~~the Ethics and Rules Committee~~ appropriate entities of  
30             the Navajo Nation concerning rules and regulations necessary to implement provisions

1 of the Navajo Nation *Ethics in Government Law* and to publish same after proper  
2 approval;

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

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

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

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

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

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

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

24  
25 **§ 3790. Political practices prohibited**

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

3  
4 **§ 3791. Legislative oversight**

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

7  
8 **§ 3792. Construction**

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

14  
15 **§ 3793. Amendments**

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