

CJN-15-08

RESOLUTION OF THE
NAVAJO NATION COUNCIL

21st NAVAJO NATION COUNCIL - Second Year, 2008

AN ACTION

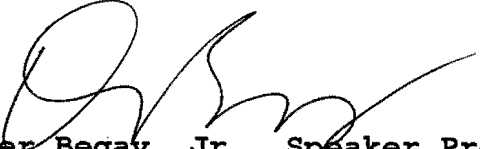
RELATING TO INTERGOVERNMENTAL RELATIONS; APPROVING THE
NAVAJO NATION HUMAN RIGHTS COMMISSION PLAN OF OPERATION

BE IT ENACTED:

The Navajo Nation hereby approves the Navajo Nation Human Rights Commission Plan of Operation pursuant to 2 N.N.C. § 923. The Navajo Nation Human Rights Commission Plan of Operation is attached hereto as Exhibit A.

CERTIFICATION

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 75 in favor and 0 opposed, this 30th day of June 2008.


Omer Begay, Jr., Speaker Pro Tem
Navajo Nation Council

7 03 08
Date

Motion: Woody Lee
Second: Roy Laughter

**NAVAJO NATION HUMAN RIGHTS COMMISSION
PLAN OF OPERATION
Navajo Nation Council Resolution CJN-15-08**

I. ESTABLISHMENT

Pursuant to 2 N.N.C. §§ 920-924, the Navajo Nation Human Rights Commission is established within the Legislative Branch of the Navajo Nation government.

II. PURPOSE

It is the purpose of the Commission to:

- A. Conduct public hearings in/near border towns to assess the state-of-affairs between Navajos and non-Navajos.
- B. Investigate written complaints involving discrimination of Navajo citizens.
- C. Network with local, state, national and international groups and advocate for recognition of Navajo human rights.
- D. Educate the public about human rights and the Navajo Nation's intolerance of human rights violations.

III. RESPONSIBILITIES AND AUTHORITY

A. The Commission shall have the responsibility and authority necessary to carryout its plan of operation consistent with applicable laws of the Navajo Nation.

B. The Commission shall have the specific responsibility and authorities enumerated below:

- 1. To hire and supervise an Executive Director of the Commission in accordance with the Navajo Nation Personnel Policies Manual.
- 2. To assist with investigations and conduct hearings for recommendations involving discrimination of Navajo Nation citizens.
- 3. To serve as the primary Navajo Nation entity for issues involving race relations of the Navajo Nation, subject to applicable laws.
- 4. To establish effective relationships with local, national and international human rights organizations.
- 5. To request and receive reports from Navajo Nation government departments, relevant to Navajo Nation human rights issues.
- 6. To request and obtain information from citizens of the Navajo Nation with respect to discriminatory actions and the violation of human rights.
- 7. To subpoena documents and witnesses and compel their attendance to testify before the Commission, subject to applicable laws and principles of due process.

IV. STAFFING AND ORGANIZATION

A. STAFFING

There is established the position of Executive Director of the Navajo Human Rights Commission. The Executive Director of the Office of the Human Rights Commission shall be under the general direction of the Commission, subject to the Navajo Nation Personnel Policies Manual. The Executive Director shall be authorized to oversee the daily operations of the Commission, coordinate hearings, analyze data, write reports, and submit his/her findings to the Commissioners, the Intergovernmental Relations Committee, and the Navajo Nation Council. The Executive Director shall supervise the office staff to ensure timely completion of established operational goals.

All personnel shall be employed and compensated in accordance with the Navajo Nation Personnel Policies Manual.

B. ORGANIZATION

The organization chart of the Commission is displayed as Exhibit A-1.

THE COMMISSION

The Commission shall consist of five qualified commissioners appointed by the Speaker of the Navajo Nation Council and confirmed by the Intergovernmental Relations Committee as set forth in 2 N.N.C. § 922 (A).

1. One member shall have an extensive employment background in education. This means someone who is a teacher, education administrator, or professor.
2. One member shall have an extensive background in business. This means a business owner, manager or private business employee.
3. One member shall have an extensive background in law enforcement. This means a police officer in good standing, police chief, a commissioned officer, active or retiree.
4. One member shall have an extensive background in social services. This means a social worker, psychologist, psychiatrist, counselor, community liaison, or social service administrator.
5. One at-large Navajo Nation member.

OFFICERS

1. The Commission shall select from its membership, a chairperson and vice-chairperson and other officers as may be necessary for the Commission to carry out its authorities and responsibility. Such selection shall take place when deemed necessary by a majority of the Commissioners, but no later than the end of the first quarter of each calendar year.

2. The officers of the Commission shall assume and exercise those functions and duties deemed necessary through rules and procedures adopted by the Commission.

3. The chairperson of the Commission shall vote on Commission actions only when necessary to break tie votes of the Commission.

TERM OF OFFICE

1. Each Commissioner shall be appointed for a four-year term.

2. When a vacancy of an appointed member occurs on the Commission, the Speaker shall appoint a new qualified member who shall serve the remainder of the term vacated.

STANDARD OF CONDUCT

1. Each Commissioner shall be held to the standard of conduct as a fiduciary in charge of their responsibilities and authorities. As fiduciaries, the members of the Commission shall carry out their responsibilities and authorities to promote and protect the human rights of the Navajo people, consistent with the fiscal and governmental responsibilities of the Navajo Nation.

2. Each members of the Commission shall discharge his/her duties with the care, skill, prudence, and diligence under the prevailing circumstances that a prudent person acting in a like capacity and familiar with such mattes would use, including seeking expert advice with prudent to do so under the prevailing circumstances.

REMOVAL FROM OFFICE

A Commissioner may be removed from office for cause, including failure to comply with provisions of this section, by a majority vote of the Commission. Reasons for removal shall include, but not limited to:

1. Willful misconduct while serving on the Commission.
2. Gross negligence in the performance of their duties while serving on the Commission.
3. Unexcused absences from three consecutive meetings.

MEETINGS AND PROCEDURES

1. Meetings of the Commission shall initially be conducted pursuant to rules and procedures stipulated in the “Navajo Nation Council Standing Committee Rules of Order,” until such time that rules are approved for the Commission by the Intergovernmental Relations Committee.

2. The Commission shall establish a meeting schedule, which will provide for at least one meeting day per month. These scheduled meetings are to be known as “regular meetings” of the Commission. Regular meetings of the Commission shall commence at 10:00 a.m. on a date selected by the Commission.

3. The Commission may hold “special meetings” or call for “executive session” as deemed necessary. All special meetings and executive sessions shall be conducted in accord with the Commission’s rules of order.

4. Meetings of the Commission shall be open to the public. When matters before the Commission are protected or confidential, the Commission, upon majority vote of a quorum of the Commission, may hold discussions in executive session which shall be closed to the public.

5. The Commission shall publish the date and location of each meeting ten days in advance of such meeting. The publication requirement shall be satisfied by announcement by radio, in the Navajo Times and on the official Navajo Nation website.

6. Meetings of the Commission shall not commence until a quorum of the Commission is present and meeting publications requirement have been satisfied.

QUORUM

Three members of the Commission shall constitute a quorum. All substantive action of the Commission shall be taken by a majority vote of a quorum of the Commission through written resolution duly adopted by the Commission and certified by the presiding officer, and filed with the Reporting Section of the Office of Legislative Services.

COMPENSATION

The Commissioners shall receive no compensation for their services in connection with the Commission, other than reimbursement for required and authorized expenses incurred in the performance on their duties, as provided in 2 N.N.C. § 922(B).

EXECUTIVE DIRECTOR

The Executive Director of the Office of the Human Rights Commission shall have the specific responsibilities and authority enumerated below:

1. To organize public hearings of the Commission to determine the state of discrimination on the Navajo Nation and race relations between Navajos and non-Navajos in/near border towns.

2. To collect and compile data from public hearings, tract reported events and refer documented incidents to the proper authorities, subject to applicable federal, state, and local laws.

3. To prepare an annual report for the Intergovernmental Relations Committee and the Navajo Nation Council on the activities, performance and administration of the Commission.

4. To complete all assignments issued to him/her from the Commission in a timely manner.

5. To formulate overall administrative and operating policies pertaining to the Commission and take action necessary for their accomplishment.

V. INDEMNIFICATION

The Navajo Nation shall indemnify and hold the members of the Commission, jointly and severally, harmless for the effects and consequences of their acts, omissions, and conduct in their official capacity, provided that such acts, omissions or conduct arise in the Commissioners official capacity and in the scope of the enumerated authority. Effects and consequences resulting from their own willful misconduct, breach of good faith, or gross negligence in the performance of their duties shall not be indemnified. The foregoing right of indemnification shall not be exclusive of other rights to which each such member may be entitled as a matter of law or waive any immunities conferred by applicable law.

VI. LEGISLATIVE OVERSIGHT

The Commission shall operate under the legislative oversight of the Intergovernmental Relations Committee of the Navajo Nation Council pursuant to 2 N.N.C. § 923.

VII. AMENDMENTS

This plan of operation may be amended by the Navajo Nation Council upon the recommendation of the Commission and the Intergovernmental Relations Committee, pursuant to 2 N.N.C. § 923.