

RESOLUTION OF THE
NAVAJO NATION COUNCIL
24th NAVAJO NATION COUNCIL - SECOND YEAR, 2020

AN ACTION

RELATING TO NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL;
CONFIRMING THE APPOINTMENT OF MR. HARRISON TSOSIE TO THE COMMISSION
ON NAVAJO GOVERNMENT DEVELOPMENT FOR A TERM OF TWO YEARS AS THE
REPRESENTATIVE FOR THE JUDICIAL BRANCH

BE IT ENACTED:

SECTION ONE. FINDINGS

- A. The Naabik'íyáti' Committee has legislative oversight authority over the Commission on Navajo Government Development and the Office of Navajo Government Development. 2 N.N.C. § 970.
- B. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee and as such empowered Naabik'íyáti' Committee to recommend all resolutions to the Navajo Nation Council on matters within the Committee's jurisdiction pursuant to 2 N.N.C. § 701(A) (3).
- C. The Navajo Nation Council confirms appointments to the Commission on Navajo Government Development. 2 N.N.C. § 972.

SECTION TWO. FINDINGS

- A. The Commission on Navajo Government Development is an "entity created by the Navajo Nation Council with quasi-independent authority to accomplish the Council's project of instituting reforms necessary to ensure an accountable and responsible government." 2 N.N.C. § 970.
- B. The Commission consists of twelve (12) members confirmed by and serving at the pleasure of the Navajo Nation Council. 2 N.N.C. § 972 (A).
- C. One member is nominated by the Judicial Branch through the Chief Justice to serve a term of two years from the date of confirmation by the Navajo Nation Council. 2 N.N.C. § 972 (A) (2). The qualifications for the nominee for this position include being a "licensed attorney and a member of the Navajo Nation Bar Association." 2 N.N.C. § 972 (A) (2).

- D. Commission members shall be chosen from among individuals who have demonstrated scholarship, strong sense of public interest, knowledge of Navajo history and cultural heritage, spiritual leadership, leadership in the Navajo government and abilities likely to contribute to the fulfillment of the duties of the Commission. 2 N.N.C. § 972(D).
- E. Mr. Harrison Tsosie has been nominated by the Hon. Chief Justice JoAnn Jayne to fill the position for the Judicial Branch on the Commission for Navajo Government Development. See **Exhibit A**. Mr. Tsosie meets all the qualifications for the position. His letter of interest and résumé are attached as **Exhibit B**.

SECTION THREE. APPOINTMENT

The Navajo Nation Council hereby confirms the appointment of Mr. Harrison Tsosie as the Judicial Branch representative to the Commission on Navajo Government Development, for a term of two years from the date of confirmation by the Navajo Nation Council.

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 17 in Favor, and 04 Opposed, on this 22nd day of October 2020.


Honorable Seth Damon, Speaker
24th Navajo Nation Council

10/27/2020

DATE

Motion: Honorable Paul Begay
Second: Honorable Rickie Nez

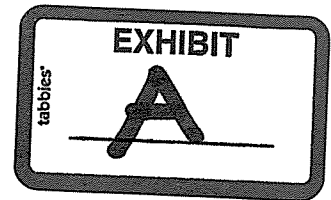
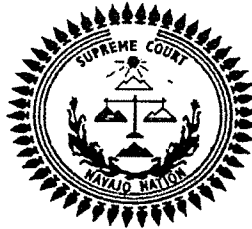
Speaker Seth Damon not voting

JUDICIAL BRANCH OF THE NAVAJO NATION

JOANN B. JAYNE
Chief Justice of the Navajo Nation

ELEANOR SHIRLEY
Associate Justice, Navajo Supreme Court

TINA TSINIGINE
Associate Justice, Navajo Supreme Court



OFFICE OF THE CHIEF JUSTICE

P.O. Box 520 ☐ Window Rock, Navajo Nation, (AZ) 86515
Telephone 928-871-7669 ☐ Fax 928-871-6866

July 14, 2020

Harrison Tsosie
P.O. Box

Waterflow NM, 87421

RE: Selected Nominee to Government Development Commission

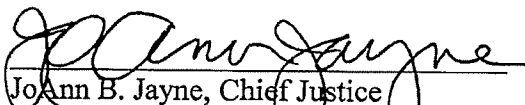
Dear Mr. Harrison Tsosie,

The Office of Chief Justice would like to thank you for your interest in the Navajo Government Commission and taking time to meet with us via teleconference. We wish to inform you that you have been selected as a nominee for the position and if accepted, our office will submit your name to the Navajo Nation Naa'bik'iyati' Committee for review and the Navajo Nation Council for confirmation. Please be advised the Navajo Nation Council has the final confirmation.

Please notify us of your acceptance by July 21, 2020 or as soon as possible. After acceptance, Judicial Branch will submit your name to the Navajo Nation Council for final confirmation.

If you have any questions, please feel free to contact Ms. LaVonne Wauneka at (928) 797-9759 or via email at lavonnewauneka@navajo-nsn.gov. Thank you.

Sincerely,


JoAnn B. Jayne, Chief Justice
Judicial Branch of the Navajo Nation

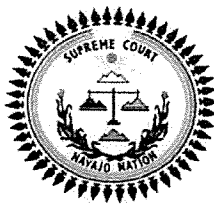
Cc: file

JUDICIAL BRANCH OF THE NAVAJO NATION

JOANN B. JAYNE
Chief Justice of the Navajo Nation

ELEANOR SHIRLEY
Associate Justice, Navajo Supreme Court

TINA TSINIGINE
Associate Justice, Navajo Supreme Court



OFFICE OF THE CHIEF JUSTICE

P.O. Box 520 ☐ Window Rock, Navajo Nation, (AZ) 86515
Telephone 928-871-7669 ☐ Fax 928-871-6866

July 27, 2020


Edward K. Dee, Executive Director
Office of Navajo Government Development
P.O. Box 220
Window Rock, Arizona 86515

Dear Mr. Dee,

The Office of the Chief Justice of the Navajo Nation Judicial Branch is pleased to announce the nomination and recommendation of Mr. Harrison Tsosie as the Judicial Branch Representative to the Commission on Navajo Government Development. Pursuant to 2 N.N.C § 972(A)(2) "one member shall be nominated by the Judicial Branch through the Chief Justice of the Navajo Nation to serve a term of two years from the date of confirmation by the Navajo Nation Council. The nominee shall be a license attorney and a member of the Navajo Nation Bar Association". Mr. Harrison Tsosie is a license attorney in the State of Utah and a member in good standing with the Navajo Nation Bar Association.

Mr. Tsosie has been in contact with our office to provide the necessary documents so a legislative package could be developed for sponsorship before the Navajo Nation Council. Please advise if we need other documents to complete the legislative packet for sponsorship.

Warm regards,


Honorable JoAnn Jayne
Chief Justice of the Navajo Nation

Attachment: Offer letter to Mr. Harrison Tsosie
Harrison Tsosie letter of interest and resume

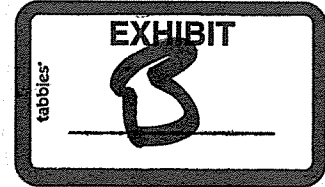
Cc: file

D. HARRISON TSOSIE

DATA REFERENCE SHEET

Residence:
P.O. Box

Waterflow NM, 87421
Cell: (505) or (505)
E-mail: harrisonsosie@gmail.com



Personal Data:

- United States citizen
- Tribal member, Census
- Speak Navajo Fluently

OBJECTIVE:

Appointment to the Commission on Navajo Government Development

PROFESSIONAL LICENSES:

UT State Bar Member
Admitted October 1995

Navajo Nation Bar Member
Admitted October 1996

UT District-Federal Bar
Member Admitted 10/95

EDUCATION:

Juris Doctorate Degree
University of Utah College of Law, Salt Lake City, Utah

May 1995

Baccalaureate of Science Degree in Psychology,
Associate of Science Degree in Native American Studies
University of Utah, Salt Lake City, Utah

August 1992

RECENT ACCOMPLISHMENTS

1. Developed a vision for the Navajo Nation to purchase the Navajo Mine from BHP Billiton to ensure the continued operation of the Four Corners Power Plant. The vision took advantage of the Navajo Nation's legal status to provide the owners of the Four Corners Power Plant lower cost fuel. The Navajo Nation Department of Justice under my leadership developed and negotiated all legal documents to facilitate the purchase and create a Limited Liability Company to operate and manage the mine. While serving as General Counsel for NTEC, directed strategy, defenses and litigation in response to litigation brought by environmental groups which would jeopardize the continued operation of the power plant and mine.

2. Served as Navajo Nation Attorney General with the Shelly/Jim Administration to represent the legal interests of the Navajo Nation. Supervised and administered the day to day operation of the Navajo Nation Department of Justice, which included the Office of the Attorney General, Prosecutor's Office and Juvenile Justice Program. Managed all Offices to accomplish their vision, mission and goals by leading all staff including attorneys, legal advocates and support staff. During

my tenure as Attorney General, DOJ accomplished the following major projects including Navajo Nation Code - Title II Amendments to restructure the Navajo Nation Council, Little Colorado River Water Settlement, Lease Amendments to Four Corners Power Plant and Navajo Generating Station, developed the Navajo Energy Policy, purchased the BHP Navajo Mine, settled litigation against Peabody Energy Company and Navajo Generating Station owners for a lump sum, intervened in and obtained \$1.2 B for uranium cleanup in the Trunex Bankruptcy proceedings and obtained a settlement of \$554 M in a Historical Trust Asset Mismanagement Litigation against the federal government. In many instances, had to educate and obtain consent and approval by the Navajo Nation President and Council to accomplish the results.

3. Served as Navajo Nation Deputy Attorney General under the Shirley/Dayish Administration. Served as second in command with the Attorney General to supervise and administer the day to day operations of the Navajo Nation Department of Justice to accomplish its vision, mission and goals. Performed legal work for all branches of the Navajo Nation government including departments, divisions and programs. Worked primarily to develop gaming and the Desert Rock Energy Project and Navajo Transmission Line and provided support to settle the 1934 Navajo-Hopi Land Dispute.
4. Made numerous presentations to the Navajo Nation governmental bodies including the Office of the President and Vice-President, Navajo Nation Council and Standing Committees, Departments, Offices, Programs and Chapter regarding the legal interests of the Navajo Nation. The presentations were intertwined with tribal law, federal law, energy policies, environmental laws and business interests of the Navajo Nation and also all matters of legal interest to the Nation. Also interfaced and served on committees with governmental bodies including the federal government, state governments, Indian tribes and energy interest to advocate for policies and matters of common interest.
5. Interfaced with approximately 54 Indian tribes in the Southwest to inform and provide information regarding the Western Area Power Administrations hydro-electric power generated by various federal projects on the Colorado River System. Negotiated and contracted with Indian Tribes in the Salt Lake City Area Integrated Projects, generally including Wyoming, Colorado, New Mexico, Arizona, Utah and Nevada, for hydro-electric power generated by federal facilities. Participate as team member on all processes, from drafting contracts to contract administration of the Salt Lake City Area Integrated Project Post-2004 resource allocations. Helped to build coalitions among tribes, energy companies, state and local agencies and federal entities to accomplish the goals and objectives of delivering electric power to tribes.
6. Drafted and negotiated all contracts and other legal documents for Navajo Agricultural Products Industry (NAPI) during four years of employment. Key agreements relevant to this position included the P.L. 93-638 contracts held by NAPI with the Bureau of Indian Affairs. They include the Operation, Maintenance and Replace contract and the Scientific Lab contract. Also developed agreements with farming and cattle operators desiring to utilize the farm works as operators.
7. Served as one of two lead negotiators for NAPI to develop and participate in a \$150 M potato-processing project on the Navajo Indian Irrigation Project. Negotiated the four basic deal points including (1) risk of loss, (2) return, (3) control, and (4) duration. Also negotiated the critical issue of dispute resolution in Indian Country. Participated as team member to develop a French Fry Factory on the Navajo Indian Irrigation Project to draft the Factory Partnership Venture Agreement, Factory Lease Agreement, Growing Venture Agreement, Growing Lease Agreement, Potato Supply Agreement, Growing Sub-lease Agreement, and Utilities and Infrastructure Agreement.

8. Served as Interim General Manager of Navajo Agricultural Products Industry (NAPI) through period of uncertainty and transition. Managed the company to pay its outstanding debts and to restructure its organization documents in collaboration with the Navajo Nation Council, President and Department of Justice.

EMPLOYMENT HISTORY

NAVAJO TRADITIONAL ENERGY COMPANY (NTEC)

7/2014 to 10/2017

General Counsel

Duties: Served as General Counsel for NTEC and managed the legal interests of NTEC regarding mining operations and purchase of an ownership interest in the Four Corners Power Plant (FCPP). Managed litigation by contracted attorneys regarding environmental litigation and disputes regarding the operations of the mine and FCPP. Also managed the day to day legal matters between the Navajo Nation and NTEC. Major accomplishments include successful litigation under the National Environmental Protection Act and the Endangered Species Act to continue operations of the Navajo Mine and Four Corners Power Plant. Successfully renewed and obtained a multi-million dollar credit facility to repay loans for the purchase of the Navajo Mine.

NAVAJO NATION DEPARTMENT OF JUSTICE

1/2011 to 5/2014

Attorney General

Served as the Chief Legal Officer for the Navajo Nation and represented the legal interests of the Navajo Nation. Represented all branches of the Navajo Nation government in litigation, negotiations, settlements and other legal concerns. Supervised attorneys and staff of Office of the Attorney General, Office of the Prosecutor, Juvenile Justice Program and Navajo-Hopi Legal Services. Worked at the highest level of the Navajo Nation government to plan, budget, promote and accomplish the legal interest of the Navajo Nation and its tribal members. Work included various projects including governance, health and safety, water rights, land issues, mineral leases, energy projects and taking action to ensure the preservation of all assets and resources, including fish and wildlife, of the Nation. Major accomplishments included the successful settlement of litigation with the Peabody Energy Company; renewal of lease amendments for the Navajo Generating Station and the Four Corners Power Project; litigation and settlement with the United States for mismanagement of the Navajo Nation's historical trust assets.

NAVAJO NATION DEPARTMENT OF JUSTICE

6/04 to 1/2011

Deputy Attorney General

Serve as second in command at the Navajo Nation Department of Justice (DOJ) to represent the legal interests of the Navajo Nation. Supervised all DOJ attorneys and staff in the delivery of legal services to the Navajo Nation. Served as Administrator for the DOJ to implement the policies and procedures of the DOJ; developed an annual budget and obtained an annual appropriation of funds to maintain the department's existing level of operations; hire DOJ attorneys and staff and managed the request for services log from Navajo Nation departments, programs, committees and offices. Major accomplishments include the settlement of the Navajo-Hopi land litigation, San Juan River Water Rights Agreement in New Mexico, developing and establishing Navajo Gaming and successful renewal of the El Paso rights-of-way agreement.

DINE POWER AUTHORITY

Window Rock, Arizona

6/03 - 6/04

Steven Begay (928) 871-2133

Attorney

Serve as in-house legal counsel for an enterprise of the Navajo Nation. Work concentrated on developing a 1500 megawatt power plant in the four corners region and a 470 mile 500 kV transmission line. Negotiate and draft all necessary agreements to facilitate the development of the projects such as land leases, rights-of-ways, partnership agreements and supply agreements. Primarily focused on issues unique to doing business on Navajo lands such as waivers of sovereign immunity, dispute resolution provisions, leasing and rights-of-ways, and other laws applicable to employment matters.

DEPARTMENT OF ENERGY

WESTERN AREA POWER ADMINISTRATION

9/01-6/03

Burt Hawkes (801) 524-3344

Salt Lake City, Utah

Public Utility Specialist GS-12

Negotiating and contracting with Native American customers for federal hydro-electric power generated within the Salt Lake City Area Integrated Projects. While engaging in such activity, must be mindful of the Department of Energy's American Indian Policy to promote the federal trust responsibilities toward American Indian tribes. Drafted contracts and perform legal review to ensure compliance with federal laws and regulations applicable to Reclamation projects. Participate in drafting Notice of Federal Regulations, developing marketing plans and contract administration. Provided in-house information to the federal agency concerning policy and law regarding Indian tribes, source of the government to government interaction policies, trust responsibility and manner of tribal governance.

NAVAJO AGRICULTURAL PRODUCTS INDUSTRY

Farmington, New Mexico

9/97 to 9/01

HR Dept (505) 566-2600

Staff Attorney

Served as legal counsel and member of executive management team for a quasi-government agricultural enterprise of the Navajo Nation. Worked on establishing business ventures negotiating the four bargain elements or "deal points" including (1) risk of loss, (2) return, (3) control, and (4) duration. Other commercial transactions include recourse and non-recourse loans, leasing Indian trust lands, tribal employment matters, and environmental regulation compliance in Indian country. Serve specifically as legal authority on issues concerning the Navajo Indian Irrigation Project, a priority participant in the Colorado River Storage Project. Position requires extensive business and legal knowledge concerning tribal sovereignty, tribal trust property, Indian taxing issues and tribal governmental process. Accomplishment includes participation in development of a 150 million dollar venture for a potato processing plant and growing venture, drafting documents and all contracts.

INDIAN LAW OFFICE

Salt Lake City, Utah

11/95 to 7/97

Office Closed

Attorney

Started and operated the Indian Law Office as sole proprietor. Performed all administrative tasks, including management, marketing and financing of the company. Fulfilled all aspects of client representation including interviewing, researching, document drafting, trial preparation and litigation. Practice concentrated in Federal Indian Law, Personal Injury and Family Law. Primarily represented Native American clients in matters of family law and legal matters.

SALT LAKE COUNTY ATTORNEYS OFFICE

6/94 to 12/94
(801) 531-4152

Prosecutor's Office
Salt Lake City, Utah
Law Clerk

General Law Clerk duties including research work, brief and memorandum writing, and assisting with client/witness interviews. Work involved criminal prosecution of persons charged with felonies, therefore, a major portion of my research has centered on criminal procedural issues. Other duties included the preparation of exhibits, scheduling interviews, trial attendance and general availability for quick reference work.

UTAH ATTORNEY GENERALS OFFICE
Indian Affairs and Natural Resources Division
Salt Lake City, Utah

5/93 to 8/93
Phil Pugsly (801) 366-0300

Law Clerk

Assisted with writing briefs and memorandums, meeting with clients and representation of the Attorney Generals office on Indian Law matters. Research included Navajo-San Juan County oil royalties' trust fund dispute, Native American Grave Protection and Repatriation Act, Native American prisoner rights and treaty based hunting rights.

INDUSTRIAL HEALTH INC.
Salt Lake City, Utah

11/91 to 7/92
Merlyn Densley (801) 466-2223

Industrial Hygiene Technician

Consultant in asbestos abatement industry ensuring compliance with state and federal environmental regulations. Performed building assessment surveys, abatement monitoring, project management, implementation of all safety precautions and reporting of all survey findings. Also drafted contracts with contractor. Traveled throughout western United States while performing work duties.

HERCULES AEROSPACE INC.
Bacchus Works, Magna, Utah

12/89 to 3/91
(801) 250-5911 Ext. 23379

Proto-type Developer

Worked with graphite composites in a research and development facility. Produced proto-type aerospace parts for NASA and Defense contractors. Position required mechanical aptitude and technical engineering knowledge including math, blueprint reading, manual dexterity; use of hand tools and computer aided machining.

INDIAN CENTER EMPLOYMENT SERVICES
UNITED TRIBES SERVICE CENTER
Salt Lake City, Utah

9/88 to 12/89
Betty WindyBoy (801) 484-4447

Employment/Training Specialist

Assisted Native Americans adaptation to American labor force through job counseling about employer expectations, job-hunting techniques and training for employment. Provided testing, counseling and financial assistance to persons seeking additional education to enhance their employability. Also taught clients on employment application requirements, resume writing and techniques of selling their skills and abilities to potential employers. Maintained database of prospective employers and networked with other community agencies regarding our community services.

VOLUNTEER WORK & COMMUNITY ACTIVITIES

PRO BONO SERVICES

2018 to present

Formed an Initiative Petition Committee to develop and draft a constitution for the Navajo Nation. Developed the petition, full text of the initiative and started the collection of petition signatures. Also drafted the proposed constitution for the Navajo Nation.

GUARDIAN AD LITUM

1995-1997

Utah State Bar Association

Attorney

Represented indigent children in family custody proceedings. Completed 40 hours of professional training in representing children.

MINORITY LAW CAUCUS

6/93 to 9/94

University of Utah, College of Law

Treasurer

Worked with officers to adhere to purposes and ensure the success of the organization during the school year. Served as accountant of the organizations financial records from fund raising, donations and expenditures. Was also active with promotion and organization of events such as auction, banquet, community service work, and networking to recruit minority employers for students. Major emphasis of the organization is to promote minority issues at the law school and raise funds for scholarships.

NATIVE AMERICAN LAW STUDENTS ASSOCIATION

9/93 to 6/95

University of Utah, College of Law

President

Served as leader for all events. Delegated responsibilities to ensure the success of the organization. Helped organize the National Native American Law Students Association's Moot Court competition held at the University of Utah. Was responsible for fund raising, review of legislation affecting Indian peoples within Utah and assisted community organizations as volunteer.

INTER-TRIBAL STUDENT ASSOCIATION

6/83 to 6/84

University of Utah, Salt Lake City, Utah

Volunteer

President of a student organization, coordinating all activities including seminars, lectures, meetings, Pow-Wow, student activities, and finances of all events. Solicited monies from various school departments and community organizations to contribute towards Indian awareness week.

PERSONAL

Hobbies and other skills include hunting, fishing, camping, skiing, soccer coaching, home remodeling and automotive restorations (performance engine & transmission rebuilds and body/fender/painting).

LEGISLATIVE BRANCH
Navajo Nation



HONORABLE SETH DAMON
Speaker 24th Navajo Nation Council

July 28, 2020

Otto Tso, Vice-Chairperson, Law & Order Committee
24th Navajo Nation Council
PO Box 3390
Window Rock, AZ 86515

Dear Honorable Vice-Chairperson Tso,

The Commission and Office of Navajo Government Development respectfully request your assistance to sponsor legislation to confirm the Navajo Nation Judicial Branch's nominee to the Commission on Navajo Government Development. Mr. D. Harrison Tsosie has been nominated by Madam Chief Justice Jayne pursuant to 2 N.N.C § 972(A)(2).

The Office of Navajo Government Development received Mr. Tsosie's nomination materials from the Office of the Chief Justice on Tuesday, July 28, 2020. Those materials are attached.

The Commission and Office of Navajo Government Development thank you for your time and consideration of Mr. Tsosie's nomination to the Commission. Your assistance in sponsoring this legislation would help address a critical vacancy on the Commission and enable the Commission to continue its work to "... accomplish the Council's project of instituting reforms necessary to ensure an accountable and responsible government" pursuant to 2 N.N.C § 970.

Please contact me at (928) 971-6387 if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Dee".

Edward K. Dee, Executive Director
Office of Navajo Government Development

ATTM: *Letter to Office of Govt. Dev. dated 7/27/20*
 Letter to Mr. Tsosie dated 7/14/20
 D. Harrison Tsosie Data Reference Sheet

cc: JoAnn Dedman, Chairperson, Commission on Navajo Government Development
 ONGD File

NAVAJO NATION

549

10/22/2020

Navajo Nation Council 2020 Fall Session

06:07:48 PM

Amd# to Amd#	Legislation 0231-20: Confirming	PASSED
MOT Begay, P	the Appointment of Mr. Harrison	
SEC Nez, R	Tsosie to the Commission on	
	Navajo Government Development...	

Yeas : 17

Nays : 4

Excused : 0

Not Voting : 2

Yea : 17

Begay, E	Daniels	Nez, R	Tso, E
Begay, K	Freeland, M	Stewart, W	Walker, T
Begay, P.	Halona, P	Tso	Yazzie
Brown	Henio, J	Tso, C	Yellowhair
Charles-Newton			

Nay : 4

Wauneka, E	Slater, C	Tso, D	Crotty
------------	-----------	--------	--------

Excused : 0

Not Voting : 2

James, V	Smith
----------	-------

Presiding Speaker: Damon