

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL - Third Year, 2017

AN ACTION

RELATING TO THE NAVAJO NATION COUNCIL; CONFIRMING THE
APPOINTMENT OF HERBERT CLAH, JR. TO THE NAVAJO NATION GAMING
ENTERPRISE BOARD OF DIRECTORS FOR A FOUR YEAR TERM

SECTION ONE. AUTHORITY

- A. The Navajo Nation Gaming Enterprise (Enterprise) Board of Directors (Board) are subject to confirmation by the Navajo Nation Council. 5 N.N.C. § 1707(C).
- B. A proposed resolution requiring final action by the Navajo Nation Council shall be assigned to the Naabik'iyáti' Committee. 2 N.N.C. §164(A)(9).
- C. The Navajo Nation Council has legislative oversight over the Enterprise. 5 N.N.C. § 1718.

SECTION TWO. FINDINGS

- A. The President of the Navajo Nation shall select Board members; President Russell Begaye selected Herbert Clah, Jr. to the Navajo Nation Gaming Enterprise Board of Directors. 5 N.N.C. § 1707(C). Mr. Clah's appointment letter is attached as **Exhibit A**.
- B. The Board shall consist of nine members and at least five members shall be enrolled members of the Navajo Nation to represent each of the five agencies. 5 N.N.C. §§ 1707(B) and 1707(D). Mr. Clah has been appointed to fill the Northern Agency seat per Exhibit A.
- C. At all times the nominees and the Directors shall possess the following qualifications: (1) shall have knowledge of Class II and Class III operations and/or work experience in the gaming industry; (2) shall be at least 25 years of age; (3) shall possess a bachelors or graduate degree, preferably in finance, accounting, marketing, economics, management, law or related fields; (4) shall not be a board member of a Navajo Nation-owned corporation, enterprise or authority; and (5) shall not be a public

official or public employee of the Navajo Nation. 5 N.N.C. § 1707(G). Mr. Clah's resume is attached as **Exhibit B**.

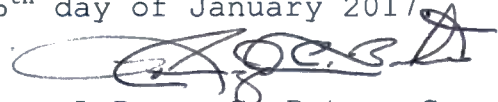
- D. Each appointee for the position of the Board of the Enterprise shall obtain a Gaming Facility Operator's License from the Gaming Regulatory Office before submission of the appointment to the Navajo Nation Council for confirmation. Mr. Clah has been issued a Navajo Gaming Regulatory Office (NGRO) temporary tribal license and Arizona Department of Gaming (ADG) temporary recommendation, which are required per 5 N.N.C. § 1707(H). The NGRO temporary tribal license is attached as **Exhibit C** and the ADG temporary recommendation is attached as **Exhibit D**.
- E. A Board member selected to fill a vacancy shall serve the remaining term of his or her predecessor. Mr. Clah's appointment term is for a four-year staggered term beginning April 02, 2013 and ending April 2, 2017 per Exhibit A. He shall hold office until the qualification and selection of his successor. 5 N.N.C. §§ 1707(I) and 1707(F).

SECTION THREE. CONFIRMING APPOINTMENT

Pursuant to 5 N.N.C. § 1707(C), the Navajo Nation hereby confirms the appointment of Herbert Clah, Jr. to serve on the Navajo Nation Gaming Enterprise Board of Directors, for a four-year staggered term to beginning April 02, 2013 and ending April 02, 2017.

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 16 in favor and 3 opposed, this 26th day of January 2017.



LoRenzo C. Bates, Speaker
Navajo Nation Council

1-31-17

Date

Motion: Honorable Nathaniel Brown
Second: Honorable Benjamin Bennett



THE NAVAJO NATION

RUSSELL BEGAYE
JONATHAN NEZ



August 24, 2016

Mr. Herb Clah, Jr.

Dear Mr. Clah: \

We would like to inform you that the Begaye-Nez Administration has selected you as the Presidential appointment to the Board of Directors for the Navajo Nation Gaming Enterprises. After a considerable search and interview process, this Administration selected you to fill the vacancy for the Northern Agency seat. Per Navajo Nation Code Title 5 § 1707 F, you will fill the remainder of the term that began April 02, 2013; set to end of April 02, 2017. Based on your extensive experience and knowledge, we believe you possess the qualifications and experience to best represent the Navajo Nation in this prestigious position.

If you have any further questions, please contact Perry Shirley, Executive Staff Assistant at (928) 871-7000. Thank you.

Respectfully,

THE NAVAJO NATION


Russell Begaye, President


Jonathan Nez, Vice President

c: Robert Joe, Chief Operations Officer
Office of the President and Vice President

HERB CLAH, JR.

August 17, 2016

Honorable President Russell Begay
Navajo Nation – Executive Office
P.O. Box 7440
Window Rock, AZ 86515

RE: Letter of Interest to serve on the Navajo Nation Gaming Enterprise Board

Dear Honorable President Begaye:

I would appreciate your consideration of my interest to serve on the Navajo Nation Gaming Enterprise (NNGE) Board of Directors. I am confident that my past work experience in the tribal gaming industry including 22 years of combined executive human resources management experience will complement the NNGE Board of Directors.

I recently accepted an offer to serve as the Human Resources Director for the Navajo Utah Health Services in Montezuma, UT. I report on September 6, 2016 and look forward to serving and helping our Dine' in the Four Corners region.

My prior work experience includes serving in roles as Director, Manager and other types of supervisory capacities for various public and private sectors including tribal entities. These experiences, which have not only significantly advanced my competencies in human resource management, but it has also allowed me to acquire significant knowledge and experience of employment and labor laws, state & tribal gaming regulations (Class II & Class III), recruiting & hiring, strategic planning, project management and establishing positive relationships within tribal communities.

My direct gaming experience includes working for the Wild Horse Pass & Lone Butte Casinos (Gila River Gaming Enterprise) and Desert Diamond Casinos & Entertainment (Tohono O'odham Gaming Enterprise). I successfully held an Arizona State Class III Gaming license and Tribal Gaming license with both of these tribal casinos.

I pride myself on being results-driven with the focus and commitment necessary for the success of any organization's goals and objectives. I sincerely hope that organization will include the NNGE.

On a personal note, my parents are Nellie J. Clah formerly Anderson from Pinedale, NM (Dzilt'ahnii) and Herbert Clah, Sr. from Teec Nos Pos, AZ (Tl'izi Lání).

Additional capabilities are listed in the enclosed resume. I can be reached at (480) 236-4229 if you have any questions. Thank you for your consideration.

Ahéhee'



Herb Clah, Jr.

QUALIFICATIONS

Dynamic, results-driven Human Resource Professional with over 22 years of managerial experience seeks challenging position. An effective, highly motivated leader with strong integrity and a forward-thinking, team player mentality, as well as proven success at managing diverse teams and multiple projects simultaneously in fast-paced, challenging environments. Dedicated and detail-oriented with excellent critical thinking, problem solving, public speaking, and verbal, written, and listening communication skills. Possesses solid computer skills, as well as additional capabilities in:

- ♦ Policy Development
- ♦ Performance Management
- ♦ Change Management
- ♦ Recruitment & Selection
- ♦ Project Management
- ♦ Employee Relations
- ♦ Team Building
- ♦ Strategic Planning
- ♦ Tribal Governance

AFFILIATIONS & MEMBERSHIPS

- Member, Society Human Resource Management (SHRM), 2004 – Present
- Board of Directors, Ronald MacDonald House of Charities of Phoenix, 2005 – 2008
- Board of Directors, Phoenix Indian Center, 2001 – 2004
- Board of Directors, Native American Community Health, Inc., 2003
- Graduate, City of Scottsdale Leadership Program, Class XIII, 2001
- Graduate, FBI Citizens Academy, 2001

PROFESSIONAL EXPERIENCE

GILA RIVER HEALTH CARE, Sacaton, AZ

September 2015 – June 2016

Assistant Director of Human Resources

- Assist with overseeing the day-to-day operations of key divisions of the HR Department: Employee Relations, Benefits, Compensation, Training and Development, and Recruitment; with a labor force of over 1,400 employees.
- Assist in developing, updating, and implementing organizational Personnel Policies and Procedures in compliance with applicable federal, tribal and state employment and labor laws, regulations, and ordinances.
- Oversee the due process methods to investigate and successfully resolve employee complaints and compliance issues.
- Assists in the recruitment, selection, and termination of employees.
- Assists in the development, implementation, and maintenance of a salary administration plan, which includes compensation and benefit packages; the classification of positions; pay policies; and performance appraisal programs.
- Assist with developing and managing a department budget of \$5 million dollars.
- Assist with the procurement process to select a vendor to conduct an organization wide compensation study.
- Handle employee relation matters; conflict resolution and mediation.
- Participate on the Planning Committee for annual employee events, i.e. Nurses Week, Holiday Party, etc.
- Oversee the implementation of a new employee service recognition and awards program.
- Interpret applicable federal, tribal & state employment and labor laws, regulations and ordinances.
- Assist with the background screening and drug testing of applicants and current employees.
- Attend & present various HR matters to the Executive Leadership Team (ELT) and the Board of Directors for review, discussion and approval.
- Serve on the Safety and Risk Management Committee.
- Manage the Drug & Alcohol screening process, which includes: Pre-employment, Random, Post-Accident and Reasonable Suspicion.

PROFESSIONAL EXPERIENCE

(Continued)

Key Projects / Accomplishments:

- Served as Interim HR Director (April – June 2016)
- Assisted with the planning, development and accomplishment of a putting on a nominator event (Red Tail Hawk) to promote GRHC newest medical facility that is under construction and due to open in 2018.
- Implementation of a new employee recognition program with a new vendor (Michael C. Fina).
- Created successful partnerships with state & local health providers, medical schools/programs, nursing organizations and hospitals.
- Successfully mediated thirty some employee relations issues including three harassment investigations.
- Partnered with the Gila River Youth Program to have GRHC participate in their summer youth internship program.
- Implemented new processes to ensure that HR Department will continue to be in compliance with Joint Commission audits.
- Collaborated with the Cultural Customer Service and Public Relations Departments to develop and implement new branding strategies for the HR Department.

DESERT DIAMOND CASINO, Peoria, AZ

January 2015 – September 2015

Human Resources Manager

- Oversees and ensure smooth functioning of the Human Resources Department to include employee relations, benefits, organizational development, training and recruitment.
- Assists in developing, updating, and implementing the Personnel Policies and Procedures, in compliance with applicable laws, regulations, and ordinances.
- Assists in the interpretation of policies and procedures manual, and ensures adherence.
- Assists in the compilation and analysis of employee data and records.
- Conducts audits of data to ensure accuracy; implements corrective action.
- Assists in the recruitment, selection, and termination of employees.
- Assists in the development, implementation, and maintenance of a salary administration plan, which includes compensation and benefit packages; the classification of positions; pay policies; and performance appraisal programs.
- Assists in the investigation of employee complaints and in the administration of the policies and procedures regarding employee grievances.
- Provides HR consultation for all departments regarding recruitment and employment, compensation and benefits, record-keeping systems, performance development and evaluation programs, and other related Human Resources functions.

DESERT DIAMOND CASINO, Tucson, AZ

2011 - 2015

Human Relations Specialist

- Develops and administers progressive discipline policy and procedures. Reviews and approves disciplinary actions.
- Assists in the retention of team members.
- Assists and supports the Enterprise's team SPIRIT branding goals and objectives.
- Mediates and administers conflict resolution methods to resolve employee issues between management and team members.
- Investigates harassment and hostile work environment allegations.
- Participates in the planning and implementation of annual team member service and recognition award banquet and events.

PROFESSIONAL EXPERIENCE

(Continued)

- Participates on the planning and development of the HR team for the WV project.
- Facilitates Diamond Check Up meetings with team members.
- Manages the mandatory referral program for the Enterprise's EAP services.
- Develops, maintains and interprets all personnel policies, ordinances, internal controls, etc.
- Advises and counsels managers and supervisors regarding job performance and behavioral issues concerning their team members. Recommends appropriate course of action to take.
- Tracks and reviews all employee grievances; coordinates grievance hearings and ensures that hearings are conducted according to direction and standards established by TOGE.
- Maintains professional working relationship with the TOGO investigators and officers.
- Ensure that background investigations are performed on all applicants for gaming licenses and applicants for management and key employees;
- Assist employees in accessing the proper sources to deal with issues, problems or questions through investigation, mediation and conciliation.

DESERT DIAMOND CASINO, Tucson, AZ

September 2011 – June 2012

Director of Human Resources - Interim

- Oversee all day-to-day operations key divisions of the Human Resources Department with labor force of over 1,300 casino employees, including Recruitment & Selection, Tribal Recruitment & Retention, Employee Relations, Benefits, and Policy & Procedures.
- Directed staff of 14 including 5 direct reports, and developed, implemented, and managed \$1.2 million budget.
- Updated and revised existing policies, and created new policies, ensuring tribal government compliancy to employment and labor laws.
- Administered governmental drug testing, employee background check, and employee assistance programs; planned and coordinated employee recognition program.
- Investigated such employee complaints as sexual harassment, discrimination, and unfair disciplinary actions, and led conflict resolution counseling sessions between managers and staff.
- Oversaw and ensures audit inspections are completed and that appropriate sanctions are imposed and/or corrective action is taken
- Consulted and advised casino departments on interpretation and implementation of such federal, state & tribal laws as FLSA, EEOC, OSHA, FMLA, HIPAA, and ADA.
- Negotiated and managed vendor contracts.

Key Projects / Accomplishments:

- Instituted E-Verify Program
- Developed Tribal Outreach position to help with recruiting and retention of tribal members
- Oversaw the coordination and development of an employee wellness program
- Created a harmonious working relationship with the Tohono O'odham Gaming Office (TOGO)

OVATIONS FOOD SERVICES, Chandler, AZ

2008- 2011

Director of Human Resources

- Responsible for overseeing all areas dealing with federal, tribal and state regulatory compliance, Tribal Employment Rights Office (TERO) compliance, employee recruitment and selection, employee retention & development, policy development & implementation.
- Oversaw all day-to-day operations of six key divisions of the Human Resources Department with a labor force of over 700 Food & Beverage employees, including Recruitment & Selection, Training & Development, Employee Relations, Benefits, and Policy & Procedures, Gaming Compliance.
- Participant member of the Gila River Indian Community Career Pathway Program.
- Responsible for risk management including workers compensation program and safety committee.

PROFESSIONAL EXPERIENCE

(Continued)

- Provide support and service as a strategic resource to the operations management team.
- Support management team with all employee relation issues including performance evaluation, disciplinary action, conflict resolution and succession planning.
- Design and implement critical career path for success for Community and Native American staff.

Key Projects / Accomplishments:

- Recruited and hired over 1500 food & beverage employees for the pre-opening of the Lone Butte Casino and Wild Horse Pass Hotel & Casinos.
- Conducted performance management training for managers and directors.
- Authored and edited four agency policies and procedures in order to be in compliance with federal, tribal & state employment laws.
- Established successful relationship with Tribal Employment Rights Office and Tribal Gaming Office.
- Investigated and successfully defended two EEOC complaints for discrimination.
- Successfully managed the implementation of the Ovations benefit program.

A NEW LEAF formerly PREHAB OF ARIZONA, Mesa, AZ 2006 – 2008
Director of Human Resources

HOSPICE OF ARIZONA, Phoenix, Arizona 2005 – 2006
Director of Human Resources

EXPRESS SCRIPTS, INC., Tempe, Arizona 2004 – 2005
Human Resources Contractor

SALT RIVER PIMA – MARICOPA INDIAN COMMUNITY, Scottsdale, Arizona 1996 – 2003
Director of Human Resources

EDUCATION

UNIVERSITY OF PHOENIX, Phoenix, AZ
Master of Management, Graduated: May 2006
Coursework: Project Management... Change Management... Strategic Management... Marketing Management... Information Technology Management... Regulations and Conflict Management... Systems Thinking and Performance Measurements... Information Technology Management

UNIVERSITY OF PHOENIX, Phoenix, AZ
Human Resources: Professional Development, Completed: April 2004

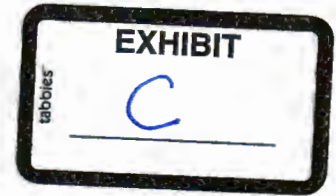
UNIVERSITY OF PHOENIX, Tucson, Arizona
Human Resources Management Certification, Completed: September 1995
Coursework: The Role of Human Resources... Employment Practices... Employee and Labor Relations Compensation... Benefits, Safety and Health... Employee Development

UNIVERSITY OF ARIZONA, Tucson, Arizona
Bachelor of Arts in Sociology, Minor: American Indian Studies, Graduated: December 1993



THE NAVAJO NATION

RUSSELL BIGAYE
TO: ATHAN, EZ



CONDITIONAL TEMPORARY TRIBAL GAMING LICENSE PRIMARY MANAGEMENT OFFICIAL

Temporary Gaming License Number
16-3982

This certifies that

HERBERT CLAH JR.

*has been issued a **Conditional** Temporary Tribal Gaming License in accordance with the provisions of the Gaming Ordinances and Regulations of the Navajo Nation ("Tribe"), the Tribal-State Compact between the Tribe and the State of Arizona/State of New Mexico, and the Indian Gaming Regulatory Act (25 U.S.C. §2701 et. seq.). This **Conditional** Temporary Tribal Gaming License is issued by the Navajo Gaming Regulatory Office, the Tribe's regulatory gaming agency, pending the completion of a background investigation and determination of suitability and if applicable, issuance of state certification/tribal recommendation by the Arizona Department of Gaming, approval by the New Mexico Gaming Control Board and the National Indian Gaming Commission.*

Fa Lisa F. Tsosie, Licensing Manager
Navajo Gaming Regulatory Office

10/04/2016

Date



THE NAVAJO NATION

RUSSELL BEGAYE **PRESIDENT**
JONATHAN NEZ **VICE PRESIDENT**

CLAW, HERBERT
16-3982

This Conditional Temporary Tribal Gaming License is issued, but not limited to the following condition(s):

1) ***Maintain compliance with tax liens and civil judgements.***

Initials *HC*

*****MUST ABIDE TO THE NAVAJO GAMING REGULATORY OFFICE'S TERMS, CONDITIONS*****

*By signing my name, I understand and agree to follow the above terms/conditions. I understand, if I violate any conditions of my **Conditional** Temporary Tribal Gaming License, the Navajo Gaming Regulatory Office may suspend and/or revoke my **Conditional** Temporary Tribal Gaming License, and/or deny an Annual Tribal Gaming License.*

Herbert Claw
Signature

10/7/16
Date

NGRO USE ONLY:
[Signature]
NGRO Licensing Representative

10/7/16
Date

09-19-16;04:46PM;

Navajo Twin Arrows;



ARIZONA DEPARTMENT OF GAMING
TRIBAL GAMING • RACING • BOXING & MIXED MARTIAL ARTS

Douglas A. Ducey
Governor

Daniel H. Bergin
Director

1110 W, Washington St, Suite 450
Phoenix, Arizona 85007
Tel 602.771.4263
Fax 602.255.3883
www.azgaming.gov

09/19/2016

Navajo Gaming Regulatory Office
Paulene T. Thomas Interim Executive Director
PO Box 2040
Window Rock, AZ 86515

TEMPORARY RECOMMENDATION

Name: HERBERT CLAH
Recommendation Number: Y 44999
Issue Date: 9/19/2016

The Arizona Department of Gaming has received an application for the above Tribal member and has initiated a background investigation pursuant to Compact Sections 5(a) and 5(b)(2).

This is to notify you that based upon the background investigation undertaken to date and the information disclosed on the face of the application, there is no evidence to suggest that this individual should not be licensed by the Tribal Gaming Office.

Upon completion of the full background investigation, a formal written recommendation as to whether this applicant should be licensed by the Tribal Gaming Office will be issued consistent with Compact Sections 5(b)(2) and 5(q).

A handwritten signature in black ink that reads "Ken Tyson".

Ken Tyson
Manager, Employee Certification Unit

gmnnuneza

MAILED SEP 20 2016

SEP 20 2016

AZ DEPT. OF GAMING

09/20/2016 TUE 10:15 [JOB NO. 5927]

0003

23rd Navajo Nation Council

Winter Session

DATE: January 26, 2017

Legislation: 0024-17 (Main Motion)

Motion: Brown

Second: Bennett

ALL DELEGATES:

	Yea	Nay
BATES, LoRenzo		
BEGAY, Kee Allen Jr.	✓	
BEGAY, Norman M.		
BEGAYE, Nelson	✓	
BENNETT, Benjamin L.	✓	
BROWN, Nathaniel	✓	
CHEE, Tom T.	✓	
CROTTY, Amber K.	✓	
DAMON, Seth		
DANIELS, Herman	✓	
FILFRED, Davis	✓	
HALE, Jonathan L.	✓	
JACK, Lee Sr.	✓	
PERRY, Jonathan		✓
PETE, Leonard H.		
PHELPS, Walter	✓	
SHEPHERD, Alton Joe		✓
SLIM, Tuchoney Jr.	✓	
SMITH, Raymond Jr.		✓
TSO, Otto	✓	
TSOSIE, Leonard		
WITHERSPOON, Dwight	✓	
YAZZIE, Edmund	✓	
YAZZIE, Peterson	✓	

GRAND TOTAL

16 3

CERTIFICATION:



Honorable LoRenzo Bates
Speaker