

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23RD NAVAJO NATION COUNCIL—THIRD YEAR, 2017

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING CAU-66-01, AMENDING RESOLUTION CMY-35-85 BY CHANGING THE DATE OF "NAVAJO NATION SOVEREIGNTY DAY" WITHIN THE NAVAJO NATION FROM APRIL 16TH OF EACH YEAR TO THE FOURTH MONDAY OF THE MONTH OF APRIL OF EACH YEAR, TO AN OBSERVED HOLIDAY ON APRIL 16TH OF EACH YEAR WITHIN THE NAVAJO NATION

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council established the Health, Education and Human Services ("HEHS") Committee as a standing committee with the purpose to oversee the Division of Human Resources. See 2 N.N.C. §§400 (A), 401 (C) (1) and 164 (A) (9).
- B. The Health, Education and Human Services Committee possess power to establish Navajo Nation policy, promulgate rules and regulations governing the Navajo Nation's human services. See 2 N.N.C. §401 (B) (1).
- C. Proposed resolutions requiring final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee. See 2 N.N.C. §164 (A) (9).
- D. The Navajo Nation Council is the Navajo Nation's governing body. See 2 N.N.C. §102 (A).

SECTION TWO. FINDINGS

- A. A holiday is any day designated as a holiday by federal statute, Executive Order of the President of the United States, or action of the Navajo Nation Council, the President of the Navajo Nation, or the Speaker of the Navajo Nation Council. Navajo Nation Personnel Policies Manual, section IX, Employee Benefits, para. B, and Paid Holidays.
- B. On April 16, 1985, the Supreme Court of the United States in a vote of eight (8) to zero (0) stated that the Navajo Nation Government as a sovereign nation and has the inherent right to

impose taxes without the review and approval of the Secretary of the Interior; and stated that the Navajo Government "probably the most elaborate among Tribes" is legitimate and that as a sovereign nation has the absolute right to self-government. Resolution CMY-35-85 is attached as **Exhibit A**.

- C. Resolution CMY-35-85, declared April 16th of each year to commemorate the Supreme Court of the United States decision.
- D. In 2001, Resolution CMY-35-85 was amended to change the date of "Navajo Nation Sovereignty Day" from April 16th to the fourth Monday of April of each year, due to the Navajo Nation Council session. Resolution CAU-66-01 is attached as **Exhibit B**.
- E. The amendment changes "Navajo Nation Sovereignty Day" from a paid holiday to an observed holiday and changing the date from the fourth Monday of each year to the original date of April 16th of each year.

SECTION THREE. AMENDMENT TO CAU-66-01

The Navajo Nation hereby amends CAU-66-01 as follows:

WHEREAS:

- 5. ~~"Navajo Nation Sovereignty Day" should be commemorated without requiring Navajo Nation employees to work on that holiday when it happens to coincide with the Navajo Nation Council Spring Session; and~~
- 6. It is in the best interest of the Navajo Nation that "Navajo Nation Sovereignty Day" declared to be observed on April 16th of each year ~~is changed to the fourth Monday of each April, due to the Navajo Nation Council Session and in order to pay full tribute to the reason for the holiday.~~

NOW THEREFORE BE IT RESOLVED THAT:

The Navajo Nation Council hereby amends Resolution CMY-35-85 by changing the ~~date of the~~ "Navajo Nation Sovereignty Day" to an observed holiday on April 16th of each year ~~to the fourth Monday of the month of each year within the Navajo Nation.~~

SECTION FOUR. PERSONNEL POLICIES MANUAL

This amendment shall be removed from the Navajo Nation Personnel Policies Manual, section IX, Employee Benefits, para. B, and Paid Holidays. The Human Resources Department shall incorporate such provision in the next published Personnel Policies Manual.

SECTION FIVE. EFFECTIVE DATE

This amendment shall become effective in accordance with 2 N.N.C. § 221 (B).

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 10 in favor and 04 opposed, this 20th day of April, 2017.



LoRenzo C. Bates, Speaker
Navajo Nation Council

4-26-17

Date

Motion: Honorable Norman M. Begay
Second: Honorable Steven Begay

NAVAJO NATION

RCS# 770

NNC Spring Session

4/20/2017

09:39:03 PM

Amd# to Amd#

Legislation No. 0119-17

PASSED

MOT Begay, NM

Amending Resolution CMY-35-85

SEC Begay, S

Yea : 10

Nay : 4

Not Voting : 9

Yea : 10

Begay, NM
Begay, S
Crotty

Damon
Daniels
Perry

Phelps
Slim

Tsosie
Witherspoon

Nay : 4

Jack

Smith

Tso

BeGaye, N

Not Voting : 9

Bates
Begay, K
Bennett

Brown
Chee
Filfred

Hale
Pete

Shepherd
Yazzie

CMY-35-85

Class "C" Resolution
No BIA Action Required.

RESOLUTION OF THE
NAVAJO TRIBAL COUNCIL

Declaring April 16th to be Henceforth Known as
"Navajo Nation Sovereignty Day" within the Navajo Nation

WHEREAS:

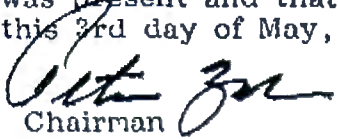
1. The Navajo Tribal Council is the Governing Body of the Navajo Nation; and
2. On April 16, 1985, the Supreme Court of the United States in Washington, D.C., made a tremendously important decision in favor of the Nation Nation; and
3. The Supreme Court by a vote of 8 to 0, stated that the Navajo Tribal Government as a Sovereign Nation has the inherent right to impose taxes without the review and approval of the Secretary of the Interior; and
4. The Supreme Court Justices said that the Navajo Government, "probably the most elaborate among Tribes", is legitimate and that as a Sovereign Nation has the absolute right to Self-Government; and
5. This landmark decision on behalf of the Navajo people, as well as all Native American Indian Nations, reaffirms and conforms that the Navajo Nation is a Sovereign Nation; and
6. The landmark decision is also a direct result of the Navajo Nation utilizing its own in-house expertise; and
7. It would be appropriate for the Navajo people to set aside a day to commemorate this momentous occasion.

NOW THEREFORE BE IT RESOLVED THAT:

The Navajo Tribal Council hereby declares April 16th of each year to be "Navajo Nation Sovereignty Day" within the Navajo Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 66 in favor and 0 opposed, this 2nd day of May, 1985.


Chairman
Navajo Tribal Council

**RESOLUTION OF THE
NAVAJO NATION COUNCIL**

Amending Resolution CMY-35-85 by Changing the Date of "Navajo Nation Sovereignty Day" within the Navajo Nation from April 16th of Each Year to the Fourth Monday of the Month of April of Each Year.

WHEREAS:

1. The Navajo Nation Council is the governing body of the Navajo Nation, pursuant to 2 N.N.C. §102(A); and
2. By Resolution CMY-35-85, the Navajo Nation Council declared April 16th of each year to be a Navajo Nation recognized holiday "Navajo Nation Sovereignty Day" in commemoration of a 1985 United States Supreme Court decision that reaffirmed the sovereign status of the Navajo Nation in a tax case; and
3. The Navajo Nation has since recognized the day of April 16th as a holiday; however, the 1989 Amendments to Title Two of the Navajo Nation Code established regular sessions of the Navajo Nation Council to commence on the third Monday of January, April, July and October of each year, thereby inadvertently mandating the Navajo Nation Council to meet on a day that may coincide with the Navajo Nation Sovereignty Day; and
4. The Legislative Branch personnel and many Navajo Nation employees must work and assist in conducting the Spring Sessions of the Navajo Nation Council that statutorily begin on the third Monday of each April; and
5. "Navajo Nation Sovereignty Day" should be commemorated without requiring Navajo Nation employees to work on that holiday when it happens to coincide with the Navajo Nation Council Spring Session; and
6. It is in the best interest of the Navajo Nation that "Navajo Nation Sovereignty Day" declared to be on April 16th of each year is changed to the fourth Monday of each April, due to the Navajo Nation Council session and in order to pay full tribute to the reason for the holiday.

NOW THEREFORE BE IT RESOLVED THAT:

The Navajo Nation Council hereby amends Resolution CMY-35-85 by changing the date of the "Navajo Nation Sovereignty Day" on April 16th of each year to the fourth Monday of the month of each year.

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 51 in favor, 8 opposed and 0 abstained, this 7th day of August 2001.



Edward T. Begay, Speaker
Navajo Nation Council

Aug 9, 2001
Date

Motion : Peter Watchman

Second: Joe Dayzie

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby give notice that I will not veto the foregoing legislation, pursuant to 2 N.N.C. Section 1005 (C)(10), on this 15th day of August 2001.



Kelsey A. Begaye, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. Section 1005(C)(10) this _____ day of _____ 2001 for the reason(s) expressed in the attached letter to the Speaker.

Kelsey A. Begaye, President
Navajo Nation