## RESOLUTION OF THE NAVAJO NATION COUNCIL

#### 23rd NAVAJO NATION COUNCIL-FIRST YEAR, 2015

#### AN ACTION

RELATING TO NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; APPOINTING LEVON B. HENRY AS CHIEF LEGISLATIVE COUNSEL

#### BE IT ENACTED:

#### Section One. Findings

- A. Naabik'íyáti' is a Navajo Nation Council standing committee and as such recommends to the Navajo Nation Council the Chief Legislative Counsel's appointment 2 N.N.C. § 700 (A) (2012) see also CJA-03-13 Section 5 (A) and 2 N.N.C. § 963 (A) (2009).
- B. The Navajo Nation Council appoints the Chief Legislative Counsel. 2 N.N.C. § 963 (A) (2009).
- C. The Chief Legislative Counsel's appointment is an internal Navajo Nation Council issue because the Chief Legislative Counsel position is chosen by Council Delegates; like a Speaker is chosen, Shirley v. Morgan, SC-CV-02-10, slip op. at 20 (Nav. Sup. Ct. June 2, 2010).
- D. The 22<sup>nd</sup> Navajo Nation Council appointed Levon B. Henry as Chief Legislative Counsel on April 24, 2014. However, out of respect for the 23<sup>rd</sup> Navajo Nation Council, Mr. Henry's appointment expired January 12, 2015. CAP-23-14, EXHIBIT 1.
- E. The lack of an appointed Chief Legislative Counsel represents an immediate need for the Navajo Nation as this lack of leadership will have an impact on the Navajo Nation Council since there is a pending litigation against members of the Navajo Nation Council and Legislative Branch employees, both acting in their official capacity. 1 N.N.C § 203(D).
- F. Diné Bits'áádéé' Beehaz'áanii declares and teaches that Legislative Branch leaders shall "enact policies and laws to address the immediate and future needs;" the situation that the Navajo Nation Council is presented with today is an immediate need. 1 N.N.C. § 203 (D).

- G. The 22<sup>nd</sup> Navajo Nation Council found that Levon B. Henry meets all the statutory requirements to be appointed as Chief Legislative Counsel. Nothing has changed with Mr. Levon Henry's qualifications and he is still qualified to be Chief Legislative Counsel. CAP-23-14.
- H. The 23<sup>rd</sup> Navajo Nation Council desires to re-appoint Levon B. Henry as Chief Legislative Counsel.
- I. Maintaining the continuity of the Navajo Nation Office of Legislative Counsel is in the Navajo Nation's best interest.

#### Section Two. Appointment

The Navajo Nation Council appoints Mr. Levon B. Henry as the Chief Legislative Counsel, to serve at the pleasure of the Navajo Nation Council. 2 N.N.C. § 963 (A) (2009).

#### Section Three. Effective Date

The appointment shall be effective upon the Navajo Nation Council's approval. 2 N.N.C. § 963 (A) (2009).

#### 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 18 in favor and 0 opposed, this 26<sup>th</sup> day of January 2015.

5.4832

LoRenzo Bates, Speaker Navajo Nation Council

/-27-/5 Date

Motion: Honorable Nelson BeGaye Second: Honorable Mel R. Begay



CAP-23-14

# RESOLUTION OF THE NAVAJO NATION COUNCIL

22<sup>nd</sup> NAVAJO NATION COUNCIL -- Fourth Year, 2014

#### AN ACTION

RELATING TO NAABIK'ÍYÁTI'; APPOINTING LEVON B. HENRY AS CHIEF LEGISLATIVE COUNSEL

#### BE IT ENACTED:

#### Section 1. Findings

The Navajo Nation Council finds:

- A. The Office of Legislative Counsel, independent of the Department of Justice, provides legal advice and representation to the Navajo Nation Council, its standing committees and programs of the Navajo Nation Legislative Branch. 2 N.N.C. §\$961 and 964. The Chief Legislative Counsel administers and manages the Office of Legislative Counsel. 2 N.N.C. §963. Currently, the position of Chief Legislative Counsel is vacant, and such vacancy has been advertised.
- B. The Chief Legislative Counsel must be a state-licensed attorney appointed by the Navajo Nation Council upon recommendation of the Naabik'íyáti' Committee of the Navajo Nation Council. 2 N.N.C. \$963(A).
- C. The position of Chief Legislative Counsel has been vacant since January 20, 2011.
- D. The Navajo Nation finds that the Department of Personnel Management received applications from persons interested in the position of Chief Legislative Counsel. From among the four (4) applicants, the Department of Personnel Management determined three applicants met the minimum qualifications. However, the Department of Personnel Management advised that of the three qualified applicants, there was only one Navajo Levon B. Henry. By memorandum dated July 3, 2013 and addressed to Honorable Johnny Naize, Speaker, Navajo Nation Council, the Department of Personnel Management referred Mr. Levon B. Henry for selection as Chief Legislative Counsel. Memorandum of Department of Personnel Management, as well as employment documents, attached hereto as Exhibit A.

- E. The  $22^{nd}$  Navajo Nation Council realizes that its term will end January 12, 2015; therefore, out of respect for the upcoming  $23^{rd}$  Navajo Nation Council, the  $22^{nd}$  Navajo Nation Council will confirm a Chief Legislative Counsel to serve through the end of the term of the  $22^{nd}$  Navajo Nation Council.
- F. The Navajo Nation Council finds that the appointment of Mr. Levon B. Henry as Chief Legislative Counsel would be in the best interests of the Navajo Nation.

#### Section Two. Appointment

The Navajo Nation Council hereby appoints Mr. Levon B. Henry as the Chief Legislative Counsel, Office of Legislative Counsel, to serve at the pleasure of the Navajo Nation Council in accord with 2 N.N.C. \$963, through the end of the term of the  $22^{nd}$  Navajo Nation Council, January 12, 2015.

#### 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 18 in favor and 2 opposed, this  $23^{\rm rd}$  day of April 2014.

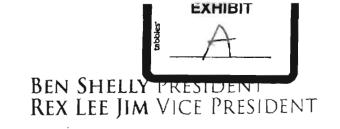
LoRenzo Bates, Pro Tem Speaker Navajo Nation Council

**7-24-14**Date

Motion: Honorable Katherine Benally

Second: Honorable Mel R. Begay





DFFICE OF LEGISLATIVE COUNSEL

#### MEMORANDUM

TO

Honorable Johnny Naize, Speaker

LB/22<sup>nd</sup> Navajo Nation Council

FROM

Ora J. Kunika

Ora J. Wauneka, Human Resources Analyst DHR/Department of Personnel Management

DATE

July 03, 2013

SUBJECT:

REFERRAL OF APPLICANTS

RE

Chief Legislative Counsel

231898, Window Rock, AZ

LB0037806

Pursuant to your request, the Chief Legislative Counsel position was advertised from May o6, 2013 to Open Until Filled. A total of four (04) application(s) were received by our office on or before the Open Until Filled closing date.

Our qualification assessment revealed that the following applicant(s) met the minimum qualification requirements established for the position. The assessment was based on information provided on the application. To expedite the referral process, the verification of education was not completed. The Department of Personnel Management reserves the right to verify education upon employment.

HENRY, Levon B.

SSN:

There were two (2) other applicant(s) who met the minimum qualifications, who are non-Navajo, however, under the Navajo Preference in Employment Act, any Navajo applicant who demonstrates the necessary qualifications, irrespective of the qualifications, must be selected.

Please review the attached application(s) and select the applicant you feel is best suited for the position. A person who did not submit their application to our office on or before the closing date and who was not referred by our office cannot be considered for the position.

Memo to Honorable Johnny Naize, Speaker July 03, 2013 Page 2 of 2

You are hereby authorized to make an offer of employment to the successful applicant, after selection and/or approval by the Department Director. However, you selection must be from among the applicant(s) listed on this memorandum for the position referenced above. This delegation of authority is valid only for this position vacancy.

If you are unable to make a selection from this applicant pool, you will need to re-advertise the position for an additional ten days.

In accordance with the established Recruitment Selection and Hiring Procedures, please give the reason why the successful applicant was selected. Also, state the reasons why the other applicant(s) were not selected.

You are responsible for formally notifying all unsuccessful applicants, referred by our office. Copies of the notification letters must be submitted with the hiring justification memorandum.

If you wish to re-advertise the position, please contact Ora J. Wauneka at extension 6156 prior to the publication date of the next job vacancy announcement. If you have any questions regarding the referrals or the Recruitment, Selection and Hiring Procedures, please do not hesitate to call us.

xc: Position File

# DEPARTMENT OF PERSONNEL MANAGEMENT Listing of Qualified Navajo Applicants

**REQUISITION NO: LB0037806** 

**CLOSING DATE: 09/30/2015** 

**POSITION NO: 231898** 

CLASS CODE: 0211 Chief Legislative Counsel

REQ ID	NAME	SSN	APP DATE	QA	
Henry, L	evon B.		06/03/2013	Υ	

Total Number of Applications: 1

Report Date: 7/3/2013



**Employment Application** 

PLEASE PRINT ALL INFORMATION



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		PO Box	(		Wi	ndow Rock	AZ		86515
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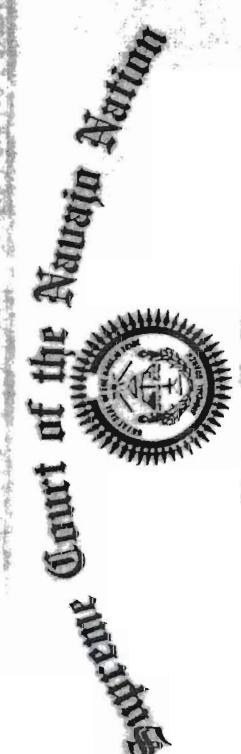
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2. Thomas Christie	, Omak, WA		
3. Terence Gurley	Gallup, NM		
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EMPLOYER'S NAME AND MAILING ADDRESS	DATES EMPL		JOB TITLE
Navajo Nation	03/01/1999 0	1/01/2003	Attorney General
Department of Justice	(928) 871-6345	NUMBER 5	REASON FOR LEAVING end of appointment
Window Rock, AZ	IMMEDIATE SUPERVIS	OR: NN Cou	ncil/NN President
RESPONSIBILITIES Chief legal officer of the Navajo Nation			
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	(MMDDM)	m 2/28/1999	Attorney
Law Office of L.B. Henry	09/01/1996 0 TELEPHONE N		REASON FOR LEAVING
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SIGNATURE \_\_\_

DATE 05-31-13



# Aeven A. Cenru

sufficienty epidence of good moral character and the qualifications to practice law, is therefore hereby authorized to practice as a having exhibited to the Supreme Court of the Navajo Nation Counselor in the Supreme Court and all other Courts of the Nation for and during good behavior in said

In Testimony Whereof,

I have hereunto set my hand and affix the seal of the Supreme Court at Window Anck, the Ravajo Nation, this

your Beruso Hoskie

CHIEF JUSTICE



Richard E. Ransom.

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DEPARTMENT OF PERSONNEL MANAGEMENT

Teuon W. Renry

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Juris Doctor

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#### PURCHASE REQUISITION

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#### CHIEF LEGISLATIVE COUNSEL

#### NAVAJO NATION OFFICE OF LEGISLATIVE COUNSEL

The Office of Legislative Counsel seeks to fill the Chief Legislative Counsel position to work with the Legislative Branch of the Navajo Nation Government.

The Chief Legislative Counsel serves as legal counsel to the Navajo Nation Council; provides comprehensive legal guidance and advice to the Navajo Nation Council, standing committees, boards, commissions, and the Legislative Branch; coordinates with the Department of Justice and other attorneys in providing legal services to the Nation; provides advice and representation, interpretation of law, research, analysis and representation in mediation and administrative hearing; provides training and orientation in specific laws and areas of law; directs and performs complex legal research and analysis of laws, legal precedents, and issue; drafts, reviews and prepares proposed legislation, reports, legal documents, correspondence for the Navajo Nation Council and entities of the Legislative Branch; responsible for the codification of Navajo Nation laws, rules and regulations; develops annual work plan and budget for the Office of Legislative Counsel; attends meetings, training and seminars in support of continuing legal education requirements; prepares and submits activity reports to the Office of the Speaker.

The Chief Legislative Counsel must have a Juris Doctorate and twelve (12) years of professional work experience as a state licensed attorney, four (4) years of which must have been in a supervisory or lead capacity. Current admission in any state bar with the intention of seeking and securing admission to the Navajo Nation Bar Association and either the Arizona, New Mexico or Utah Bar within one (1) year of date of hire.

Application shall be submitted to the Navajo Nation Department of Personnel Management on official Navajo Nation Employment Application forms, along with copies of J.D. diploma and state bar membership certificate, and Navajo Nation law license. Application available at <a href="https://www.dpm.navajo-nsn.gov">www.dpm.navajo-nsn.gov</a>. Copies of the application and accompanying documents are also to be submitted to the Office of Legislative Counsel at the address below.

The Chief Legislative Counsel serves as legal counsel to the Navajo Nation Council at a negotiated salary. Veterans' Preference applies. The Navajo Nation will give preference to qualified applicant in accordance with the Navajo Preference in Employment Act.

Closing Date: Open until filled

Contact: Mariana Kahn, Acting Chief Legislative Counsel or Ronald Haven,

Principal Attorney

Office of Legislative Counsel

P.O. Box 3390

Window Rock, Arizona 86515

Tele: 928/871-7166