

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23RD NAVAJO NATION COUNCIL -- Fourth Year, 2018

AN ACTION

RELATING TO AN EMERGENCY FOR THE NAVAJO NATION: OBJECTING TO THE REASSIGNMENT OF THE DIRECTOR OF THE BUREAU OF INDIAN AFFAIRS NAVAJO REGIONAL OFFICE, SHARON PINTO, A MEMBER OF THE NAVAJO NATION, WITHOUT ANY CONSULTATION BY THE BUREAU OF INDIAN AFFAIRS WITH THE NAVAJO NATION IN VIOLATION OF ALL REQUIREMENTS OF THE TRIBAL CONSULTATION POLICY AND OF THE REQUIREMENTS ARISING FROM THE FEDERAL TRUST RESPONSIBILITY WITH THE NAVAJO NATION AND ALL AFFECTED TRIBES

BE IT ENACTED:

Section One. Authority

- A. The Navajo Nation Code provides for consideration of emergency legislation and states that "...matters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or federal law, or which directly threaten the sovereignty of the Navajo Nation." 2 N.N.C. § 164 (A)(16)

Section Two. Findings

- A. This legislation is introduced as emergency legislation insofar as the sovereignty of the Navajo Nation has been ignored and thereby threatened by the Department of the Interior's unilateral reassignment, without consultation with the Navajo Nation or any affected Tribes, of the Director of the Navajo Regional Office, Sharon Pinto, a member of the Navajo Nation.
- B. The Bureau of Indian Affairs, Navajo Regional Office plays a prominent role in the life of and the delivery of services to the Navajo Nation.
- C. The role of the Navajo Regional Office in the life of the Navajo Nation has been a positive one under the stewardship of Ms. Pinto. She has been assisting the leadership of the Navajo Nation and provided a working relationship with Navajo Nation programs. Sharon Pinto communicated in the Navajo language directly to the Navajo People. Sharon Pinto was

always solution-oriented to resolving issues facing the Navajo Nation.

- D. Director Pinto was performing her duties that are important to the Navajo Nation. Her Office was assisting the Navajo Nation to: address the possible closures of the Navajo Generating Station and the Office of Hopi and Navajo Indian Relocation (OHNIR), implement the reissuance of grazing permits for the Navajo Partitioned Land (NPL), successfully conclude the federal Land Buy-Back effort, etc.
- E. The Department of the Interior's arbitrary and unilateral decision to remove or reassign Director Pinto harms the Navajo Nation because:
 - 1. No transition time was allowed for her to counsel or brief her successor or to brief her staff so that all programs continue to progress without interruption;
 - 2. The institutional investment by the federal and Navajo Nation governments for Director Pinto to be a successful BIA Regional Director will be lost;
 - 3. The strong advocacy by Director Pinto on behalf of Navajo Nation will be lost;
 - 4. The assignment of a new BIA Regional Director for the Navajo Area Office has not been revealed to Navajo Nation leadership and any such assignment of a new Regional Director that is not familiar with or does not support Navajo Nation will be detrimental.
- F. The Department of the Interior's arbitrary and unilateral decision to remove Ms. Pinto, a member of the Navajo Nation, as Director of the Navajo Region Office was made in total disregard of any input, consultation or concerns of the Navajo Nation and stands in violation of the requirements of government-to-government standards.
- G. The Navajo Nation Council objects in the strongest terms to the arbitrary and high-handed manner demonstrated by the Department of the Interior in both its decision and the implementation of that decision.
- H. The Navajo Nation Council finds it to be in the best interest of the Navajo People to object in the strongest terms to the unilateral removal of the Director of the Bureau of Indian Affairs Navajo Regional Office without any consultation,

communication befitting the government-to-government relationship mandated by the Federal Trust Responsibility.

Section Three. Objecting to the Reassignment of the Director of the Bureau of Indian Affairs Navajo Regional Office, Sharon Pinto, a Member of the Navajo Nation Without Any Consultation by the Bureau of Indian Affairs With the Navajo Nation in Violation of All Requirements of the Tribal Consultation Policy and the Obligations Arising From the Federal Trust Responsibility with the Navajo Nation and All Affected Tribes

- A. The Navajo Nation Council hereby objects in the strongest terms to the reassignment of the Director Bureau of Indian Affairs, Navajo Regional Office, Sharon Pinto, a member of the Navajo Nation, without any consultation by the Bureau with the Navajo Nation and in violation of all the requirements of the policy of Tribal Consultation and the obligations arising from the Federal Trust Responsibility with the Navajo Nation and all affected tribes.
- B. The Navajo Nation Council respectfully requests Department of Interior Secretary Zinke, and other appropriate supervisors, to reconsider the reassignment or removal of Director Pinto.
- C. The Navajo Nation Council hereby authorizes and directs the Navajo Nation Department of Justice to undertake all necessary actions to enforce such established consultation requirements as well as those obligations arising from the Federal Trust Responsibility in relation to this matter.

Section Four. Effective Date

The provisions of this Act shall become effective upon adoption by the Navajo Nation Council.

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 20 in favor and 00 opposed, on this 18th day of April 2018.



LoRenzo C. Bates, Speaker
Navajo Nation Council

4-18-18

Date

Motion: Honorable Jonathan Perry
Second: Honorable Edmund Yazzie

Speaker Bates not voting

NAVAJO NATION

RCS# 1088

4/18/2018

Spring Session

06:25:33 PM

Amd# to Amd#

Legislation 0133-18:

PASSED

MOT Perry

Objecting to the Reassignment of

SEC Yazzie

the Director of the BIA Navajo
Regional Office, Sharon Pinto...

Yea : 20

Nay : 0

Excused : 0

Not Voting : 4

Yea : 20

Begay, K

Chee

Jack

Smith

Begay, S

Crotty

Perry

Tso

BeGaye, N

Damon

Pete

Tsosie

Bennett

Daniels

Phelps

Witherspoon

Brown

Hale

Slim

Yazzie

Nay : 0

Excused : 0

Not Voting : 4

Begay, NM

Bates

Shepherd

Filfred