LEGISLATIVE SUMMARY SHEET
Tracking No. 0032-23

DATE: March 1, 2023

TITLE OF RESOLUTION: AN ACTION RELATING TO LAW AND ORDER COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE, AND THE NAVAJO NATION COUNCIL; CONFIRMING THE APPOINTMENT OF HEATHER CLAH AS THE NAVAJO NATION DEPUTY ATTORNEY GENERAL

PURPOSE: This resolution, if approved, will confirm the appointment of Heather Clah as Deputy Attorney General of the Navajo Nation.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: 3:02pm; 03/03/23
Posting End Date: 03-08-23
Eligible for Action: 03-09-23

Law & Order Committee
Thence
Naabik'íyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

25TH NAVAJO NATION COUNCIL – First Year, 2023

INTRODUCED BY

(Prime Sponsor) Rick Nez

TRACKING NO. 0032-23

AN ACTION

RELATING TO LAW AND ORDER COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE, AND THE NAVAJO NATION COUNCIL; CONFIRMING THE APPOINTMENT OF HEATHER CLAH AS THE NAVAJO NATION DEPUTY ATTORNEY GENERAL

SECTION ONE. AUTHORITY

A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).

B. The Law and Order Committee has oversight over the administration of justice on the Navajo Nation. 2 N.N.C. §600 (C)(1)

C. A proposed resolution requiring final action by the Navajo Nation Council shall be assigned to the Naabik'íyátí Committee. 2 N.N.C. §164(A)(9).

SECTION TWO. FINDINGS

A. The Navajo Nation President recommends a person as the Navajo Nation Deputy Attorney General. 2 N.N.C. §1962(B).

B. The Navajo Nation President recommends Heather Clah as the Navajo Nation Deputy Attorney General. Heather Clah's appointment letter and résumé are attached as Exhibit A.

C. The Navajo Nation Council appoints the Navajo Nation Deputy Attorney General at the recommendation of the Navajo Nation President. 2 N.N.C. §1962(B).

D. The recommended Navajo Nation Deputy Attorney General serves at the pleasure of the Navajo Nation Council. 2 N.N.C. §1962(B).

SECTION THREE. Appointment of the Navajo Nation Attorney General

A. The Navajo Nation Council appoints Heather Clah as the Navajo Nation Deputy Attorney General.

B. Heather Clah's appointment shall be effective upon the Navajo Nation Council's approval. 2 N.N.C. §1962(B).

C. Heather Clah's term shall be concurrent with the Navajo Nation President's term. 2 N.N.C. §1962(B).

EXHIBIT
tabbies A

DR. BUU NYGREN *PRESIDENT*
RICHELLE MONTOYA *VICE PRESIDENT*

The Navajo Nation | Yideeskąądi Nitsáhákees

January 16, 2023

Heather Clah

Gallup, NM 87301

RE: Appointment as Deputy Attorney General

Dear Ms. Clah,

We are pleased to offer you an appointment to serve as the Deputy Attorney General at the Department of Justice for the Navajo Nation. This appointment takes affect at 8:00 a.m. on January 16, 2023. We are so pleased you verbally accepted this position and have started your new role.

Thank you for agreeing to serve the Nygren-Montoya Administration, the youngest Navajo Nation President elected, and the first woman to be Vice President. Together we will work hard for the Navajo people at the hogan level.

Ahéhee'

B. V. Nygren

Dr. Buu Nygren, *President*
THE NAVAJO NATION

Richelle Montoya

Richelle Montoya, *Vice President*
THE NAVAJO NATION

Post Office Box 7440 • Window Rock, Arizona 86515 • Phone: (928) 871-7100 • Fax: (928) 871-4025

HEATHER L. Clah, ESQ.

hlanderson2000@hotmail.com

BAR ASSOCIATION MEMBERSHIPS

Navajo Nation Bar Association	November 2005
New Mexico Bar Association	April 2007

EDUCATION

Arizona State University Sandra Day O'Connor College of Law, Tempe, AZ
Juris Doctorate (J.D.) with Certificate in Indian Law, May 2005

Pre-Law Summer Institute (PLSI), Albuquerque, NM
Certificate of Completion, Summer 2002

Arizona State University, Tempe, AZ
Bachelor of Arts (B.A.) Justice Studies; Minor in Psychology, June 2002

PROFILE OF SKILLS

Legal Research and Writing - Ability to research and write clear persuasive legal documents

Communication - Communicates clearly and respectfully, verbally and written. Experienced in facilitating and participating in various communication settings such as individual private counseling, group discussions, speaking at public forums

Leadership & Supervision – Held leadership and Supervision positions in which demonstrated excellent supervision and mentorship over assignments and projects, successfully maintains professional and respectful environment

Negotiating Settlements - Extensive experience with Federal, State, and internal Tribal department, and private clients to reach settlement in both legal and non-legal matters

PROFESSIONAL LEGAL EXPERIENCE

Navajo Tribal Utility Authority, *Corporate Attorney* — Fort Defiance, AZ
11/2014 - Present

- Legal management, consultation, provides support for management
- Legal representation for utility projects, negotiation, acquisition, construction
- Project Manager of the new NTUA Headquarter Administration building, district offices
- Interact with Navajo Nation DOJ, Departments, and NN Council and committees

Navajo Nation Office of the President and VP, *Senior Attorney* — Window Rock, AZ
1/2011 - 5/2015

- Represented the Office of the President on legal, project, committee matters,
- Such as renewing Navajo Gaming compact for NM, Investment Committee
- Provided legal and policy advice to the OPVP,
- Followed high profile legislations, provide input to Council, reviewed legislation
- Interacted with all Navajo Nation Divisions, NN Council, and NNDOJ

Navajo Judicial Branch, Shiprock District, *Court Staff Attorney* — Shiprock, NM
Legal Research, writing, and advise court on matters of administration, Civil, Criminal, and family matters — 4/2008 - 7/2010
Spearheaded and participated in community building projects
Draft tribal intergovernmental agreements, resolutions, policies, laws and ordinances
Review contracts, gaming appendices, and memorandums of agreements and understandings

Navajo Nation Department of Justice-Human Services & Government Unit, *Attorney* — Window Rock, AZ
Attorney for Social Service, P.L. 93-638 Programs, and Health — 5/2005 - 4/2008
Litigated employee grievances
Reviewed and negotiated joint power agreements between Navajo Nation and New Mexico
Reviewed and negotiated all of the Navajo Nation's P.L. 638 contracts with Federal Government
Reviewed professional service contracts and agreements between Navajo Nation and private contractors
Drafted intergovernmental agreements, policies, laws, and resolutions

Arizona State University College of Law Indian Legal Clinic, *Student Attorney* — Tempe, AZ
Interviewed prospective clients for intake — 1/2005 - 5/2005
Researched tribal codes and statutes on child support, garnishment, and Indian Child Welfare Act (ICWA) cases

Farmington DNA Legal Services Inc., *Law Clerk* — Farmington, NM
Drafted legal memoranda, summonses, and other legal documents — Winter break 2002
Researched Navajo Common Law cases related to Family Law — Winter break 2003

OTHER PROFESSIONAL EXPERIENCE

Vice-President, Navajo Bar Association — Navajo Nation
Chair of Admission Committee — October 2010- present
Assist President with administration objectives
Participate in Quarterly Bar Association meetings
Assist in drafting resolutions, policies, establishing budget, any other task that maybe required for the Bar Association's success

Project Manager, Shiprock Judicial Parking Lot — Shiprock, NM
Negotiated and successfully recovered funds from the State of New Mexico — Completed October 2010
Facilitated, Organized, and Managed communication and project deadlines between pertinent Navajo Nation and State of New Mexico departments and offices, as well as private entities
Successfully completed project under unusually ridged State requirements

Chapter President, Upper Fruitland Chapter — Upper Fruitland, NM
Resided over Community Meetings — February-December 2004
Negotiated Chapter contracts between internal government agencies and private contractors
Helped facilitate the completion of new Chapter House Building
Drafted Chapter resolutions, policies, and other documents
Budget Planning, communicating with community members and addressing their concerns

Pre-Law Summer Program, *Student Teacher* — Albuquerque, NM
Tutored Criminal Procedure and Legal Writing — Summer 2003
Mentor Pre-Law Students

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax No.: (928) 871-7576

Honorable Crystalyne Curley
Speaker
25th Navajo Nation Council

MEMORANDUM

TO: Hon. Rick Nez, Council Delegate
25th Navajo Nation Council

FROM: Loya M. Honaghaahnii Henderson
Loya M. Honaghaahnii Henderson, Attorney
Office of Legislative Counsel

DATE: March 1, 2023

SUBJECT: **AN ACTION RELATING TO LAW AND ORDER COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE, AND THE NAVAJO NATION COUNCIL; CONFIRMING THE APPOINTMENT OF HEATHER CLAH AS THE NAVAJO NATION DEPUTY ATTORNEY GENERAL**

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0032-23__ **SPONSOR:** Rickie Nez

TITLE: An Action Relating to Law and Order Committee, Naabik'íyáti' Committee, and the Navajo Nation Council; Confirming the Appointment of Heather Clah as the Navajo Nation Deputy Attorney General

Date posted: **March 3, 2023 3:02 PM**

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. *§374 et. seq.*

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0032-23

SPONSOR: Honorable Rickie Nez

TITLE: An Action Relating to Law and Order Committee, Naabik'íyáti' Committee, and the Navajo Nation Council; Confirming the Appointment of Heather Clah as the Navajo Nation Deputy Attorney General

Posted: March 03, 2023 at 3:02 PM

5 DAY Comment Period Ended: March 08, 2023

Digital Comments received:

Comments Supporting	*None*
Comments Opposing	*None*
Comments/Recommendations	*None*

Policy Analyst
Office of Legislative Services

March 09, 2023; 8:20 AM
Date/Time

LAW AND ORDER COMMITTEE
25TH NAVAJO NATION COUNCIL

FIRST YEAR 2023

COMMITTEE REPORT

Madam Speaker,

The **LAW AND ORDER COMMITTEE** to whom has been assigned:

Legislation No. 0032-23: An Action Relating to Law and Order Committee, Naabik'iyati' Committee, and the Navajo Nation Council; Confirming the Appointment of Heather Clah as the Navajo Nation Deputy Attorney General – *Sponsor: Honorable Rick Nez*

Has had it under consideration and reports a DO PASS with no amendment.

And thereafter the legislation was referred to Naabik'iyati' Committee.

Respectfully submitted,

Eugenia Charles-Newton, Chairwoman
Law and Order Committee
25th Navajo Nation Council

Date: March 13, 2023

Main Motion:
Motion : Honorable Herman M. Daniels, Jr.
Second : Honorable Cherilyn Yazzie
Vote : 4-0-1

LAW AND ORDER COMMITTEE

Regular Meeting
March 13, 2023

Legislation No. 0032-23: An Action Relating to Law and Order Committee, Naabik'iyati' Committee, and the Navajo Nation Council; Confirming the Appointment of Heather Clah as the Navajo Nation Deputy Attorney General – *Sponsor: Honorable Rick Nez*

VOTE TALLY SHEET:

Main Motion:
Motion: Honorable Herman M. Daniels, Jr.
Second: Honorable Cherilyn Yazzie
Vote: 4-0-1

Yea: Hon. Steven R. Arviso, Hon. Herman M. Daniels, Jr., Hon. Cherilyn Yazzie, Hon. Nathan Notah
Nay: None
Not Voting: Honorable Eugenia Charles-Newton, Chairwoman
Excused: None
Absent: None

Eugenia Charles-Newton, Chairwoman
Law and Order Committee
25th Navajo Nation Council

Laureen Spencer, Legislative Advisor
Office of Legislative Services