

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.

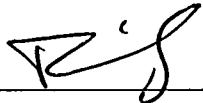
This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.

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

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

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
25TH NAVAJO NATION COUNCIL – First Year, 2023

INTRODUCED BY



(Prime Sponsor) *Rick Mer*

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'iyáti 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).

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

3 **SECTION THREE. Appointment of the Navajo Nation Attorney General**

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

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

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



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

The Navajo Nation | Yideeskáadi 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'

Dr. Buu Nygren, *President*
THE NAVAJO NATION

Richelle Montoya, *Vice President*
THE NAVAJO NATION

HEATHER L. Clah, ESQ.

hlanderson2000@hotmail.com

BAR ASSOCIATION MEMBERSHIPS

Navajo Nation Bar Association
New Mexico Bar Association

November 2005
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*

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

Fort Defiance, AZ
11/2014 - Present

Navajo Nation Office of the President and VP, *Senior Attorney*

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

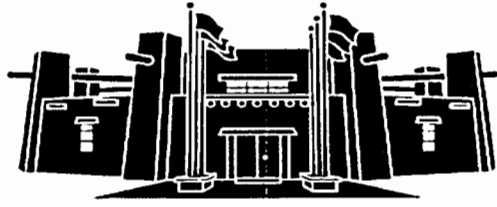
Window Rock, AZ
1/2011 - 5/2015

Navajo Judicial Branch, Shiprock District, <i>Court Staff Attorney</i> Legal Research, writing, and advise court on matters of administration, Civil, Criminal, and family matters 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	Shiprock, NM 4/2008 - 7/2010
Navajo Nation Department of Justice-Human Services & Government Unit, <i>Attorney</i> Attorney for Social Service, P.L. 93-638 Programs, and Health 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	Window Rock, AZ 5/2005 - 4/2008
Arizona State University College of Law Indian Legal Clinic, <i>Student Attorney</i> Interviewed prospective clients for intake Researched tribal codes and statutes on child support, garnishment, and Indian Child Welfare Act (ICWA) cases	Tempe, AZ 1/2005 - 5/2005
Farmington DNA Legal Services Inc., <i>Law Clerk</i> Drafted legal memoranda, summonses, and other legal documents Researched Navajo Common Law cases related to Family Law	Farmington, NM Winter break 2002 Winter break 2003

OTHER PROFESSIONAL EXPERIENCE

Vice-President, Navajo Bar Association Chair of Admission Committee 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	Navajo Nation October 2010- present
Project Manager, Shiprock Judicial Parking Lot Negotiated and successfully recovered funds from the State of New Mexico 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	Shiprock, NM Completed October 2010
Chapter President, Upper Fruitland Chapter Resided over Community Meetings 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	Upper Fruitland, NM February-December 2004
Pre-Law Summer Program, <i>Student Teacher</i> Tutored Criminal Procedure and Legal Writing Mentor Pre-Law Students	Albuquerque, NM Summer 2003

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, 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'iyáti' 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	<i>None</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>



**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

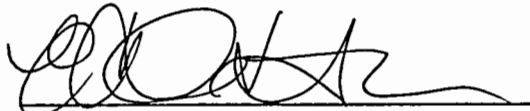
Yea: Hon. Steven R. Arviso, Hon. Herman M. Daniels, Jr., Hon. Cherilyn Yazzie, Hon. Nathan Notah

Nay: None

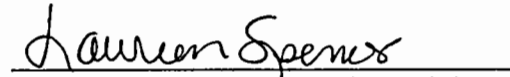
Not Voting: Honorable Eugenia Charles-Newton, Chairwoman

Excused: None

Absent: None



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



Laureen Spencer, Legislative Advisor
Office of Legislative Services

**25th NAVAJO NATION COUNCIL
NAABIK'ÍYÁTI' COMMITTEE REPORT
First Year 2023**

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #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

Sponsored by: Honorable Rickie Nez

Has had it under consideration and reports the same that the legislation **PASSED AND REFERRED TO THE NAVAJO NATION COUNCIL.**

Respectfully Submitted,



*Honorable Shawna Ann Claw, Chairwoman Pro-Tem
NAABIK'ÍYÁTI' COMMITTEE*

23 March 2023

MAIN MOTION

Motioned by: Honorable Lomardo Aseret

Seconded by: Honorable Helena Nez Begay

Vote: 14 In Favor, 0 Opposed (Chairperson Curley Not Voting)

NAVAJO NATION

57

3/23/2023

Naa'bik'iyati' Committee Regular Meeting

02:29:53 PM

Amd# to Amd#

New Business: Item E.;

PASSED

MOT Aseret, L

Legislation 0032-23: Confirming

SEC Begay, H

the Appoinment of Heather Clah
as the Navajo Nation Deputy...

Yeas : 14

Nays : 0

Excused : 6

Not Voting : 3

Yea : 14

Arviso, S

Crotty, A

Johnson, C

Parrish, S

Aseret, L

Daniels, H

Nez, A

Tolth, G

Begay, H

James, V

Nez, R

Tso, O

Begay, N

Jesus, B

Nay : 0

Excused : 6

Charles-Newton, E

Simonson, G

Slater, C

Yazzie, C

Notah, N

Simpson, D

Not Voting : 3

Curley, C

Damon, S

Yanito, C

Presiding Speaker: Claw, S