



23rd NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

I, EDMUND YAZZIE, Primary
Sponsor of proposed legislation hereby withdraw my
sponsorship of the proposed legislation. The legislation
tracking number is 0111-15.

If there are any co-sponsors, they may re-sponsor the same
bill by beginning a new legislation.

SPONSOR SIGNATURE:

A handwritten signature in black ink, appearing to read "Edmund Yazzie", written over a horizontal line.

DATE:

A handwritten date "07/17/65" in black ink, written over a horizontal line.

LEGISLATIVE SUMMARY SHEET
Tracking No. 0111-15

DATE: March 30, 2015

TITLE OF RESOLUTION: AN ACTION RELATING TO LAW AND ORDER;
EXPRESSING NO CONFIDENCE IN EXECUTIVE DIRECTOR OF NAVAJO DIVISION
OF PUBLIC SAFETY AND RECOMMENDING REMOVAL OF EXECUTIVE
DIRECTOR

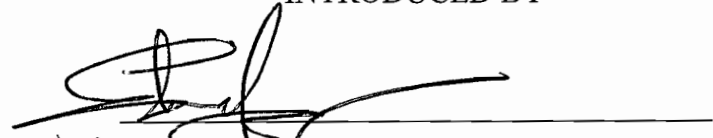
PURPOSE: This resolution, if approved, will recommend to the Navajo Nation President the removal of the Executive Director, Navajo Division of Public Safety.

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: Latanya Burbak
Website Posting Time/Date: 10:29am 4.1.15
Posting End Date: 4.6.15
Eligible for Action: 4.7.15

PROPOSED STANDING COMMITTEE RESOLUTION
23rd NAVAJO NATION COUNCIL -- First Year, 2015

INTRODUCED BY


(Edmund Yazzie) (Prime Sponsor)

TRACKING NO. 0111-15

AN ACTION

RELATING TO LAW AND ORDER; EXPRESSING NO CONFIDENCE IN
EXECUTIVE DIRECTOR OF NAVAJO DIVISION OF PUBLIC SAFETY AND
RECOMMENDING REMOVAL OF EXECUTIVE DIRECTOR

BE IT ENACTED:

Section One. Findings.

- A. The Navajo Nation Council established the Law and Order Committee as a Navajo Nation standing committee and as such the Law and Order Committee shall use Nitsáhákees, Nahat'á, Iiná and Siihásin in exercising oversight over law enforcement for the purpose of enhancing operations and coordination of all departments within the Navajo Division of Public Safety in order to increase the availability, quality, and effectiveness of public safety services to the Navajo Nation and to enable the Navajo Nation to more effectively provide efficient public safety services to the Navajo Nation. 2 N.N.C. §§ 600 (A), 601 (C)(5)(6).
- B. The Navajo Nation President appointed John Billison as the Executive Director of the Navajo Division of Public Safety on February 02, 2011 and the Navajo Nation Council confirmed the appointment on April 21, 2011. 2 N.N.C. § 1353.
- C. The Executive Director of the Navajo Division of Public Safety shall exercise full authority and control over all division activities and shall be responsible for the selection

1 and supervision of all department directors and all personnel, including delegation of
2 authorities; and, shall further exercise full authority to commission certified law
3 enforcement personnel pursuant to standards approve by the Navajo Nation. 2 N.N.C. §
4 1353.

5 D. The Executive Director of the Navajo Division of Public Safety has failed in his
6 execution of the duties outlined above as observed and reported by the personnel of the
7 Navajo Division of Public Safety.

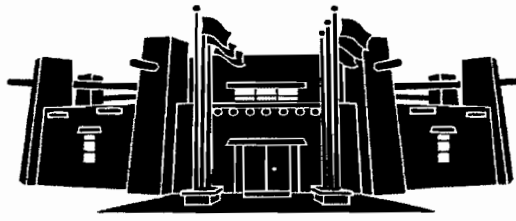
8 E. The Navajo Division of Public Safety has been in turmoil in the time of John Billison's
9 appointment as the rank and file officers have reported to the Law and Order Committee
10 their concerns.

11
12 **Section Two. No Confidence and Recommendation**

13 A. The Law and Order Committee of the Navajo Nation Council has considered the
14 concerns of the rank and file officers of the Navajo Division of Public Safety regarding
15 the lack of leadership, direction and supervision of the Navajo Division of Public Safety
16 Executive Director John Billison and hereby expresses no confidence in the Executive
17 Director John Billison to continue in his post; and,

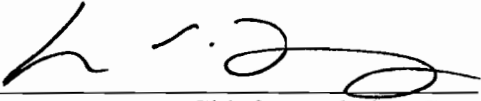
18 B. The Navajo Nation Law and Order Committee hereby recommends to President Ben
19 Shelly that no Navajo Division of Public Safety personnel be subject to retaliatory action
20 in relation to testimony or statements regarding the Executive Director; and,

21 C. The Navajo Nation Law and Order Committee hereby recommends to President Ben
22 Shelly to immediately remove John Billison as Executive Director of the Navajo Division
23 of Public Safety.



MEMORANDUM

TO: Honorable Edmund Yazzie
Navajo Nation Council

FROM: 
Levon B. Henry, Chief Legislative Counsel
Office of Legislative Counsel

DATE: March 30, 2015

SUBJECT: AN ACTION RELATING TO LAW AND ORDER; EXPRESSING NO CONFIDENCE IN EXECUTIVE DIRECTOR OF NAVAJO DIVISION OF PUBLIC SAFETY AND RECOMMENDING REMOVAL OF EXECUTIVE DIRECTOR

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge.

Please review the proposed resolution to ensure it is drafted to your satisfaction. If this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

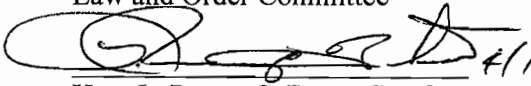
If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.



March 30, 2015

MEMORANDUM

TO : Honorable Members
Law and Order Committee

FROM :  #115
Hon. LoRenzo C. Bates, Speaker
23rd Navajo Nation Council

SUBJECT : ASSIGNMENT OF LEGISLATION

Pursuant to 2 N.N.C § 164 (A)(4), this memorandum serves to inform and advise you that I assign the following legislation to the Law and Order Committee;

Legislation No. 0111-15

RELATING TO LAW AND ORDER; EXPRESSING NO CONFIDENCE IN EXECUTIVE DIRECTOR OF NAVAJO DIVISION OF PUBLIC SAFETY AND RECOMMENDING REMOVAL OF EXECUTIVE DIRECTOR.

As the Committee assigned to consider the legislation, Legislation No. 0111-15 must be placed on the Law and Order Committee's agenda at the next regular meeting for final consideration.

ATTACHMENT: Legislation No. 0111-15

xc: Hon. Ben Shelly, *President*
The Navajo Nation
Harrison Tsosie, *Attorney General*
Mark Grant, *Controller*
Dominic Beyal, *Executive Director, OMB*
Honorable Edmund Yazzie, Council Delegate (*Prime Sponsor*)

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0111-15_____ SPONSOR: Edmund Yazzie

TITLE: An Action Relating To Law and Order; Expressing No Confidence in Executive Director of Navajo Division of Public Safety and Recommending Removal of Executive Director

Date posted: April 1, 2015 at 10:21am

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) 871-7590

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.: 0111-15

SPONSOR: Honorable Edmund Yazzie

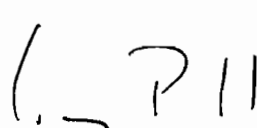
TITLE: Relating To Resources And Development And Budget And Finance, Approving The Community Wellness Development Projects Fund.

Posted: April 1, 2015 at 10:21 am

5 DAY Comment Period Ended: April 6, 2015

Digital Comments received:

Comments Supporting (2)	<ol style="list-style-type: none"> 1. Erik Francisco 2. Robert Platero
Comments Opposing (3)	<ol style="list-style-type: none"> 1. Bernadine Martin, Esq.; Chief Prosecutor 2. Genevieve Jones; Sr. Office Specialist, Division Of Public Safety 3. Glaricita Brown; Sr. Office Specialist, Division Of Public Safety 4. Shawnevan Dale; Wide Ruins Chapter 5. John Billison, Division Director, Division of Public Safety
Inclusive Comments	<i>None</i>



**Executive Director
Office of Legislative Services**

 4/7/2015 - 8:50 AM

Date/Time

Comments for Legislation NO: 0111-15

franciscofamily@frontiernet.net

Thu 4/2/2015 9:17 AM

To:comments <comments@navajo-nsn.gov>;

3 attachments

Class action complaint Vs NN President & Billison April 18 2013 copy.pdf; Stipulated Order# NNLC-2013-034.pdf; letter from LOC chairman Oct 14 2011.jpg;

Name: Erik Francisco

Title: Internal Affairs Investigator (Temporary Assigned to Department of Emergency Management)

Address: PO Box 4248 Window Rock, AZ 86515

This email, is my support in the actions for Law & Order Committee Resolution (Legislation NO: 0111-15). Many employees have been targeted with unfair treatment and continued harassment. I, myself have been investigated 4 times, once each year Mr. Billison has been in office. As of today I'm still being targeted.

I do have an active Grievance Hearing (Step-4) and Labor Commission Complaint against the Division of Public Safety, both are awaiting a date for schedule hearing.

On October 24, 2011 several employees, including myself spoke before the Law & Order Committee. We informed the committee about some of the mismanagement of Mr. Billison. After the hearing, personnel were ordered not to speak outside the division, unless it was approved by Mr. Billison and he was too be informed on what topics that would be discuss by the employee (Directive Memo was issued-copy not available)

As an attachment I'm submitting copies of a completed Labor Commission case by 12 current & former employees (file name: Class Action complaint Vs NN President & Billison April 18, 2013). CASE NO: NNLC-2013-034. Although an agreement was reached (Stipulated Order), Mr. Billision is still abusing his authority. The document will shed some light on the abuse and mismanagement; plus his use of the Office of Internal Affairs.

Thank you.

0111-15

Robert Platero <robplatero@ymail.com>

Thu 4/2/2015 4:44 PM

To: comments <comments@navajo-nsn.gov>;

Greetings Law and Order Committee Members,

I would like to express my opinion on the recent NNC Legislation #0111-15, "An Action Relating To Law and Order; Expressing No Confidence in Executive Director of Navajo Division of Public Safety and Recommending Removal of Executive Director".

I have read the proposed legislation and completely agree with its merits that the Executive Director John Billison, does in fact retaliate against personnel and further abuses the authority of the office.

And despite being informed directly and indirectly, President Shelly continues to ignore the situation, to include an injunction order petition that was filed and settled upon in 2013 (NNLC2013-034) which cited these exact issues and several other individual grievance suits filed with the Navajo Nation Labor Commission.

I had at one time before this individual retaliated against me for performing my job as a lawfully commissioned police officer in investigating an alleged incident involving him I observed him to be very authoritative, abusive and critical toward the public, often with little or no compassion. He also was overbearing when given assignments often criticizing his superiors responding with profanity to include the oversight committee. His performance was substandard, because he just failed to complete his investigations which is probably contributed to his limited understanding of the law enforcement profession.

While associated with this individual I was informed by several private sources that he was labelled as an abuser, committing domestic violent acts. This was confirmed when I was referred to the Maricopa Family Court Records website in which it listed several petitions for "restraining orders" against him.

Although I was wrongfully terminated by John Billison I was constantly contacted and informed by police personnel of his abusive actions against them, him and his close associates Harry Sombrero, Gordon Toadlena and Ivan Tsosie.

This legislation is long overdue and I applaud the Law and Order Committee in pursuing and rectifying the turmoil that exist within the Navajo Division of Public Safety. As cited the NPD personnel have family and lives to support and because of this they are indeed afraid to compromise their financial security by reporting the consistent mistreatment by John Billison.

I sincerely pray that the Law and Order Committee effectively represents and protects those that protect our people and communities. Thank you.

Respectfully

Robert Platero
robplatero@ymail.com

THE NAVAJO NATION



BEN SHELLY PRESIDENT
REX LEE JIM VICE PRESIDENT

April 3, 2015

Mr. Tom Platero, Executive Director
LEGISLATIVE SERVICES
PO Box 3390
Window Rock, Arizona 86515

RE: Legislation #0111-15

Dear Mr. Platero:

I submit these comments for consideration by the Navajo Nation Council:

1. With all due respect to Council Delegate Edmond Yazzie, his legislation fails to articulate the problem(s) he bases his recommendation on; general conclusions should be rejected in their entirety.
2. The government is on dangerous ground when the legislative body "rubber stamps" employee grievances and makes drastic recommendations without offering meaningful remedies. Disgruntled employees should follow the established grievance policy. To entertain such grievances will set precedent for other executive branch programs.
3. President Shelly appointed John Billison to manage the Division of Public Safety and I believe Mr. Billison has done an admirable job given the state of affairs at DPS.
4. Without leadership, the public safety of the Navajo people (which should be of paramount concern for the oversight committee and the Navajo Nation Council) will be compromised. DPS has not been able to fill the Police Chief position--how easy will it be to find a replacement for Mr. Billison's position--that is, who is willing to take that job for a few weeks?
5. To politicize public safety by reacting to employee complaints will disrupt not only the management of Navajo law enforcement, but puts the government in a precarious position with the federal government. Because of direct involvement of the oversight committee (if, in fact, the concerns were raised to the oversight committee versus "behind closed doors" with Mr. Yazzie) this legislation will under mind and sabotage the administration of Navajo Nation's first responders.

This legislation should fail.

Respectfully,


Bernadine Martin, Esq.
Chief Prosecutor



April 6, 2015

Tom Platero, Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515

RE: Legislation 0111-15

Dear Mr. Platero,

Let this letter serve as a response to the proposed legislation: "An Action Relating To Law and Order; Expressing No Confidence in Executive Director of Navajo Division of Public Safety (NDPS) and Recommending Removal of Executive Director."

1. When Mr. Billison assumed leadership of the Navajo Division of Public Safety (NDPS), this Division was severely underfunded, disorganized, and competitive. The Division is now better organized, has a unambiguous strategic future, and has become much more respected among public safety organizations. The professional employees of this Division consistently provide very effective public safety services to the Navajo Nation.
2. He has contracted experts to evaluate the historical functional, operational, and organizational condition of the NDPS rather than relying on rumors and hearsay. As a result, a strategic 5-year plan has been developed that will lead this Division into a state-of-the-art functional and financial position. This enables the NDPS to provide increasingly more effective and efficient public safety services to the Navajo Nation.
3. Multiple Tiger Team Police Department enhancement Projects have been initiated (several of which have been successfully completed) that have already significantly improved NDPS performance and enhanced the Division's ability to identify future external funding streams that will provide severally needed police equipment acquisition. The ongoing and critical upgrade to our 911 emergency call system is just one important example.
4. He has continually provided high-level training and support for all NDPS employees. NDPS employees have found this training challenging and rewarding. To date, employees have taken advantage of many significant opportunities to grow professionally and personally, thus ensuring that the NDPS continues it's exceptional record in providing safety services to the Navajo Nation.

5. Section Two. No Confidence and Recommendation

"The Law and Order Committee of the Navajo Nation Council has considered the concerns of rank and file officers of the Navajo Division of Public Safety regarding leadership, direction and supervision of the Navajo Division of Public Safety Executive Director John Billison...."

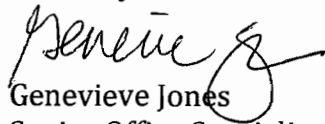
This paragraph's only emphasis is a few rank and file officers and does not consider or reflect the opinions of the other 600+ personnel from other NDPS departments.

6. Removing him as Director of NDPS would be very detrimental for the following reasons:

- This action would end the successful completion of current and future critical Tiger Team Projects.
- Employee growth and certification would be negatively impacted.
- This action would downgrade the continued growth and increased effectiveness of the NDPS.
- This action would significantly weaken the provision of effective and efficient public safety services to the Navajo Nation (now and in the future).

In closing, this proposed legislation should fail, thank you for your time.

Sincerely,



Genevieve Jones
Senior Office Specialist
Administration
Navajo Division of Public Safety



Glaricita Brown
Senior Office Specialist
Office of the Chief of Police
Navajo Police Department

Legislation 0111-15 Comments

Shawnevan <wrnative1@yahoo.com>

Thu 4/2/2015 6:33 PM

To:comments <comments@navajo-nsn.gov>;

Cc:Shawnevan Dale <wrnative1@yahoo.com>;

1 attachment

scan.jpg;

Greetings, Here is my formal submission of comments pertaining to the aforementioned legislation. Thank you.

Regards,

Shawnevan Dale (Wide Ruins Chapter)
PO Box 161
Gallup, NM 87305-0161
email: wrnative1@yahoo.com

FROM THE DESK OF
SHAWNEVAN DALE

April 2, 2015

Tom Platero, Executive Director
Office of Legislative Services
Navajo Nation Council
PO Box 3390
Window Rock, AZ 86515

Dear Executive Director,

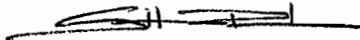
I am writing this letter in regards to **Legislation No.: 0111-15** Sponsored by Delegate Edmund Yazzie posted on April 1, 2015 to submit my formal comment as allowed by the Navajo Nation Code.

As a Navajo Registered Voter of the *Wide Ruins Chapter*, I would like to offer the following comments:

- Continue with the Navajo Nation Special Presidential Election scheduled for April 21, 2015 without further delay.
- Continuing with the Election will ensure that a Legitimate President Assume leadership of the Navajo Nation.
- The New Executive Leadership will then appoint a Confident, Well-Qualified Executive Director of the Division of Public Safety.
- Pursuing Removal at this juncture with a Temporary President against a Temporary Executive Director is fruitless and a waste of the Navajo People's limited resources.

I would like to offer those comments in regards to this legislation. I thank you for the opportunity to submit my comments, ahe'hee'.

Regards,



Shawnevan Dale

THE NAVAJO NATION



BEN SHELLY PRESIDENT
REX LEE JIM VICE PRESIDENT

Mr. Tom Platero, Executive Director
Legislative Services
PO Box 3390
Window Rock, Arizona 86515



RE: Legislation #0111-15

Dear Mr. Platero:

I submit the following facts for consideration by the Navajo Nation Council:

1. Mr. Yazzie's proposed legislation is invalid as codified in the Navajo Nation Code; Legislative Oversight shall not involve program administration (2 N.N.C. § 192). Mr. Yazzie is acting outside the scope of his authority – this proposed measure exceeds the boundaries for permissible action.
2. The Navajo Division of Public Safety (NDPS) Division Director has direct supervisory authority of the (1) Police Chief, (2) Director of Criminal Investigation, (3) Director of Corrections, (4) Fire Chief, (5) Director Emergency Medical Services, (6) Support Services Manger, and (7) Internal Affairs Supervisor.
 - a. The department heads have direct supervisory authority over their own department personnel consisting of 650 employees.
 - b. The department heads have control over their program budget and personnel management in accordance with the Navajo Nation Personnel Policies Manual (NNDPM), XIII. Discipline of Employees, A. Authority for Disciplinary Action, 2 - *Program Managers and Supervisors shall have the authority and responsibility to administer appropriate disciplinary action for violations of law, Nation policies, practices, rules and regulations.*
 - c. *Each and every employee must comply with the policies and procedures that affect or apply to their employment (NNDPM. I.A.3).*

Respectfully,

A handwritten signature in black ink, appearing to read "John Billison".

John Billison, Division Director
Division of Public Safety