

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0082-19__

SPONSOR: Thomas Walker, Jr.

TITLE: An Action Relating To The Resources And Development Committee, NAABIK'IYATI' Committee, And The Navajo Nation Council; Confirming The Appointment Of Oliver B. Whaley As The Director Of The Navajo Nation Environmental Protection Agency

Date posted: April 4, 2019 at 6:20 PM

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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.

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LEGISLATIVE SUMMARY SHEET
Tracking No. 0082-19

DATE: April 4, 2019

SUBJECT: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE, AND THE NAVAJO NATION COUNCIL; CONFIRMING THE APPOINTMENT OF OLIVER B. WHALEY AS THE DIRECTOR OF THE NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY

PURPOSE: The purpose of this legislation is to confirm Oliver B. Whaley as the Director of the Navajo Nation Environmental Protection Agency.

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

5-DAY BILL HOLD PERIOD: SWOTAH
Website Posting Time/Date: _____
Posting End Date: 04/09/19
Eligible for Action: 04/10/19

Resources & Development Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24TH NAVAJO NATION COUNCIL – First Year, 2019

3 INTRODUCED BY

4 
5

6 (Prime Sponsor)

7
8 TRACKING NO. 0082-19

9
10 AN ACTION

11 RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE,
12 NAABIK'ÍYÁTI' COMMITTEE, AND THE NAVAJO NATION COUNCIL;
13 CONFIRMING THE APPOINTMENT OF OLIVER B. WHALEY
14 AS THE DIRECTOR OF THE NAVAJO NATION ENVIRONMENTAL
15 PROTECTION AGENCY

16
17 **SECTION ONE. AUTHORITY**

- 18 A. The Navajo Nation Code provides that the Resources and Development Committee
19 is to recommend the appointment of the Director of the Navajo Nation
20 Environmental Protection Agency. 2 N.N.C. §1923.
21 B. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C.
22 § 102 (A).
23 C. A proposed resolution requiring final action by the Navajo Nation Council shall be
24 assigned to the Naabik'iyáti' Committee. 2 N.N.C. §164(A)(9).
25

26 **SECTION TWO. FINDINGS**

- 27 A. The Navajo Nation Code provides, “[t]he Environmental Protection Agency shall be
28 administered by a Director who shall be appointed by the President of the Navajo
29 Nation, subject to confirmation by the Navajo Nation Council, upon the
30

1 recommendation of the Resources [and Development] Committee of the Navajo
2 Nation Council.” 2 N.N.C. §1923.

3 B. The Navajo Nation President appoints Oliver B. Whaley as the Director of the Navajo
4 Nation Environmental Protection Agency. Mr. Whaley’s appointment letter and
5 resume are attached as **Exhibit A**.

6
7 **SECTION THREE. CONFIRMATION OF THE DIRECTOR OF THE NAVAJO**
8 **NATION ENVIRONMENTAL PROTECTION AGENCY**

9 The Navajo Nation confirms the Navajo Nation President’s appointment of Oliver B.
10 Whaley as the Director of the Navajo Nation Environmental Protection Agency.

THE NAVAJO NATION



JONATHAN NEZ PRESIDENT MYRON LIZER VICE PRESIDENT

January 15, 2019

Oliver B. Whaley

87301

RE: Appointment as Executive Director for the Navajo Nation Environmental Protection Agency

Dear Mr. Whaley,

The Nez-Lizer Administration was elected on a mandate of change for the Navajo Nation. This change involves appointing qualified, motivated and experienced individuals who will move the Navajo Nation forward by "Working Together" to serve the Navajo people. This letter shall serve as a formal notification to your appointment as Executive Director for the Navajo Nation Environmental Protection Agency (NNEPA). This appointment will take effect on January 28, 2019 at 8:00AM. Please note that this position is subject to confirmation by the Navajo Nation Council.

Your duties as director are outlined at 2NNC §1923. You shall be responsible for the administration and management of the Environmental Protection Agency and supervision of all applicable personnel. This includes ensuring compliance with all applicable Navajo Nation laws and policies.

Your salary will be that of the current budgeted salary for the position. Throughout this appointment, you will report to the Chief of Staff under the Office of the President and Vice President. Again, we thank you for your willingness to serve the Navajo people. Ahe'hee

Handwritten signature of Jonathan Nez in black ink.

Jonathan Nez, President
THE NAVAJO NATION

Handwritten signature of Myron Lizer in black ink.

Myron Lizer, Vice President
THE NAVAJO NATION

OLIVER BAAHOZHO WHALEY

• Provo, UT 84606 •

oliver@hadlaw.net

EDUCATION

J. Reuben Clark Law School, Brigham Young University, Provo, UT
Juris Doctor, April 2017

Southern Utah University, Cedar City, UT
Master of Public Administration, April 2014

- GPA 3.76

Brigham Young University, Provo, UT
Bachelor of Science, Exercise and Wellness, December 2011

- Member of the BYU Intercollegiate Track and Field Team
 - Nationally Ranked Hammer Thrower
 - (<http://www.tlrs.org/lists.673.html#28>)
 - (https://www.youtube.com/watch?v=-F_k6z3wBcd0)

EXPERIENCE

Hadley-Whaley, Lawyers, Provo, UT
Lawyer, October 2017 – Present

- General practitioner

Hadley & Associates, Provo, UT
Law Clerk, May 2015 – October 2017

- Legal research and drafting, i.e., motions and memoranda, pleadings, letters, etc.

Judge Michele Christiansen, Utah Court of Appeals, Salt Lake City, UT
Intern, April 2015 – August 2015

- Legal research
- Copy work, i.e., editing, checking citations, checking the record, etc.
- Drafted the initial bench memoranda for *State v. Millett*, 2015 UT App 187.

Brigham Young University, Provo, UT
Building Supervisor, April 2011 – August 2014

- Supervised up to 8 student employees in their various job duties.
- Managed employee hiring, performance, termination, budget, timecards and weekly hours.
- Responsible for training new employees and bi-weekly training of all current employees.

Alliance For A Better Utah, Sandy, UT
Intern, January 2014 – April 2014

- Attended the 2014 Utah State Legislative Session.
- Researched Utah policy issues.
- Wrote weekly articles for website content.
- Published an op-ed for the Desert News. (<http://www.deseretnews.com/article/865598237/A-Memorial-for-the-Warrior-Spirit-Building-a-future.html?pg=all>)

The Church of Jesus Christ of Latter-day Saints, Charleston, WV
Volunteer Representative, July 2005 – August 2007

PUBLICATIONS

Long and Strong Journal

- Weight Training for Throwing, Jan. 2010
- Balancing Throwing With Strength Training, May 2010

Milo Strength Journal

- Taking Sport Specificity Too Far. Dec. 2011 Vol. 19, No. 3

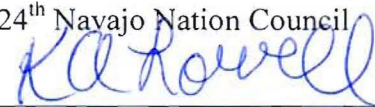
OTHER/INTERESTS

- Eagle Scout
- Utah's Strongest Man 2012 & 2013 (<https://www.youtube.com/watch?v=-sJfzCsDlcFM>)
- Weightlifting
- Hunting, Fishing, Outdoor Activities
- Movies
- Food
- Enjoying the Journey



MEMORANDUM

TO: Honorable Thomas Walker, Jr.
24th Navajo Nation Council

FROM: 
Kristen Lowell, Principal Attorney
Office of Legislative Counsel

DATE: April 4, 2019

SUBJECT: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE, AND THE NAVAJO NATION COUNCIL; CONFIRMING THE APPOINTMENT OF OLIVER B. WHALEY AS THE DIRECTOR OF THE NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY

As requested, 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.

Please ensure that this 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 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).

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.