

THE NAVAJO NATION



MOTOR VEHICLE OPERATOR'S HANDBOOK

NAVAJO NATION - MOTOR VEHICLE OPERATOR'S HANDBOOK
(Revised June 17, 2004)

TABLE OF CONTENTS

| | | |
|------------|--|----|
| CHAPTER 1 | INTRODUCTION | 1 |
| | 1.1 Purpose | 1 |
| | 1.2 Scope | 1 |
| | 1.3 Definition | 1 |
| CHAPTER 2 | MOTOR VEHICLE REVIEW BOARD | 1 |
| | 2.1 Authority | 1 |
| | 2.2 Management | 2 |
| | 2.3 Supervisor | 3 |
| | 2.4 Operator | 3 |
| | 2.5 Responsibilities | 3 |
| | 2.6 Accidents | 6 |
| CHAPTER 3 | IDENTIFICATION | 6 |
| | 3.1 Seals | 6 |
| CHAPTER 4 | VEHICLE ASSIGNMENT | 6 |
| | 4.1 Vehicle Assignment | 6 |
| | 4.2 Inter-Departmental Vehicle Loan | 7 |
| CHAPTER 5 | VEHICLE ACQUISITION | 7 |
| | 5.1 Requirements | 7 |
| CHAPTER 6 | SUSPENSION OR REVOCATION OF TRIBAL PERMIT OR VEHICLE ASSIGNMENT | 7 |
| | 6.1 Conditions | 7 |
| | 6.2 Notice of Operation and Management: Right To a Hearing | 8 |
| | 6.3 Hearing Process | 8 |
| CHAPTER 7 | FUEL | 10 |
| | 7.1 Fuel | 10 |
| | 7.2 Fleet Fuel Cards | 10 |
| CHAPTER 8 | PHONE NUMBERS | 11 |
| | 8.1 Service Areas | 11 |
| CHAPTER 9 | MAINTENANCE | 11 |
| | 9.1 FMD Responsibilities | 11 |
| | 9.2 Department Responsibilities | 12 |
| CHAPTER 10 | AMENDMENTS | 12 |

NAVAJO NATION VEHICLE OPERATOR'S HANDBOOK
(Supersedes Tribal Motor Vehicle Operators Handbook dated April, 1983).

CHAPTER 1: INTRODUCTION

- 1.1 **PURPOSE:** This handbook establishes policies, and procedures regulating the acquisition, assignment, use, and operation of Navajo Nation vehicles.
- 1.2 **SCOPE:** This handbook applies to all branches, chapters and Navajo Nation Government entities which have obtained vehicles through Fleet Management and have insurance through the Navajo Nation Risk Management Department.
- 1.3 **DEFINITIONS:**
 - A. Navajo Nation Vehicle: Any motor vehicle acquired with all funds authorized by the Navajo Nation including vehicles obtained from the General Service Administration (GSA).
 - B. Operator: An employee or appointee of the Navajo Nation of any officially recognized entity of the Navajo Nation.
 - C. Volunteer: A person performing an authorized service without compensation from the Navajo Nation, but shall not be allowed to operate a tribal vehicle.
 - D. Revocation: Cancellation of any Navajo Nation operator's permit.
 - E. Suspension: A temporary restriction of any Navajo Nation operator's permit.

CHAPTER 2: MOTOR VEHICLE REVIEW BOARD (MVRB)

- 2.1 **AUTHORITY:** The MVRB has the responsibility and authority:
 - A. To authorize the assignment of Navajo Nation vehicles. Conditions of assignments may include, but are not limited to, issuance of insurance, hours of permissible use, authorized drivers, parking requirements, decals, special equipment, and take home authorization.
 - B. To develop, implement and enforce rules and regulations regarding the use of Navajo Nation vehicles.

- C. To establish standards and criteria for suspension and revocation of Navajo Nation Motor Vehicle Operator's Permits.
 - 1. The MVRB shall have the authority to revoke any vehicle assignment previously made if it deems departmental responsibility for proper use has not been exercised.
 - 2. The MVRB shall have the authority to conduct hearings to suspend or revoke Navajo Nation Motor Vehicle Operator's Permits or vehicle assignments.
- D. To approve all specifications, configurations and quantities of vehicles to be purchased, lease or rented.

2.2 MANAGEMENT: Branch Chiefs shall have the primary responsibility to require directors and management to ensure that assigned Navajo Nation vehicles are used in accordance with the requirements of this handbook. Failure to comply with the foregoing section may result in an impoundment of vehicle, suspension or revocation of vehicle assignment. Branch Chiefs may require:

- A. Proper licensing of operators.
- B. Completion of Navajo Nation Defensive Driving Course (DDC) operator training.
- C. Provide orientation and a copy of the Motor Vehicle Operator's Handbook to each driver.
- D. Each vehicle must have a properly executed Vehicle Assignment Form, Proof of Insurance, and Registration.
- E. Adherence to the official-use-only policy, emphasize lawful, prudent, and safe vehicle operation.
- F. Imposition of appropriate disciplinary action as per Motor Vehicle Operator's Manual and Branch Personnel Policies and Procedures Manual for corrective action.
- G. Compliance with the preventive maintenance program schedules.
- H. Requirement of visual inspection of vehicle prior to operation.
- I. Assessment of vehicle requirements to meet needs.
 - 1. All branches and divisions will determine transportation needs

for the issuing year and to the extent possible, for the next two years for MVRB review.

2. Changes to current authorizations shall be based on changes in program function and funding.
- J. Require mandatory use of Navajo Nation fuel facility where available before utilization of a credit card.
- K. Suspension of the operator's driving privileges while serious criminal traffic matters are being resolved.
- L. PROHIBIT- HOME TO WORK usage of Navajo Nation vehicles unless authorized by the MVRB. THE ISSUANCE OF THE NAVAJO NATION VEHICLE OPERATOR'S PERMIT AND/OR THE ASSIGNMENT OF A NAVAJO NATION OWNED OR LEASED VEHICLE IS HEREBY ESTABLISHED AS A PRIVILEGE AND NOT A RIGHT.

2.3 SUPERVISOR:

Supervisor shall have the specific responsibility to:

- A. Investigate alleged vehicle violation(s).
- B. Submit a written report to Fleet Management Department (FMD) within 10 working days of receipt of alleged violation. Include findings and corrective action plan.
- C. Failure to respond to FMD will result in appearance before the MVRB.

2.4 OPERATOR: Navajo Nation employees shall economically use, protect, and conserve the Navajo Nation's vehicles and equipment which are entrusted to them. Employees may be held accountable for loss or damages of Navajo Nation vehicle and equipment for which they are responsible.

2.5 RESPONSIBILITIES: Vehicle operator responsibilities include, but are not limited, to the following:

- A. Shall be an employee or appointee of the Navajo Nation.
- B. Shall have a valid State Operator's License appropriate for the type of Navajo Nation vehicle(s) to be operated.

- C. Shall have a valid Navajo Nation Motor Vehicle Operator's permit issued by the Department of Highway Safety. Successful completion of the Defensive Driving Course and Drivers Improvement Classes are required.
- D. Be physically able to operate the assigned vehicle.
- E. Shall operate the vehicle in a lawful, prudent, and safe manner.
- F. Shall provide immediate notice within 24 hours of the incident or the next business day to the operator's supervisor, FMD and Risk Management of all traffic citations, arrest, or vehicle accident while operating a Navajo Nation vehicle.
 - 1. If the circumstances surrounding the accident indicate the possibility of Navajo Nation vehicle operator carelessness, negligence or vehicle misuse, the matter shall be referred to the MVRB for action. The MVRB may recommend that the Navajo Nation proceed with legal action to recover cost of damages.
- G. Shall resolve all traffic violations.
- H. Shall comply with scheduled maintenance service requirements to prevent abuse. Examples of vehicle abuse include, but are not limited to, damage to the engine caused by operating the vehicle with low oil or coolant levels and making unauthorized modification to the vehicle. Indication of vehicle abuse may be noticed by maintenance personnel during vehicle services. These instances may be referred to the MVRB for review and appropriate action.
- I. Shall not install or use radar detectors in Navajo Nation vehicles.
- J. Shall use a Navajo Nation fuel facility where available before utilization of a credit card.
- K. Shall use seat belt(s) at all times while operating vehicle.
- L. Shall require passenger(s) to use seat belt(s) while operating. Passengers shall not be transported in the cargo area of a flat bed or a pickup truck.
- M. Shall review and be familiar with the Motor Vehicle Operator's Handbook.

- N. Shall keep vehicle interior and exterior clean.
- O. Shall not claim personal mileage reimbursement for travel in Navajo Nation vehicles.
- P. Shall not use or allow use of tobacco products in Navajo Nation vehicles.
- Q. Shall use Navajo Nation vehicles only to conduct official Navajo Nation business. Use of a Navajo Nation vehicle for **PERSONAL BUSINESS IS PROHIBITED**.
 - 1. Shall not transport hitch-hikers, except under inclement weather conditions or where the welfare of an individual may be jeopardized; and
 - 2. Shall not use a Navajo Nation vehicle to benefit non-tribal organizations and activities.
 - 3. Shall not transport family members or non-employees except official business visitors and clients.
- R. Shall not use Navajo Nation vehicles for HOME TO WORK purposes unless authorized by the MVRB. **THE ISSUANCE OF THE NAVAJO NATION VEHICLE OPERATOR'S PERMIT AND/OR THE ASSIGNMENT OF A NAVAJO NATION OWNED OR LEASED VEHICLE IS HEREBY ESTABLISHED AS A PRIVILEGE AND NOT A RIGHT.**
- S. Shall not transport alcoholic beverages or illegal drugs in Navajo Nation vehicles. Authorized Law Enforcement agencies transporting evidence are exempt.
- T. Shall not operate a Navajo Nation vehicle under the influence of alcoholic beverage(s) or illegal drug(s).
- U. Shall not park Navajo Nation vehicles at establishments that would **DISCREDIT** the Navajo Nation unless the location has been permitted for conducting official business.
- V. Failure to comply with "A" through "U" may result in the suspension or revocation of an operator's permit and/or vehicle assignment.

2.6 ACCIDENTS

WHAT TO DO: In the event of an accident involving a Navajo Nation vehicle, the operator shall:

- A. Notify the nearest police department.
- B. Not move vehicle until authorized by a police officer.
- C. Not engage in an argument nor express an opinion as to who was responsible for the accident.
- D. Secure names and addresses of all available witnesses.
- E. Inform supervisor immediately. Provide the following:
 - 1. Your name.
 - 2. Location of accident.
 - 3. What happened.
 - 4. Whether anyone was injured.
- G. Submit within 24 hours/or first work day the Navajo Nation Employee Vehicle Accident Report Form, to the Risk Management Department (928)871-6335.

CHAPTER 3: IDENTIFICATION

- 3.1 SEALS: All Navajo Nation vehicles shall display only the following identification (unless the MVRB has granted an exemption to this requirement):
 - A. The official Navajo Nation Seal shall be applied to the left and right front doors.
 - B. Navajo Nation Vehicle Number shall be applied to the lower left corner of the windshield.

CHAPTER 4: VEHICLE ASSIGNMENT

- 4.1 VEHICLE ASSIGNMENTS: The MVRB shall authorize all permanent vehicle assignments based on justification, funds and vehicle availability. Authorizations shall be for officially recognized entities of the Navajo Nation.
 - A. Changes in vehicle assignments or classification shall be submitted to the MVRB for approval.

- B. If Navajo Nation vehicles are not available a request will be submitted to the MVRB for approval of lease or rental of vehicles, subject to availability of funds.
- C. The FMD may issue temporary vehicle assignments with the written concurrence of the MVRB Chairperson, not to exceed 30 calendar days.

4.2 INTER-DEPARTMENTAL VEHICLE LOAN: A branch, division, department or office supervisor may temporarily loan a vehicle to another department. The conditions of the loan shall be documented and signed by both parties. The department to which it is loaned must meet the provisions of Section 2.4. Written documentation of the loan must be kept in the vehicle with a copy provided to the FMD.

CHAPTER 5: VEHICLE ACQUISITION

5.1 REQUIREMENTS:

- A. All branches, divisions and departments shall obtain approval from the MVRB prior to purchasing, leasing or renting vehicles.
- B. Navajo Nation vehicles shall not be modified unless specific prior written authorization has been obtained from the MVRB. This shall include addressing the needs of disabled operators.

CHAPTER 6: SUSPENSION OR REVOCATION OF TRIBAL PERMIT OR VEHICLE ASSIGNMENT

6.1 CONDITIONS: Actions which may result in loss of operator's tribal permit or vehicle assignment.

- A. Operator was negligent in a motor vehicle accident resulting in the death, personal injury of another person or serious property damage.
- B. Operator has habitually violated traffic regulations with such frequency as to indicate disrespect for traffic laws and disregard for the safety of other persons and property.
- C. Operator has violated traffic regulations of reckless driving, driving while under the influence of alcohol or illegal drugs.
- D. Operator is mentally or physically incompetent to operate a motor vehicle.

- E. Operator has permitted an unlawful or fraudulent use of a Navajo Nation Motor Vehicle Operator's permit or Navajo Nation vehicle.
- F. Operator has allowed an unauthorized person to operate a Navajo Nation vehicle.
- G. Operator has violated the vehicle use policies of this Handbook.
- H. Operator has provided false information in the process of applying for a Navajo Nation Motor Vehicle Operator's permit.

6.2 NOTICE TO OPERATOR AND MANAGEMENT: RIGHT TO A HEARING.

- A. Employee shall be given an opportunity to a hearing by the MVRB when the Navajo Nation Operator's Permit is subject to suspension or revocation.
- B. Management shall be given an opportunity to a hearing by MVRB when the Navajo Nation vehicle assignment is subject to suspension or revocation.

6.3 HEARING PROCESS

PURPOSE: The purpose of these rules are to provide parties a fair process in the presentation of cases brought before the MVRB.

- A. **Program Responsibilities:** FMD shall be responsible for timely preparation and submission of documents necessary for determination of a matter by the MVRB.
 - 1. The FMD shall notify, a minimum of Ten (10) working days prior to the hearing, all necessary parties and witnesses of hearing in respect to date, time and location. The party against whom a violation is alleged (hereinafter "Respondent") shall be provided copies of all documents to be submitted to the MVRB and a list of witness(es) expected to testify.
- B. **Complainant(s):** For matters concerning alleged violations or noncompliance with vehicle use policies, the FMD shall be considered the "Complaining Party". FMD shall provide necessary notices, and present all cases. In all other cases, the party initiating a proceeding shall be designated the "Complaining Party".
- C. **Hearings:** The Chairperson or designee of the MVRB shall preside

overall hearings. All hearings before the MVRB concerning vehicle misuse or abuse shall be considered closed. Further, attorneys, for purposes of representation, shall not be allowed (except those advising the Board).

- D. Recording of Hearings: All hearings before the MVRB shall be recorded. Recordings shall be kept until final disposition of the case.
- E. Informality of Proceeding and Evidence: Hearings before the MVRB shall be conducted informally. Technical rules of evidence, as those followed in courts, shall not apply. All evidence, such as documents and testimony, will be considered, except those entirely unrelated, repetitious or irrelevant to a case.
- F. Burden and Standard of Proof: The burden of proof for hearings before the MVRB shall be on the Complaining Party. The standard of proof shall be preponderance of evidence, i.e., the evidence which as a whole shows that the fact sought to be proved is more probable than not.
- G. Opening Statements: Parties will be allowed 5 minute opening statements. Parties may waive such statements.
- H. Exclusion of Witness(es): All witness(es) for the hearing shall be excluded from the hearing room; Parties shall not be excluded.
- I. Case Presentation, Procedure: Complaining Party shall present his or her it's evidence first, followed by the Respondent.
 - 1. Oath: All witness(es) shall be sworn to testify truthfully.
 - 2. Cross Examination: All witness(es) shall be subject to cross examination. Further questions, if any, will be allowed at the discretion of the presiding Chairperson of the MVRB.
- J. Closing Arguments: Parties shall have five (5) minutes each to make closing arguments. The Complaining Party shall proceed first, followed by the Respondent.
- K. Executive Session: The MVRB may convene in executive session at any point of the proceedings.
- L. Decision - Finality: The MVRB may render a written decision within ten (10) working days of a hearing. Decisions of the MVRB shall be final.

CHAPTER 7: FUEL

- 7.1 FUEL: Use of the nearest Fleet Management fuel facility where available is mandatory before use of the Wright Express Fuel credit card is permitted. Fuel points are at:

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|----|----------------------------|--------------|-----------------------|
| 1. | Window Rock | 928/871-6527 | 7:00 a.m. - 6:00 p.m. |
| 2. | Chinle | 928/674-2204 | 7:00 a.m. - 6:00 p.m. |
| 3. | Crownpoint | 505/786-2270 | 7:00 a.m. - 6:00 p.m. |
| 4. | Shiprock | 505/368-1195 | 7:00 a.m. - 6:00 p.m. |
| 5. | Tuba City | 928/283-3368 | 7:00 a.m. - 6:00 p.m. |
| 6. | Burnside Water Maintenance | 928/755-3468 | |
| 7. | Others contact FMD | 928/871-6426 | |

7.2 FLEET FUEL CARDS:

- A. Rusco Cards: These cards are issued to all Navajo Nation vehicles and employees to fuel at their respective agency Fleet Service Centers.
- B. Wright Express are issued to all Navajo Nation vehicles to purchase fuel for off reservation travel only and in areas where Fleet Management fuel facilities are not available. These credit cards are programmed for fuel only.
1. Employees found responsible for unauthorized purchases will reimburse the Navajo Nation in the amount of any unauthorized purchases and may be subject to appropriate disciplinary action.
 2. Lost or stolen Fleet Fuel card must be reported immediately to FMD so the issuing company can be notified. Another card can be issued at a cost to the individual driver.

CHAPTER 8: PHONE NUMBERS

SERVICE AREAS: There is a Fleet Services Center available at each Navajo Nation agency. All repairs shall be completed by the Fleet Service Center which supports the agency in which the vehicle is based. In an emergency, the nearest Fleet Service Center shall be contacted for towing, repairs and emergency road services.

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| 1. | Window Rock | 928/871-6527 | 7:00 a.m. - 6:00 p.m. |
| 2. | W/R Auto Body | 928/871-7037 | 8:00 a.m. - 5:00 p.m. |
| 3. | Chinle | 928/674-2204 | 7:00 a.m. - 6:00 p.m. |
| 4. | Crownpoint | 505/786-2270 | 7:00 a.m. - 6:00 p.m. |

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|----|-----------|--------------|-----------------------|
| 5. | Shiprock | 505/368-1195 | 7:00 a.m. - 6:00 p.m. |
| 6. | Tuba City | 928/283-3368 | 8:00 a.m. - 6:00 p.m. |

Between 6:00 p.m. and 7:00 a.m. contact the nearest Navajo Nation Department of Law Enforcement to arrange for emergency road service.

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| 1. | Chinle Police District | 928/674-2111/2112 |
| 2. | Crownpoint Police District | 505/786-2050/2051 |
| 3. | Shiprock Police District | 505/368-1350/1351 |
| 4. | Tuba City Police District | 928/283-3111/3112 |
| 5. | Window Rock Police District | 928/871-6113/6116 |
| 6. | Kayenta Police District | 928/697-5600 |
| 7. | Dilkon Police District | 928/657-3434/3276 |

CHAPTER 9: MAINTENANCE

PURPOSE: The purposes of preventive maintenance include insuring vehicle safety, reliability and reducing operating costs before they become major problems.

9.1 FMD RESPONSIBILITIES:

- A. The Fleet Service Managers of the FMD are responsible for the establishment of vehicle maintenance service intervals and distribution of preventive maintenance schedule.
1. Direct that the vehicles be taken to a particular service facility for repair.
 2. Request the caller to obtain a repair estimate from a local repair Fleet Service Center.
 3. Arrange for towing service.

If a FMD Fleet Service Manager cannot be reached, you may take action deemed appropriate and prudent under the circumstances.

A memorandum with repair and towing receipts which explains the circumstances and action taken must be submitted promptly after the travel to the Director, of FMD.

When FMD provides maintenance or repair services to a Non-Navajo government vehicles, a Vehicle Service Agreement should be used to cover all costs and expenses.

9.2 Department Responsibilities:

1. Deliver the vehicles to the FMD for preventive maintenance on schedule. The service interval mileage is located on the top left corner of the windshield.
2. In the event of a vehicle breakdown or when maintenance is required while on travel status, call the FMD Fleet Manager at the nearest service area for assistance (see Chapter 8 for telephone numbers). The Fleet Service Manager will take one of the following actions:
 - a. Direct that the vehicle be taken to a particular service facility for repair.¹
 - b. Arrange for towing service.¹
 - c. If a Fleet Service Manager cannot be reached, you may take action deemed appropriate and prudent under the circumstances.¹
 - i. A memorandum with repair and towing receipts, which explains the circumstances and action taken by you, must be submitted without delay after travel is completed to the Director, FMD, for additional assessment and action.¹

CHAPTER 10: AMENDMENTS

The MVRB may approve minor amendments to this handbook. Major amendments shall be approved by the Government Services Committee of the Navajo Nation Council.

¹ Amended by MVRB at 08/11/04 regular meeting

PROPOSED RESOLUTION OF THE
MOTOR VEHICLE REVIEW BOARD

Recommending the Approval the Navajo Nation
Motor Vehicle Operator's Handbook

WHEREAS:

1. The Navajo Nation Motor Vehicle Review Board (hereafter referred to as the "MVRB") was established by Navajo Nation Council Advisory Committee by Resolution ACS-360-72; and

2. The purpose of the MVRB is to determine and establish the most appropriate policies and procedures for meeting transportation needs in conducting business on behalf of the Navajo Nation; and

3. The MVRB has the responsibility and authority to develop, implement, publish and enforce procedures, rules and regulations regarding the use of Navajo Nation vehicles; and

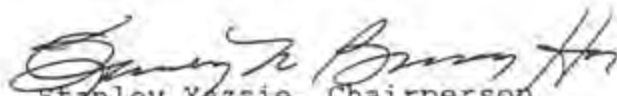
4. The MVRB has reviewed the Navajo Nation Motor Vehicle Operator's Handbook and has determined that a revision is necessary to update and promote the efficient use of Navajo Nation vehicles.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Nation MVRB recommends approval by the Government Services Committees of the revised Navajo Nation Motor Vehicle Operator's Handbook. (Exhibit A).

CERTIFICATION

I hereby certify that the foregoing resolution was considered by the Navajo Nation Motor Vehicle Review Board at a duly called meeting at Window Rock, NAVAJO NATION (Arizona), at which a quorum was present and that same was passed by a vote of 4 in favor and 0 opposed, 0 abstention this 17 day of December, 2003.


Stanley Yazzie, Chairperson
Motor Vehicle Review Board

Motion By: Edward Martin
Second By: Jayme Platero

INTERGOVERNMENTAL RELATIONS COMMITTEE REPORT

20TH NAVAJO NATION COUNCIL - Second Year, 2004

The Intergovernmental Relations Committee, to whom has been referred

LEGISLATION No. 0313-04

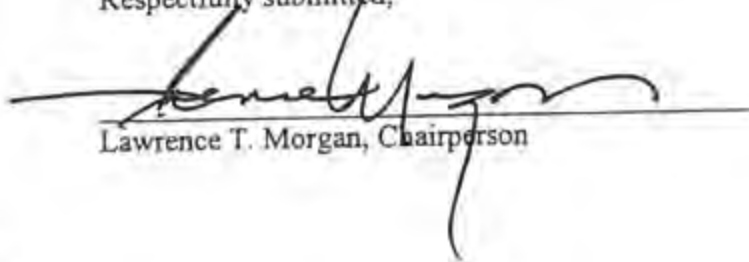
AN ACTION

RELATING TO GOVERNMENT SERVICES; NAVAJO NATION GOVERNMENT;
APPROVING THE NAVAJO NATION MOTOR VEHICLE OPERATOR'S HANDBOOK

Has had it under consideration and reports same with recommendation that it **DO PASS**, with no amendments.

And thence referred to the **GOVERNMENT SERVICES COMMITTEE**.

Respectfully submitted,



Lawrence T. Morgan, Chairperson

Date: June 7, 2004

The vote was 9 For 0 Against

Yes: 9

No: 0

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JUDICIARY COMMITTEE REPORT
20th NAVAJO NATION COUNCIL - Second Year, 2004

LEGISLATION NO. 0313-04

AN Action, Relating to Government Services; Navajo Nation Government; Approving the Navajo nation Motor Vehicle Operator's Handbook.

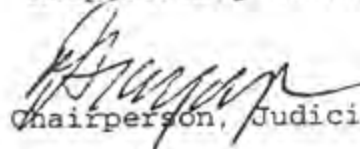
BE IT ENACTED:

The Judiciary Committee considered and reports the same with the recommendation that it **Do Pass**, with out amendments.

And hence referred to the **Government Services Committee**.

I hereby certify that the foregoing Legislation was duly considered by the Judiciary Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 5 in favor and 0 opposed, this 3rd day of June, 2004.

Respectfully Submitted,


Chairperson, Judiciary Committee

GSCJN-17-04

**RESOLUTION OF THE
GOVERNMENT SERVICES COMMITTEE
OF THE NAVAJO NATION COUNCIL**

20th NAVAJO NATION COUNCIL – Second Year, 2004

AN ACTION

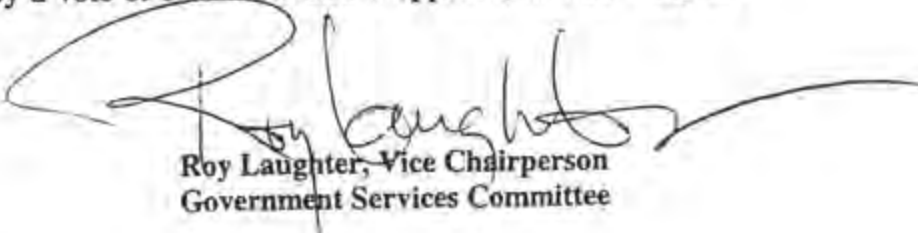
RELATING TO GOVERNMENT SERVICES COMMITTEE; NAVAJO NATION
GOVERNMENT APPROVING THE NAVAJO NATION MOTOR VEHICLE
OPERATOR'S HANDBOOK

BE IT INACTED:

The Navajo Nation hereby approves the Navajo Nation Motor Vehicle Operator's Handbook, attached hereto as Exhibit "A".

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Government Services Committee of the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 5 in favor and 0 opposed, this 22nd day of June 2004.



Roy Laughter, Vice Chairperson
Government Services Committee

Motion: Charles S. Damon
Second: Leo R. Begay