

RESOLUTION OF THE
NAVAJO NATION COUNCIL

20th NAVAJO NATION COUNCIL - Fourth Year, 2006

AN ACT

RELATING TO GOVERNMENT SERVICES, FINANCE AND INTERGOVERNMENTAL
RELATIONS; APPROVING THE NAVAJO NATION MOTOR VEHICLE AUTHORITY
ACT AND AMENDING TITLE 14 OF THE NAVAJO NATION CODE, §§103, 201
AND 1700 - 1720; AND APPROVING A LIMITED WAIVER OF THE NAVAJO
NATION'S SOVEREIGN IMMUNITY

BE IT ENACTED:

Section 1. Enactment the Navajo Nation Motor Vehicle
 Authority Act

The Navajo Nation hereby approves the Navajo Nation Motor
Vehicle Authority Act to capture a source of revenue that is
currently being diverted to the surrounding states, and to
exercise the inherent sovereignty of the Navajo Nation.

Section 2. Amendments to Title 14 of the Navajo Nation Code.

The Navajo Nation hereby amends the Navajo Nation Code,
Title 14, §§103, 201 and 1700 - 1720, as follows:

Title 14

Navajo Nation Motor

Vehicle Code

Chapter 1. General Application

* * *

§ 103 Deposit to and appropriation of general funds

All fees, assessments, fines, penalties and forfeitures
imposed and collected under this title, excluding those
collected by the Navajo Nation Motor Vehicle Authority, shall be
deposited to and appropriated from the general funds of the

Navajo Nation, to designated established accounts as directed and approved by resolution of the Navajo Nation Council, toward the funding of Law Enforcement, Public Safety and Navajo Nation Court functions relating to enforcement and implementation of this title, including appointment of traffic hearing officers as provided herein. All fees, assessments, fines, penalties, forfeitures and interest imposed and collected by the Navajo Nation Motor Vehicle Authority pursuant to 14 N.N.C. §1704(A)(2) shall be used first to support the Navajo Nation Motor Vehicles Division in accordance with an approved Plan of Operation and Fund Management Plan, with all funds in excess of these costs deposited to the Navajo Nation general fund to be distributed as described above.

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**Chapter 2. Civil Infractions; Responsibility
and Assessment**

Subchapter 1: General Application

Section

200. Enforcement

201. Valid state driver's license required

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§ 201 Valid state driver's license required

Any person operating a motor vehicle within the jurisdiction of the Navajo Nation must possess a valid state driver's license.

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Chapter 15. Driver's Licenses The Navajo Nation Motor Vehicle
Authority and the Navajo Nation Motor Vehicles Division

Section

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§ 1700 ~~Motor vehicle operator; definition~~ Findings;
establishment

~~Each individual, to whom 14 N.N.C. § 1701 applies, is a motor vehicle operator within the meaning of that term as defined in the drivers license statutes of the state where he or she resides.~~

A. Findings:

1. In 2005 there were an estimated 100,000 motor vehicles registered and operating on the Navajo Nation with an estimated 8,000 new titles issued each year. It is estimated that between 6,000 and 15,000 used motor vehicles were bought and sold in the same year. It is estimated that in 2005 there were at least 100,000 licensed drivers on the Navajo Nation, and that 30,000 to 40,000 drivers' licenses were issued. The registration of motor vehicles and licensing of motor vehicle operators on the Navajo Nation have been done through the states of Arizona, New Mexico, and Utah, resulting in a wide variety of requirements and costs for the registration of motor vehicles and licensing of individual operators, as well as loss of control over the registration and licensing process.
2. Revenue derived from the registration of motor vehicles and licensing of individual motor vehicle operators on the Navajo Nation, estimated to be will in excess of \$10,000,000.00 per year in New Mexico alone, has been diverted to the states of Arizona, New

Mexico and Utah rather than remaining within the Navajo Nation to serve the needs of the Navajo people. Capturing this lost revenue is essential for the Navajo Nation to be self-supporting and self-governing. Furthermore, the Navajo people will have uniform and consistent rules, regulations and rates, rather than being subject to the widely varying rules, regulations and rates of the separate states.

3. The Navajo Nation is in desperate need of the ability to control the DWI records, and the insurance records for motor vehicles operated on the Navajo Nation, and to share these records on a national basis. The current locations for such records are scattered among four separate jurisdictions and often unavailable for use on the Navajo Nation.
4. The Navajo people lack ready access to motor vehicle licensing and registration services and often must travel great distances to register motor vehicles, and obtain license plates and drivers licenses outside of the territorial boundaries of the Navajo Nation.
5. Navajo license plates and Navajo drivers licenses will not only keep the revenues within the Navajo Nation, they will be an expression of the pride and inherent sovereignty of the Navajo people.
6. As an exercise of the inherent sovereignty of the Navajo Nation and in order to provide for consistency in the registration of motor vehicles and the

licensing of individual motor vehicle operators, and to provide for the consistency of motor vehicles program administration, as well as to recapture the revenue which is being lost to the states, the Navajo Nation hereby establishes the Navajo Nation Motor Vehicle Authority. The Navajo Nation Motor Vehicles Authority is charged with the creation and oversight of the Navajo Nation Motor Vehicles Division.

B. Establishment:

As a service to the Navajo people, to capture a source of revenue that is currently being diverted to the surrounding states, and as an exercise of the inherent sovereignty of the Navajo Nation, the Navajo Nation Motor Vehicle Authority is hereby established and charged with the development of a Navajo Nation Motor Vehicles Division.

§ 1701 Requirement Definitions

~~Every Indian operating a motor vehicle on the Navajo Nation shall be the holder of a valid driver's license issued by the state in which such individual resides.~~

- A. "Authority" means the Navajo Nation Motor Vehicle Authority.
- B. "Director" means a director of the Navajo Nation Motor Vehicle Authority.
- C. "Fee" means a dollar amount charged to an individual or organization to defray the transactional costs incurred in issuing licenses for the privilege of operating and

registering motor vehicles on the Navajo Nation and for raising revenue for the Navajo Nation general fund.

- D. "Fine" means a dollar amount charged for failure to comply with provisions of this Chapter or regulations issues by the Authority and approved by the Government Services Committee of the Navajo Nation Council as authorized by this Chapter.
- E. "Forfeiture" means the seizure of a motor vehicle by the Authority for failure to comply with this Chapter or regulations issues by the Authority and approved by the Government Services Committee of the Navajo Nation Council as authorized by this Chapter.
- F. "License" means a permit issued by the Navajo Nation allowing persons to operate motor vehicles, or permitting motor vehicles to be operated on the Navajo Nation.
- G. "License Plate" means a plate attached to a motor vehicle indicating the motor vehicle has been registered with the Navajo Nation Motor Vehicles Division.
- H. "Navajo Nation Motor Vehicles Division" means the Navajo Nation Motor Vehicles Division contracted for by the Navajo Nation Motor Vehicle Authority to administer the motor vehicle registration and individual licensing laws and regulations of the Navajo Nation.
- I. "Penalty" means a dollar amount charged for failure to comply with provisions of this Chapter or regulations issues by the Authority and approved by the Government Services Committee of the Navajo Nation Council as authorized by this Chapter.

J. "Regulations" means the regulations developed by the Navajo Nation Motor Vehicle Authority and approved by the Government Services Committee of the Navajo Nation Council to guide the day to day activities of the Navajo Nation Motor Vehicles Division.

§ 1702 ~~Possession of license; display~~ Name, location and places of business

~~A licensee shall have such license in his or her possession at all times when he or she is operating a motor vehicle, and shall upon demand display the same to any member of the Navajo Police and any special officers or deputies.~~

A. The name of the Authority shall be the Navajo Nation Motor Vehicle Authority, which shall establish the Navajo Nation Motor Vehicles Division.

B. The principal place of business for the Authority shall be in Window Rock, Navajo Nation (Arizona) 86515.

C. The Navajo Nation Motor Vehicles Division shall establish an office in Window Rock, Navajo Nation (Arizona) 86515 and at such other locations as the Authority may from time to time require.

§ 1703 ~~Violations; penalties~~ Purposes

~~Any Indian violating the provisions of 14 N.N.C. §§1701 and 1702 shall be subject to prosecution in the Courts of the Navajo Nation and upon conviction shall be fined a sum of not less than \$1 nor more than \$25, or by a sentence to hard labor for a period not to exceed 15 days, or both.~~

A. The purpose of the Authority shall be:

1. To enter into memoranda of agreement with the states of Arizona, New Mexico and Utah, and such other state and national organizations as are appropriate, to assure the uniformity and recognition of registration and licensing of motor vehicles and uniformity in the issuing of drivers' licenses between the jurisdictions and, where appropriate, revenue sharing agreements.
2. To contract for a Navajo Nation Motor Vehicles Division.
3. To plan for and contract for field and mobile offices for the Navajo Nation Motor Vehicles Division at various locations throughout the Navajo Nation.
4. To promulgate regulations, subject to the approval of the Government Services Committee of the Navajo Nation Council, for the registration of motor vehicles on the Navajo Nation, the issuance of license plates and tags for motor vehicles, the issuance of drivers' licenses to qualified individuals, and the collection of fees related to the above activities.

B. To do everything necessary, proper, advisable or convenient for the accomplishment of the purposes set forth above, and to do all things necessary or connected to these purposes which are not forbidden by law.

§ 1704 Powers and duties of the Authority

A. Subject to applicable Navajo Nation laws and regulations, the Motor Vehicles Authority shall direct the purposes and exercise the following powers and duties:

1. The Authority shall provide or contract for the Navajo Nation Motor Vehicles Division. If the Authority elects to contract for these services the Authority shall do so by performance based sealed competitive proposals in full compliance with the Navajo Nation Procurement Code, 12 N.N.C. §§ 301 et seq.; and in full compliance with the Navajo Business Opportunity Act, 5 N.N.C. §§ 201 et seq.
2. The Authority shall develop and issue regulations, subject to approval by the Government Services Committee of the Navajo Nation Council, for the registration of motor vehicles on the Navajo Nation, the issuance of license plates and tags for motor vehicles, the issuance of drivers' licenses to qualified individuals, and the collection of fees related to the above activities, and to assess fines and penalties, and interest, and to provide for forfeitures under authority of this Chapter or regulations issued pursuant to this Chapter.
3. The Authority shall acquire all facilities, services, hardware, and software, necessary for the operation and maintenance of the Navajo Nation Motor Vehicles Division.

4. The Authority shall exercise its powers in the best interests of the Navajo Nation within the limits of responsible judgment, and with the stipulation that the Authority shall not incur contractual obligations in excess of its ability to make payments for such obligations as they fall due.
5. The Authority shall select from the members of its board of directors a chairperson of the Authority and such other officers as it may from time to time find necessary; and to promulgate such rules as it determines are necessary in order to conduct its business.
6. Members of the board of directors of the Authority shall be reimbursed for expenses incurred in attending meetings of the Authority and the Authority, at its discretion, may provide for a stipend to be paid to its directors on a per-meeting basis subject to the prior approval of the Government Services Committee of the Navajo Nation Council.
7. The directors of the Authority, acting through their chairperson, shall make not less than annually, a report to the Government Services Committee and the Budget and Finance committee of the Navajo Nation Council, and such report shall include a summary of the budget which has been approved for the Authority and the Navajo Nation Motor Vehicles Division for the coming year.

8. No contract or other transaction shall be permitted between the Authority and any of its directors, or between the Authority and any corporation, partnership, firm or other legal entity in which any member of the board of directors of the Authority holds a direct or indirect interest.

B. Subject to applicable Navajo Nation and federal laws, the Authority shall have the following powers:

1. To manage and operate, directly or through agents, all real and personal property and facilities necessary to accomplish the purposes of this Chapter.
2. To collect fees, impose fines and penalties and assess interest thereon, and impose forfeitures, under authority of this Chapter and regulations issued pursuant to this Chapter.
3. To perform all acts, either directly or through agents, which are reasonable and necessary to accomplish the purposes of this Chapter.
4. To appoint agents and officers, acquire property, and enter into contracts as are reasonable and necessary to accomplish the purposes of this Chapter.
5. To act as an agent on behalf of the Navajo Nation to negotiate such intergovernmental agreements as are necessary to accomplish the purpose of this Chapter with the understanding that such intergovernmental agreements are subject to the approval of the Government Services Committee and the

Intergovernmental Relations Committee of the Navajo Nation Council.

6. To enter into leases of restricted tribal trust lands subject to applicable Navajo Nation and federal laws and to acquire interests either by purchases or through leases in fee lands within the territorial boundaries of the Navajo Nation.
7. To rent, lease, purchase, or otherwise acquire personal property and to hold, own, manage, operate, pledge, mortgage, hypothecate, exchange, sell, or otherwise dispose of such property as is reasonable and necessary to accomplish the purposes of this Chapter.
8. To execute guarantees and enter into indebtedness to the extent of the net worth of the Authority subject to the provision that such guarantees are the guarantees of the Authority alone and are not the guarantees of the Navajo Nation and that any guarantee by the Navajo Nation could be given only by an action of the Navajo Nation Council under Navajo Nation law.
9. To designate and approve financial institutions to serve as depositories for the funds of the Authority.
10. To make, enter into, perform, carry out, cancel and rescind contracts for any lawful purpose reasonable and necessary to accomplish the purposes of this Chapter subject to Navajo Nation and applicable federal law.

11. To create and approve budgets for the operation of the Authority and the Navajo Nation Motor Vehicles Division.
12. To borrow funds and enter into indebtedness to the extent of the net worth of the Authority subject to the provision that such indebtedness is the indebtedness of the Authority alone and is not in the indebtedness of the Navajo Nation and that any guarantee on the indebtedness of the Authority by the Navajo Nation could be given only by an action of the Navajo Nation Council under Navajo Nation law.
13. To accept grants or loans from any state or federal agency which are reasonable and necessary to accomplish the purpose of this Chapter subject to applicable Navajo Nation law.

C. The Authority shall have all additional powers which are reasonable and necessary to accomplish the purposes of this Chapter subject to Navajo Nation and applicable federal law.

§ 1705 Indemnification of directors and employees of the Authority

The Authority shall indemnify any officer, employee or member of the board of directors of the Authority, or any former officer, employee or member of board of directors of the Authority, or any person who may have served at its request as an officer, employee or director of the Authority against reasonable expenses actually and necessarily incurred by him or

her in connection with the defense of any action, suit or proceeding of which he or she is made a party by reason of being, or having been such officer, employee or member of the board of directors of the Authority except in relation to matters as to which he or she shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of duty; or except in relation to matters in which such officer, employee or director was acting beyond the scope of his or her agency. The Authority shall also reimburse to any officer, employee or member of the board of directors of the Authority reasonable costs of settlements of any such action, suit or proceeding if it shall be found by a majority of the board of directors of the Authority other than the director involved in the matter of controversy (whether or not a quorum exists), that it is in the best interest of the Authority and the Navajo Nation that such settlements are made and that such officer, employee or member of the board of directors of the Authority was not guilty of negligence or misconduct. Such rights of indemnification and reimbursement shall not be deemed exclusive of any other rights which such officer, employee, or member of the Authority be entitled to receive.

§ 1706 **Membership of the board of directors; selection, qualifications; term of office**

A. The Authority shall consist a five person board of directors, whereby one member shall represent each of the

five agencies, all of whom shall be confirmed by the Government Services Committee of the Navajo Nation Council.

B. The directors shall be selected by the President of the Navajo Nation based upon their expertise in motor vehicle licensing and regulation, public safety or the administration of large and complex business or governmental systems, accounting, finance or other similar expertise.

C. Three of the directors shall be members of the Navajo Nation who have sufficient education and experience to qualify them for learning motor vehicle licensing and regulation, public safety and the business practices and procedures of the Authority, and for making sound judgments.

D. Directors shall be elected for the following terms of office and shall hold office until the qualification and selection of their successors:

1. The initial directors shall be appointed for a period of one year or until their successors have been appointed and have qualified. Directors shall be eligible for reappointment.

2. Beginning the second year, the directors shall be selected by the President of the Navajo Nation and confirmed by the Government Services Committee in three groups, the first group of two to serve one year, the second group of two to serve for two years, and the third group of one to serve for three years. Thereafter, all terms shall be for three years.

3. Vacancies on the Authority may be filled by the President of the Navajo Nation for the unexpired term of the vacant office.

§ 1707 Meetings of the board of directors

- A. The annual meeting of the board of directors shall be held at 10:30 a.m. on the second Wednesday of October at the principal place of business, or at such other place as the board of directors shall fix, commencing with 2006. No notices shall be required for annual meetings.
- B. The board of directors shall meet at least quarterly upon notice fixing the time and place.
- C. Special meetings of the board of directors may be held upon notice given by the chairperson, or secretary, or by any three members of the board of directors, at such place as the chairperson, secretary or directors shall direct or as shall be fixed by the notice.
- D. Notice.
1. Notice of meetings stating the time and date, shall be given in writing by letter, facsimile or e-mail properly addressed to each member according to the latest available Authority records, not later than five days nor more than 30 days immediately preceding the meeting excluding the day of the meeting.
 2. Notice may be waived in writing signed by the directors entitled to such notices; whether before or after the time stated therein, and such waiver shall

be deemed equivalent to the giving of such notice.
Attendance of any director at the special meeting
shall constitute a waiver of notice.

E. Three members of the board of directors shall constitute a
quorum for the transaction of any business. The act of the
majority of the directors present and voting at a meeting at
which a quorum is present shall be the act of the Authority.

§ 1708 Principal officers

The principal officers of the board of directors of the
Authority shall consist of the following:

A. Chairperson of the board of directors of the Authority.

B. Secretary and a treasurer, who need not be directors of the
Authority.

C. In the discretion of the directors, there may be a
vice-chairperson of the board of directors.

§ 1709 Powers and duties

A. All directors, officers and agents of the Authority shall
have the following duties and such other duties as may be
determined by resolution of the directors not inconsistent
with this Chapter:

1. The chairperson of the board of directors of the
Authority shall be chosen from among the directors,
shall preside at all meetings of the board of
directors if present, and shall, in general, perform
all duties incident to the office of the chairperson
and such other duties as, from time to time, may be

assigned by the board. If a vice-chairperson is elected, he or she shall act in the capacity of the chairperson in the absence of the latter, and shall discharge any other duties designated by the chairperson.

2. The secretary shall keep, or cause to be kept the minutes of the meeting of the directors. The secretary shall see that all notices are duly given in accordance with provisions of this Chapter. The secretary shall be custodian of the seal and records, and in general, shall perform all duties incident to the office of the secretary, and such other duties as may, from time to time, be assigned by the directors or the chairperson.
3. The treasurer shall be the financial officer of the Authority and shall have charge and custody of, and be responsible for, all funds of the Authority, and shall deposit such funds in such banks, trust companies, or other depositories as shall have been approved by the directors. The treasurer shall receive and give receipts for monies due and payable to the Authority from any source whatsoever; and, in general, shall perform all duties incident to the office of the Treasurer and such other duties as, from time to time, may be assigned by the directors or the chairperson. The treasurer shall render to the chairperson and the directors, whenever the same may be required, an

account of all transactions as treasurer and of the financial condition of the Authority. The treasurer shall, at the expense of the Authority, give a bond for the faithful performance and discharge of the, duties in such amount, so conditioned, and with such surety or sureties as the directors may require.

§ 1710 Election of officers; term of office; qualifications

The officers shall be chosen annually by the directors at their annual meeting, or as soon after such annual meeting as newly appointed directors shall have qualified. Each officer shall hold office until a successor is chosen and qualified or shall have been removed in the manner provided herein.

§ 1711 Removal

Any officer or agent elected or appointed by the directors may be removed by the directors whenever, in their judgment, the best interest of the Authority may be served thereby, but in the absence of dereliction in duty, negligence or malfeasance in office, or any other good cause shown, such removal shall be without prejudice to the contract rights, if any, of the persons who are removed.

§ 1712 Resignation; vacancies

Any officer may resign at any time by giving written notice to the directors, or to the chairperson, or secretary, such resignation shall take effect at the time specified therein,

and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. Any vacancy in any office because of death, disqualification, resignation, removal, or any other cause shall be filled for the unexpired portion of the term in the manner prescribed herein for election or appointment to such office.

§ 1713 Other officers and agents

The directors may appoint such other officers and agents, including a General Manager at the discretion of the directors, as they deem necessary or expedient, and may determine their duties, as well as the terms of their holding office.

§ 1714 Accounting; fiscal year

The accounting system for the Authority shall be maintained in accordance with generally accepted accounting practices. Financial operating statements shall be provided to the Government Services Committee and the Budget and Finance Committee of the Navajo Nation Council and the directors on a regular basis. The fiscal year of the Authority shall be October 1st to September 30th.

§ 1715 Records; inspection; audits

The books, records and property of the Authority shall be available for inspection at all reasonable times by authorized representatives of the Navajo Nation. The accounts and records of the Authority shall be audited at the close of each fiscal year. Copies of such audit reports shall be furnished to the

Government Services Committee and the Budget and Finance
Committee of the Navajo Nation Council.

§ 1716 Fees, fines, penalties, forfeitures and interest

All fees charged for motor vehicle registration and
licensing services, and fines, penalties, forfeitures and
interest required to enforce compliance with this Chapter shall
be adopted by the directors and included within the regulations
promulgated by the Authority with the approval of the Government
Services Committee of the Navajo Nation Council.

§ 1717 Pledges and security interests

Any pledge of, or security interest in, personalty,
fixtures, revenues or other monies or funds, or of a
revenue-producing contract or contracts made by the Authority
shall be valid and binding from the time when the pledge is made
or the security interest is given; the personalty, fixtures,
revenues, or other monies or proceeds of any contract or
contracts so pledged or secured and thereafter received by the
Authority shall immediately be subject to the lien of such
pledge or security interest without any physical delivery
thereof or further act; and the lien of any such pledge shall be
valid and binding as against all parties having claims of any
kind in tort, contract or otherwise against the Authority
irrespective of whether such parties have notice thereof.

§ 1718 Exemption from levy and execution

All property, including funds, of the Authority shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against such property nor shall any judgment against the Authority be a charge or lien upon its property; provided, however, that this section shall not apply to or limit the right of note holders or bondholders to pursue any remedies or rights, including, but not limited to, possession, execution, attachment, and sale of security, for the enforcement of any pledge or lien given by the Authority on its property, including personalty, fixtures, revenues, rates, fees, or other income of any other funds.

§ 1719 Liability of Authority

A. The Navajo Nation Council does hereby pledge to contract and agree with any person, firm or corporation, or any federal, Navajo Nation or state agency subscribing to or acquiring notes or bonds of the Authority issued for the purposes of the Authority, that it obligates itself not to limit or alter the rights or powers vested in the Authority until all such notes or bonds at any time issued, together with interest thereon are fully met, paid and discharged. The Navajo Nation Council does further pledge to contract and agree with any federal agency that in the event any such agency shall loan or contribute any funds for construction, extension, improvement or enlargement of any facilities that the Navajo Nation Council will not alter or limit the rights

or powers of the Authority in any manner which would be inconsistent with the due performance of any agreements between the Authority and any Creditor; and the Authority shall continue to have and may exercise all rights and powers under its plan of operation, so long as the same shall be necessary or desirable for the carrying out of its purposes and those of any Creditor loaning or contributing funds for the construction, extension, improvement, enlargement, or operation of any facilities or programs.

B. The foregoing shall be construed as an explicitly limited exception to the sovereign immunity of the Navajo Nation and shall not be construed to waive any immunity of the Navajo Nation, nor to extend any liability to any assets, revenues or income of the Navajo Nation, other than those of the Authority. Otherwise, the provisions of the Navajo Sovereign Immunity Act (as amended) shall not be deemed altered or amended.

§ 1720 Remedies of note or bondholders

A. Subject to any contractual limitations binding upon the holders of any issue of notes or bonds, or trustees therefor, including but not limited to the restriction of the exercise of any remedy to a specified proportion or percentage of such holders, any holder of any note or bond, or trustee therefor, shall have the right and power, for the equal benefit and protection of all holders of notes or bonds similarly situated:

1. By mandamus or other suit, action, or proceeding at law or in equity in the Courts of the Navajo Nation to compel the Authority, and its , directors, officers, agents or employees, to perform and carry out their duties and obligations under the Authority's plan of operation, and their covenants and agreements with such holders;
2. By action or suit in equity in the Courts of the Navajo Nation to require the Authority to account as if they were the trustees of an express trust;
3. By action, suit or other proceeding at law or in equity in the Courts of the Navajo Nation to have a receiver appointed and/or to enforce any pledge, lien or security agreement given in connection with the issuance of any note or bond, such enforcement right to include the power to possess, control and sell the security in accordance with the applicable security agreement, lien or pledge;
4. By action or suit in equity in the Courts of the Navajo Nation against the Authority or its directors to enjoin any acts or things which may be unlawful or in violation of the rights of the note or bondholders;
and
5. To bring suit against the Authority in the Courts of the Navajo Nation upon the notes or bonds, security instruments or loan contracts.

- B. No remedy conferred by this section upon any holder of the notes or bonds, or any trustee therefor, is intended to be exclusive of any other remedy, but each such remedy is cumulative and in addition to every other remedy, and may be exercised without exhausting and without regard to any other remedy conferred by this resolution or by any other law. No waiver of any default or breach of duty or contract, whether by any holder of the notes or bonds, or any trustee therefor, shall extend to or shall effect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any note or bondholder, or any trustee therefor, to exercise any right or power accruing upon default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy, conferred upon such holder may be enforced and exercised from time to time as often as may be deemed expedient. In case any suit, action or proceeding to enforce any right or exercise any remedy shall be determined adversely to the holder of the note or the bond, or any trustee therefor, then and in every such case the Authority and such holder, or such trustee, shall be restored to their former positions and rights and remedies as if no such suit, action or proceeding had been brought or taken.
- C. The foregoing shall be construed as a limited exception to the general principles of Sovereign Immunity and shall not be construed to waive any immunity of the Navajo Nation, nor

to extend any liability to any assets, revenues or income of the Navajo Nation other than the Authority. Otherwise, the provisions of the Navajo Nation Sovereign Immunity Act (as amended) shall not be deemed altered or amended.

Section 3. Effective Date.

The Navajo Nation hereby declares that the effective date of "Navajo Nation Motor Vehicle Authority Act" shall take effect six months from the approval date of this resolution.

Section 4. Codification

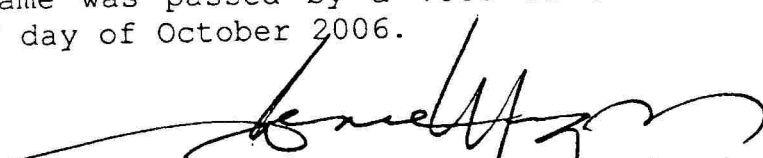
The provisions of this Act which delete or amend sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such provisions in the next codification of the Navajo Nation Code.

Section 5. Savings Clause

Should any provisions of this Act be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, those portions of this Act which are not determined invalid shall remain the law of the Navajo Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 61 in favor and 7 opposed, this 20th day of October 2006.


Lawrence T. Morgan, Speaker
Navajo Nation Council


26 Oct 06

Date

Motion: Peterson Yazzie
Second: Larry Noble

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), on this _____ day of NOV 06 2006 2006.



Joe Shirley, Jr., President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2006 for the reason(s) expressed in the attached letter to the Speaker.

Joe Shirley, Jr., President
Navajo Nation