

# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

November 5, 2020

Hon. Seth Damon  
Office of the Speaker  
Post Office Box 3390  
Window Rock, AZ 86515

RE: CO-80-20, *An Action Relating to Law and Order, Naabik'iyati' and Navajo Nation Council; Amending 2 N.N.C. §§ 970-978, Commission on Navajo Government Development and the Office of the Navajo Government Development*

Dear Speaker Damon,

The purpose of the Commission on Navajo Government Development and the Office of Navajo Government Development continues to be the subject of debate. The original established purpose of the Commission is “to review and evaluate all aspects of the existing government structure of the Navajo Nation including laws, rules and regulations, practices, functions, goals and objectives” and to “develop recommendations and proposals for alternative forms of government for consideration and possible adoption by the Navajo People through a referendum vote.” See CD-68-89. The charge was given after the turmoil of 1989 and was meant to be a temporary authorization. Since that time the Commission and Office’s direction has drastically changed and is becoming the longest temporary entity in Navajo government.

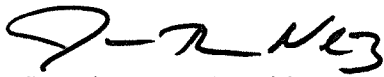
The Navajo Nation Courts have confirmed the temporary nature of the Commission in recommending alternative forms of government. The Court said in the case of Shirley v. Morgan, “the Council, through the recitals of the Resolution No. CD-68-89, made a solemn compact with the People that the structure will be temporary and left it up to the People to choose the final structure of government.” In addressing the Council’s dissolution of the Commission and Office the Court, in the second Shirley v. Morgan case, held that the Commission and Office “must be immediately restored according to the original terms in the Title II Amendments of 1989 in order to renew providing for adequate information and education of the public as to Navajo Nation government and alternative government structures, and to finally fulfill their purpose of enabling the People to participate in the development of our Navajo Nation government.” The purpose and direction of the Commission and the Office is completely off track, and this is a complete disservice to the Navajo People.

The amendments in CO-80-20 lead the Commission and Office farther down the wrong path. The government structure is a decision for the Navajo People but the amendments pay cursory acknowledgement to the People. Additionally, the amendments create a more bureaucratic structure, a larger drain on our financial resources by increasing the Commission member’s stipends and putting on more layers of bureaucracy that will frustrate the purpose of finding a new government structure.

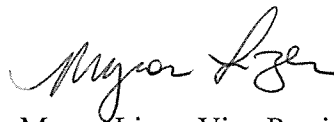
We agree with the People on the search for a permanent form of Navajo government. The People made recommendations at the 2002 Convention but since that time no effort has been made to act on the People's recommendations. The Commission and the Office have shirked their duty with respect to the People's recommendations. But as a quasi-independent authority the Commission and the Office "are part of the Navajo Nation government but shall be given considerable independence of operation, free from restrictions; and their members and staff shall be subject to removal only for good cause, such as malfeasance neglect of duties or office, or incapacity." See Shirley v. Morgan II. As a quasi-independent authority, the Commission and the Office must work with the People, respect the People's recommendations for forms of government, and stand up for the People. And changes to this principle in CO-80-20 will attract further disharmony, challenges, and delay in reaching a form of government based on the People's recommendations.

We support the Navajo People's desire for a permanent form of government for the Navajo Nation and we cannot support CO-80-20. We urge the Navajo Council to consider the People's right to establish their government; the power lives in the Navajo People.

Sincerely,



Jonathan Nez, President  
**THE NAVAJO NATION**



Myron Lizer, Vice President  
**THE NAVAJO NATION**

RESOLUTION OF THE  
NAVAJO NATION COUNCIL  
24<sup>th</sup> NAVAJO NATION COUNCIL - SECOND YEAR, 2020

AN ACT

RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL;  
AMENDING 2 N.N.C. §§ 970 - 978, COMMISSION ON NAVAJO GOVERNMENT  
DEVELOPMENT AND THE OFFICE OF NAVAJO GOVERNMENT DEVELOPMENT

BE IT ENACTED:

**SECTION ONE. AUTHORITY**

- A. The Law and Order Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 600. The Committee has the authority to review and make recommendations to the Navajo Nation Council on proposed amendments to and enactments to the Navajo Nation Code. 2 N.N.C. § 601 (B)(14).
- B. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 700. A proposed resolution that requires final action by the Navajo Nation Council [must] be assigned to standing committee(s) having authority over the subject matter at issue and the Naabik'íyáti' Committee. 2 N.N.C. § 164(A)(9). The Naabik'íyáti' Committee has oversight over the Commission on Navajo Government Development. 2 N.N.C. § 970.
- C. The Navajo Nation Council is the governing body of the Navajo Nation empowered to state policy and enact laws of the Navajo Nation. 2 N.N.C. §§ 102 (A) and 164 (A).

**SECTION TWO. FINDINGS**

- A. The Commission on Navajo Government Development was created in 1989 by the Navajo Nation Council through Navajo Nation Council Resolution No. CD-68-89, codified as 2 N.N.C. §§ 970-977, attached as **Exhibit 1**. Per CD-68-89, "[t]he Commission is a special entity created by the Navajo Nation Council with quasi-independent authority to accomplish the Council's project of instituting reforms necessary to ensure an accountable and responsible government. 2 N.N.C. § 970.
- B. In 1994, Navajo Nation Council Resolution No. CJY-65-94, attached as **Exhibit 2**, amended 2 N.N.C. § 971 to state that a purpose of the Commission is "to review and evaluate all aspects of the existing government structure of the Navajo

Nation including laws, rules and regulations, practices, functions, goals and objectives of the central government as it relates to Chapters, and local communities and the relationship of Chapters and local communities and the relation of chapters and local communities to the central government.." 2 N.N.C. § 971, CJY-65-94.

- C. In 2007, the Navajo Nation Council adopted Resolution No. CO-37-07 dissolving the Government Development Commission, among other things. The President vetoed CO-37-07 and the Council overrode the President's veto through CD-47-07. The Supreme Court of the Navajo Nation subsequently opined that "[o]f all the entities established by the Title II Amendments, the Commission on Government Development ("Commission") and the Office of Navajo Government Development ("Office") are the sole entities established according to the wishes of the People expressed through the coordinator of the Government Reform Project. The object was to facilitate a decision by the People within a reasonable time frame. Therefore, the dissolution of the Commission and changes made to the powers of the Office by enactment of CO-37-07 (Navajo Government Development Act of 2007) on October 17, 2007 cannot stand." *Office of the Navajo Nation President and Vice-President v. Navajo Nation Council*, No. SC-CV-02-10 (July 16, 2010).
- D. The Commission on Navajo Government Development is seeking to amend its and the Government Development Office's existing Plan of Operation adopted through CJY-65-94. CNGD-0605-19 attached as **Exhibit 3**.

### **SECTION THREE. AMENDMENTS TO TITLE 2, CHAPTER 1, SUBCHAPTER 11**

The Navajo Nation hereby amends the Title 2 as follows:

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**NAVAJO NATION CODE  
TITLE 2. NAVAJO NATION GOVERNMENT  
CHAPTER 1  
SUBCHAPTER 11. BOARDS AND COMMISSIONS**

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#### **§ 970. Establishment**

The Commission on Navajo Government Development is established within the Legislative Branch. The Commission is a special entity created by the Navajo Nation Council with quasi-independent authority to accomplish the ~~Council's~~ People's project of instituting reforms necessary to ensure an accountable, and



responsible, ethical, and equally representative government. The Commission shall be responsible directly to the Navajo Nation Council with respect to its overall activities. The ~~Intergovernmental Relations~~ Naabik'íyáti' Committee of the Navajo Nation Council shall have legislative oversight authority.

#### **§ 971. Purposes**

The purposes of the Commission on Navajo Government Development shall be as follows:

- A. To review and evaluate all aspects of the existing government structure of the Navajo Nation including laws, rules and regulations, practices, functions, goals and objectives of the central government as it relates to Chapters, and local communities ~~and the relationship of Chapters and local communities~~ and the relationship of Chapters and local communities to the central government.
- B. To develop recommendations and proposals for alternative forms of Chapter government and Chapter empowerment or local community empowerment for consideration and possible adoption by the Navajo People through a referendum vote.
- C. To promote, enhance, honor, and to comply with The Foundation of the Diné, Diné law and Diné Government (Diné Fundamental Laws - Diné Bi Beenahaz'áanii Bítsé Siléí) 1 N.N.C. § 201-206.

#### **§ 972. Membership; officers; term; qualifications**

- A. The Commission shall consist of 12 Navajo members to be confirmed by and serve at the pleasure of the Navajo Nation Council as follows:
  - 1. One member shall be nominated by the Executive Branch through the President of the Navajo Nation to serve a term of ~~two~~ four years from the date of confirmation by the Navajo Nation Council.
  - 2. One member shall be nominated by the Judicial Branch through the Chief Justice of the Navajo Nation to serve a term of ~~two~~ four years from the date of confirmation by the Navajo Nation Council; the nominee shall be a licensed attorney and a member of the Navajo Nation Bar Association.
  - 3. One member shall be nominated by the Legislative Branch through the ~~Intergovernmental Relations~~ Naabik'íyáti' Committee of the Navajo Nation Council to serve a term of ~~two~~ four years from the date of confirmation by the Navajo

Nation Council, the nominee shall have prior legislative experience as an official or employee of ~~a state government or any subdivision thereof~~ the Legislative Branch.

4. One member shall be nominated by the Executive Director of the Office of Navajo Government Development in consultation with the ~~Navajo Government Development Commission~~ Commission on Navajo Government Development; the nominee shall be a practitioner of the ~~Navajo~~ Diné healing arts to serve a term of four years from the date of confirmation by the Navajo Nation Council.
  5. Five members shall be nominated from the five agencies of the Navajo Nation. Each agency council shall nominate one member from recommendations to be submitted by Chapters in each agency, said nominees shall be either Chapter officers, ~~or~~ Local Government/Governance Commissioners, Grazing Committee/Land Board members, or School Board members. These members shall serve a term of four years from the date of confirmation by the Navajo Nation Council, so long as they continue as Chapter officers, Local Government/Governance Commissioners, ~~or~~ Grazing Committee/Land Board member, or School Board member.
  6. One member shall be nominated by the Student Body Government of ~~the Navajo Community~~ Diné College; the nominee shall be a student of ~~at~~ Navajo Community Diné College and serve so long as said nominee is a full-time student at ~~Navajo Community Diné~~ Diné College, but no longer than two years from the date of confirmation by the Navajo Nation Council.
  7. One member shall be nominated by the ~~Education~~ Health, Education and Human Services Committee of the Navajo Nation Council; the nominee shall be a an enrolled graduate student from any accredited college or university, located in Arizona, Colorado, New Mexico, or Utah. ~~Such~~ Such member shall serve so long as said nominee is a full-time graduate student, but no longer than ~~two~~ four years from the date of confirmation by the Navajo Nation Council.
  8. One member shall be nominated from the Commission of Navajo Women of the Navajo Nation; such member shall serve for a term of two years from the date of confirmation by the Navajo Nation Council.
- B. The Chairperson and the Vice-Chairperson of the Commission shall be selected by the members of the Commission and serve terms concurrent with their membership terms.

- C. A vacancy on the Commission shall be filled in the same manner in which the original appointment was made. A member whose term has expired may continue to serve on the Commission until such time a successor is duly confirmed so long as such commissioner remains qualified.
- D. Commission members shall be chosen from among individuals who have demonstrated scholarship, a strong sense of ~~public~~ civic interest, knowledge of ~~Navajo~~ Diné history and cultural heritage, spiritual leadership, leadership in the Navajo government and abilities likely to contribute to the fulfillment of the duties of the Commission.

### § 973. Duties and ~~Responsibilities~~

- A. The Commission shall have powers necessary and proper to carry out the purposes set forth herein or as otherwise authorized by the Navajo Nation Council.
- B. The Commission shall have the powers:
1. To develop a series of recommendations and proposals for alternative forms of Chapter government and Chapter ~~empowerment~~ self-determination or other local community ~~empowerment~~ self-sufficiency for consideration by the Navajo Nation Council and the Navajo People by examining and utilizing the concepts of the separation of powers and the delegation of authority to provide for the appropriate checks and balances in Navajo ~~Government~~; to establish the responsibility of the Navajo government to protect the rights and freedoms of the Navajo People; to establish limitations on how the Navajo government and ~~its~~ officials may use its powers and to define the powers of the Navajo People.
  2. To provide short-term and long-term strategic ~~range~~ comprehensive planning, evaluation and development appropriate to further enhance a Navajo Government that will perpetually accommodate the Navajo People both at the central government level and at the local level by providing for their involvement, promote their general welfare, ensure governmental accountability, integrity, justice, domestic order, and retain Diné traditional harmony, cultural respect, heritage, and the protection of ~~personal~~ civil liberties.
  3. To review, evaluate, and recommend laws, rules and regulations including those of agencies, boards and

commissions in order to develop a more comprehensive and integrated ~~system of~~ government structure for the Navajo People.

4. To collect, assemble, evaluate, interpret and distribute information, data statistics and evidence ~~which~~ that accurately describes the present Navajo government with emphasis on Chapter and local empowerment.
5. To encourage the public, private and public organizations, Chapters, traditional Navajo leaders, including Native ceremonial practitioners (medicinemen), to actively participate in carrying out the purposes of the Commission and to conduct public hearings. The Commission shall give due consideration to traditional values and philosophical views of the Navajo People.
6. To ~~encourage~~ assist with producing appropriate educational ~~curriculum materials~~ designed to educate students and the general public all Navajo Nation stakeholders and the public, on the governmental history, structure, and development of the Navajo Nation- government.
7. To serve as the oversight authority for the Office of Navajo Government Development.
8. To appoint an Executive Director of the Office of Navajo Government Development who shall serve at the pleasure of the Commission.
9. To maintain ~~such~~ an administrative staff and consultants, including legal counsel as may be provided for in the annual Navajo Nation budget of the Commission and the Office.
10. To promote Diné traditional cultural lifeways, knowledge, peace and protection.

#### **§ 974. Meetings; procedures**

- A. The Commission shall meet on a designated day of each month. Special meetings shall be held on the call of the Chairperson of the Commission.
  1. At any meeting, a quorum shall consist of a majority of duly appointed members ~~seven members~~.
  2. All meetings shall be held in ~~Window Rock, Navajo Nation (Arizona)~~ the territorial jurisdiction of the Navajo Nation

for the transaction of Commission business. ~~Meetings held elsewhere must be authorized by written permission of the Chairperson of the Intergovernmental Relations Committee.~~

- B. The Commission is empowered to develop its own rules of procedures for the conduct of meetings, which shall be approved by the ~~Ethics and Rules~~ Law and Order Committee of the Navajo Nation Council.
- C. Members shall receive ~~honorarium stipend~~ pay of ~~one hundred dollars (\$100.00)~~ two hundred fifty dollars (\$250.00) for each official meeting as required at 2 N.N.C. § 974 (A) and may be reimbursed for actual expenses incurred relative to Commission business.

#### **§ 975. Subcommittee**

The Commission may establish subcommittees consisting of Commission members selected by the Commission. The subcommittee shall exist until it has completed its assigned task, made recommendations and reported to the Commission. The same provisions which applies to Commission meetings shall also apply to the subcommittee meetings.

#### **§ 976. Powers and ~~d~~Duties of the Executive Director**

The powers and duties of the Executive Director shall be to:

- A. Develop reports to be transmitted ~~to the Intergovernmental Relations Committee and to the Navajo Nation Council by the Chairperson of the Commission~~ through the Commission, to the Navajo Nation Council, concerning activities of the Commission, including reports on the implementation of its recommendations;
- B. Develop the annual budget and formulate administrative and operating policies pertaining to the Commission of the and the Office and take action necessary for their accomplishment. ~~and enforcement thereof;~~
- C. Hire and supervise support staff and consultants in accordance with Navajo law, regulations, and procedures. The Executive Director shall employ or engage those persons qualified by education and experience necessary to discharge the duties of the Commission~~7.~~
- D. Exercise supervisory ~~control~~ authority and direction over the day-to-day operation of the Office;

- E. Represent the Office in executive level planning;
- F. Delegate authority to members of the staff; and
- G. Perform other duties as directed by the Commission.

**§ 977. Office; staff; duties and accountability**

- A. The staff is accountable and reports to the Executive Director. The staff is hired and subject to the Navajo Nation Personnel Policies and Procedures.
- B. The duties of staff are as follows:
  - 1. To provide a full range of administrative and support services to the Commission- and the Executive Director.
  - 2. To act as resource persons for the Commission.
  - 3. To collect information and maintain central files of all information, data, statistics and research materials.
  - 4. To assist in preparing for Commission meetings by collecting and confirming information, notifying interested parties and preparation of materials necessary to conduct meetings.
  - 5. To assist in the coordination of scheduling of Commission and subcommittee meetings and activities.
  - 6. Perform other duties as directed by the Executive Director.
  - 7. The Office of Navajo Government Development shall be authorized to procure necessary supplies, services, equipment, furniture, and make contracts as authorized from time to time through the Navajo Nation budget process.

**§ 978. Amendments**

Sections 970-977 herein may be amended by the Navajo Nation Council upon recommendation of the ~~Intergovernmental—Relations~~ Naabik'íyáti' Committee and the Commission on Navajo Government Development.

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**SECTION FOUR. EFFECTIVE DATE**

The amendments enacted herein shall be effective pursuant to 2 N.N.C. § 221 (B).

**SECTION FIVE. CODIFICATION**

The provisions of these amendments of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amendments in the next codification of the Navajo Nation Code.

**SECTION SIX. SAVINGS CLAUSE**

Should any provision of these amendments, 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 amendments that are not determined invalid shall remain the law of the Nation.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the 24<sup>th</sup> 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 21 in Favor, and 00 Opposed, on this 21<sup>st</sup> day of October 2020.

  
Honorable Seth Damon, Speaker  
24<sup>th</sup> Navajo Nation Council

10/26/2020  
DATE

Motion: Honorable Edison J. Wauneka

Second: Honorable Eugene Tso


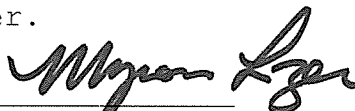
Speaker Seth Damon not voting

## 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 \_\_\_\_\_, 2020.

\_\_\_\_\_  
Jonathan Nez, President  
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this 05<sup>th</sup> day of November, 2020 for the reason(s) expressed in the attached letter to the Speaker.

   
\_\_\_\_\_  
Jonathan Nez, President  
Navajo Nation

CD-68-89

Class "C" Resolution  
No BIA Action Required.

RESOLUTION OF THE  
NAVAJO TRIBAL COUNCIL

Amending Title Two (2) of the  
Navajo Tribal Code and Related Actions

WHEREAS:

1. Pursuant to 2 N.T.C., Section 101, the Navajo Tribal Council is the governing body of the Navajo Nation; and

2. Recent controversy involving the leadership of the Navajo Nation has demonstrated that the present Navajo Nation Government structure allows too much centralized power without real checks on the exercise of power. Experience shows that this deficiency in the government structure allows for, invites and has resulted in the abuse of power; and

3. The Judicial Branch has been reorganized by the Judicial Reform Act of 1985, Resolution CD-94-85, and treating the Judicial Branch as a separate branch of government has proven to be beneficial to the Navajo Nation and has provided stability in the government; and

4. The lack of definition of power and separation of legislative and executive functions have also allowed the legislative body to overly involve itself in administration of programs thereby demonstrating a need to limit the legislative function to legislation and policy decision making and further limit the executive function to implementation of laws and representation of the Navajo Nation; and

5. There is an immediate need to reorganize the Navajo Nation government by defining the powers of the legislative and executive branches and impose limitations on exercise of such powers; and

6. The number of standing committees of the Navajo Tribal Council has grown to eighteen (18) and some standing committees can be combined and Navajo-Hopi Land Committee moved back to a Commission thereby reducing the number of standing committees to twelve (12) and to provide for a more efficient and responsive committee system; and

7. The reorganization of the Navajo Nation Government as proposed herein is intended to meet the immediate needs of the Navajo People for a more responsible and accountable government and will have no effect on the long term Government Reform Project which will proceed as authorized and directed by the Navajo Tribal Council; and

8. It is in the best interest of the Navajo Nation that the Navajo Nation Government be reorganized to provide for separation of functions into three branches, and provide for checks and balances between the three branches until the Navajo People decide through the Government Reform Project the form of government they want to be governed by; and

9. The Intergovernmental Relations Committee by Resolution IGRNV-01-89, Exhibit "C" attached, has recommended the Title Two (2) amendments.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Tribal Council hereby amends Title Two (2) of the Navajo Tribal Code as provided in Exhibit "A" attached hereto and incorporated herein by reference.

2. The Navajo Tribal Council further directs and authorizes the Legislative Counsel to codify the Title Two (2) amendments and to insert the proper language in the Code to reflect the amendments.

3. The Navajo Tribal Council further directs and authorizes that the Title Two (2) amendments adopted herein shall become effective April 1, 1990; except that the Plans of Operation of the Intergovernmental Relations Committee of the Navajo Tribal Council, Navajo Nation Commission on Navajo Government Development and the Office of Navajo Government Development, Office of Legislative Counsel, Office of Legislative Services, the Navajo Board of Election Supervisors and Navajo Election Administration shall become effective immediately upon passage of this resolution. The salary provided in 2 N.T.C. Section 106(a) of the amendments shall become effective on January 1, 1990.

4. The Navajo Tribal Council further repeals and declares null and void rules, regulations and laws or parts thereof which are inconsistent with the provisions of Title Two (2), Navajo Tribal Code, as amended herein.

5. The Navajo Tribal Council further confirms the Standing Committee Chairpersons and Vice Chairpersons listed on attached Exhibit "B" and directs the Chairpersons and Vice Chairpersons to recommend committee membership and two (2) candidates for the position of the Speaker of the Navajo Nation Council for final confirmation by the Navajo Tribal Council.

potential and unanticipated urgent matters, such as the Capital Improvement Projects, which will require some budget savings declarations and allocations of the same. This is a one time exemption from Budget Directives contained in Navajo Tribal Council Resolution CS-57-89.

#### CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council 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 44 in favor, 17 opposed and 13 abstained, this 15th day of December 1989.



Interim Chairman  
Navajo Tribal Council

6. The Navajo Tribal Council further authorizes and directs that any amendment to the adopted Title Two (2) amendments and the 1985 Judicial Reform Act, 7 N.T.C., Section 101 et. seq., shall require two-thirds (2/3) vote of the full membership of the Navajo Tribal Council. The two-thirds (2/3) vote requirement shall not apply to technical amendments to Title Two (2); these amendments shall be presented at the regular session of the Navajo Tribal Council.

7. The Navajo Tribal Council further authorizes, declares and directs that Sections 101(b), 102(a), 1008 and 106(a) of the Title Two (2) amendments, shall not apply to amendments duly proposed by the Navajo Nation Commission on Navajo Government Development.

8. The Navajo Tribal Council further designates the Interim Chairman and Interim Vice Chairman of the Navajo Tribal Council to serve as the Interim President and Interim Vice President of the Navajo Nation until the Navajo Tribal Council directs otherwise or until the term of the current administration expires.

9. Present references in the Navajo Tribal Code to the "Chairman of the Navajo Tribal Council" or "Vice Chairman of the Navajo Tribal Council" are hereby declared to refer to the President or the Vice President of the Navajo Nation.

10. Present references in the Navajo Tribal Code to the "Advisory Committee of the Navajo Tribal Council" are hereby declared to refer to the Government Services Committee of the Navajo Nation Council.

11. The Navajo Tribal Council further directs that the Commission members for the Navajo Government Development Project shall be presented for confirmation by the Navajo Tribal Council at the next Navajo Tribal Council session.

12. The Navajo Tribal Council further directs the Ethics and Rules Committee of the Navajo Tribal Council to prepare and present Rules of Order for Navajo Tribal Council Sessions for approval by the Navajo Tribal Council at the next Council session.

13. The Navajo Tribal Council further authorizes and directs the Budget and Finance Committee of the Navajo Tribal Council to declare and reallocate budget savings to fund the Office of the Speaker and salary of the Speaker and other budgetary matters as necessitated by the amendments herein; and that such reallocation shall be completed by January 1, 1990.

14. The Navajo Tribal Council further authorizes and directs the Budget and Finance Committee of the Navajo Tribal Council to resolve the potential personnel layoffs and other



## TITLE TWO

### Navajo Nation Government

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#### Chapter 1. Establishment

#### SECTION

1. Navajo Nation Government Establishment
2. Location of Navajo Nation Capitol
3. Oath of Office

#### Section 1. Establishment of the Navajo Nation Government

There is hereby established the Navajo Nation Government consisting of the Legislative, Executive and Judicial Branches.

#### Section 2. Location of Navajo Nation Capitol

The capitol of the Navajo Nation shall be located at Window Rock, Navajo Nation (Arizona).

#### Section 3. Oath of office

The President, Vice President and all delegates to the Navajo Nation Council, before assuming their official duties, shall take an oath of office.

#### CHAPTER 3. Legislative Branch

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CHAPTER 3. Legislative Branch

SUBCHAPTER 1. Governing Body - Navajo Nation Council

Section 101 Establishment

(a) There is hereby establishment the Legislative Branch of the Navajo Nation government. The Legislative Branch shall consist of the Navajo Nation Council and any entity established under the Navajo Nation Council.



(b) This section 101(a) shall not be amended unless approved by majority of all registered Navajo voters through a referendum.

#### Section 102. Powers; Composition

(a) The Navajo Nation Council shall be the governing body of the Navajo Nation and shall consist of 88 delegates. This section 102(a) shall not be amended unless approved by majority vote of all registered voters in all precincts.

(b) All powers not delegated are reserved to the Navajo Nation Council.

(c) The Navajo Nation Council shall supervise all powers delegated.

(d) The Navajo Nation Council shall have all powers to discipline and/or regulate the conduct of its members, including removal.

(e) The Navajo Nation Council shall have the authority to promulgate rules, regulations and procedures for the conduct of its meetings and that of its Committees.

(f) The Navajo Nation Council shall confirm the appointments of all Division Directors upon recommendation from appropriate oversight committee. The President shall present the appointments at the next Navajo Nation Council Session following the date the appointments are made.

(g) The Navajo Nation Council shall establish standing committees of the Council and to delegate such authorities to such Committee as it deems necessary and proper for such Committees to execute its purposes.

#### Section 103. Qualifications

No person shall serve as a delegate to the Navajo Nation Council unless he or she is an enrolled member of the Navajo Tribe above the age of 25.

#### Section 104. Incompatible service

(a) No person shall serve as a delegate if he is in the permanent employment of the United States or any state or any subdivisions thereof; nor shall an elected official of the United States or the several states thereof serve as a delegate. This section shall not apply to service on a school board or elective county office.

(b) No person shall be eligible for election to the Navajo Nation Council if that person is permanently employed or an elected official as described in Section 104(a).

(c) If any delegate, after his election, enters such service, he shall immediately forfeit his office as a Council delegate.

(d) No Council Delegate shall engage in the private practice of law while serving as a Navajo Nation Council delegate.

#### Section 105. Term of Office

(a) Each delegate to the Navajo Nation Council shall serve for a term of four years.

(b) A delegate shall not be limited in the number of terms he may serve.

#### Section 106. Compensation of Council delegates

(a) Delegates shall be compensated by an annual salary of \$25,000 per year. All Council delegates shall be paid biweekly. Salary increase may be approved by the Navajo Nation Council but shall not become effective unless ratified by two-thirds (2/3) of all Navajo Nation Chapters within thirty (30) days of approval by Council.

(b) Delegates attending Council or their respective committee meetings may receive \$60 per diem for each day official business is conducted and mileage at \$.24 per mile for use of private vehicle. Chairpersons of Committees may receive as compensation for extra time spent by the Chairperson beyond meetings to execute committee business \$80 per diem for each committee meeting day.

(c) For every week of a session of the Navajo Nation Council, delegates shall be paid mileage equal to one round trip to Window Rock from their residence and return, according to the official mileage chart of the Controller.

(d) For each complete committee meeting delegates to the Navajo Nation Council shall be paid mileage equal to one round trip to Window Rock, from their residence and return, according to the official mileage chart of the Controller.

(e) Full per diem shall be paid only for attendance of at least three (3) hours of meeting or until all agenda items are concluded.

(f) Delegates, or their beneficiary in the event of death, are paid a deferred compensation benefit when they leave office.

Section 107. Advances to Council delegates

(a) Temporary travel advances to a Council delegate, not to exceed the reasonable expected cost and expenses of authorized travel, may be made by the Controller upon written authorization of the Speaker of the Navajo Nation Council.

(b) Claims for reimbursement of travel expenses shall be submitted to the Controller promptly upon completion of travel. Travel advances outstanding at the time reimbursement claims are submitted shall be deducted from the amount being claimed.

(c) Temporary travel advances not cleared, either partially or completely, within 30 days from the date of advance shall be deducted from the next biweekly Council delegate's pay.

(d) Salary advances to a Council delegate, not to exceed \$2,500 during any biweekly pay period, may be made by the Controller or his designee.

(e) Salary advances made to a Council delegate during any biweekly pay period shall be deducted in amounts not less than \$50.00 from his biweekly pay, unless larger deductions are authorized in writing by the individual Council delegate.

(f) The Navajo Nation shall have the right to deduct from any and all monies or other credits which the Navajo Nation owes to any Council delegate receiving an advance under this section, an amount equal to the total funds advanced at any time within 30 days prior to the expiration of the Council delegate's term of office, or at any other time after the Council delegate leaves his office as such for any reason whatsoever, whether voluntary or involuntary.

Section 108. Group insurance

The Navajo Nation group insurance shall be provided for Navajo Nation Council delegates and their dependents and the Navajo Nation shall pay a percent of the insurance premium as its contribution.

Section 109. Tax declarations and returns; deductions

(a) It shall be the responsibility of each delegate to the Navajo Nation Council to provide the Navajo Nation with the information necessary to complete the quarterly declaration of estimated federal income tax and self-employment tax return for each member.

(b) The Controller of the Navajo Nation shall make deductions when requested by individual Council delegates in the proper amounts from the salaries of the delegates to the Navajo Nation Council for federal income and self-employment taxes.

## Subchapter 2. Meetings

### Section 161. Place

All regularly scheduled or special meetings of the Navajo Nation Council shall be held at the Navajo Nation Council Chambers located at Window Rock, Navajo Nation (Arizona) with the following exceptions:

(1) If the Chambers at Window Rock are unsuitable for meeting, because of fire, physical damage, remodeling or other cause, the Speaker may designate an alternate meeting place in Window Rock, and give reasonable notice to all Council delegates.

(2) A majority of all Council delegates may agree to hold a meeting in some location in Window Rock other than the Chambers. Such agreement may be by written petition or by motion at any regular or special session of the Navajo Nation Council.

### Section 162. Number; time; duration

(a) There shall be four regular sessions of the Navajo Nation Council each year. Such sessions shall commence at 10:00 a.m. on the third Monday of January, April, July and October of each year.

(b) Special meetings of the Navajo Nation Council may be called upon reasonable and timely notice to all Council delegates, by:

(1) The Speaker of the Navajo Nation Council, acting on the recommendation of the Ethics and Rules Committee, or

(2) Written petition of a majority of all Council delegates.

(c) The duration of each session shall be no more than five (5) working days. Each meeting day of the Navajo Nation Council shall be for a minimum of six (6) hours each day of the session.

### Section 163. Agenda

(a) The Navajo Nation Council shall adopt an agenda in accordance with written rules and procedures established by the Navajo Nation Council.

(b) Once an agenda is adopted, it shall be amended only by two-thirds (2/3) vote of the Council.

### Section 164. Navajo Nation Council and Committee Resolutions Procedure

Except as otherwise provided herein, no proposed resolution shall be considered by the Navajo Nation Council or its Committees unless the following procedures are complied with:

(1) The proposed resolution shall be reviewed and signed by the following:

(a) The appropriate Division Director for departments and activities under his supervision;

(b) The President or Vice-President of the Navajo Nation for resolutions initiated by the Office of the President; or by an office within the Executive Branch;

(c) The Attorney General of the Navajo Nation;

(d) The Controller for all requests affecting financial matters;

(e) The Legislative Counsel to the Navajo Nation Council;

(f) The Speaker of the Navajo Nation Council for Navajo Nation Council resolutions; and

(g) Chairpersons of Standing Committees for Committee resolutions.

(2) The sponsor of the resolution shall submit to the Office of Legislative Services a sufficient number of copies of the proposed resolutions.

(3) The purpose of review shall be to:

(a) Determine whether each proposed resolution is properly prepared;

(b) Where necessary, refer the proposed resolution to appropriate division, departments, committees or other entities for comments and recommendations;

(c) Require necessary clearances, investigation or other appropriate action as may be deemed necessary and proper; and

(d) In no event shall processing of a proposed resolution be withheld or unduly delayed without review and written comment. The proposed resolution shall be reviewed within ten (10) working days after submission to the reviewing office.

(4) The Director, Office of Legislative Services, shall prepare and submit a proposed agenda for the Navajo Nation Council to the Ethics and Rules Committee for recommendation to the Navajo Nation Council and the Director shall prepare and submit proposed

Committee agendas to appropriate Committees. The agendas shall be subjected to an item by item review to obtain final acceptance or referred to Committees for further review and recommendation.

(5) Any proposed resolution which has not been made a part of the adopted agenda may be added to the agenda by two-thirds vote of the quorum of the Navajo Nation Council or Committee; provided that the resolution is reviewed pursuant to 2 NTC Section 164(1). (See 2 NTC Section 163(b))

#### Section 165. Legislation

All resolutions proposing new laws or amendments of laws shall clearly indicate new language by underscoring the new language and deletion by overstrike and shall refer to appropriate Navajo Tribal Code titles and sections.

#### Section 166. Record of proceedings; interpreters; access to records

(a) Proper records of the proceedings of the Navajo Nation Council and all standing Committees, Boards and Commissions shall be kept and the necessary interpreting services shall be provided by the Office of Legislative Services.

(b) Access to records of the Navajo Nation Council, standing Committees, Boards and Commissions proceedings shall be provided to the public through the Office of Legislative Services and the Central Records Department.

#### Section 167. Failure to attend

All delegates to the Navajo Nation Council shall attend all regular and special meetings of the Navajo Nation Council or Committees. If any delegate is absent from sixty percent (60%) of the meeting days within a one year period, the Navajo Nation Council may consider a motion to censure said delegate. If his absence continues, the Navajo Nation Council shall have the authority to declare the delegate's seat forfeited and vacant.

#### Section 168. Sergeant at Arms; appointment; duties

(a) The Director of the Division of Public Safety shall designate any member of the Navajo Nation Police force to fill the post of Sergeant at Arms.

(b) The Sergeant at Arms shall maintain order under the direction of the Speaker or Presiding Chair of the Navajo Nation Council or Committees and shall make appropriate arrangements for maintenance of law and order during Council and Committees sessions.



Section 169. Quorum

(a) A quorum shall consist of a simple majority of all voting members of the Navajo Nation Council.

(b) No resolution or motion of the Navajo Nation Council or its Standing Committee shall be passed or otherwise acted upon unless a quorum is present. When a quorum is present, any motion or resolution shall be passed if it receives a majority of all votes cast, unless a larger proportion than a simple majority has been properly stipulated in advance or required by Navajo Nation law. Only a vote in favor, oppose, or abstention shall be accepted; a delegate who fails to cast a vote shall be declared absent from the whole meeting. Any delegate who intentionally fails or refuses to cast a vote shall be declared absent from the entire meeting, unless otherwise excused by the Speaker of the Navajo Nation Council.

Subchapter 3. Committees

Section 180. Appointment

Each delegate to the Navajo Nation Council shall be appointed to no more than one standing committee and no more than one board or commission of the Navajo Nation excluding membership on the Intergovernmental Relations Committee; except the Speaker of the Navajo Nation Council shall serve only on the Intergovernmental Relations Committee and shall not serve on any board, commission or any other entity of the Navajo Nation.

Section 181. Membership

(a) Committee members shall be selected by the Speaker and confirmed by the Navajo Nation Council. The Speaker shall select and the Navajo Nation Council confirm any of its members to fill vacancies which may occur in the Committee membership.

(b) At least one (1) member of each Committee shall be from each of the Agencies of the Navajo Nation.

Section 182. Term of Office

Committee members shall serve a term of office coinciding with their term of office as delegates of the Navajo Nation Council. Upon reelection delegates may continue to serve on the same committee.

Section 183. Meetings; quorum

(a) All meetings of the Navajo Nation Council committees or commissions shall be held in Window Rock, Navajo Nation (Arizona). Meetings held elsewhere within the Navajo Nation shall be by written permission of the Speaker of the Navajo Nation

Council; provided that funds are available. No meetings shall be held outside the Navajo Nation unless by written permission of the Speaker of the Navajo Nation Council; provided that funds are available; and further provided that the meeting is with a legislative body of another sovereign.

(b) Committee and commission meetings shall be for a minimum of three (3) hours for each meeting day and such meetings shall be for at least two days each month. No compensation, per diem and mileage shall be paid unless these requirements are met. Special meetings may be held only if the following conditions are met:

(1) Funds are available within the approved annual budget for additional meetings; and

(2) The Speaker of the Navajo Nation Council approves such meetings; and

(3) Notice of the meeting is posted at Window Rock Tribal offices, published in a daily newspaper and announced on local radio, at least one (1) day before the meeting.

(c) When a Committee is authorized by law to hold hearings as a quasi-judicial body, the restrictions on meeting days per month and minimum hours for meetings shall not apply to said hearings.

(d) Until the Navajo Nation Council adopts uniform rules for conduct of Committee meetings, the Committees may adopt their own rules for conduct of meetings.

(e) Quorums for committees, boards and commissions shall be established in the plan of operation.

#### Section 184. Chairperson; Vice-chairperson; Chairperson Pro Temp

(a) The Chairperson and Vice Chairperson of Committees shall be selected by vote of the Committee.

(b) At any Committee meeting where the duly appointed Committee Chairperson and Vice Chairperson are absent, the majority of those Committee members present may select a Pro Temp Chairperson to conduct the Committee meeting; the Pro Temp Chairperson shall retain the power to vote.

(c) The Chairperson of Committees or in his absence the Vice Chairperson shall vote only in the event of a tie vote by the regular voting members.

#### Section 185. Powers

(a) Subject to existing funding or contract requirements, the Committees, boards or commissions may reallocate funds appropriated by the Navajo Nation Council to the Committees, boards and commissions and to divisions, departments and programs over which the Committees have oversight authorities; provided that funds are determined available by the Controller; further provided that such reallocation is upon the request of the affected division, department or program and further provided that reallocation of funds is by two-thirds (2/3) vote of the full membership of the Committee, board or commission.

(b) The Committees, boards and commissions shall have the following authority regarding contracts within the area of their oversight:

(1) Contracts or grants which provide funds to the Navajo Nation are subject to final authorization, review, approval and acceptance by the Intergovernmental Relations Committee. (See 2 NTC Section 824 (b)(4) & (6).

(2) Contracts or subcontracts which expend funds held by the Navajo Nation, shall be approved by the Committee, board or commission but only to the extent or in such amounts as are available and provided in the approved budget of the Navajo Nation.

(c) The Committees, boards and commissions may acquire directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality, information, suggestions, estimates, and statistics necessary for execution of its purposes and authorities. Each such department, bureau, agency, board, commission, office, establishment or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates and statistics directly to the Committee, board or commission upon request by the Chairperson.

(d) The Committees, boards and commissions may, for the purpose of carrying out its purposes and authorities, hold such hearings and request the attendance and testimony of such witnesses and the production of books, records, memoranda, papers and documents as it deems advisable.

(e) Any member of the Committee, board and commission may administer oaths or affirmations to witnesses appearing before the Committee, board or commission.

(f) Committees shall coordinate with one another where areas of authorities and responsibilities overlap.

#### Section 186. Subcommittee

Each Committee may establish subcommittees consisting of Committee members selected by the Committee. The subcommittee

shall exist until its assigned tasks are completed and report and recommendation is made to the Committee. The same provisions which apply to Committee meetings shall also apply to Subcommittee meetings.

#### Section 187. Reports

All committees, boards and commissions of the Navajo Nation Council shall report quarterly and in writing to the Navajo Nation Council concerning their areas of oversight.

#### Section 188. Committee Actions

All substantive actions shall be by written resolution duly certified by the presiding officer, or memorialized by written memoranda setting forth the action taken and signed by the presiding officer. Resolutions and memoranda shall be identified by number and filed with Central Records Department of the Navajo Nation.

#### Section 189. Staff

Staff from divisions over which the Committees have oversight authority shall assist the Committees in execution of their authorities and shall provide necessary advice and clerical services.

#### Section 190. Conflict of Interest

Committee members who have personal, family or business interests in matters before the Committee shall not participate in the Committee proceeding or vote on the matter.

#### Section 191. Legislative Oversight

The Committee oversight shall be limited to legislation and policy decisions and shall not involve program administration. Where the Committee has statutory authority to appoint a director, the Committee shall exercise administrative oversight consistent with appointment authority.

### Subchapter 5. Resolutions and Documents

#### Section 221. Resolutions; certification; filing; codification

The Speaker of the Navajo Nation Council or Speaker pro temp shall certify the adoption of any resolution of the Nation Council by signing the same. Adopted resolutions shall be filed with Central Records Department of the Navajo Nation and the Legislative Counsel shall immediately arrange for codification thereof.

Section 222. Contracts or other papers generally

(a) All contracts or agreements approved by the Navajo Nation Council, or its Committees acting under authority to approve contracts or agreements shall be executed in the following manner:

- (1) The President; or The Vice-President of the Navajo Nation shall execute contracts or agreements pertaining to the Executive Branch;
- (2) The Chief Justice of the Navajo Nation shall execute contracts or agreements pertaining to the Judicial Branch; and
- (3) The Speaker of the Navajo Nation Council shall execute contracts or agreements pertaining to the Legislative Branch.

Section 223. Contracts

Except as otherwise provided, any contract authorized to be executed on behalf of the Navajo Nation shall meet the following conditions:

(a) All contracts, involving the expenditure of funds shall expressly state that the liability of the Navajo Nation under such contract is contingent upon the availability of appropriations by the Navajo Nation Council to carry out the same.

(b) All contracts must be approved by the Navajo Nation Council or appropriate Committee, before it is executed on behalf of the Navajo Nation.

(c) All contracts shall have sufficient funds appropriated and available.

(d) Contracts shall not waive the sovereign immunity of the Navajo Nation or its entities unless approved by two-thirds (2/3) vote of the full membership of the Navajo Nation Council. This provision shall not apply to authority to waive immunity properly delegated.

(e) All contracts shall comply with the Business Procurement Act, the Employment Preference Act, Business Preference Act, and rules and regulations promulgated thereto.

(f) All contracts shall be awarded only after public advertisement and bidding.

(g) All change orders, modifications or amendments of contracts utilizing Navajo Nation funds shall not exceed 10% of the accepted bid. If the 10% cap is exceeded by any change orders, modifications or amendments such change order, modification or amendment shall be subject to the provisions of 223(g) above.

Section 224. Filing

All executed contracts or papers, and any modifications thereof, shall be filed with Central Records Department of the Navajo Nation. Executed contracts shall also be filed with the Office of Contracts.

Section 225. Public Access

Access to contracts or papers shall be provided to the public by the Central Records Department.

Subchapter 7. Speaker of the Navajo Nation Council

Section 281. Creation of Office of Speaker of the Navajo Nation Council.

(a) There is hereby established the Office of the Speaker of the Navajo Nation Council.

(b) The Speaker of the Navajo Nation Council shall be a member of the Navajo Tribal Council, in good standing.

(c) The Office of the Speaker shall have such support personnel as may be budgeted for.

Section 282. Selection of the Speaker; Term of Office

(a) The Speaker of the Navajo Nation Council shall serve in such office at the pleasure of the Navajo Nation Council.

(b) The term of office of the Speaker shall be two years.

(c) The Speaker shall be selected and confirmed by the Navajo Nation Council as the first order of business at the Council session scheduled for the third Monday in January of any odd numbered year.

Section 283. Residence

A residence may be furnished at Window Rock, Navajo Nation (Arizona), together with the cost of water, sewer, refuse disposal, electricity and natural gas without charge to the Speaker. If the Speaker declines to reside in such residence, the Navajo Nation shall not be responsible or liable for costs and expenses of living elsewhere.

Section 284. Salary

The salary of the Speaker shall be \$30,000 per annum above his salary as a Navajo Nation Council delegate.

Section 285. Powers and duties

(a) The Speaker of the Navajo Nation Council shall exercise all powers and authorities which are delegated to the Office by law or may from time to time be delegated to such Office by the Navajo Nation Council.

(b) The Speaker's powers and duties shall include the following:

(1) Preside at all Navajo Nation Council and Intergovernmental Relations Committee meetings;

(2) Direct and supervise the personnel and programs under the Legislative Branch as provided by law;

(3) Yield the Chair to a Speaker Pro Temp to participate and make recommendations pertaining to matters before the Navajo Nation Council;

(4) Vote only in the event of a tie vote;

(5) Call a special session of the Navajo Nation Council; and

(6) Recommend to the Budget and Finance Committee an annual operating budget or amendments thereof for the Legislative Branch and advise the Navajo Nation Council on annual budget recommended by the Budget and Finance Committee.

#### Section 286 Removal; Vacancy

(a) The Speaker may be removed by two-thirds (2/3) vote of the full membership of the Council.

(b) If a vacancy should occur in the Office of the Speaker of the Navajo Nation Council, the Navajo Nation Council shall select and confirm from among its members a successor to serve the remainder of the term.

#### Section 287. Speaker Pro Temp

When a quorum of the Navajo Nation Council is present at any duly called regular or special meeting, the members present, in absence of the Speaker, may select from among the Chairpersons of any Standing Committee to serve as the Speaker Pro Temp until the Speaker arrives.

### Subchapter 3. Standing Committees

#### Article 1. Government Services Committee

##### Section 341. Establishment; purposes

(a) The Government Services Committee is hereby established and continued as a standing committee of the Navajo Nation Council.

(b) It is the purpose of the Committee to monitor and coordinate the activities of all divisions, and departments of the Executive Branch of the Navajo Nation.

Section 342. Membership

The Committee shall consist of eight (8) members of the Navajo Nation Council.

Section 343. Powers

(a) General. The Committee shall have powers necessary and proper to carry out the purposes set forth herein.

(b) Enumerated Powers. The Committee is hereby authorized and directed:

(1) To recommend to the Navajo Nation Council legislation for the creation of college, or other entity of the Navajo Nation and to recommend the amendment or rescission of such legislation.

(2) To create any division or department of the Executive Branch of the Navajo Nation government by adoption of its Plan of Operation and to amend or rescind that Plan or the existing Plan of Operation for any division or department.

(3) To give final confirmation of appointments to Boards, Commissions, and Colleges law.

(4) To oversee the conduct and operations of entities of the Navajo Nation not otherwise under the oversight authority of other standing committees, except that such oversight shall not interfere with the prerogative or business decisions of management and governing Boards.

(5) To recommend legislation to Navajo Nation Council on matters within the Committee's jurisdiction.

Section 344. Meetings; quorum

(a) Meetings shall be held on the second and fourth Tuesday of each month.

(b) At any meeting, a quorum shall consist of (six) (6) members of the Committee.

Article 2. Budget and Finance Committee



Section 371. Establishment

The Budget and Finance Committee is hereby established and continued as a standing committee of the Navajo Nation Council.

Section 372. Purposes

The purposes of the Committee are:

(1) To coordinate, oversee and regulate the fiscal, financial, investment, contracting and audit policies of the Navajo Nation.

(2) To report to the Navajo Nation Council on the fiscal and financial state of the Navajo Nation.

(3) To recommend to the Navajo Nation Council the adoption of legislation designed to strengthen the fiscal and financial position of the Navajo Nation and to promote the efficient use of the fiscal and financial resources of the Navajo Nation.

(4) To protect the interests of the Navajo People through the prudent management of the financial reserves of the Navajo Nation and the efficient use of funds available for expenditure by the Navajo Nation.

(5) To oversee and provide direction for lending programs within the Committee's authority.

Section 373. Membership; advisors

(a) The Committee shall consist of eight (8) members of the Navajo Nation Council.

(b) The Department of Justice, Controller, Auditor General, Legislative Counsel, Director of Legislative Affairs, and Director of the Division of Administration and Finance shall serve as official advisors to the Committee and shall provide appropriate support, advice and counsel on all matters.

Section 374. Powers

(a) The Committee shall have all powers necessary and proper to carry out the purposes set forth above.

(b) The Committee shall have the following powers:

(1) To review and recommend to the Navajo Nation Council the budgeting, appropriation, investment and management of all funds.

(2) To the extent permitted by federal or Navajo Nation laws and regulations, the Committee shall appropriate,

allocate, cancel, reappropriate and review the use of Navajo Nation funds received including but not limited to all grants, contracts, gifts and other funds from all sources.

(3) With prior approval of the President, Speaker and/or Chief Justice to recommend to the Navajo Nation Council amendment of the approved annual budgets by reallocating funds between branches.

(4) To coordinate and review all fiscal, financial and investment -activities of the Navajo Nation and its enterprises, as well as other agencies, federal, state, regional and private, expending or seeking to expend funds within the Navajo Nation or for the benefit of the Navajo people.

(5) To require the presentation and submission of financial reports by any enterprise, authority, or entity chartered or approved by the Navajo Nation Council or its Committees.

(6) To return unexpended funds to the Reserve Fund or the appropriate funding source.

(7) To promulgate policies and regulations concerning wages, expenditure reimbursement, and fringe benefits for Navajo Nation officials and employees.

(8) To require reports from and to monitor the financial performance of all offices, divisions, departments, enterprises, authorities, committees, boards, commissions, or entities having oversight or control over fiscal matters or financial obligations to the Navajo Nation.

(9) To require an annual audit of the accounts of the Navajo Nation by Certified Public Accountants and to present such audit to the Navajo Nation Council.

(10) To review the annual budgets of the Bureau of Indian Affairs, the Indian Health Services and other departments and agencies of the United States government and to recommend the approval or disapproval of such budgets.

(11) To promulgate rules and regulations for lending money to members of the Navajo Tribe.

(12) To provide legislative oversight over lending programs previously delegated to the Central Loan Committee.

(13) To coordinate loan programs under the Committee's oversight with other governments.

(14) Review and approve agreements to make funds available for loans to Navajo individuals, except economic development business loans.

Section 375. Meetings; quorum

(a) All regular meetings of the Committee shall be held on the first and third Tuesday of each month.

(b) At any meeting, a quorum shall consist of six (6) members of the Committee.

Article 3. Reserved

Article 4. Community Development Committee

Section 420. Establishment

The Community Development Committee is hereby established and continued as a standing committee of the Navajo Nation Council.

Section 421. Purposes

The purposes of the Committee are:

(a) To develop overall policies and legislations appropriate to the housing needs of the Navajo Nation.

(b) To promote local community land use plans which support community infrastructural developments.

(c) To promote development of chapter government which enhances local self government.

(d) To promote, review, coordinate and approve projects to be financed by funds designated for capital improvement. Such projects shall include but not limited to chapter houses, multipurpose buildings, preschools, senior citizen centers, powerline extensions, housewiring, airports, waterline extensions and other water systems, airport/road infrastructures and other Navajo Nation facilities.

(e) To be responsible for planning and coordinating all roads and transportation activities of the Navajo Nation.

Section 422. Membership; advisors

(a) The Committee shall consist of eight (8) members of the Navajo Nation Council.

(b) The Executive Director of the Division of Community Development, the General Manager of the Navajo Tribal Utility Authority, the Area Director of Indian Health Service and other personnel from appropriate agencies shall serve as technical advisors.

Section 423. Enumerated Powers

(a) General

The Committee shall have all powers necessary and proper to carry out the purposes set forth above.

(b) Housing Development

The Committee shall:

1. Review and approve contracts and agreements between the Navajo Nation and any other entity for the development, construction and renovation of housing subject to applicable laws.

2. Propose policies and laws relating to housing development, including but not limited to building, construction, and utility codes.

3. Oversee and periodically review the overall function of the Division of Community Development to ensure that the purposes and objectives are properly and timely achieved and to recommend any amendments to the Division of Community Development Plan of Operation.

4. Represent the Navajo Nation at local, state and federal levels for housing development.

5. Coordinate with the Budget and Finance Committee and lending institutions for housing loans to enrolled members of the Navajo Tribe residing within the Navajo Nation.

(c) Community Development

The Committee shall:

1. Recommend legislations to develop and improve local governmental units.

2. Review and approve comprehensive community land use lands and zoning ordinances and amendments or modifications thereof, including land withdrawals necessary for the implementation of such land use plans.

3. Review and approve local ordinances enacted by local government entities and Chapters.

4. Review and approve all surface easements and right-of-ways and other clearances related to local community development including but not limited to powerline, waterline and sewerline extensions.

5. Review and approve priority lists for all chapter and community development projects funded by all funding sources.

(d) Capital Improvement Projects

The Committee shall:

1. Review and recommend to the Navajo Nation Council through the budget process an annual budget for capital improvement projects utilizing all sources of funds.

2. Review and recommend to the Navajo Nation Council through the appropriate process supplemental appropriations to the capital improvement projects annual budget to fund necessary additional capital improvement projects.

3. To review, prioritize and approve capital improvement projects funded by all funding sources.

4. To lobby for state, federal, and other sources of funds.

5. To review and recommend legislation to accomplish Committee purposes.

6. To periodically review the progress of capital improvement projects and take necessary action(s) to ensure timely and efficient completion of projects.

7. To require periodic reports from the Controller of the Navajo Nation concerning the fund status of capital improvement projects and require such other reports from appropriate officials as may be necessary to execute the Committee's purposes.

8. To review the annual capital improvement projects budgets of the Bureau of Indian Affairs, Indian Health Services and other departments or agencies of the United States, and recommend the approval or disapproval of such budgets.

(e) Transportation and Roads

The Committee shall:

1. Represent the Navajo Nation in all roads and transportation matters.

2. Develop and maintain priority list for roads and transportation projects.

(f) Other Powers

The Committee shall:

1. Promulgate rules and regulations necessary to accomplish the Committee's purposes.

2. Review and approve new programs and improve existing programs to better serve the public and communities.

3. Review and approve alternative and appropriate technological projects related to housing, community development and capital improvement projects.

Section 424. Meetings; quorum

(a) Committee meetings shall be held on the first and third Tuesday of every month.

(b) At any meeting, a quorum shall consist of six (6) members of the Committee.

Article 5. Health and Social Services Committee

Section 451. Establishment

The Health and Social Services Committee is hereby established and continued as a standing Committee of the Navajo Tribal Council.

Section 452. Purposes

The Committee shall address health and social service problems affecting Navajo People and develop, monitor, and coordinate policies and proposals laws, regulations and delivery of services to abate these problems consistent with and acceptable to the traditional practices and customs of the Navajo People.

Section 453. Membership

The Committee shall consist of eight (8) members of the Navajo Nation Council.

Section 454. Powers

(a) The Committee shall have all authority necessary and proper to carry out the purposes set forth.

(b) The Committee shall have the power:

(1) To represent the Navajo Nation in matters relating to health, social services, and environmental health, including lobbying for, promotion and education on Navajo Nation policies.

(2) To review and approve agreements and contracts negotiated with federal, state, regional, local, private and Navajo

Nation health and social service authorities, subject to applicable laws of the Navajo Nation.

(3) To coordinate all health and social services related activities of the Navajo Nation and its enterprises, relating to the delivery of health and social services and health and social services planning and prevention.

(4) To coordinate all environmental health; related activities of the Navajo Nation and its enterprises.

(5) To promulgate health and social services' policies, objectives, priorities and regulations for the Navajo Nation and to monitor the implementation of those plans and regulations.

(6) To recommend legislation relating to health, environmental health and social services.

(7) To prepare and recommend a Committee budget each fiscal year.

(8) To serve as oversight Committee for Divisions of Health Improvement Services and Division of Social Services except as delegated otherwise by Navajo Nation Council and shall include other programs delegated by the Navajo Nation Council.

#### Section 455. Meetings; quorum

(a) Regular meetings shall be held the second and fourth Tuesday of each month.

(b) At any meeting, a quorum shall consist of six (6) members.

#### Article 6. Education Committee

##### Section 481. Establishment

The Education Committee is hereby established and continued as a standing committee of the Navajo Nation Council.

##### Section 482. Purposes

The Committee's general purpose is to oversee the educational development of the Navajo Nation and to develop policies for a scholastically excellent, and culturally relevant education.

##### Section 483. Membership

The Committee shall consist of eight (8) members of the Navajo Nation Council.

Section 484. Powers

(a) The Committee shall have such powers as are necessary and proper for the accomplishment of the purposes set forth above.

(b) The powers of the Committee are:

(1) Promulgate regulations, policies and procedures to implement Navajo Nation education laws.

(2) Review and recommend legislation to the Navajo Nation Council.

(3) Review, sanction and authorize applications, reapplications and amendments for Self-Determination Act contracts and grants for the operation of education programs, subject to final approval by the Intergovernmental Relations Committee. Authorization of contract or recontract applications or amendments

by the Education Committee shall constitute approval by the Tribal governing body.

(4) Serve as the oversight committee of the Navajo Division of Educational Services and colleges within the Navajo Nation.

(5) Assist, support and coordinate with local communities, parent organizations and school boards and school board organizations.

(6) Represent the Navajo Nation in consultation with federal, state and local officials regarding any proposed changes in educational programs, including additions, deletions, school closures, consolidations, and the like. The Committee shall, where appropriate, seek concurrence of the Intergovernmental Relations Committee of the Navajo Nation Council or the Navajo Nation Council in framing official responses from the Navajo Nation to proposals for major changes in educational programs, such as proposals regarding major school closures or transfers of jurisdiction.

(7) Review, approve and regulate any programs offered on the Navajo Nation by off Navajo Nation post-secondary institutions or any "nonresident" or home study post-secondary programs for which students recruitment activities are conducted on the Navajo Nation.

Section 485. Meetings; quorum

(a) The Committee shall hold its regular meetings every second and fourth Friday of each month.

(b) At any meeting, a quorum of the Committee shall consist of six (6) members of the Committee.



Article 7. Reserved

Article 8. Reserved

Article 9. Judiciary Committee

Section 571. Establishment

(a) The Judiciary Committee, Navajo Nation Council, was established by Navajo Tribal Council Resolution CAU-54-59 on August 14, 1959 (hereafter "Committee").

(b) The Committee is hereby continued as a permanent standing committee of the Navajo Nation Council with oversight responsibilities for operation of the Judicial Branch of the Navajo Nation.

Section 572. Purposes.

The purposes of the Judiciary Committee are:

(1) To improve the administration of justice and in order to serve the best interests of the Navajo Nation, the Committee shall agree upon and determine, with the approval of the Navajo Nation Council, qualifications to be required of judges and justices of the Navajo Nation. After determining the qualifications, the Committee shall thereafter screen all eligible candidates or applicants, review the performance of probationary judges and justices, and select panels for appointment of probationary judges and justices and recommend probationary judges and justices for permanent appointment. The Chief Executive Officer of the Navajo Nation shall appoint probationary judges and justices of the Navajo Nation only from among those named in the panel submitted by the Committee. The Chief Executive Officer shall appoint permanent judges and justices only upon recommendation of the Committee. Both probationary and permanent appointments shall be confirmed by the Navajo Nation Council.

(2) To work towards cooperation between the courts of the Navajo Nation and the courts of the various states, the federal court system, and the administrative-judicial system of the Department of the Interior and other federal agencies.

(3) To promote the interests of the Navajo people through support and/or sponsorship of projects and legislation to improve the quality of the system of justice within the Navajo Nation.

Section 573. Membership

The Committee shall consist of eight (8) members of the Navajo Nation Council.

Section 574. Powers

(a) The Committee shall have all the powers necessary and proper to carry out the purposes set forth in Section 572 above.

(b) The Committee shall have the exclusive power:

(1) To provide a process for accepting applications for judicial positions and for determining the most qualified candidates.

(2) To present to the chief executive officer of the Navajo Nation and to the Navajo Nation Council qualified candidates for appointment as Chief Justice, Associate Justices of the Supreme Court and the judges of the lower courts, and all other judicial positions which the Navajo Nation Council may create.

(3) To recommend to the chief executive officer of the Navajo Nation the removal of probationary justices and judges prior to their permanent appointment.

(4) In conjunction with the Chief Justice to recommend to the Navajo Nation Council the removal of or granting of permanent status to any probationary justice or judge.

(c) The Committee shall recommend to the Navajo Nation Council the removal of any permanent justice or judge of the Navajo Nation.

(d) The Committee shall present directly to the Navajo Nation Council the issue of permanent appointment of any probationary justice or judge whom the Committee and the Chief Justice have recommended for permanent appointment and which recommendation the chief executive officer of the Navajo Nation has failed to convey to the Navajo Nation Council within sixty (60) days of receiving the recommendation.

(e) In order to provide for the development of the Judicial Branch the Committee shall have the power:

(1) To initiate, recommend, support, and sponsor legislation to improve the Navajo judicial system, including its functions of implementing the laws of the Navajo Nation.

(2) To review legislation and make recommendations regarding any proposed or current laws, procedures, and regulations affecting or creating any impact on the Judicial Branch.

(f) In order to provide for its effective and efficient operation, the Committee shall have the power:

(1) To make provision for facilities, services, and any other items necessary for Committee business.

(2) To support public information programs promoting the awareness of the duties and responsibilities of the Committee.

(3) To select and approve for attendance by Committee members informational and/or educational programs, meetings, seminars, etc., to increase the knowledge and skills of the Committee members in the areas of their duties and responsibilities.

(g) Subject to existing funding or contract requirements, the Committee may reallocate funds appropriated by the Navajo Nation Council to the Judicial Branch; provided that funds are determined available by the Controller; further provided that such reallocation is upon the request of the Judicial Branch and further provided that reallocation of funds is by two-thirds (2/3) vote of the full membership of the Committee.

Section 575. Meetings; quorum

(a) Meetings shall be held on the first and third Thursday of each and every month.

(b) At any meeting, a quorum shall consist of six (6) members of the Committee.

Article 10. Human Services Committee

Section 601. Establishment

The Human Services Committee is hereby established and continued as a standing committee of the Navajo Nation Council.

Section 602. Purposes

The purposes of the Committee are as follows:

(1) To coordinate the Navajo Nation efforts with respect to the implementation and enforcement of Navajo Nation Labor and Veterans Laws and Policies.

(2) To coordinate all employment and training and veterans services programs.

Section 603. Membership

The Committee shall consist of eight (8) members of the Navajo Nation Council.

Section 604. Powers

(a) The Committee shall have all powers necessary and proper to carry out the purposes set forth above.

(b) The Committee shall have the following powers:

(1) To promulgate regulations for the enforcement and implementation of the labor laws and policies of the Navajo Nation and laws relating to veterans services.

(2) To represent the Navajo Nation in matters relating to labor, employment and training and veteran services.

(3) To recommend legislation regarding employment, training, and veteran services.

(4) In conjunction with the Education Committee to oversee and to propose the establishment of any employment training center or institution under the jurisdiction of the Navajo Nation and to review, recommend or propose the adoption, amendment or rescission of its Plan of Operation.

(5) To serve as the oversight authority for Division of Human Resources.

Section 605. Meetings; quorum

(a) Meetings shall be held on the first and third Monday of each month.

(b) At any meeting, a quorum shall consist of six (6) members.

Article 11. Reserved.

Article 12. Public Safety Committee

Section 661. Establishment

The Public Safety Committee is hereby established and continued as a standing committee of the Navajo Tribal Council.

Section 662. Purposes

The purposes of the Committee are:

(1) To coordinate legislative activities relating to Administration, Police Services, Highway Safety, Fire and Rescue Services, Detention, Criminal Investigations and emergency services within the Navajo Nation and such other activities as may hereafter be specifically delegated to the Division of Public Safety.

(2) To coordinate federal, state and Navajo law enforcement and emergency services activities.

(3) To promote the efficient operation of Public Safety and emergency services on the Navajo Nation.

Section 663. Membership

(a) The Committee shall consist of seven (7) members of the Navajo Nation Council.

Section 664. Powers

(a) The Committee shall have all powers necessary and proper to carry out the purpose set forth above.

(b) The Committee shall have the following powers:

(1) To represent the Navajo Nation in matters relating to law enforcement and emergency services.

(2) To coordinate all law enforcement and emergency services activities of the Navajo Nation and its enterprises, as well as those activities of federal, state and regional agencies.

(3) To recommend to the Navajo Nation Council, the enactment, repeal or amendment of law enforcement, traffic and safety and emergency services legislation.

(4) With the concurrence of the President of the Navajo Nation declare states of emergency for the Navajo Nation or sections thereof.

(5) To promulgate regulations and rules as may be necessary to carry out the purposes stated herein and the laws of the Navajo Nation concerning law enforcement and emergency services.

(6) To review and approve comprehensive emergency response and relief plans.

(7) To serve as Legislative oversight authority for the Division of Public Safety and emergency services.

Section 665. Meetings; quorum

(a) Meetings shall be held on the second and fourth Monday of each month.

(b) At any meeting, a quorum shall consist of five (5) members of the Committee.

Article 13. Resources Committee

Section 691. Establishment

The Resources Committee is hereby established and continued as a standing committee of the Navajo ~~Tribal~~ Nation Council.

## Section 692. Definition of terms

As used within this article, the following definitions of term shall apply:

(1) RESOURCES. Any and all, Navajo owned, controlled or claimed, natural, renewable, nonrenewable, cultural, leisure, and recreational resources which includes, but is not necessarily limited to, land, air, airways, water, minerals, wildlife, fish, forests, woodlands, vegetation, livestock and parks.

(2) SURFACE DISTURBANCE. The alteration of the land resources to an extent that would change its existing utilization (e.g., penetration of the land surface, however slight, disposition of materials upon the surface, withdrawal of rangelands for homesite purposes, etc.).

(3) NATURAL STATE. That which occurs or exists in the environment, not a result of man, inclusive of natural regeneration induced by man.

## Section 693. Purposes

The purpose of the Committee is to insure the optimum utilization of all resources of the Navajo Nation and to protect the rights, and interests and freedoms of the Navajo Nation and People to such resources.

## Section 694. Membership

The Committee shall consist of eight (8) members of the Navajo Nation Council.

## Section 695. Powers

The Resources Committee shall have the power:

(1) To act as the Central Grazing Committee with oversight authority over all grazing matters within the Navajo Nation.

(2) To give final approval of any land exchanges or, non-mineral leases, subleases or assignments of leases of Navajo land, right-of-way, prospecting permits, sand and gravel permits, and other licenses and usufructuary interests in Navajo land, including unrestricted (fee) land, in accordance with applicable federal and Navajo Nation laws.

(3) To recommend to the Navajo Nation Council all actions which may involve mineral leases, land acquisitions, and energy development agreements.

(4) To approve homesite leases, or certificate, land withdrawals for homesites or residential subdivisions, and

rights-of-way, and promulgate rules and regulations thereto. (See 2 NTC Section 1005(b)(12). Source CN-52-87)

(5) To oversee and regulate all activities within Navajo Nation lands, including recommending approval or disapproval of leases, acquisition and all actions which may involve disposition or acquisition of resources, surface disturbance, or alteration of the natural state of the resource.

(6) To approve an overall Resource Management Plan of the Navajo Nation, including regulations governing the designation and use of resources.

(7) To approve all water development projects utilizing Navajo water resources.

(8) To promulgate rules and regulations to carry out its powers, which shall include authority to issue cease and desist orders, and to assess fines for violations of its regulations and orders.

#### Section 696. Meetings; quorum

(a) Meetings shall be held on the second and fourth Thursday of each month.

(b) At any meeting, a quorum shall consist of six (6) members of the Committee.

### Article 14. Economic Development Committee

#### Section 721. Establishment

The Economic Development Committee is hereby established and continued as a Standing Committee of the Navajo Nation Council.

#### Section 722. Purpose and Scope

The purpose of the Committee shall be to establish, amend, regulate and enforce and foster policies pertaining to the development of the economy of the Navajo Nation.

#### Section 723. Membership

Membership of the Committee shall consist of eight (8) members of the Navajo Nation Council.

#### Section 724. Enumerated Powers

##### (a) Generally

The Committee shall have all powers necessary and proper to carry out the purpose set forth above.

(b) Leases, Permits and Licenses

1. The Committee shall promulgate regulations governing the leasing, permitting and licensing of Navajo Nation lands, including unrestricted (fee) lands for business purposes. This authority does not extend to use of lands for resources (forestry, grazing, farmlands, ranches and parks), mineral and homesite purposes. Such regulations shall set forth the policies and standards to be followed in approving, amending, transferring or terminating business site leases, permits and licenses.

2. The Committee shall, in accordance with approved regulations, grant final approval of non-mineral business leases, permits, licenses and associated right-of-way for the use of Navajo Nation lands, including unrestricted (fee) lands for business purposes. The Committee's authority includes all business lease transactions, including industrial, shopping center and other commercial leases, subleases, modifications, assignments, leasehold encumbrances, and transfers, renewals and extensions, and terminations in accordance with all applicable laws.

(c) Economic Development Land Withdrawal

The Committee shall review and grant final approval of all land withdrawals for economic development projects, subject to chapter approval and/or existing Navajo Nation law regarding local land use control.

(d) Economic and Business Development

The Committee shall approve all economic development plans which require the use of Navajo Nation funds and/or assets; shall be the central point of contact for all economic development activities; shall establish and approve the Navajo Nation Overall Economic Development Plan and Ten Year Plan including the priority lists for all economic and business development projects funded by Navajo Nation and Federal funds; development plans for individual business site leases shall not be subject to such approval.

(e) Navajo Nation Enterprises and Other Entities

1. The Committee shall periodically receive reports and review the operations of the Navajo Nation enterprises, authorities and industries and shall recommend the creation, reorganization, termination or "privatization" of any enterprise to the Navajo Nation Council. The Committee shall also confirm appointments to enterprise boards.

2. The Committee shall jointly with General Bean appropriate Standing Committees of the Navajo Nation Council do all things necessary and proper to create an independent financial



institution designed to provide credit and financing to the Navajo Nation business community.

(f) Tribal Laws and Regulations -- Commerce and Business; Taxation

1. The Committee shall propose or review all legislation relating to commerce and business within the Navajo Nation, and shall recommend the adoption or amendment of such laws to the Navajo Nation Council.

2. The Committee shall, in consultation with the Navajo Tax Commission, make recommendations to the Navajo Nation Council regarding all taxation proposals affecting business or commercial activities.

(g) Oversight

The Committee shall serve as the oversight committee of the Division of Economic Development or its successor in responsibility, including those activities which deal with the planning, development, promotion and oversight of economic development activities.

(h) Other Powers

The Committee shall have the power to represent the Navajo Nation in matters related to economic development.

Section 725. Meetings; quorum

(a) Meetings

Meetings shall be held on the first and third Wednesday of each month.

(b) Quorum

At any meeting, a quorum shall consist of six (6) members of the Committee.

Article 15. Reserved.

Article 17. Reserved.

Article 18. Intergovernmental Relations Committee

Section 821. Establishment

The Intergovernmental Relations Committee is hereby established as a standing committee of the Navajo Nation Council.

Section 822. Purposes

The purposes of the Committee are:

(1) To coordinate all federal, county and state programs with other standing committees and branches of the Navajo Nation government to provide the most efficient delivery of services to the Navajo Nation.

(2) To ensure the presence and voice of the Navajo Nation.

Section 823. Membership; selection; Chairperson

(a) The Committee shall consist of the Speaker of the Navajo Nation Council and the Chairpersons of the Navajo Nation Council Standing Committees. In absence of the Chairperson of a Standing Committee, the Vice Chairperson shall represent the Standing Committee.

(b) The Chairperson of the Committee shall be the Speaker of the Navajo Nation Council.

(c) In the absence of the Speaker, the members of the Committee may select a Chairperson Pro Temp.

Section 824. Powers

(a) The Committee shall have all the powers necessary and proper to carry out the purposes set forth above.

(b) The Committee shall have the following powers:

(1) To serve as the oversight committee for the Office of Legislative Services and other offices, programs, commissions, boards, or task forces under the Legislative Branch of the Navajo Nation government and to approve and amend plans of operation therefore.

(2) To assist and coordinate all requests for information, appearances, and testimonies relating to proposed county, state and federal legislation impacting the Navajo Nation.

(3) To review and continually monitor the programs and activities of federal and state departments and to assist development of such programs designed to serve the Navajo people and the Navajo Nation through intergovernmental relationships between the Navajo Nation and such departments.

(4) To authorize, review, approve and accept any and all contracts, grants and associated budgets with the United States, its departments and agencies for the implementation of the Indian Self-Determination and Education Assistance Act as amended upon the recommendation of the standing committee which has oversight of the division, department or program applying for the contract and/or grant.

(5) To coordinate with all committees, chapters, branches and entities concerned with all Navajo appearances and testimonies before Congressional committees, departments of the United States Government, state legislatures and departments and county and local governments.

(6) To authorize, review, approve and accept agreements, including contracts and grants, between the Navajo Nation and any federal, state or regional authority upon the recommendation of the standing committee which has oversight of the division, department or program which has applied for the agreement.

(7) To recommend to United States departments and agencies, the states and various regional agencies, the appointment of individuals who, in the judgment of the Committee, will fulfill the requirements of their office and serve the interests of the Navajo Nation.

(8) To continually monitor contracts with state, federal and regional entities to ensure compliance with applicable laws, regulations and contract terms.

(9) To review and approve the negotiation and setting of the Navajo Nation's indirect cost or administrative cost rate agreements with the cognizant federal agent. When in the best interest of the Nation, the Committee may waive the indirect cost or administrative cost rate when:

(a) The division, department or program requesting the waiver demonstrates a statutory and/or regulatory requirement that limits the indirect cost or administrative cost rate available for a particular grant or contract, or

(b) There is a showing of necessity and a commitment of available general funds, by the division, department or program requesting the waiver, which is available to offset the loss in indirect costs or administrative costs.

(10) To review and approve the distribution of funds appropriated or allocated to assist enrolled Navajos residing in outside the Navajo Nation.

#### Section 825. Meeting; quorum

(a) Regular meetings shall be held on the first and third Monday of each month.

(b) At any meeting, a quorum shall consist of a simple majority of the total membership of the Committee.

#### Article 19. Ethics and Rules Committee

##### Section 831. Establishment

The Ethics and Rules Committee of the Navajo Nation Council is hereby established and continued as a standing committee of the Navajo Nation Council.

Section 832. Purposes

The purposes of the Committee are as follows:

(1) To insure that public officials and affected employees of the Navajo Nation are held to the highest standards of ethical conduct.

(2) To provide for fair and honest and efficient government of the Navajo Nation, through review, recommendation and sponsorship of projects, legislation, rules and standards in furtherance of these ends.

Section 833. Membership

The Committee shall consist of eight (8) delegates of the Navajo Nation Council.

Section 834. Powers

(a) The Committee shall have all the powers necessary and proper to carry out the purposes set forth above.

(b) The Committee shall have the power:

(1) To review and recommend rules of procedure for the effective and efficient conduct of the Navajo Nation Council and its Committees.

(2) To recommend legislation to maintain the highest standards of ethical conduct in the functions of the Navajo Nation Government.

(3) To perform the duties and responsibilities delegated by and implement the provisions of the Navajo Nation Ethic in Government Law, 2 NTC 3752, et. seq., and such other authority as may be delegated from time to time.

(4) To provide for the compilation and publication of all Navajo Nation laws, rules and regulations.

(5) To review and recommend an agenda for all Navajo Nation Council sessions.

(6) To promulgate such rules and regulations as necessary to execute its authority.

(7) To serve as the oversight authority for the Ethics and Rules Office.

(8) To review and recommend referendums and initiatives to the Navajo Nation Council.

(9) To appoint a Director of the Ethics and Rules Office of the Navajo Nation who will serve at the pleasure of the Committee.

Section 835. Meetings; quorum

(a) Meetings shall be held on the first and third Friday of each month.

(b) At any meeting, a quorum shall consist of six (6) members of the Committee.

Article 20. Reserved

Subchapter 11. Boards and Commissions

Article 1. Navajo-Hopi Land Commission

Section 851. Establishment; purposes

(a) The Navajo-Hopi Land Commission ("Commission") is hereby established within the Legislative Branch.

(b) It is the purpose of the Commission to:

(1) Monitor, collect, and update information on any and all land use conflicts between the Navajo Nation and the Hopi Tribe, and any claimants in and to lands within the area described in the Act of June 14, 1934 (48 Stat. 960).

(2) Speak and act for the Navajo Nation with respect to the land selection and land exchange provisions of P.L. 96-305.

Section 852. Membership; selection; chairperson and Vice Chairerson; term of office ex-officio members

(a) The Commission shall consist of eleven regular voting members and two ex-officio members who shall be appointed by the Speaker of the Navajo Nation Council with the approval of the Intergovernmental Relations Committee of the Navajo Nation. The Commission shall have the authority to establish subcommittees as deemed appropriate to provide advisory input from citizens, professionals, federal and other non-elected sources.

(b) The Commission shall consist of:

(1) Eleven voting members of the Navajo Nation Council representing areas affected by the Navajo-Hopi Land Dispute.

(2) All Members of the Commission shall be appointed by the Speaker of the Navajo Nation Council and shall serve at the pleasure of the Intergovernmental Relations Committee of the Navajo Nation Council.

(3) The Agency Superintendent, Bureau of Indian Affairs, of Tuba City Agency and Crownpoint Agency and Tribal employees shall provide technical input to the Commission.

(c) The Chairperson and Vice Chairperson of the Commission shall be selected by the Commission.

(d) Commission members shall serve a term of office coinciding with the term of office of members of the Navajo Nation Council and until their successors are appointed.

(e) The President and Vice President of the Navajo Nation shall serve as ex-officio members of the Commission.

#### Section 853. Powers

(a) General. The Commission shall have all powers necessary and proper to carry out the purposes set forth in 2 N.T.C. Section 851.

(b) Enumerated Powers. The Commission is hereby authorized and directed:

(1) To advise the President of the Navajo Nation concerning all matters relating to land use conflicts between the Navajo Nation and the Hopi Tribe, and any claimants in and to lands within the areas described in the Act of June 14, 1934 (48 Stat. 960).

(2) To speak and act for the Navajo Nation with respect to the land selection and land exchange provisions of P.L. 96-305 by making such selections and approving or disapproving any proposed exchanges, subject to the limitations set forth in Resolution CN-69-80.

#### Section 854. Meetings

Meetings shall be held on the call of the Chairman of the Commission, the President of the Navajo Nation, or upon written request of any six members of the Commission. At any meeting, a quorum shall consist of six members.

#### Section 855. Procedure

Until such time as the Navajo Nation Council adopts procedures and rules for the conduct of Commission business, the Commission is empowered to develop its own procedure for the conduct of meetings, provided that all formal substantive action

shall be taken by written resolution duly certified by the presiding officers, or memorialized by written memorandum setting forth the action taken and signed by the presiding officer and filed with the Central Records Department of the Navajo Nation. Minutes shall be kept of all meetings and shall be officially recorded by the Office of the Legislative Services.

#### Section 856. Staff

(a) There shall be a Navajo-Hopi Land Commission Office under the direction of the President of the Navajo Nation. The President of the Navajo Nation shall appoint a staff assistant who shall head the Land Commission Office who shall serve at the pleasure of the President of the Navajo Nation.

(b) The Commission shall utilize the Navajo-Hopi Land Commission Office in performing its assigned functions.

#### Section 857. Reports

The Commission shall report quarterly and in writing to the Navajo Nation Council concerning matters relating to the land use conflicts and agreements with the Hopi Tribe.

#### Section 858. Subcommittees

The Commission is authorized and directed to establish at least one Citizen's Advisory Subcommittee to provide advice and assistance to the Commission. The members of the Citizen's Advisory Committee shall be non-elected private citizens who reside in or near the lands affected by P.L. 96-305 and such other private citizens as the Commission and the President of the Navajo Nation may deem appropriate.

### Article 2. Eastern Navajo Land Commission

#### Section 861. Establishment; purpose

(a) The Eastern Navajo Land Commission ("Commission") is established as a Commission of the Navajo Nation Council within the Legislative Branch.

(b) The Commission is established for the following purposes:

(1) To assist in resolving land title problems in the Eastern Navajo Agency.

(2) To assist in mitigating the impact of energy development in the Eastern Navajo Agency.

(3) To coordinate Navajo efforts with respect to Eastern Navajo Agency land-related matters in dealings with federal, state

and local authorities and private interests in judicial, legislative, administrative and private settings.

(4) To provide information and assistance to Navajo residents of the Eastern Navajo Agency, the Eastern Navajo Agency Council, and the Land Boards with respect to land-related matters and to receive input from Navajo residents of the Eastern Navajo Agency with respect to such matters.

#### Section 862. Membership

(a) The Commission shall be composed of seven members.

(b) Six members shall be Navajo Nation Council Delegates representing the so-called "Checkerboard" Area, selected by the Speaker, Navajo Nation Council, and confirmed by the Navajo Nation Council.

(c) One member shall be an enrolled member of the Navajo Tribe skilled in land and/or energy matters, selected by the President, Navajo Nation, and confirmed by the Navajo Nation Council.

(d) All members shall serve three year terms and until their successors are appointed.

(e) All members shall serve at the pleasure of the President, Navajo Nation, and the Navajo Nation Council.

(f) The Commission shall appoint a Chairperson and Vice Chairperson from among its members.

#### Section 863. Powers and duties

The Commission is hereby authorized and directed:

(1) To establish an office at Crownpoint for the transaction of business.

(2) To represent the Navajo Nation on land and energy matters affecting the Eastern Navajo Agency; provided however that any agreement involving more than \$25,000 or 100 acres or for longer than one year shall be concurred by the Intergovernmental Relations Committee, Navajo Nation Council.

(3) To hire such staff and consultants excluding legal counsel which shall be the responsibility of the Navajo Nation Council as may be provided for in the annual Navajo Nation Budget of the Commission.

(4) To report quarterly and in writing to the Navajo Nation Council and the Eastern Navajo Agency Council concerning activities of the Commission.



(5) To provide for the reimbursement of the Commission members for travel and other expenses consistent with the practice of other standing committees of the Navajo Nation Council.

(6) To take all actions as may be necessary and proper to carry out the purposes for which the Commission was established.

#### Section 864. Staff

(a) The Commission shall engage an Executive Director and such other staff as may be provided for in the annual Navajo Nation Budget.

(b) All staff shall serve at the pleasure of the Commission.

(c) The Executive Director and the other staff shall have such duties and responsibilities as may be assigned to them from time to time by the Commission.

#### Section 865. Meetings; procedures

(a) The Commission shall meet on the call of the Chairman of the Commission or the written request of any three members, or the call of the President, Navajo Nation Council.

(b) At any meeting a quorum shall consist of four members.

(c) All formal substantive action shall be taken by written resolution certified by the presiding officer or shall be reflected in summary memorandum attested to by the presiding officer.

(d) The Commission is empowered to develop and establish such other procedures for meetings as it deems just and proper.

### Article 3. Navajo Board of Election Supervisors

#### Section 871. Establishment; Purposes

(a) The Navajo Board of Election Supervisors, hereinafter, the Board, and the Election Administration Office, hereinafter, the office, are hereby established. The Board is created by the Navajo Nation Council as an independent entity. The Board shall be responsible to the Navajo Nation Council only and shall be placed under the Intergovernmental Relations Committee who shall have ministerial oversight and whose primary purposes shall be routing documents and record-keeping incidental to the authority delegated to the Board and the Office by the Election Code; and to cause effect to the authority entrusted solely in the Board and Office; and to guard the public interests entrusted to the Board.

(b) The purposes of the Board are to:

1. Provide efficient and uniform administration and conduct of election.

2. Provide the opportunity for each qualified elector to exercise his right to vote for a candidate of his choice.

3. Provide the opportunity for all qualified person(s) to serve the Navajo public by seeking office.

4. Provide for fair, unbiased and untainted elections.

5. Encourage voter registration at the Navajo Nation, state and federal levels.

6. Guard against abuse of the electoral system in the Navajo Nation.

Section 872. Membership; terms; Chairperson and Vice Chairperson

(a) The Board shall compose of ten (10) members to be elected. Each of the five agencies shall have two (2) representatives. The Election of the ten (10) members shall be in conformity with the Election Code.

(b) All members shall serve four year terms on staggered basis in conformity with the Election Code.

(c) The Chairperson and Vice Chairperson shall be selected from among its members.

(d) In the event the Chairperson and Vice Chairperson are absent at a Board meeting, the majority of the members present shall select a Pro Temp Chairperson to conduct the meeting.

Section 873. Powers and Duties

The Board is hereby authorized and directed:

(a) General: The Board shall have all powers necessary and proper to carry out the purposes set forth in the Election Code.

(b) Enumerated Powers. The Board is hereby authorized and directed:

1. To administer, implement and enforce the Navajo Election Code.

2. To oversee and supervise generally all tribal elections.

3. To compile information regarding elections, and distribute and educate the Navajo public to include printing and publishing the Election Code and procedures in pamphlet form for distribution to all certified chapter officials, candidates, poll officials and registrars.

4. To hear all election disputes to include the powers to subpoena witnesses.

5. To make Board and Administrative policies.

6. To establish rules and regulations and to interpret the Election Code consistent with Tribal laws.

7. To obtain and maintain uniformity in the application of the Election Code and Operation of the Election Office.

8. To develop and recommend to the Navajo Nation Council all apportionment plans for election purposes.

9. To hire and maintain direct authority over the Director of the Election Administration Office and confirm the hiring of the Deputy Director by the Director and maintain general supervision over all election staff to carry out authority vested in the Board.

10. To develop and submit separate annual budgets for the Board and the Election Administration to include devising and managing a revolving account utilizing filing, penalty and resignation fees for special election costs in addition to the annual appropriation for this category.

11. To coordinate with the county, state, and federal election agencies efforts, including seeking and obtaining from various governmental entities and private organization funding and support to carry out the duties and responsibilities set out in the Election Code.

12. To establish subcommittees and delegate to them the authority to declare vacancies, certify elections, hear and decide election disputes and challenges, and to make rules and regulations not inconsistent with the Election Code.

13. To initiate disqualification of candidates who do not meet the requirements and to initiate recounts of ballots, where necessary.

14. To maintain the Election Administration Office and staff independent under its supervision with the Intergovernmental Relations Committee.

15. To maintain such staff and consultants including

legal counsel as may be provided for in the annual Navajo Nation Budget of the Board.

16. To recommend the withdrawal of land for the establishment of a building facility which is to be separate from other entities and convenient to the public and to request funding from the Navajo Nation to erect such a public building for the operation of the Election Office.

17. To procure necessary supplies, services, equipment and furniture purchases and to enter contracts through the tribal process.

18. To delegate authority to Election Office not inconsistent with the Election Code.

19. To bring action as deemed necessary and proper for the enforcement of the Election Code through the Attorney General and report said violations/offenses to the Ethics Committee, where necessary.

#### Section 874. Meetings; Quorum; Compensation

(a) The Board shall meet the 2nd and 4th Thursday of each month unless otherwise scheduled by the majority of a quorum or where a dispute, challenge, or a hearing requires a meeting, in which case a Subcommittee may be called upon.

(b) A simple majority shall constitute a quorum.

(c) Where subcommittees are designated, four members shall constitute a subcommittee. Subcommittee action shall require ratification by a quorum of the full Board.

(d) All meetings shall be held in Window Rock, Navajo Nation, (Arizona). Meetings held elsewhere must be authorized by the Chairperson of the Intergovernmental Relations Committee.

(e) All meetings shall be recorded and minutes transcribed. All dispute decisions shall be in writing and filed.

(f) Board members attending board meetings or delegated Election business shall receive \$60.00 per diem for each official business day conducted and mileage at \$.24 per mile for use of private vehicle. Full per diem shall be paid for attendance of at least three (3) hours of meeting or until all agenda items are concluded.

#### Section 875. Ethics

The Board shall not, for the purpose of personal gain, use any information or conduct any proceedings for the intent of causing harm or injury to the political standing or reputation of

any member of the Navajo Nation Council, or any other employee, official or candidate for office of the Navajo Nation. The Board shall conduct themselves in accordance with the requirements of all applicable laws of the Navajo Nation, especially the Navajo Ethics in Government Law.

Section 876. Office; Purpose

The Election Administration Office shall implement the Election Code and assist the Board in carrying out authority delegated solely to the Board by the Navajo Nation Council to implement the Election Code and conduct elections.

Section 877. Director; Staff; Powers and Duties

(a) Powers and duties of the Director. The Director shall have all powers delegated by the Board and necessary and proper to carry out the purposes of the Election Code as authorized by the Board. The duties shall include the following:

(1) Assist the Board in implementing and enforcing the Election Code.

(2) Assist the Board in maintaining accountability to the Navajo Nation Council and the Intergovernmental Relations Committee and other Departments and Offices.

(3) The Executive Director shall hire the Deputy Director with confirmation by the Board.

(4) Serve as the Executive Director of the Navajo Election Administration and supervise the administrative staff.

(5) Formulate administrative policies for Board approval.

(6) Acquire and coordinate voting and election information from the States of Arizona, New Mexico and Utah and from the Bureau of Federal Election and disseminate where necessary to meet objectives and goals.

(7) Consult periodically with officials, Council Delegates, other elective offices, and various government officials regarding registration and election in general, including the scheduling of activities called for by the Election Code and other States, Counties, and Federal Government election requirements.

(8) Serve as the communicating and organizing agent for the Board in executive level planning and activities.

(9) Solicit available funding with approval of the Board for special programs, not of a continuing nature, which relate to registration and elections, including "Voter Registration

Drive" and "Get Out to Vote" projects and other educational training programs for Chapter offices, poll officials and Navajo Nation Council.

(10) Supervise and administer staff subject to Navajo Nation Personnel Policies and Procedures, compensation and benefits.

(11) Coordinate with Office of Legislative Services the processing of payroll, budget expenditures for travel, supplies, equipment, property and facilities management.

(b) Powers and Duties of Staff

The staff shall have all powers delegated by the Board and Election Administration Office Director and necessary and proper to carry out the purposes of the Election Code as authorized by the Board. The duties include the following:

(1) Provide administrative support to the Board implementing the Election Code.

(2) Register as many Navajo as possible for Navajo Nation, County, State and Federal elections on an ongoing basis and insure that they have the opportunity to vote in these elections.

(3) Disseminate voter information across the Navajo Nation by publishing and distributing forms and information pamphlets and where necessary provide information in the Navajo language.

(4) Obtain and maintain the cooperation of the appropriate county registrars and other officials in the State of Arizona, New Mexico and Utah, to obtain maximum Navajo voter registration for state and federal elections.

(5) Assist in providing ongoing in-service training for Chapter officials and election workers on a regular basis.

(6) Utilize available research to provide a sound and firm foundation in the areas of voter registration and election for the Navajo People.

(7) Timely notify the Board of disputes, required hearings and schedule and provide logistical and technical assistance for such hearing.

(8) Assist in the drafting of proposed resolutions for Board's consideration.

(9) Execute the directives of the Board.

(10) Assist the Board in the development of revision of the Election Code for Navajo Nation elections.

(11) Provide all required technical and support staff and equipment for Navajo Nation elections.

(12) Insure elections are conducted pursuant to the Election Code and in a timely manner.

(13) Conduct recounts under supervision of the Board.

(14) Assist the Board in functions as follows:

(a) Declare vacancies in elective positions.

(b) Oversee the destruction of ballots.

(c) Approve policy decisions.

(d) Recommend major purchases of election equipment.

(e) Serve as a review and fact finding entity regarding election grievances.

(f) Certify election results and petitions as provided for in the Election Code.

(g) Develop rules and regulations not inconsistent with the Election Code.

(h) Review state and federal legislation which may effect the Navajo Nation electorate or Election Code.

(i) Attend and participate in recounts of voter tallies.

(j) Hear and resolve election disputes.

(k) Enforce the Election Code by reporting violations of the Election Code to the Attorney General or Ethics Office.

(l) Study, develop and recommend an apportionment plan.

(m) Develop and submit annual budgets.

#### Section 878. Political Practices.

The staff shall not, for the purpose of personal gain, use any information or conduct any proceedings for the intent of causing harm or injury to the political standing or reputation of any member of the Navajo Nation Council, or any other employee, official or candidate for office of the Navajo Nation. The Director and staff shall conduct themselves in accordance with the

requirements of all applicable laws of the Navajo Nation, especially the Navajo Ethics in Government Law.

Article 5. Navajo Nation Insurance Commission

Section 931. Establishment

The Navajo Nation Insurance Commission is hereby established and continued as the Navajo Nation Insurance Commission within the Legislative Branch.

Section 932. Purposes

The purpose of the Commission shall be to insure adequate insurance coverage and protection for the Navajo Nation, its entities, employees, and property.

Section 933. Powers

(a) Subject to approval of the Government Services Committee and the Budget and Finance Committee of the Navajo Nation Council, the Navajo Nation Insurance Commission shall have the sole authority to review, determine, select and coordinate all insurance coverages and programs pertaining to the Navajo Nation, including all offices, divisions, departments, entities, programs, interests, property and employees, with any private or public carriers, plans or organizations and together with all self-insured programs or combined coinsured programs. Said programs may, without limitation, include the following coverages, together with any other insurance programs selected, reviewed or administered under the jurisdiction of the Navajo Nation Insurance Commission:

- (1) General, automobile, and excess liability insurance.
- (2) Building, personal property, equipment systems, machinery and vehicle physical damage insurance.
- (3) Health, life and accident, disability and income protection insurance.
- (4) Key man life insurance.
- (5) Blanket employee crime coverage.
- (6) Performance, fidelity, surety and other bonding.
- (7) Workmen's compensation and all other self-insured or coinsured programs.

(b) To review and determine all policy or program premium and/or rate making obligations and to provide orderly procedures for payment of premiums for bonding and insurance obligations, and to establish appropriate reserves for self- and coinsured programs,



with appropriate apportionment of such obligations among the insured entities and parties for which coverage is provided.

(c) To direct, supervise and review the administration and implementation of all insurance programs by the Insurance Services Department, together with all determinations of any review boards or committees established to administer any Navajo Nation Insurance program and to review, evaluate, determine or make recommendations pertaining to all claims made under such programs.

(d) To report annually or as deemed necessary to the Budget and Finance Committee of the Navajo Nation Council at its budget session on the insurance coverages, and on the status of all pertinent fiscal, premium, revolving, special, operational and reserve accounts.

(e) To recommend to the Navajo Nation Council the adoption of legislation appropriate to strengthen and protect the operations of the Navajo Nation, its entities, employees and property.

(f) To establish and administer appropriate means for review, evaluation and recommendation for the disposition and settlement of all claims of liability pertaining to the Navajo Nation, its entities or employees acting within the scope of their employment, to the extent such disposition involves the expenditure of funds (whether within self-insured, coinsured, deductible or reimbursable insurance or other liability coverage); and to award damages from funds appropriated by the Navajo Nation Council for indemnification of such liability as determined by the Navajo Nation Insurance Commission.

(g) To authorize or conduct appropriate investigation for determination of liability and evaluation of claims involving payment or reimbursement of funds in accordance with the above described purposes.

Section 934.        Membership; Chairperson and Vice Chairperson; quorum; Advisors; Review Boards and Committees

(a) Membership.    The Commission shall consist of the following members.

(1) Director of Office of Personnel Management;

(2) The Senior Administrative Service Officer in the Office of the Speaker to the Navajo Nation Council;

(3) A representative of the Navajo Nation enterprises selected by consensus among the enterprises participating in the Navajo Nation insurance program; and

(4) A permanent employee of the Navajo Nation government selected at large by the employees for a term of four years. The

election of the employee representative shall be conducted by the Office of Personnel Management.

(b) Chairperson and Vice Chairperson shall be selected by the Commission.

(c) At any meeting, a quorum shall consist of three (3) members.

(d) Advisors. Representatives of the Attorney General, Controller, Auditor General, Contract Office, all Divisions and Departments and duly chartered enterprises of the Navajo Nation, are official advisors to the Commission and shall provide appropriate support, advice and counsel on substantial matters. The Risk Management Department shall provide staff assistance to the Commission.

(e) Review Boards and Committees. Review Boards and Committees may be constituted, appointed and delegated review and administrative duties herein under the auspices of the Insurance Commission for such approved insurance programs including but not limited to the following:

- (1) Liability Claims Review Board.
- (2) Property and Casualty Insurance Review Board.
- (3) Key Man Insurance Review Board.
- (4) Employee Benefits Review Board.
- (5) Community, Commercial and Claims Arbitration Boards.

#### Section 935. Procedures

(a) On or before January 25 of each year, the Insurance Commission of the Navajo Nation shall meet to determine:

(1) The insurance coverages to be in effect during the forthcoming fiscal year.

(2) The premiums to be incurred for such coverages.

(3) The sums which shall be necessary to meet deductible or coinsurance features with respect to such coverages.

(4) The appropriate apportionment of such premiums and deductible and coinsurance rates, among the Navajo Nation and its enterprises.

(b) Following this meeting and on or before February 15 of each year, the Insurance Commission shall meet with the appropriate representatives of each enterprise participating in the

Insurance Programs of the Navajo Nation, the Director, Division of Administration and Finance (or his representative) and the Director, Risk Management Department (or his representative) and the Controller of the Navajo Nation to:

(1) Discuss with them insurance programs for the forthcoming fiscal year.

(2) Discuss with them the apportionment, or premiums, deductible and coinsurance rates and present invoices for the respective entities.

(3) Discuss risk management for the enterprises and the Navajo Nation.

(c) Premiums deductible and coinsurance shall be paid within 30 days of receipt of approved invoice.

(d) All such funds received from the Navajo Nation and its enterprises shall be placed in and administered on a revolving account basis. Appropriate procedures shall be used to identify the payer and the type of coverage for each payment.

(e) The Insurance Commission shall cause payment for appropriate revolving accounts, all premiums, bills and payments to divisions of the Navajo Nation and enterprises which suffer losses which are not fully paid by the carriers because of deductible and coinsurance requirements, as deemed appropriate.

(f) On or before April 1 of each fiscal year, the Insurance Commission shall convene to review the status of these revolving accounts. A representative of the Director, Division of Administration and Finance and the Risk Management Department shall also be in attendance. This meeting shall determine:

(1) If the payments due from the Navajo Nation and its enterprises have been made.

(2) If account balances are adequate to meet premium and other obligations for the balance of the fiscal year.

(3) Any risk management question which may be appropriate.

(4) In the event that any balance is inadequate, the amount(s) necessary to carry the program through the balance of the fiscal year and its appropriate share of the additional funds needed for the program.

(g) In the event that there is a surplus of funds in the premium contribution account at the end of any fiscal year (as determined by the Insurance Commission), the contributions of the

Navajo Nation and the enterprises shall be reduced in the following fiscal year by the amount of such surplus.

Section 936. Compensation

The Members of the Insurance Commission shall receive no additional compensation for their activities in connection with the Insurance Commission, other than reimbursement for required and authorized expenses incurred in the performance of their duties and shall assume their responsibilities in addition to their other responsibilities as employees of the Navajo Nation or its entity.

Subchapter 12. Legislative Offices

Article 1. Office of Legislative Services

Section 951. Establishment

The Office of Legislative Services is hereby established within the Legislative Branch.

Section 952. Purpose

The Office of Legislative Services shall provide a complete and full range of professional, technical and administrative support services to the Navajo Nation Council, Standing Committees of the Navajo Nation Council, Unstaffed Commissions, Task Forces, or Boards of the Navajo Nation Council, Council Delegates and the certified chapters of the Navajo Nation.

Section 953. Director

(a) The Office of Legislative Services shall be headed by a Director, who shall be recommended for appointment by the Speaker in consultation with the Intergovernmental Relations Committee and subsequently confirmed by the Navajo Nation Council. The Director will be administratively responsible to the Speaker and serve at the pleasure of the Intergovernmental Relations Committee of the Navajo Nation Council. The Director will be responsible for program planning and administration, staff, guidance, direction and general supervision, budget preparation, implementation, management and control, and property and facilities coordination and management within the Office of Legislative Services.

(b) The Director shall faithfully and diligently execute all duties and authorities delegated by law.

Section 954. Organizations and Functions

(a) The Director shall establish an organizational structure which will provide for the following primary organizational functions within the Legislative Branch:

(1) General Services, which shall include processing of payroll and budget expenditures for travel, supplies, equipment, etc., personnel administration and management, property and facilities coordination and management;

(2) Reporting and Clerical Services, which shall include recording meetings, transcription and maintenance of Council and standing Committee meetings and resolution, minutes, resolution processing, agenda preparation and provision of secretarial services to Council Delegates.

(3) Legislative Research, which shall include researching for preparation of Council and Committee legislation, drafting of legislation, monitoring and analysis of pending legislation, and providing technical assistance (including English to Navajo and Navajo to English interpretation) in resolutions processing and discussion, and coordination with various Council Delegates, tribal programs, departments, divisions on proposed, pending and approved legislation. In addition, this organizational unit shall perform various Intergovernmental relations functions, which shall include monitoring of federal, state and other legislative actions, providing of periodic reports on these matters to the appropriate Standing Committees, Tribal Offices and Officials, and the full Navajo Nation Council.

(4) Support services to the Office of Legislative Counsel.

## Article 2. Office of Legislative Counsel

### Section 960. Establishment

The Office of Legislative Counsel is established within the Legislative Branch of the Navajo Nation Government.

### Section 961. Purpose

The purpose of the Office of Legislative Counsel is to provide legal advice and legislative services to the Navajo Nation Council, standing committees, commissions and boards of the Navajo Nation Council, independent of the Department of Justice.

### Section 962. Legislative and Administrative Oversight

(a) The Office of Legislative Counsel shall be directly accountable to the Navajo Nation Council for all legal and legislative assignments and activities of the Office.

(b) The Intergovernmental Relations Committee of the Navajo Nation Council shall exercise legislative oversight over the Office on behalf of the Navajo Nation Council.

(c) Day to day administrative and operational matters, such as time and attendance, travel authorizations, expenditure

requests, and provision of office space and equipment shall be coordinated through the Speaker of the Navajo Nation Council.

#### Section 963. Personnel

(a) There is hereby established the position of Chief Legislative Counsel, who shall be a state licensed attorney, appointed by the Navajo Nation Council upon recommendation of the Intergovernmental Relations Committee of the Navajo Nation Council. The Chief Legislative Counsel shall serve at the pleasure of the Navajo Nation Council at a negotiated salary. The appointment shall be effective upon the approval of the Navajo Nation Council. The Chief Legislative Counsel shall not be allowed to engage in the private practice of law.

(b) A state licensed attorney or firm, selected in accordance with Navajo preference laws, may be hired as the Chief Legislative Counsel under a contract. Such contract shall not exceed one year and shall be approved by the Navajo Nation Council upon recommendation of the Intergovernmental Relations and the Budget and Finance Committees of the Navajo Nation Council. Such attorney contract shall require the training of a qualified Navajo replacement within the term of the contract.

(c) A non-Navajo licensed attorney may be hired only if a licensed Navajo attorney cannot be found to fulfill the position of Chief Legislative Counsel.

(d) All other personnel shall be hired and compensated pursuant to usual Navajo Nation policies and procedures. The Chief Legislative Counsel shall be responsible for the selection and supervision of personnel.

#### Section 964. Authorities, Duties and Responsibilities

A. General authorities, duties and responsibilities of the Office of Legislative Counsel shall include:

(1) Report and be responsible to the Navajo Nation Council and to the Intergovernmental Relations Committee of the Navajo Nation Council.

(2) Coordinate with the Department of Justice and other attorneys providing legal services to the Navajo Nation the work of the Legislative Counsel to avoid duplication of work and conflicting legal advice and opinion.

(3) Develop an annual work plan and budget for the office for consideration by the Navajo Nation Council during the regular annual budget process.

(4) To advise the Navajo Nation Council on legislative matters pending before the Navajo Nation Council.

(5) To advise standing committees, commissions, and boards of the Navajo Nation Council on legislative matters pending before the respective committee, commission or board.

(6) To assist members of the Navajo Nation Council in preparing proposed resolutions for consideration by chapters, committees, commissions, boards or the Navajo Nation Council.

(7) Perform all duties and responsibilities in accordance with the highest standards of legal ethics.

B. Codification of Tribal Laws, Rules and Regulations:

(1) The Legislative Counsel shall periodically review all legislation of the Navajo Nation Council and Standing Committees of the Navajo Nation Council to determine codification within the Navajo Nation Code.

(2) The Legislative Counsel shall periodically prepare and publish new, revised and updated hard bound versions of the Navajo Nation Code.

(3) The Legislative Counsel shall periodically review and evaluate the Navajo Nation Code and recommend appropriate actions to repeal, supersede, clarify and general update provisions of the Navajo Tribal Code, for consideration by the appropriate Standing Committees and the Navajo Nation Council.

Article 3. Commission on Navajo Government Development and the Office of Navajo Government Development

Section 970. Establishment

The Commission on Navajo Government Development is hereby established within the Legislative Branch. The Commission is a special entity created by the Navajo Nation Council with quasi-independent authority to accomplish the Council's project of instituting reforms necessary to ensure an accountable and responsible government. The Commission shall be responsible directly to the Navajo Nation Council with respect to its overall activities. The Intergovernmental Relations Committee of the Navajo Nation Council shall have legislative oversight authority.

Section 971. Purposes

The purposes of the Commission on Navajo Government Development shall be as follows:

1. To review and evaluate all aspects of the existing government structure of the Navajo Nation including laws, rules and regulations, practices, functions, goals and objectives.

2. To develop recommendations and proposals for alternative forms of government for consideration and possible adoption by the Navajo People through a referendum vote.

Section 972. Membership; Officers; Term; Qualifications

a. Membership -- Term

The Commission shall consist of twelve (12) Navajo members to be confirmed by and serve at the pleasure of the Navajo Nation Council as follows:

1. One member shall be nominated by the Executive Branch through the President of the Navajo Nation Council to serve a term of two (2) years.

2. One member shall be nominated by the Judicial Branch through the Chief Justice of the Navajo Nation to serve a term of two (2) years; the nominee shall be a member of the Navajo Nation Bar Association.

3. One member shall be nominated by the Legislative Branch through the Intergovernmental Relations Committee of the Navajo Nation Council to serve a term of two (2) years; the nominee shall have prior experience as an official or employee of a state government or any subdivision thereof.

4. One member shall be nominated by the Director of the Office of Navajo Government Development; the nominee shall be a practitioner of the Navajo healing arts to serve a term of four (4) years.

5. Five members shall be nominated from the five agencies of the Navajo Nation. Each agency council shall nominate one member from recommendations to be submitted by each chapter in each agency; such nominee shall be either a chapter officer or a Grazing Committee/Land Board member. These members shall serve a term of four (4) years.

6. One member shall be nominated by the President of the Student Body of the Navajo Community College; the nominee shall be a student at Navajo Community College and serve a term of one (1) year.

7. One member shall be nominated by the Education Committee of the Navajo Nation Council; the nominee shall be a graduate student from any college or university; such member shall serve for a term of one (1) year.

8. The Director of the Office of Navajo Government Development shall be a member.



b. Officers

The Chairperson of the Commission shall be the Director of the Office of Navajo Government Development. The Vice-Chairperson of the Commission shall be selected by the members of the Commission.

c. Vacancies

A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

d. Qualifications

The Commission members shall be chosen from among individuals who have demonstrated scholarship, a strong sense of public interest, knowledge of Navajo history and cultural heritage, spiritual leadership, leadership in the Navajo government and abilities likely to contribute to the fulfillment of the duties of the Commission.

Section 973. Duties and Responsibilities

a. General

The Commission shall have powers necessary and proper to carry out the purposes set forth herein or as otherwise authorized by the Navajo Nation Council.

b. Enumerated Powers

The Commission shall have the power:

1. To develop a series of recommendations and proposals for alternative forms of government for consideration by the Navajo Nation Council and the Navajo People by examining and utilizing the concepts of the separation of powers and the delegation of authority to provide for the appropriate checks and balances in Navajo government; to establish the responsibility of the Navajo government to protect the rights and freedoms of the Navajo People; to establish limitations on how the Navajo government and its officials may use its powers and to define the powers of the Navajo People.

2. To provide short and long range comprehensive planning, evaluation and development appropriate to further enhance a Navajo Government that will perpetually accommodate the Navajo People by providing for their involvement, promote their general welfare, ensure governmental accountability integrity, justice, domestic order, and retain traditional harmony, cultural respect, heritage, and the protection of personal liberties.

3. To review, evaluate, and recommend laws, rules and regulations including those of agencies, boards and commissions in order to develop a comprehensive system of government for the Navajo People.

4. To collect, assemble, evaluate, interpret and distribute information, data statistics and evidence which accurately describes the Navajo government status, circumstances and needs of the Navajo People and which would also serve as a repository, library, resource and research center for such information.

5. To encourage the public, private and public organizations, chapters, traditional Navajo leaders, including Native ceremonial practitioners (medicinemen) to actively participate in carrying out the purposes of the Commission and to conduct public hearings. The Commission shall give due consideration to traditional values and philosophical views of the Navajo People.

6. To encourage appropriate educational curriculums designed to educate students and the general public on the governmental development of the Navajo Nation.

#### Section 974. Meetings; Procedures

##### a. Meetings -- Quorum

Meetings shall be held on the call of the Chairperson of the Commission. At any meeting, a quorum shall consist of six (6) members.

All meetings shall be held in Window Rock, Navajo Nation (Arizona) for the transaction of Commission business. Meetings held elsewhere must be authorized by written permission of the Chairperson, Intergovernmental Relations Committee.

##### b. Procedure

The Commission is empowered to develop its own rules of procedures for the conduct of meetings, provided, however, that all formal substantive action shall be taken by written resolution duly certified by the presiding officer and filed with the Central Records Department of the Navajo Nation.

#### Section 975. Director; Appointment; Removal

a. The Director of the Office of Navajo Government Development shall be appointed by the Intergovernmental Relations Committee of the Navajo Nation Council subject to confirmation by the Navajo Nation Council.

b. The Director can be removed by the Intergovernmental Relations Committee at the recommendation of the Speaker of the Navajo Nation Council.

c. The Director shall employ or engage those persons qualified by education and experience necessary to discharge the duties of the Commission.

d. The Director and staff of the Office of Navajo Government Development shall be authorized to use the facilities of the Office of Legislative Services. The Office of Navajo Government Development shall be authorized to procure necessary supplies, services, equipment, furniture and make contracts as authorized from time to time through the Navajo Tribal budget process.

#### Section 976. Powers and Duties of the Director

a. Transmit to the Navajo Tribal Council quarterly reports concerning activities of the Commission, including reports on the implementation of its recommendations.

b. Develop the budget and formulate administrative and operating policies of the Office and take action for accomplishment and enforcement thereof.

c. Hire and supervise support staff and consultants. The Director shall employ or engage those persons qualified by education and experience necessary to discharge the duties of the Commission.

d. Exercise supervisory control and direction over the day to day operation of the Office and Commission activities.

e. Represent the Office in executive level planning.

f. Delegate authority to members of the staff.

#### Section 977. Office; staff; duties and accountability

a. The staff is accountable and reports to the Director. The staff is hired and subject to the Navajo Nation's Personnel Policies and Procedures.

b. The duties of staff are as follows:

1. To provide a full range of administrative and support services to the Commission and Director.

2. To act as resource person: to the Commission.

3. To collect information and maintain central files of all information, data, statistics and research materials.

4. To assist in preparing for Commission meetings by collecting and confirming information, notifying interested parties and preparation of materials necessary to conduct meetings.

5. To assist in the coordination of scheduling of Commission and committee meetings and activities.

6. Perform other duties as directed by the Director.  
Section 978. Amendments

The sections hereof may be amended by the Navajo Nation Council upon recommendation of the Intergovernmental Relations Committee.

## Chapter 5. Executive Branch

### Subchapter 7. President and Vice-President

#### Section 1001. Executive Branch establishment

There is hereby established the Executive Branch of the Navajo Nation government. The branch shall consist of such divisions, departments, offices, or programs as may be established by law.

#### Section 1002. Creation of Office of President and Vice President; term

(a) There is hereby established the Office of President and Vice President.

(b) There shall be one President of the Navajo Nation. The President shall be elected for a term of four years.

(c) The President shall serve no more than two (2) terms.

#### Section 1003. Vice President

(a) There shall be one Vice-President of the Navajo Nation. He shall be elected for a term of four years.

(b) The Vice-President shall serve no more than two (2) terms.

#### Section 1004. Qualifications

(a) No person shall serve as President or as Vice-President of the Navajo Nation unless he is an enrolled member of the Navajo Tribe, 30 years old or older.

(b) No person shall serve as President or Vice-President of the Navajo Nation unless he has continually during the last three years before the time of election been physically present

within the Navajo Nation. The Navajo Nation is defined by 7 NTC Section 254.

Section 1005. Powers and duties

(a) The President of the Navajo Nation shall serve as the Chief executive officer of the Executive Branch of the Navajo Nation government with full authority to conduct, supervise, and coordinate personnel and programs of the Navajo Nation. He shall have fiduciary responsibility for the proper and efficient operation of all Executive Branch offices.

(b) The President shall represent the Navajo Nation in relations with governmental and private agencies and create favorable public opinion and good will toward the Navajo Nation.

(c) The President shall have the following enumerated powers:

(1) Faithfully execute and enforce the laws of the Navajo Nation.

(2) Negotiate and execute contracts subject to applicable laws.

(3) Appoint supervisory executive personnel subject to applicable laws.

(4) Appoint members of boards, commissions, and other entities subject to applicable laws.

(5) Report quarterly to the Navajo Nation Council on the state of the Navajo Nation.

(6) Recommend to the Budget and Finance Committee an annual operating budget or amendments thereof for the Executive Branch and advise the Navajo Nation Council on annual budget recommended by the Budget and Finance Committee.

(7) Recommend to the Navajo Nation Council supplemental appropriations for Executive Branch.

(8) Recommend legislations rules or regulations to the Navajo Nation Council or its Committees.

(9) Exercise such powers as may be lawfully delegated to the Office of the President of the Navajo Nation.

(10) Veto legislation passed by the Navajo Nation Council subject to an override of the veto by two-thirds (2/3) vote of the membership of the Navajo Nation Council. The veto shall be exercised by the President by a letter to the Speaker specifying the reasons for the veto. This veto power shall be deemed waived

if not exercised ten (10) days after certification of the legislation by the Speaker.

(d) The Vice-President of the Navajo Nation, during the absence of the President, shall exercise the powers and execute the duties of the President of the Navajo Nation.

#### Section 1006. Vacancy

If a vacancy should occur in the Office of the President of the Navajo Nation or the President is unable to perform his powers and duties, the Vice-President of the Navajo Nation shall serve as President of the Navajo Nation and serve the remainder of the term or until the President's inability to perform his powers and duties is removed. If a vacancy should occur in the Office of the President and Vice-President of the Navajo Nation, the Speaker of the Navajo Nation Council shall serve as President of the Navajo Nation until a special election is held. Such special election shall be called by the Navajo Board of Election Supervisors pursuant to the provisions of the Navajo Election Code. Service by the Speaker as the President shall not create a vacancy in the Office of the Speaker.

#### Section 1007. Residences

Residences shall be furnished at Window Rock, Arizona, together with the cost of water, sewer, refuse disposal, electricity and natural gas, without charge, to the President and Vice-President of the Navajo Nation. If the President or Vice-President decline to reside in such residence, the Navajo Nation shall not be responsible or liable for costs and expenses of living elsewhere.

#### Section 1008. Salary

The salary of the President and Vice-President of the Navajo Nation shall be \$55,000 and \$45,000 per annum, respectively. Salary adjustments may be approved by the Navajo Nation Council but shall not become effective until and unless approved by a referendum.

#### Section 1009. Staff

The President and Vice-President shall appoint such assistants, administrators, legal counsel and clerical staff as may be budgeted for.

#### Section 1010. Gifts of property

The President of the Navajo Nation shall, for and on behalf of the Navajo Nation, accept or decline gifts of property, provided, that any such acceptance or refusal of a gift of an estimated value in excess of \$1,000 shall be with the concurrence

of the Government Services Committee. All gifts to the Navajo Nation shall be and remain the property of the Navajo Nation.

Section 1011. Valuation and accounting; distribution

The President of the Navajo Nation, upon acceptance of any gifts of property, shall cause a valuation and accounting of the property to be made. He shall further cause the property to be preserved and distributed in such a manner that the Navajo People will receive benefit thereby, or that income from sales will accrue to the Navajo Nation. Distribution of gifts in excess of \$1,000 value shall be with concurrence of the Government Services Committee.

Section 1012. Recording of gifts

All public officials, elected and non-elected, of the Navajo Nation receiving gifts, whether intended as a gift to the official or to the Navajo Nation, shall be recorded or cause to be recorded such gift with the Ethics and Rules Office.

Section 1013. Contracting

All contracts let by the Navajo Nation shall comply with the following requirements:

(1) There shall be public advertisement or notice requesting bids or proposals and stating the qualifications or specifications.

(2) Bids or proposals shall be accepted only from competent, experienced, bondable and certified contractors under terms and conditions which will:

(a) Complete the contract within applicable time requirements and allotted funds.

(b) Comply with the Navajo Nation Employment Preference Act.

(c) Comply with the Navajo Nation Business Preference Act.

(d) Comply with all laws and regulations of the Navajo Nation.

(3) The contracts shall be awarded to the lowest qualified bidder.

(4) Exceptions to these requirements shall be allowed if authorized by rules and regulations duly approved by the Navajo Nation Council or appropriate Standing Committees.

(5) Contracts not complying with these requirements herein shall be deemed void and not be binding on the Navajo Nation.

(6) A performance bond or retainage shall be required on all construction contracts.

(7) The office letting the contract shall be responsible for the maintenance of all records and the accounting control of the contract. Such records shall be open to the Controller and the Auditor General at all times.



CJY-65-94

Class "C" Resolution  
No BIA Action Required.

RESOLUTION OF THE  
NAVAJO NATION COUNCIL

Approving the Proposed Amendments to the Plan of Operation for the  
Commission on Navajo Government Development and the Office of  
Navajo Government Development

WHEREAS:

1. Pursuant to 2 N.T.C., Section 102 (a), the Navajo Nation Council is the governing body of the Navajo Nation; and

2. Pursuant to 2 N.T.C., Section 978, the Plan of Operation for the Commission and the Office of Navajo Government Development may be amended by the Navajo Nation Council upon recommendation of the Intergovernmental Relations Committee of the Navajo Nation Council; and

3. On March 18, 1993, the Intergovernmental Relations Committee of the Navajo Nation Council discussed the destiny of the Commission and the Office of the Navajo Government Development. At this meeting, members of the Intergovernmental Relations Committee of the Navajo Nation Council agreed to continue the Commission and directed the Commission to amend its plan of operation in accordance with the recommendations submitted by the Commission and the Subcommittee of the Intergovernmental Relations Committee of the Navajo Nation Council. The recommendations are attached as Exhibits "A" and "B", respectively. Attached as Exhibit "C" also is the minutes from an Intergovernmental Relations Committee meeting, see page 18; and

4. By Resolution CNGD-08-94 (Exhibit "D"), the Commission approved and recommended to the Intergovernmental Relations Committee of the Navajo Nation Council and the Navajo Nation Council the proposed amendments to the plan of operation for the Commission on Navajo Government Development and the Office of Navajo Government Development. Attached is the amended Plan of Operation as Exhibit "E"; and


5. By Resolution IGRJY-152-94 (Exhibit "F"), the Intergovernmental Relations Committee of the Navajo Nation Council approved and recommended the proposed amendments to the Navajo Nation Council.

NOW THEREFORE BE IT RESOLVED THAT:

The Navajo Nation Council hereby approves the proposed amendments to the Plan of Operation for the Commission and the Office of Navajo Government Development as recommended by the Intergovernmental Relations Committee of the Navajo Nation Council.

## CERTIFICATION

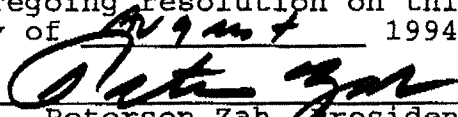
I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 61 in favor, 0 opposed and 0 abstained, this 22nd day of July 1994.

  
Nelson Gorman, Jr., Speaker  
Navajo Nation Council  
JUL 27 1994  
Date Signed

Motion: David John  
Second: Richard Begay

## ACTION BY THE EXECUTIVE BRANCH:

1. Pursuant to 2 N.T.C. Section 1005 (c)(1), I hereby sign into law the foregoing resolution on this 3 day of August 1994:

  
Peterson Zah, President  
Navajo Nation

2. Pursuant to 2 N.T.C. Section 1005 (c)(10), I hereby veto the foregoing legislation this \_\_\_\_ day of \_\_\_\_ 1994 for the reason(s) expressed in the attached letter to the Speaker:

\_\_\_\_\_  
Peterson Zah, President  
Navajo Nation

Proposed Amendments to Plan of Operation

The Commission supports and recommends the following changes:

- a. Supports the separation of Executive Director serving as the Commission Chairman.
- b. Recommends and supports \$500,000 budget for FY1994 as submitted. This budget amount was unilaterally reduced to \$347,214 without the program consultation and Commission's involvement.
- c. Recommends to include in the proposed amendments to the plan of operation a provision for a staff attorney.
- d. Recommends to keep the monthly Commission meetings as it is because the Commission is the body that monitors and recommends any amendments or reforms necessary within the tribal government.
- e. Recommends that the 12th member of the Commission be retained and preferably a woman from a bonafide woman organization.
- f. Recommends licensed attorney from the Navajo Nation Bar Association represented through the Judicial Branch.
- g. Any vacancies other than the five agency representatives be filled with other professional Navajo people.
- h. Recommends that the graduate students representative term be increased to no longer than three-year term.
- i. College students representative be increased to two-year term for two-year college and four-year term for four-year college or university.

EXHIBIT "B "

Recommendations from the Subcommittee of the IGR Committee on the Navajo Nation Council's Government Development Project:

1. The IGR Committee of the Navajo Nation Council should refer all the present laws found in Titles 1 through 24 to the appropriate oversight committees for their review and suggested amendments.
2. The IGR Committee of the Navajo Nation Council should communicate with the Navajo Government Development Commission and recommend that their staff efforts in FY 1994 be refocused to study and support local community and chapter empowerment. Analysis of the present existing chapter structure should be done; the chapter relationship to the central government should be evaluated; alternatives should be developed and pros and cons for each alternative to chapter empowerment should be developed.
3. The Plan of Operation of the Commission on Navajo Government Development and the Office of Navajo Government Development should be changed to remove the Director as a Commissioner and to reflect the focus set forth above.
4. The IGR Committee of the Navajo Nation Council supports a referendum of the people on the issues of checks and balances and chapter empowerment.
5. The IGR Committee of the Navajo Nation Council should set aside some funds to seek local input into the project.

LARRY FOSTER: Thank you Mr. Speaker, Members of the Intergovernmental Relations Committee: We do have a response to the Intergovernmental Relations Committee regarding the report made by the Speaker. Before I get into that I would like to first of all introduce myself. (Introduction made in Navajo.)

To my right is Commissioner Beverly Coho, she represents the Education Committee as outlined in the Title 2 amendments. She's a graduate student representing the college students. Next to her is Commissioner Sam Begay who represents the Traditional Navajo Practitioners perspective and in accordance to the Title 2 amendments. We have Commissioner Cornelia Shorty who represents the Shiprock Agency, she's also the chapter president of Two Gray Hills and she's also a teacher. We also have Commissioner Jimmie Bitsuie who is a former delegate and he represents the Executive Branch. Many of you are familiar with Mr. Bitsuie. We also have Commissioner Dennis Clah, he represents the Chinle Agency Council and is also a chapter official with the Black Mesa Chapter. That's basically how we have our composition of members in place. According to law there are still five vacancies on the commission. We do have Mr. Leo Watchman at this point and time as the chairperson of the Commission, but we have been working as a commission in the last several weeks and we were finally able to achieve a quorum in January and started working as a working group up to this point and time. That's just for your information.

To my right we have Mr. Thomas Boyd, the acting director. We also have staff here today, Elvina Hale, who is the staff person with Government Development. Mr. Ben Silversmith is also a staff individual. We also have Mr. Ed Tso who is also a staff person. We do have two other staff who are back at the office managing the operations.

Mr. Speaker, Members of the Committee, I would like to just also inform the members of the Committee that this is my first opportunity as a commission member since I was confirmed in October to be a part of the Intergovernmental Relations activity. I do thank the Intergovernmental Relations Committee for extending the invitation to allow us to participate at this meeting, so this is essentially my first encounter in meeting with this particular body. We were aware of a subcommittee that you as a full committee established, however, we were not able to meet with the subcommittee during that particular time to express some of our recommendations. But I was able to communicate for a while with the Speaker the day of the subcommittee meeting and basically that was the extent of our involvement up to this point and time. I do appreciate your efforts in allowing us to have an opportunity to meet with you and address some of these recommendations that the subcommittee has made up to this point and time.

There are a number of areas that we would like to just point out to you. In looking at the initial information that was provided, or basically going back on the seminar that was held, there is additional information that will be provided by the staff as to the developments leading up to that point and time. As I understand it, the previous commission did recommend the Government Reform Act of 1992. That was discussed by the IGR Committee back in August and it was recommended to the full Council. Since that time there were a number of seminars that were to have been held to apprise the Council which did not take place until the later part of February. That's when you had the seminar that was held in Gallup. There is a certain time that has elapsed since this committee made its initial recommendation. I think staff will go ahead and further elaborate on those issues.

But in getting back to some of the areas of concern, as I pointed out earlier there are some of us new on the commission. I think that we can say we take our appointment very seriously and that was one of the reasons that we wanted to work as a working commission and not just to have staff or other individuals try to ramrod information, legislation, recommendations, what have you, through us as a body because we're charged with certain responsibilities by the Council, also with this committee. I want you to just take note of that first. Basically, I think as a working commission, the new group that came in started working in February, there were several appointed in the fall session, October. Then there was another appointment in the winter session, so then we finally were able to achieve a quorum and started doing some reviews to basically try to get ideas to where the commission was, where it's going, what would be some of the task that need to be involved and what needed to be undertaken. We were able to start working very actively on this in February.

Again, getting back to the recommendations that were made. During the subcommittee meeting that was held last week there were some information provided to us. Basically there was a report made by the Speaker to the subcommittee and we do have a response to that particular report that was made on March 9th. At that particular time there was a document floating around, a recommended plan of operation with certain amendments. For the initial part I think the commission went through that. One of the things that we support is supporting the separation of the executive director serving as the commission chairman. The commission felt very strongly that there was a conflict of interest in there and that there needed to be some changes. One of the things that I foresaw coming onto the commission was that there was that strong conflict. Because if you're going to be working as a commission you have to have people who will work for

you, you have to have some teeth to work with. In this case, when you have the chairperson of the commission serving as the director there was definitely some sort of conflict. Then you have the chairperson of the commission who is also the director that basically reports to the Speaker. That's basically how the structure is set up. There were certain areas of concern expressed by the commission and we certainly support that particular area of amendment.

One of the other recommendations is to support the budget in its entirety of the amount appropriated last year. The reason for that is, one of the things that was brought by us and I as a commission member was not involved and the commission was not involved in the adjustments made to the budget. There were some arbitrary deletion of positions and various program budgets, categories or line items. I think it would have been appropriate that the courtesy and gesture should have been made to the commission or to the office as to where those cuts were made and what the rationale was behind it. One of the questions the commission had in that regard was what were the considerations in making the personnel adjustments? Being that there is no personnel policy in the Legislative Branch, there is that speculation that it would follow the auspices of the Executive Branch personnel policies and under their policies there is a reduction of force in place. We wanted to also address that area. If there's going to be any reduction in force in the office then I think we should also take into consideration that particular policy and also look at determining who would be laid off if in fact there will be staff laid off, then looking at the functional capabilities of that particular operation. Right now the way the budget is set up, it would basically take the heads out of the office and then leave clerks and staff in there. Basically, that would not achieve anything. That was a concern the commission had.

The next recommendation was that there would be amendments to the plan of operation for a provision for a staff attorney to be included in the Government Development Office and commission. The reason simply is that under the plan of operation and the intent of the program, the project, was to establish a quasi-independent entity that would be free from politics to do the assumption. My experience as a commissioner is that we have not been getting adequate legal assistance in this area. Some of these areas are very technical in nature and I believe that would be one area that could really assist us if that provision was allowable where the commission would have access to that legal advisement that would be independent from the Legislative Counsel, independent from the Attorney General, so it would allow that particular entity to make an independent review of the existing laws and structure. As I understand it, in reports made to the commission, there was an analysis made of

the Title 2 amendments by a staff person who at one time was employed by the commission, an attorney. There were some evaluations done, there was review and recommendations. I'm not too sure as to how far that particular evaluation went.

Next is the area of the plan of operation where there would be a recommendation to keep the commission meeting at its current monthly meeting status. Right now the plan of operation is proposed that the commission would be quarterly, every three months. With the amount of work so far that has been coming forth, the recommendation, I believe that you would have to continue on a monthly status and that basically would have to be carefully considered. It's real ironic that today you have in the Navajo Times that the commission's stipends are \$250 per day and I asked some of the commissioners if that's what they're getting paid and apparently that's not the case. The rate is basically just the same as delegates, \$60 a day. That again is part of the irresponsible journalism that we experience sometimes. I just wanted to set that record clear. I guess there are some officials that were commenting that maybe the commission members would want to keep the daily stipends and that certainly isn't the case.

One other area that we also wanted to address in the recommended plan of operation is that right now you have 12 members of the commission and for some reason it ended up being 12. I guess being a Navajo traditionalist and brought up with those particular instructions, number 12 is very significant to many people and under the present amendments it says to cut it down to eliminate the position of the director and bringing the total number down to 11. We sort of have a problem with that because through our tradition the way the Navajo government is set up and through various --- number 12 is very important. We felt that commission membership should be kept at 12 and that 12th member really ought to be expanded. There's one group that we looked at on the membership list that was asked, that's the women's group on the Navajo Nation. Maybe there ought to be a proper representation from the women's entity because women do make probably the majority of the population and they should have a place on this particular commission.

One of the concerns was brought up in previous minutes of the Intergovernmental Relations Committee meeting was an expression of decommissioning this commission and reinstituting a new commission. I guess it was felt that it was needed to get more professional people. I'm not sure what that meant, maybe bring on engineers or what have you. One of the things that we tossed around is that, for example, Mr. Sam Begay here is a commissioner and I'm very confident that he has the equivalent of 10 doctorate degrees. I could probably put him against some of the best PHD's in this world. That's the kind of, I think,



professional people that we have on board here. We have graduate students, we have an individual in the teaching profession. I'm not sure as to what type professional people are wanting to be on this commission. In that instance, we said, well there is a provision now that you have five other vacancies within the commission. One of them basically refers to a representation of the Judicial Branch to be a member of the Navajo Nation Bar Association. We also recommend that. If that is the case and the commission is continuing that, maybe there ought to be provisions for a licensed attorney that would be recommended from the Navajo Nation Bar Association through the Judicial Branch. If that is the kind of professionalism that is wanted then it may be wise to bring on a licensed Navajo attorney. Just to go in and say a member of the Navajo Nation Bar, you kind of open the door to advocates and what have you. If you look at the Bar we have on the reservation versus state Bars, the difference is that with State Bars you have to have a juris doctorate, you have to have three years of college in law. Then you have to be admitted to practice in the State Bar. That's the sort of recommendation that we thought maybe we would recommend. As I said, there's a vacancy in the Judicial Branch, there's a vacancy in the Legislative Branch that has never been filled up to this date. There's a vacancy from the Western Agency, from the Eastern Navajo Agency and from Navajo Community College. Right now there is a move to take the director off the commission. That's just something that we thought we would recommend.

Also, we recommend that maybe the graduate student representative term should be increased to a three year term. Right now I think they only serve a one year term and in order to provide continuity there should be an extension of that particular term.

Then the last recommendation, the college student representative, should also be a three year term for a junior college and a four year term for the four year college or university. I think that again includes the continuity in there. Because any time you get changes in there you end up having to reeducate those particular members and then you're set back and you start new again.

In looking at that composition we also felt that with the way the young people are maybe there ought to be an active increased membership of young people. The medium age, as I understand, is age 19 years. That means that half or more of the population is below the age of 19. That was one of the considerations that we had. I guess some people are probably wondering, why are we basically looking into this plan of operation and we're requesting changes. Number one I guess is in its present state the commission really has not authority. Administratively we don't have that authority over the staff or

the director, however, under the proposed amendments there is a provision that the executive director would serve at the pleasure of the commission. I think that would probably serve its purpose and make the staff more accountable to the commission and the commission then would become more accountable to the Council or whatever entity that we would report to. That would make the commission a more working commission. Otherwise, I think it's just there basically without any real substantive changes in the plan of operation and probably would not be able to really move as it really should.

One of the concerns we also looked at was that there obviously needs to be a refocusing and redirection of that particular program. I think we all agree to that as a commission. At the meeting of the seminar that was held on February 26th we also informed the delegates that we would review some of these activities as a commission and we would probably make some hard line decisions, some decisions that we as a commission might not like, the staff might not like, or even the Council might not like, but it's something that would have to be recommended with changes in order to get the program going in the proper direction. A lot that meant reviewing some of those activities, staff responsibilities, their qualifications and seeing whether or not they do fit into the proper role. Again, revisiting from our commission perspective those charges that were given to the commission and going forth with those recommendations.

It was in that instance that we asked staff to revise, revisit those particular type of actions and give us an update on a chart as to exactly where we want to go this fiscal year. For example, if the Council decides that they want to fund this program and keep it going, then what do we expect to do this fiscal year with results between now and the end of the fiscal year? I guess that kind of throws me to the question as, are we really serious about making these changes and will we as a commission, will we as staff in the three branches, as legislators, be mature enough to accept that responsibility. If there's criticism then we'll be mature enough to accept that criticism and go forward constructively. There are some hard line decisions that will be made that will be recommended. That's the way that I think we want to try to be as a commission. For those of us who are new on the commission we ask that we at least be given the opportunity to be heard and to continue if it's the Council's prerogative that we should continue with the reform project.

Very briefly, there are recommendations that were made as to how we should....there was an Exhibit "A" that was recommended to the IGR Committee on Monday. One was that the IGR Committee should refer the present laws found in Title 1 - 24 to

the appropriate oversight committees for their review and suggested amendments. Already in Title 2 you have those responsibilities and staff within your branch already have those responsibilities to update and make suggested amendments. The situation that we have there is that we would need advisement. I think that's where for fiscal year '94 if we are to continue then we can make a lot of those recommendations, make it assessments and evaluations, but we would need that legal expertise.

Under number two there was a directive that the committee should communicate with the Commission and staff. I applaud that particular directive because it does give us an opportunity now to come before you and look at the efforts for fiscal year 1994. There is that movement to refocus and redirect some of the recommendations that are at the local and community level, or local empowerment. In that area I believe that during the seminar a lot of this was brought up, and I think there were a number of directives made by the Council and this committee as well as other standing committees. In that area I know the Transportation and Community Development Committee is going to have a big role in that. Also, the Intergovernmental Relations Committee since you deal with other government entities. I think that needs to be looked at and there's also provisions for that included in the Reform Act as I understand.

There's a third recommendation on three which we feel comfortable with, the separation of the director and the commission chairman. On the reflection of the focus set forth, I think that would be a prerogative of the Council, if they felt that's the way it should be done. I would say that it's going to probably take a lot more time, a lot more focus, a lot more finances because you're going to involve a lot more local level. At what point would the line be drawn? That's something that would need to be considered. As I understand it, there's also in the Executive Branch a process already underway to where the plan of operation would be reviewed for local development. That's where the commission is wanting to meet with anyone involved in that particular area so that we can insure that we are in the right process. I know in that area it will take a lot of involvement and cooperation with the standing committee that's charged in the area of the Transportation and Community Development Committee.

Four would be supporting a referendum of the people on the issues of checks and balances and chapter empowerment. I believe that's something that the commission also supports. I believe that's also a part of the process that's ongoing.

The fifth recommendation was that there should be some funds set aside to put into the project. I believe that's again also part of the recommendations that were made that there were

certain recommendations that were put in place through the subcommittee and this committee as well as the Council and from the Government Development Commission and staff.

Lastly, before I defer some of the outlines of the work to Mr. Boyd, I would again thank this committee for allowing us to come before you and to share with you some of the concerns and recommendations that we have. Again, this is the first time I've been able to come before this committee to share some thoughts. There are some things that I probably personnel don't agree with and some of the process taking place, but collectively I guess as a commission body, I have one vote on the commission and if I get out voted then that's the way it is, but I respect the way the commission operates. The same way that this committee operates. Through the process of time I would just think that that's the process we are taking.

Another area is there needs to be a continual dialogue between this commission and the Intergovernmental Relations Committee as the oversight. I think that has been taking place over the last year or two. When I say dialogue, a good example is to set aside some time to really go through some of these issues and recommendations and then get feedback as to how some of these recommendations are going to be submitted on to the full Council as it's going to be bounced off and getting feedback from this particular committee. I think that this is something I would like to just mention. That's just the recommendations from the commission's standpoint. I would like to have Mr. Boyd get into the particulars as to what we intend to do this year.

One thing we also talked about as a commission and I guess it's something that really needs to be looked at, how long will this commission operate and how long will this project really take place. In talking to a number of delegates some say it's not going to happen in one of two years, three years, some are saying that it's going to take a long time to educate the people. Well, in looking at some of the activities I think there's enough visitations taking place out there in talking to chapters, public hearings, etc., so I think now it's a matter of putting all those things together and start moving forward and give some recommendations. There might be occasional public hearings at the agency level but that's to incorporate sub-hearings that maybe need to be bounced back off people. Of course, those should be run by this committee and if the committee feels like there should be hearings on some of these things then that will be brought back to the people in specified areas.

So, that's basically just feedback from the commission. I know that we are charged with probably one of the most awesome task on the reservation. It's dealing with politics, dealing

with government and it is not an easy task. But I think we as commission members took upon a challenge and we believe that we're trying to do something that's right for the government, I know members of the Council also feel the same way. We are ready to move forward to go some redirection, refocusing of the program and we need to also pursue with as little political involvement as we can and I think that's going to be essential. We also need the needed technical expertise, we need little advisement, etc.. With that, I will just defer the work plan and the plans of action to Mr. Boyd. Mr. Speaker.

SPEAKER: Mr. Boyd. As we hear from the next person, it appears like we'll be discussing what's going to happen in the future and some of the kinds of actions. One of the reasons that this committee wanted to again hear from this commission and staff is what has been accomplished by this project. They're waiting to hear that. They didn't hear what has been accomplished, thus, the recommendations were put in place. Those they seem to all agree with up to this point and time from the commission and the staff. I just wanted to make you aware of that. Now we'll turn this time over to the staff, Mr. Boyd.

THOMAS BOYD: Thank you Mr. Speaker and Members of the Intergovernmental Relations: Before I get into the specifics, I think we need to ---- to our foresight on what I will say. Since day one I think we began to lose sight of the legislative intent of Resolution CD-68-89. Language is very specific in the Whereas provision which includes the plan of operation for the commission and the program. Certainly staff, the commission, IGR, the Speaker, Navajo Nation Council have lost sight of what we're suppose to have accomplished. I think we need to remind ourselves, I think we're at that level, I think we're at the state to begin to remind ourselves, hey we're suppose to be doing this. I think that needs to happen. The project was designed to involve the people. That is philosophy that has driven the commission to arrive at certain decisions and to recommend certain recommendations to the IGR and to the Council. Those were done within perimeters of enumerated powers through which the commission will accomplish the two purposes that were outlined in the plan of operation. In our judgement the commission is exercising those enumerated powers vested in them. So, I think we need to take ourselves back over there and come forward.

In light of Exhibit "A" attached to the recommendations from the Speaker to the IGR Committee on behalf of the IGR Subcommittee, you did outline five recommendations. Commissioner Foster has covered some of those particular points and I'd like to draw to your attention recommendation number four which reads, the IGR Committee of the Navajo Nation Council supports the referendum of the people on the issues of checks and balances and

chapter empowerment. You do have a long sheet which we'll get into in a few minutes. You also have a smaller copy which kind of represents the organizational structure. You do have a copy of a work program summary which entails how the project will proceed in the next fiscal year 1994. Of course, this will be based on the \$500,000 program budget that was submitted. Then if you fall short of the \$500,000, then obviously some of the program has be readjusted to reflect the amount of work, whatever money will be approved. The staff and commission recommendation is to maintain the funding level of \$500,000. If we focus on recommendation number four it will address recommendation number one, we will address recommendation number two, we will address recommendation number five. Then perhaps some of recommendation number three. Based on recommendation number four we do have a breakdown of the structure. You might refer to it as the government and/or organizational structure.

At the top you have the Navajo Tribal Code upon which the Nation government operates today. Through Title 2 amendments you have checks and balances. With that concept you have the Legislative Branch and the Judicial Branch. Then when we speak of chapter empowerment we go beyond chapters, we consider another category, local government. We believe the chapters are part of local government, the district council, agency council, the townships, what the Kayenta Pilot Project is trying to accomplish, what the townsites project in Navajo, New Mexico is trying to accomplish. What the major gross centers in the five agencies are trying to accomplish, what the secondary gross centers are trying to accomplish, and there are others. We have to keep in mind when we speak of local government, it is any governing body that is smaller than the central government, in this case the Navajo Nation government. So, if you look at the structure, the Navajo Nation Council will continue to be a governing body of the Navajo Nation. There has been some misconception, there has been some informal communication that the Navajo Nation Council will divest itself of this governing body's authority if they should recommend that the people should adopt the Navajo Nation Government Reform Act. That's not the case, that's not the point. When we speak of local government, all the categories they're under, each layer of new local government will have its own way of a governing body concept. So, when the Navajo Nation Council adopts provisions for a comprehensive provision for local government it will specify this. Then when we do that we'll give a talk about relationships, the interrelationships involved, the local government, and the relationships between the local government and the Navajo Nation government. So you already have a relationship among the local governments, you do have chapter government as a result, you have a district council as a result of those other agency councils, then you have a Navajo Nation Council. But we'd like to take a few steps further beyond that. (

For all those interest groups, for all those chapters, for various components of the chapter that would like to progress and take advantage of the provisions that can be established by the Navajo Nation Council. That way they can open the doors for any type of advancement or improvement. That's how we view the local government. I think within that concept that's where the chapter empowerment comes in. We have to keep in mind they're up against the chapters. We have to keep in mind there are rural chapters at the tail end, chapters that do not have any other facilities such as boarding schools or things like that. You make a comparison with that kind of chapter and major growth centers at the agency chapters. There is a tremendous amount of difference in those categories. What we're saying is we'd like to give the opportunities to all the chapters. Let them get the opportunity to take advantage of whatever way they want to progress, whatever way they want to determine or shape their own destiny. I guess the name of the game is survival due to a lot of factors. We have depleting revenues, we have depleting natural resources. The scary part is the ever increasing of the Navajo population. There's going to be a day when the Navajo Nation will not be able to support the full population. The population demands that this be addressed.

CHAIRMAN: Just a second Mr. Boyd. I think there might be a comment. Mr. Daniel Tso.

DANIEL TSO: Thank you Mr. Chair, Members of the IGR, Commission, Navajo Nation Government Development and Legislative Staff: I kind of feel like I'm being filibustered. For myself, when staff come before me I'd like for them to keep it brief and to the point and right now it just seems like we're being filibustered and not really talking to the points of establishing some recommendations. I think that this dialogue that we heard, I think we're hearing it again. I think we finally got the attention of the commission and the staff of Navajo Government Development, it impacts the very work they're doing. Before, I think this committee has tried to meet with the commission themselves but it's always been the director and certain selected staff that came to address the committee. Each of those other times that we asked for a report from the commission it was always the chair or the executive director or certain staff. I think that we've all drawn some conclusions from the fact that there's an effort to reduce the budget and then that effort to reduce the budget we're finally seeing some documents that we haven't seen before; the proposed referendum language, some of the other outcomes of their previous work. Rather than listen to the filibuster I'd rather get to developing some recommendations out of this report. For myself, initially we funded this particular project for three years and it was suppose to have been initially a two year project. I think at the seminar we

heard that they wanted 10 to 15 years to really do the work. For myself, I think that's almost out of consideration.

I served on that subcommittee of the IGR and one of the recommendations was to zero out the budget, transfer some of the staff that would assume duties over into the Legislative Branch where we really need to strengthen the Legislative Branch in the area of Reporting and Legislative Advisors. But right now, I think the thinking is to provide another chance for this project to continue. One of my thoughts is to keep the commission, reduce the staff, but of those staff make them answerable to the Office of the Speaker, for the Office of the Speaker to provide daily supervision. Right now it seems like nobody is really keeping staff on task, keeping them on those goals and objectives of the project. The other thought I have is to have the particular staff and commission provide quarterly reports to the committee and to the Navajo Nation Council.

Those are some things that I think is being discussed by members of the Committee and also to reach that point where we are comfortable with the project. Right now there hasn't been any substantive type of action, that we really consider it. I think that part we need to start talking about, otherwise, we'll be sitting here the rest of the day listening to the same type of talk. Thank you.

LARRY ANDERSON: Mr. Chairman, thank you very much. Excuse my tardiness here, I just came from the Government Services Subcommittee on NHA and we just came out of that meeting. Thank you for the opportunity at this time to discuss this particular item on the agenda of the IGR Committee. I certainly appreciate the time and the efforts here that we continue to see how things need to be developed here.

I certainly agree in principle with Mr. Tso here at certain levels. I also support that this particular organization, department and commission should continue. I kind of feel that we should also look in our back yard on some of the areas that still need to be considered for realignment and considered for proper action that needs to be taken to revitalize our government, our government system here. I think you and I know as a Council that there is such a thing as reapportionment. I think there's still certainly a need to have a committee be developed to take care of the reapportionment and to give us emphasis of what our population is or what our government is all about. For example, 10 years ago the Fort Defiance community was delegated with three Council delegates and now we only have two. I feel that the Fort Defiance community should still be delegated with the three seats and we're only missing one. I think there's a study that has to be made to reconcile some of these areas for the needs of the people and proper representation into the Navajo



Nation Council. I certainly support the recommendation that was given here by the Office of Navajo Government Development and their proposed amendment of the plan of operation. I think we should follow through on that. Let's not do away with this department.

I feel that this department is doing a good job and this department is like the backbone of any department and division that we have in the Navajo Nation government. We rely on our Navajo Nation employees, departments and divisions in order for us to carry out this government. This Office of Navajo Government Development is the same way. We rely on them to continue to possibly get some very good initiatives going here so that the Council can continue to work on this.

For example, Mr. Chair, President Clinton is in office now and he's going to bring his package together, the so-called stimulus package. But that's not going to take effect tomorrow, next month, next year, it's going to take time. In the next four years we're going to see these things happen, and then the next administration we're going to see other methods of cutting down the deficit of this great Nation here, it's going to take time. I feel that the Office of Navajo Government Development is doing the same thing. They're going to have to have time, they're going to have to have legitimate time to make their concerns met and I think this is what they're doing. I feel that this government or this office here is a legitimate body which was voted in by the Navajo Nation Council and they are still doing their work. If we're going to bring forth some of these other areas of concerns then I think we should look at the BIA themselves. The BIA has been one of the worst areas of our trust responsibility that needs to be corrected, that needs to be restructured or maybe abolished. Nobody says anything about that, where's their report, where's their concerns, where's their consideration to the Navajo Nation people here? They're mismanaging all of our money right now, all the money that's supposed to come to the Indian people is mismanaged by BIA. What happened with them, what's wrong with them? I'm waiting for them to give me a report concerning the mismanagement. Where's the money to the Indian people going? I think this is one of the areas that we should also be concerned about.

I kind of feel that we're putting our foot down too early on this situation. We still haven't heard the people's concern yet and I think this particular office, the Office of Navajo Government Development, is the entity that's working with the people out there. If we do away with this development or maybe streamline this office it's not going to be for the benefit of the Navajo Nation Council or the IGR, we're going to be taking away some of the powers, or we're going to be taking away some of the elements that we gave to the people. I don't agree with

that. I agree that we work with the people and that we continue to carry out the direction that the people have given us. I think this is what we're doing and I think this is what the Office of Navajo Government Development is doing.

I certainly agree with some of the points that are being said here and I certainly will also support the proposed amendment to the plan of operation that the Office of Navajo Government is willing to put on the table here with us. At least let's support this office, it's only three years old, it's a baby. I think we all say that, that certain instruments of this government are babies and we have to support it in that way. I think this is what it's all about. Thank you Mr. Chair.

CHAIRMAN: Members of the Intergovernmental Relations Committee: Let's have a very clear understanding for all of you that we're not trying to do away with the office or the commission but we need to refocus and that's why the recommendation under Exhibit "A" was made to this committee. It appears like the commission agrees with those five recommendations that the subcommittee made, so we're on the same level with them. It does require that we take a look at the staff because it has now come to a point where we need good writers and good researchers on the team so that they can do the work for the commissioners and deliver it to this committee and also the Navajo Nation Council. So, we're at that level now and I believe that at this point and time we agree on the recommendations and I think we can go forward with that now and implement all of those. There's no recommendation here that says we get rid of the commission, no we're not saying that. It's just a refocus so we can get some accomplishments thus far on what has been done, put it back together and then go forward with those same recommendations to reach to the local governments and to reach the local people with those recommendations in writing in good form so it can be understood and acceptable by the people. I believe that's what we're trying to do. The staff that are aboard now, we're not going to put them in the unemployment line, we're trying to refocus and those staff might have to be redirected into the Legislative Branch somewhere. The staffing options of course is to reduce the staff on reorganization, it means the refocus of the program. That means the number of staff that are going to be there are going to be reduced. We may just use two with one secretary. That's what we mean by reducing the staff. The present staff will have to be put somewhere else. The affected program, the affected staff, like I said, is going to have to be put back into some other program. That's the way we would handle it in the Legislative Branch or somewhere in the tribal organization.

The other thing we can do for staff at the same time is reevaluate the staff to determine their qualifications since

we'll be looking for researchers and writers, we will have to deal with the staff and also reevaluate their abilities and skills and recommend placement of these staff in other vacant positions for which they will qualify. Then the staff will be subject to layoff if they are not able to be placed. That would be something that we would have to face with them if we're unable to place them on a job.

The last one is, the affected staff would have the option to seek other employment opportunities if they so desire, they would be given that opportunity also. So we will have to deal with the staff and we have been working with the Personnel Office. That's the way it will work out. We will not lose the work that has been done by this project and we will go forward with these recommendations so that it becomes refocused and it becomes streamlined so that recommendations are forthcoming to this committee much quicker. I think we would like to go forward with that and I think you all agree that we want to do that. I think we've reached the consensus with the IGR and the commission and the staff to go forward. Mr. Tom Bahe.

TOM BAHE: Thank you Mr. Speaker, Members of the Committee: At this time I'd like to go ahead and move that we accept the recommendations made by the subcommittee. That will be my motion.

CHAIRMAN: I have a motion by Tom Bahe to go ahead and adopt these recommendations at this time by the Intergovernmental Relations Committee. I do need a second to the motion.

Those recommendations are: 1) The IGR Committee of the Navajo Nation Council should refer all the present laws found in Titles 1 through 24 to the appropriate oversight committees for their review and suggested amendments; 2) The IGR Committee of the Navajo Nation Council should communicate with the Navajo Government Development Commission and recommend that their staff efforts in FY 1994 be refocused to study and support local community and chapter empowerment. Analysis of the present existing chapter structure should be done, the chapter relationship to the central government should be evaluated, alternatives should be developed; 3) The plan of operation of the Commission on Navajo Government Development and the Office of Navajo Government Development should be changed to remove the director as a commissioner and to reflect the focus set forth above; 4) The IGR Committee of the Navajo Nation Council supports a referendum of the people on the issues of checks and balances and chapter empowerment; 5) The IGR Committee of the Navajo Nation Council should set aside some funds to seek local input into the project.

Those are the recommendations that Tom Bahe has made a motion on to go forward with that. Mr. Wallace Tsosie.

WALLACE TSOSIE: Thank you Mr. Chair, Members of the Intergovernmental Relations Committee, Government Development Commission, Staff, Others: You say that we are not trying to do away with the Office or the commission, but reassigning people. That's what you're doing, you're beginning that process. I think it's going to begin today if we vote yes. I think some of us in here refuse to listen, we don't want to listen to what they have to say, that's the problem, and we don't give them the support. I think the question is, are we going to reform or not? If we don't do it somebody is going to do it, maybe the next election. I think this is the opportune time for us as legislation to support the office, to support the intent. I was hoping that today we would vote yes on the recommendation that was made by the commission and that office and that we go forward with the referendum vote which was suppose to take place within two months. My chapter is ready, they always ask, when is the reform going to take place? Thank you.

KENNETH BEGAY: Thank you Mr. Presiding Chairperson, Legislative Counsel, Intergovernmental Relations Committee, Staff, Commission, Audience: (Remarks in Navajo.)

LEO R. BEGAY: Mr. Speaker, I want to speak to the issue of the five recommendations that are before us and the motion. I believe by the passage of this motion it will only reinforce what the commission has been delegated to do. I do agree with my colleague here, Mr. Kenneth Begay. That is, to do a thorough job in reforming the government, number one is an evaluation has to be made on the existing laws. What's wrong with the existing laws, the good parts and the bad parts, and as we go along those can be presented to the chapters. In order for the chapter people, the local people, the grassroot people, to make a sensible and wise decision and to make a good thorough input into the reform, I think first they have to be educated on the laws. For example, as stated by Mr. Kenneth Begay, when we say reform most people think about the amended Title 2, but many of the people do not even understand what Title 2 consists of, which is only the powers of the president and the elected officials and so forth. People have to understand the laws before they change the laws, I think education has to come first and this takes time. Thereafter, certain changes can be recommended. Perhaps not by lawyers or people with masters and doctorate degrees, but what's wrong with simple wise people, grassroot people, making the decision. Then when the laws do get recorded on paper, that's when we need the lawyers to help. I think we are only redirecting and reinforcing what the commission will be doing from here on with the passage of this motion, although I don't have the vote, Mr. Chair. Thank you.

FREDDIE HOWARD: Thank you Mr. Chairman and Members of the IGR Committee: I think most of the things I wanted to raise were already presented very eloquently by some of the other members. I do just want to stress one thing. During the time that we had the dialogue or conference over in Gallup I kept hearing a lot of mumbling and groaning that the commission wasn't doing things as the Council had directed, and all sorts of things. I think at some point and time the Council needs to air their grievances as part of this refocusing of our efforts. I think once we get rid of these little grievances and little things that they have perked up in themselves. I think we can move along pretty smoothly. But the fact that there hasn't been any real direct participation, the fact that we're just being information and not being an active participant has sort of given second thoughts to many of the Council members. But I think with this refocusing, if we would have some sort of a gripe session I think everybody will air their frustrations out and I think we can get back on line after that. Thank you.

ELMER MILFORD: Mr. Speaker, IGR Members, Commissioners: (Remarks in Navajo.)

I'd like to request that we say a prayer before we leave this Chamber and do it right, let's put some confidence in our commission and let them do their work. Thank you.

CHAIRMAN: The change in the plan of operation will take the executive director off the commission. The other is, the executive director himself, the resolution will be brought before this committee at the next regular IGR meeting as was requested.

RAYMOND MORRIS: Thank you Mr. Chairman, Members of the IGR, Commissioners, Government Development: I just want to speak on some of the issues that was brought up before the committee this morning. I feel that the recommendation that is made, I'm quite comfortable with it, the commission needs to cooperate and coordinate and go forward with some of the things that needs to be done within the government. I feel that within a three year period, even though people say this is just a baby, three years is a long time. I think if someone has to do research and be given 10 years to do research for us that's a long time. I feel that three years is a long enough time. I think there is already some statistics, some reports that the Office has put together and that could be utilized by the people that is going to do the writing at this time. To me, at this time, if we're going to restructure the office I think we should put a time frame on it. Even though people say, this is something that has to be ongoing. We have to put a skeleton of some type to go by. That way we can add on to this skeleton to make a real good comprehensive government within a period of time, maybe 10 to 20 years. At

that time it will probably stand out like a sore thumb. But right now I think, in listening to a lot of the delegates, they'd like to see something in place. At this point we seem to be going through the same report. This is my feeling, Mr. Chairman, I think all these things should be put together and we should go forward. Thank you Mr. Chairman.

CHAIRMAN: It appears like we're all on the same foot at this time. Mr. Young Jeff Tom.

YOUNG JEFF TOM: (Remarks in Navajo.)

BENNIE SHELLY: Thank you Mr. Gorman, IGR Members, Chairmen, Vice Chairmen, Commission Members: (Remarks in Navajo.) Look at Indian gaming, look what the State of Arizona has done with the challenging of Native American Indian tribes. Guess who's doing it? It's the Republicans, they're the ones who are doing it. It's just a matter of time when the Republicans gets in office and in Congress, then the treaty is taken out, what do we do? But the thing is building a root for the Navajo Nation where our kids, our next generation, will continue to live on this Navajo Nation, this great Navajo Nation. When you and I are off this leadership, they come in, new ones. You're talking about the younger generation. Do you what the younger generations's ideas are - constitution? We need to wake up and realize and let's do it now. Let's work on those and make our Nation strong where it has roots. To me, government reform is that. I think this is some of the focus of the commission, what they're trying to do. It takes time. It took two years for me to realize how the tribal government runs being a Council delegate, being a rookie. I'm trying to work with it now and my term is almost up. You're saying it's been in existence for three years and we're not giving it a chance to walk. Let it work. Go as many years as you can but get the focus right, the goals, and I think we need to work on this. I just wanted to say that. Thank you.

LARRY ANDERSON: Thank you very much Mr. Chairman, Ladies and Gentlemen, Members of the IGR Committee: I'd like to make an amendment number one. This amendment will recognize the documents that have been forwarded to us. Exhibit "A" will be the proposed amendment or the plan of operation from the Office of Navajo Government Development. Exhibit "B" will be the document from the Speaker's Office to the IGR Committee. Exhibit "C" will be the government breakdown of the organizational chart. Exhibit "D" will be the response to the IGR Subcommittee recommendation so March 12, 1993. Exhibit "E" will be the letter from the Vice Chairman of the Commission on Government Development, Mr.. Foster. Exhibit "F" will be the work program summary. That's my amendment number one to the motion that is made on the floor.

Also, the directive that my dear colleague here, Mr. Milford, made be recognized that Mr. Sam Begay offered that prayer at the end of this session. Thank you.

CHAIRMAN: Seconded by Ben Shelly. Any questions on that amendment? Wallace.

WALLACE TSOSIE: Just a question. Does that include the recommendations offered by the Government Development?

CHAIRMAN: Those recommendations I believe we can deal with. The Intergovernmental Relations Committee has already dealt with item B, which is recommending a budget which we've already submitted and approved by this Committee. The other recommendation for the support separating the executive directive, we've already done that and it's their recommendation also. Then to recommend including proposed amendments to the plan of operation for a staff attorney. That requires the change of plan of operation in order to do that, so we'll sit down with them and work that out. Then they recommend to keep the monthly commission meetings, those are called by their chairman whenever they want to meet, it doesn't have to be monthly. Whenever there's a need for meeting they can come to meetings. Items E, F, G, H and I, are all easy to do and we can certainly include that, so that's the way it will be.

ELMER MILFORD: Thank you Mr. Speaker. I'd like to turn my time over to Mr. Foster, he's probably got a question.

LARRY FOSTER: Mr. Speaker, Members of the Intergovernmental Relations Committee: Mr. Milford, thank you for yielding your time to me. There were recommendations that we made and I feel like those are very legitimate and that should be as a directive, not just as a consideration. Once it gets to the SAS process it becomes diluted. That's the concern we have. I guess I'll have to say this. There was a mention of having staff under the Speaker. Well, ladies and gentlemen, that's the way it's been. You have the executive director chairing the commission and you have that person reporting to the Speaker and it obviously is not working. What I would suggest is that the director work for the commission and the commission be accountable to the Council and working closely with the IGR Committee, that's the only way it's going to work. Otherwise, you might as well disband the whole program and then you guys run it. That's the recommendation that I would have to recommend.

As far as the budget, there's a concern that I have. Being a manager in the past of personnel, it's just not good management practice the way this was done. Unilaterally it was cutting out positions and I see no logic to the way it was done. That's why the commission said it was a arbitrary decision, it

was probably done by politics and we thought the commission was quasi-independent, yet, it's not the case. We're supporting the initial amount as requested for \$500,000. If we could be allowed to work with that and let us do the evaluation of the staff, we know what's best, we've done a lot of work in the last month and we agree with the redirection. I think you have this opportunity, members of the Committee, through all these years and I think that redirection needs to go where we need to have the commission more involved in this. Right now the way it is, we are operating without a chairman and I think we're making good recommendations and we support the recommendations that are made. What I would recommend is that we try to keep the amount as it is and recommend it to the Council because we have staff too.

This is a good meeting and it takes meetings like this to get things going in the proper direction. It might be good also to recommend that maybe a subcommittee be established from this commission to work with the subcommittee from the IGR to revamp this plan of operation. If that's agreeable to the committee then we can recommend that to the full committee and then on to the Council. Thank you.

CHAIRMAN: We have a motion and a second for amendment number one, so let's vote on amendment number one. All those in favor please raise your hand, oppose, abstention. With your vote of 6 in favor, 0 opposed, 2 abstaining, this amendment will be added to the main motion. Let's go back to the main motion at this time. Mr. Wallace Tsosie.

WALLACE TSOSIE: (Remarks in Navajo.)

CHAIRMAN: Our situation with that is the Intergovernmental Relations Committee has already voted on the amount of \$347,214 with a reduced staff. That's already in the Office Management and Budgets, we supported that budget all the way through. When it comes back to the full floor of the Council then you can work with amendments at that time.

Let us at this time vote on the main motion. All those in favor please raise your hand, oppose, abstention. With your vote of 7 in favor, 0 oppose, 1 abstaining, this motion hereby carries.

Thank you very much staff and Commission of Government Reform, and members of the Intergovernmental Relations Committee for coming to this special session that was called on a very short notice. We are dealing with the budget at this time and we do have to have these kinds of decisions in place. It's good that we did this.



RESOLUTION OF THE  
COMMISSION ON NAVAJO GOVERNMENT DEVELOPMENT

Approving and Recommending to the Intergovernmental Relations Committee and the Navajo Nation Council the Proposed Amendments to the Plan of Operation for the Commission on Navajo Government Development and the Office of Navajo Government Development

WHEREAS:

1. Pursuant to 2 N.T.C., Section 970, the Commission on Navajo Government Development (Commission) is established to recommend alternative forms of government to the Navajo people; and

2. Pursuant to 2 N.T.C., Section 978, the Plan of Operation may be amended by the Navajo Nation Council upon recommendation of the Intergovernmental Relations (IGR) Committee; and


3. On March 18, 1993, the IGR Committee discussed the fate of the Commission and the Office of Navajo Government Development. At this meeting, members of the IGR Committee agreed to continue the Commission and directed the Commission to amend its Plan of Operation in accordance with the recommendations submitted by the Commission and the subcommittee of the IGR Committee. The recommendations are attached as Exhibits "A" and "B" respectively. Attached as Exhibit "C" also is the minutes from an IGR Committee meeting, see page 18.

NOW THEREFORE BE IT RESOLVED THAT:

The Commission on Navajo Government Development approves the amendments to the Plan of Operation of the Commission and recommends to the IGR Committee to approve the proposed amendments. The proposed amendments to the plan of operation is attached as Exhibit "D".

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Commission on Navajo Government Development 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 7 in favor, 0 opposed, and 0 abstained, this 25th day of May, 1994.

  
Chairperson  
Commission on Navajo Government Development

Motion: Jimmie Bitsuie  
Second: Gilbert Roger

Article 3. Commission on Navajo Government Development and the Office of Navajo Government Development

Section 970. Establishment

The Commission on Navajo Government Development is hereby established within the Legislative Branch. The Commission is a special entity created by the Navajo Nation Council with quasi-independent authority to accomplish the Council's project of instituting reforms necessary to ensure an accountable and responsible government. The Commission shall be responsible directly to the Navajo Nation Council with respect to its overall activities. The Intergovernmental Relations Committee of the Navajo Nation Council shall have legislative oversight authority.

Section 971. Purposes

The purposes of the Commission on Navajo Government Development shall be as follows:

1. To review and evaluate all aspects of the existing government structure of the Navajo Nation, including laws, rules and regulations, practices, functions, goals and objectives of the central government as it relates to chapters, and local communities and the relationship of chapters and local communities and the relationship of chapters and local communities to the central government.

2. To develop recommendations and proposals for alternative forms of chapter government and chapter empowerment or local community empowerment for consideration and possible adoption by the Navajo people through a referendum vote.

Section 972. Membership; Officers; Term; Qualifications

a. Membership -- Term

The Commission shall consist of twelve (12) Navajo members to be confirmed by and serve at the pleasure of the Navajo Nation Council as follows:

1. One member shall be nominated by the Executive Branch through the President of the Navajo Nation ~~Council~~ to serve a term of two (2) years from the date of confirmation by the Navajo Nation Council.

2. One member shall be nominated by the Judicial Branch through the Chief Justice of the Navajo Nation to serve a term of two (2) years; from the date of confirmation by the Navajo Nation Council; the nominee shall be a licensed attorney and member of the Navajo Nation Bar Association.

3. One member shall be nominated by the Legislative Branch through the Intergovernmental Relations Committee of the Navajo Nation Council to serve a term of two (2) years; from the date of confirmation by the Navajo Nation Council; the nominee shall have prior experience as an official or employee of a state government or any subdivision thereof.

4. One member shall be nominated by the Director of the Office of Navajo Government Development in consultation with the Navajo Government Development Commission; the nominee shall be a practitioner of the Navajo healing arts to serve a term of four (4) years; from the date of confirmation by the Navajo Nation Council.

5. Five members shall be nominated from the five agencies of the Navajo Nation. Each agency council shall nominate one member from recommendations to be submitted by each chapters in each agency; ~~such said nominees shall be either chapter officers or Grazing Committee/Land Board members.~~ These members shall serve a term of four (4) years; from the date of confirmation by the Navajo Nation Council so long as they continue as chapter officer or as Grazing Committee/Land Board member.

6. One member shall be nominated by the ~~President of the Student Body Government~~ of the Navajo Community College; the nominee shall be a student at Navajo Community College and serve ~~a term of one (1) year, so long as said nominee is a full-time student at Navajo Community College, but no longer than two (2) years from the date of confirmation by the Navajo Nation Council.~~

7. One member shall be nominated by the Education Committee of the Navajo Nation Council; the nominee shall be a graduate student from any accredited college or university; such member shall serve ~~for a term of one (1) year, so long as said nominee is a full-time graduate student, but no longer than two (2) years from the date of confirmation by the Navajo Nation Council.~~

8. ~~The Director of the Office of Navajo Government Development shall be a member.~~ One member shall be nominated from the Commission of Navajo Women of the Navajo Nation such member shall serve for a term of two (2) years from the date of confirmation by the Navajo Nation Council.

b. Officers

~~The Chairperson shall be the Director of the Office of Navajo Government Development, and the Vice Chairperson of the Commission shall be selected by the members of the Commission, and serve terms concurrent with their membership terms.~~

c. Vacancies

A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

d. Qualifications

The Commission members shall be chosen from among individuals who have demonstrated scholarship, a strong sense of public interest, knowledge of Navajo history and cultural heritage, spiritual leadership, leadership in the Navajo government and abilities likely to contribute to the fulfillment of the duties of the Commission.

Section 973. Duties and Responsibilities

a. General

The Commission shall have powers necessary and proper to carry out the purposes set forth herein or as otherwise authorized by the Navajo Nation Council.

b. Enumerated Powers

The Commission shall have the power:

1. To develop a series of recommendations and proposals for alternative forms of chapter government and chapter empowerment or other local community empowerment for consideration by the Navajo Nation Council and the Navajo people by examining and utilizing the concepts of the separation of powers and the delegation of authority to provide for the appropriate checks and balances in Navajo government; to establish the responsibility of the Navajo government to protect the rights and freedoms of the Navajo people; to establish limitations on how the Navajo government and its officials may use its powers; and to define the powers of the Navajo people.

2. To provide short and long range comprehensive planning, evaluation and development appropriate to further enhance a Navajo Government that will perpetually accommodate the Navajo people both at the central government level and at the local level by providing for their involvement, promote their general welfare, ensure governmental accountability, integrity, justice, domestic order, and retain traditional harmony, cultural respect, heritage, and the protection of personal liberties.

3. To review, evaluate, and recommend laws, rules and regulations including those of agencies, boards and commissions in order to develop a comprehensive system of government for the Navajo people.

4. To collect, assemble, evaluate, interpret and distribute information, data statistics and evidence which accurately describes the present Navajo government with emphasis on chapter and local empowerment. ~~status, circumstances and needs of the Navajo people and which would also serve as a repository, library, resource and research center for such information.~~

5. To encourage the public, private and public organizations, chapters, traditional Navajo leaders, including Native ceremonial practitioners (medicinemen) to actively participate in carrying out the purpose of the Commission and to conduct public hearings. The Commission shall give due consideration to traditional values and philosophical views of the Navajo people.

6. To encourage appropriate educational curriculums designed to educate students and the general public on the governmental development of the Navajo Nation.

7. To serve as the oversight authority for the Office of Navajo Government Development.

8. To appoint a Director of the Office of Navajo Government Development who shall serve at the pleasure of the Commission.

9. To maintain such staff and consultants, including legal counsel as may be provided for in the annual Navajo Nation budget of the Commission and the Office.

#### Section 974. Meetings; Procedures

##### a. Meetings -- Quorum

The Commission shall meet on a designated day of each month. Special Mmeetings shall be held on the call of the Chairperson of the Commission. At any meeting, a quorum shall consist of ~~six (6)~~ seven (7) members.

All meetings shall be held in Window Rock, Navajo Nation (Arizona) for the transaction of Commission business. Meetings held elsewhere must be authorized by written permission of the Chairperson, Intergovernmental Relations Committee.

##### b. Procedure

The Commission is empowered to develop its own rules of procedures for the conduct of meetings, which shall be approved by the Ethics and Rules Committee of the Navajo Nation Council. ~~provided, however, that all formal substantive action shall be taken by written resolution duly certified by the presiding officer and filed with the Central Records Department of the Navajo Nation.~~

c. Compensation

Members shall receive honorarium pay of \$100.00 for each official meeting as required at 2 N.T.C. Section 974 (a) and may be reimbursed for actual expenses incurred relative to Commission business.

Section 975. ~~Director; Appointment; Removal~~ Subcommittee

a. Meetings – Quorum

The Commission may establish subcommittees consisting of Commission members selected by the Commission. The subcommittee shall exist until it has completed its assigned task, made recommendations and reported to the Commission. The same provision which applies to Commission meetings shall also apply to the subcommittee meetings.

~~a. The Director of the Office of Navajo Government Development shall be appointed by the Speaker and recommended by the Intergovernmental Relations Committee of the Navajo Nation Council subject to confirmation by the Navajo Nation Council.~~

~~b. The Director can be removed by the Intergovernmental Relations Committee at the recommendation of the Speaker of the Navajo Nation Council.~~

~~c. The Director shall employ or engage these persons qualified by education and experience necessary to discharge the duties of the Commission.~~

d. (Note: This section has been moved to Section 977 below under No. 7 on page 6)

Section 976. Powers and Duties of the Director

a. Develop reports to be transmitted to the Intergovernmental Relations Committee and to the Navajo Tribal Nation Council quarterly reports by the Chairperson of the Commission concerning activities of the Commission, including reports on the implementation of its recommendations.

b. Develop the budget and formulate administrative and operating policies of the Office and take action for accomplishment and enforcement thereof.

c. Hire and supervise support staff and consultants in accordance with Navajo law, regulations and procedures. The Director shall employ or engage those

persons qualified by education and experience necessary to discharge the duties of the Commission.

d. Exercise supervisory control and direction over the day to day operation of the Office, ~~and Commission activities.~~

e. Represent the Office in executive level planning.

f. Delegate authority to members of the staff.

g. Performs other duties as directed by the Commission.

#### Section 977. Office; Staff; Duties and Accountability

a. The staff is accountable and reports to the Director. The staff is hired and subject to the Navajo Nation's Personnel Policies and Procedures.

b. The duties of staff are as follows:

1. To provide a full range of administrative and support services to the Commission, ~~and Director.~~

2. To act as resource persons ~~to~~ for the Commission.

3. To collect information and maintain central files of all information, data, statistics and research materials.

4. To assist in preparing for Commission meetings by collecting and confirming information, notifying interested parties and preparation of materials necessary to conduct meetings.

5. To assist in the coordination of scheduling of Commission and subcommittee meetings and activities.

6. Perform other duties as directed by the Director.

~~7. The Director and staff of the Office of Navajo Government Development shall be authorized to use the facilities of the Office of Legislative Services.~~ The Office of Navajo Government Development shall be authorized to procure necessary supplies, services, equipment, furniture and make contracts as authorized from time to time through the Navajo Tribal budget process.

Section 978. Amendments

The sections thereof may be amended by the Navajo Nation Council upon recommendations of the Intergovernmental Relations Committee, and the Commission on Navajo Government Development.



IGRJY-152-94

Class "C" Resolution  
No BIA Action Required.

**RESOLUTION OF THE  
INTERGOVERNMENTAL RELATIONS COMMITTEE  
OF THE NAVAJO NATION COUNCIL**

**Approving and Recommending to the Navajo Nation Council  
the Proposed Amendments to the Plan of Operation For  
the Commission on Navajo Government Development and  
Office of Navajo Government Development**

**WHEREAS:**

1. Pursuant to 2 N.T.C., Sections 821 and 824 (b) (1), the Intergovernmental Relations Committee of the Navajo Nation Council is established as an oversight committee for commissions under the Legislative Branch of the Navajo Nation government to approve and amend Plans of Operation for commissions thereof; and

2. Pursuant to 2 N.T.C., Section 978, the Commission on Navajo Government Development and the Office of Navajo Government Development Plan of Operation may be amended by the Navajo Nation Council upon recommendation of the Intergovernmental Relations Committee of the Navajo Nation Council; and

3. On March 18, 1993, the Intergovernmental Relations Committee of the Navajo Nation Council discussed the destiny of the Commission and the Office of Navajo Government Development. At this meeting, members of the Intergovernmental Relations Committee of the Navajo Nation Council agreed to continue the Commission and directed the Commission to amend its Plan of Operation in accordance with the recommendations submitted by the Commission and by the subcommittee of the Intergovernmental Relations Committee of the Navajo Nation Council. The recommendations are attached as Exhibits "A" and "B" respectively. Attached as Exhibit "C" also are the minutes from an Intergovernmental Relations Committee meeting (see page 18); and

4. By Resolution CNGD-08-94 (Exhibit "D"), the Commission on Navajo Government Development approved and recommended the proposed amendments to the Plan of Operation for the Commission on Navajo Government Development and the Office of Navajo Government Development to the Intergovernmental Relations Committee of the Navajo Nation Council. The amendments to the Plan of Operation is attached as Exhibit "E".

NOW THEREFORE BE IT RESOLVED THAT:

The Intergovernmental Relations Committee of the Navajo Nation Council hereby approves and recommends the proposed amendments to the Navajo Nation Council.

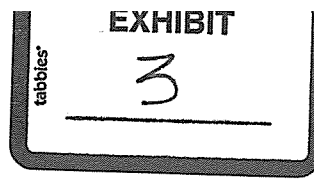
**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Intergovernmental Relations 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 same was passed by a vote of 9 in favor, 0 opposed and 0 abstained, this 11th day of July, 1994.

A handwritten signature in black ink, appearing to read "Nelson Thompson", is written over a horizontal line.

Chairman  
Intergovernmental Relations Committee

Motion: David John  
Second: Nelson Thompson



**RESOLUTION OF THE COMMISSION ON NAVAJO GOVERNMENT  
DEVELOPMENT**

**AN ACTION TO APPROVE THE PROPOSED AMENDMENTS IN 2 N.N.C § 970-978 AS PART OF ARTICLE 3: COMMISSION ON NAVAJO GOVERNMENT DEVELOPMENT SUBSECTIONS (1994 AS AMENDED). THE PROPOSED AMENDMENTS ARE SUBJECT TO THE APPROVAL OF THE NAAIBIK'ÍYÁTI' COMMITTEE OF THE NAVAJO NATION COUNCIL.**

**WHEREAS:**

1. Pursuant to CD-68-89, the Navajo Nation Council established the Commission ("Commission") on Navajo Government Development including the Office of Navajo Government Development with the quasi-independent authority to accomplish the Navajo Nation Council's project of instituting reforms necessary to ensure an accountable and responsible government; and,
2. Pursuant to 2 N.N.C § 971 (A), the purpose of the Commission on Navajo Government Development shall be as follows, "To review and evaluate all aspects of the existing government structure of the Navajo Nation including laws, rules and regulations, practices, functions, goals and objectives of the central government as it relates to Chapters, and local communities and the relationship of Chapters and local communities and the relationship of Chapters and local communities to the central government." And,
3. Pursuant to the Navajo Nation 2017 Comprehensive Budget passed by the 23<sup>rd</sup> Navajo Nation Council in CN-58-16, Conditions of Appropriation (COA) No. 18 states, "All Divisions, Departments, Offices and Programs, by the end of the 3<sup>rd</sup> quarter, shall bring their respective plans of operation present, to their respective oversight committees, amendments to their respective plans of operation to bring their plan of operation up to date." And,
4. On April 21, 2018, the Commission passed Resolution CNGD-0302-18: AN ACTION TO APPROVE THE PROPOSED AMENDMENTS TO 2 N.N.C § 970, 971, 972, 973, 974, 975, 976, 977 AND 978 AS PART OF ARTICLE 3: COMMISSION ON NAVAJO GOVERNMENT DEVELOPMENT AND THE OFFICE OF NAVAJO GOVERNMENT DEVELOPMENT SUBSECTION (1994 AS AMENDED). THE PROPOSED AMENDMENTS IS SUBJECT TO THE APPROVAL OF THE NAAIBIK'ÍYÁTI' COMMITTEE OF THE NAVAJO NATION COUNCIL AND RECOMMENDED FOR A REFERENDUM ELECTION BY THE NAVAJO PEOPLE IN THE 2018 PRIMARY ELECTION; and,
5. On June 5, 2018, Legislation No. 0192-18 was introduced, An Act Relating to Law and Order, Naaibik'iyáti' and the Navajo Nation Council; Approving and Authorizing an election referendum on amending 2 N.N.C § 970 through 978, Commission on Navajo Government Development; and

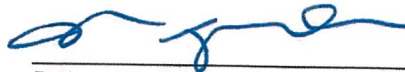
6. On September 6, 2018, Legislation No. 0192-18 was withdrawn by the primary sponsor at the Naaibik'iyáti' Committee due to its uncertainty for the proposed amendments going before the Navajo People for a referendum vote; and,
7. On October 27, 2018 the Office of Navajo Government Development sponsored a work session for the Commission so to strengthen the Plan of Operation with additional affirmative language to N.N.C § 971 through 978; and,
8. On April 5, 2019, the Commission on Navajo Government Development passed Resolution No. CNGD-0402-19, and Action to Approve the Proposed Amendment 2 N.N.C § 970 through 978, Commission on Navajo Government Development; however, the Office of Legislative Counsel strongly recommended the proposed Plan of Operation with the inclusion of the 12 *Sustainability* principles or domains is subject to referendum vote; and,
9. On June 20, 2019, The Office of Legislative Counsel stated via email that language in the proposed amendment to § 971 (B) changing "referendum vote" to "appropriate legislative process" is not be recommended and would be subject to a referendum vote.

**NOW THEREFORE IT BE RESOLVED THAT THAT:**

The Commission on Navajo Government Development hereby approves the proposed amendments to 2 N.N.C § 971 through 978 as part of Article 3 – Plan of Operation for the Commission on Navajo Government Development and the Office of Navajo Government Development (1994 as amended) attached here as *Exhibit A*.

**CERTIFICATION**

I hereby certify that the forgoing resolution was duly considered by the Commission on Navajo Government Development 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 6 in favor, 0 opposed, and 2 abstained, on this 22<sup>nd</sup> day of June, 2019.



JoAnn Dedman, Chairperson  
Commission on Navajo Government Development

Motion: Anselm Morgan  
Second: LeTanya Thina

## 2 N.N.C. §§ 970 - 978

Article 3. Commission on Navajo Government Development and the Office of Navajo  
Government Development**§ 970. Establishment**

The Commission on Navajo Government Development is established within the Legislative Branch. The Commission is a special entity created by the Navajo Nation Council with quasi-independent authority to accomplish the Council's and People's project of instituting reforms necessary to ensure an accountable, ~~and~~ responsible, ethical, and equally representative government. The Commission shall be responsible directly to the Navajo Nation Council with respect to its overall activities. The ~~Intergovernmental Relations~~ Naabik'iyáti' Committee of the Navajo Nation Council shall have legislative oversight authority.

**§ 971. Purposes**

The purposes of the Commission on Navajo Government Development shall be as follows:

- A. To review and evaluate all aspects of the existing government structure of the Navajo Nation including laws, rules and regulations, practices, functions, goals and objectives of the central government as it relates to Chapters, and local communities ~~and the relationship of Chapters and local communities~~ and the relationship of Chapters and local communities to the central government.
- B. To develop recommendations and proposals for alternative forms of Chapter government and Chapter empowerment or local community empowerment for consideration and possible adoption by the Navajo People through referendum vote.
- C. To promote, enhance, honor, and to comply with The Foundation of the Diné, Diné law and Diné Government (Diné Fundamental Laws - Diné Bi Beenahaz'áanii Bítse Siléi) 1 N.N.C. § 201-206.

**§ 972. Membership; officers; term; qualifications**

- A. The Commission shall consist of 12 Navajo members to be confirmed by and serve at the pleasure of the Navajo Nation Council as follows:
  1. One member shall be nominated by Executive Branch through the President of the Navajo Nation to serve a term of ~~two~~ four years from the date of confirmation by the Navajo Nation Council.
  2. One member shall be nominated by the Judicial Branch through the Chief Justice of the Navajo Nation to serve a term of ~~two~~ four years from the date of confirmation by the Navajo Nation Council; the nominee shall be a licensed attorney and a member of the Navajo Nation Bar Association.

## EXHIBIT A

3. One member shall be nominated by the Legislative Branch through the ~~Intergovernmental Relations~~ Naabik'iyáti' Committee of the Navajo Nation Council to serve a term of ~~two~~ four years from the date of confirmation by the Navajo Nation Council, the nominee shall have prior legislative experience as an official or employee of a ~~state government or any subdivision thereof~~ the Legislative Branch.
  4. One member shall be nominated by the Executive Director of the Office of Navajo Government Development in consultation with the ~~Navajo Government Development Commission~~ Commission on Navajo Government Development; the nominee shall be a practitioner of the ~~Navajo~~ Diné healing arts to serve a term of four years from the date of confirmation by the Navajo Nation Council.
  5. Five members shall be nominated from the five agencies of the Navajo Nation. Each agency council shall nominate one member from recommendations to be submitted by Chapters in each agency, said nominees shall be either Chapter officers, ~~or Local Government/Governance Commissioners~~, Grazing Committee/Land Board members, or School Board members. These members shall serve a term of four years from the date of confirmation by the Navajo Nation Council, so long as they continue as Chapter officers, Local Government/Governance Commissioners, ~~or Grazing Committee/Land Board member, or School Board member~~.
  6. One member shall be nominated by the Student Body Government of ~~Navajo Community~~ Diné College; the nominee shall be a student of ~~Navajo Community Diné~~ Diné College and serve so long as said nominee is a full-time student at ~~Navajo Community Diné~~ Diné College, but no longer than two years from the date of confirmation by the Navajo Nation Council.
  7. One member shall be nominated by the ~~Education~~ Health, Education and Human Services Committee of the Navajo Nation Council; the nominee shall be a an enrolled graduate student from any accredited college or university; located in Arizona, Colorado, New Mexico, or Utah. ~~s~~Such member shall serve so long as said nominee is a full-time graduate student, but no longer than ~~two~~ four years from the date of confirmation by the Navajo Nation Council.
  8. One member shall be nominated from the Commission of Navajo Women of the Navajo Nation; such member shall serve for a term of two years from the date of confirmation by the Navajo Nation Council.
- B. The Chairperson and the Vice-Chairperson of the Commission shall be selected by the members of the Commission and serve terms concurrent with their membership terms.
- C. A vacancy on the Commission shall be filled in the same manner in which the original appointment was made. A member whose term has expired may continue to serve on the

## EXHIBIT A

1       Commission until such time a successor is duly confirmed so long as such commissioner  
2       remains qualified.

- 3  
4       D. Commission members shall be chosen from among individuals who have demonstrated  
5       scholarship, a strong sense of ~~public~~ civic interest, knowledge of Navajo Diné history and  
6       cultural heritage, spiritual leadership, leadership in the Navajo government and abilities  
7       likely to contribute to the fulfillment of the duties of the Commission.  
8

### 9       **§ 973. Duties and Responsibilities**

- 10  
11       A. The Commission shall have powers necessary and proper to carry out the purposes set forth  
12       herein or as otherwise authorized by the Navajo Nation Council.  
13

- 14       B. The Commission shall have the powers:  
15

- 16           1. To develop a series of recommendations and proposals for alternative forms of  
17           Chapter government and Chapter ~~empowerment~~ self-determination or other local  
18           community ~~empowerment~~ self-sufficiency for consideration by the Navajo Nation  
19           Council and the Navajo People by examining and utilizing the concepts of the  
20           separation of powers and the delegation of authority to provide for the appropriate  
21           checks and balances in Navajo Government; to establish the responsibility of the  
22           Navajo government to protect the rights and freedoms of the Navajo People; to  
23           establish limitations on how the Navajo government and officials may use its  
24           powers and to define the powers of the Navajo People.  
25  
26           2. To provide short-term and long-term strategic comprehensive planning, evaluation  
27           and development appropriate to further enhance a Navajo Government that will  
28           perpetually accommodate the Navajo People both at the central government level  
29           and at the local level by providing for their involvement, promote their general  
30           welfare, ensure governmental accountability, integrity, justice, domestic order, and  
31           retain Diné traditional harmony, cultural respect, heritage, and the protection of  
32           ~~personal~~ civil liberties.  
33  
34           3. To review, evaluate, and recommend laws, rules and regulations including those of  
35           agencies, boards and commissions in order to develop a more comprehensive and  
36           integrated system of government structure for the Navajo People.  
37  
38           4. To collect, assemble, evaluate, interpret and distribute information, data statistics  
39           and evidence ~~which~~ that accurately describes the present Navajo government with  
40           emphasis on Chapter and local empowerment.  
41  
42           5. To encourage the public, private and public organizations, Chapters, traditional  
43           Navajo leaders, including Native ceremonial practitioners (medicinenmen), to  
44           actively participate in carrying out the purpose of the Commission and to conduct  
45           public hearings. The Commission shall give due consideration to traditional values  
46           and philosophical views of the Navajo People.

## EXHIBIT A

6. To ~~encourage assist with producing appropriate~~ educational materials designed to educate ~~students and the general public~~ all Navajo Nation stakeholders and the public, on the governmental history, structure, and development of the Navajo Nation government.
7. To serve as the oversight authority for the Office of Navajo Government Development.
8. To appoint an Executive Director of the Office of Navajo Government Development who shall serve at the pleasure of the Commission.
9. To maintain ~~such~~ an administrative staff and consultants, including legal counsel as may be provided for in the annual Navajo Nation budget of the Commission and the Office.
10. To promote Diné traditional cultural lifeways, knowledge, peace and protection.

### § 974. Meetings; Procedures

- A. The Commission shall meet on a designate day of each month. Special meetings shall be held on the call of the Chairperson of the Commission.
  1. At any meeting, a quorum shall consist of a majority of duly appointed members ~~seven members~~.
  2. All meetings shall be held in ~~Window Rock (Arizona)~~ the territorial jurisdiction of the Navajo Nation for the transaction of Commission business. ~~Meetings held elsewhere must be authorized by written permission of the Chairperson of the Intergovernmental Relations Committee.~~
- B. The Commission is empowered to develop its own rules of procedures for the conduct of meetings, which shall be approved by the ~~Ethics and Rules~~ Law and Order Committee of the Navajo Nation Council.
- C. Members shall receive ~~honorarium stipend~~ pay of ~~one hundred dollars (\$100.00)~~ two hundred fifty dollars (\$250.00) for each official meeting as required at 2 N.N.C. § 974 (A) and may be reimbursed for actual expenses incurred relative to Commission business.

### § 975. Subcommittee

The Commission may establish subcommittees consisting of Commission members selected by the Commission. The subcommittee shall exist until it has completed its assigned task, made recommendations and reported to the Commission. The same provisions which applies to Commission meetings shall also apply to the subcommittee meetings.



1    **§ 976. Powers and Duties of the Executive Director**

2  
3    The powers and duties of the Executive Director shall be to:

- 4  
5       A. Develop reports to be transmitted ~~to the Intergovernmental Relations Committee and to the~~  
6       ~~Navajo Nation Council by the Chairperson of the Commission through the Commission,~~  
7       to the Navajo Nation Council, concerning activities of the Commission, including reports  
8       on the implementation of its recommendations;  
9  
10      B. Develop the annual budget and formulate administrative and operating policies pertaining  
11      to the Commission of the ~~and the~~ Office and take action necessary for their  
12      accomplishment, and enforcement thereof;  
13  
14      C. Hire and supervise support staff and consultants in accordance with Navajo law,  
15      regulations, and procedures. The Executive Director shall employ or engage those persons  
16      qualified by education and experience necessary to discharge the duties of the  
17      Commission;  
18  
19      D. Exercise supervisory ~~control~~ authority and direction over the day-to-day operation of the  
20      Office;  
21  
22      E. Represent the Office in executive level planning;  
23  
24      F. Delegate authority to members of staff; and  
25  
26      G. Perform other duties as directed by the Commission.

27  
28    **§ 977. Office; staff, duties and accountability**

- 29  
30       A. The staff is accountable and reports to the Executive Director. The staff is hired and subject  
31       to the Navajo Nation Personnel Policies and Procedures.  
32  
33       B. The duties of staff are as follows:  
34  
35           1. To provide a full range of administrative and support services to the Commission  
36           and the Executive Director.  
37  
38           2. To act as resource persons for the Commission.  
39  
40           3. To collect information and maintain central files of all information, data, statistics  
41           and research materials.  
42  
43           4. To assist in preparing for Commission meetings by collecting and confirming  
44           information, notifying interested parties and preparation of materials necessary to  
45           conduct meetings.  
46

## EXHIBIT A

- 1           5. To assist in the coordination of scheduling of Commission and subcommittee  
2           meetings and activities.
- 3
- 4           6. Perform other duties as directed by the Executive Director.
- 5
- 6           7. The Office of Navajo Government Development shall be authorized to procure  
7           necessary supplies, services, equipment, furniture, and make contracts as  
8           authorized from time to time through the Navajo Nation budget process.
- 9

### 10   § 978. Amendments

11  
12   Sections 970-977 herein may be amended by the Navajo Nation Council upon recommendation of  
13   the ~~Intergovernmental Relations~~ Naabik'íyáti' Committee and the Commission on Navajo  
14   Government Development.

# NAVAJO NATION

535

10/21/2020

Navajo Nation Council 2020 Fall Session

04:55:22 PM

Amd# to Amd#	Legislation 0243-20: Amending	PASSED
MOT Wauneka, E	2 N.N.C. SS 970-978. Commission	
SEC Tso, E	on Navajo Government Development	
	and the Office....	

Yeas : 21

Nays : 0

Excused : 0

Not Voting : 2

Yea : 21

Begay, E	Daniels	Slater, C	Tso, D
Begay, K	Halona, P	Smith	Tso, E
Begay, P	Henio, J	Stewart, W	Walker, T
Brown	James, V	Tso	Wauneka, E
Charles-Newton	Nez, R	Tso, C	Yellowhair
Crotty			

Nay : 0

Excused : 0

Not Voting : 2

Yazzie	Freeland, M
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Presiding Speaker: Damon