

RESOLUTION OF THE  
NAABIK'ÍYÁTI' COMMITTEE OF THE  
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL—First Year, 2015

AN ACTION

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING IGRMA-38-99, THE PLAN OF OPERATION FOR THE NAVAJO UTAH COMMISSION, TO PLACE ALL THREE NAVAJO NATION COUNCIL DELEGATES REPRESENTING UTAH NAVAJO NATION CHAPTERS ON THE NAVAJO UTAH COMMISSION AND TO REPLACE THE INTERGOVERNMENTAL RELATIONS COMMITTEE WITH THE NAABIK'ÍYÁTI' COMMITTEE IN THE NAVAJO UTAH COMMISSION PLAN OF OPERATION

BE IT ENACTED:

Section One. Findings

- A. The Naabik'íyáti' Committee of the Navajo Nation Council "shall have the following enumerated powers: ...To serve as the oversight committee for the ... commissions ... under the Legislative Branch of the Navajo Nation government, unless otherwise designated by Navajo Nation law, and to approve and amend plans of operation thereto." 2 N.N.C. § 701(A)(5).
- B. The Intergovernmental Relations Committee of the Navajo Nation Council, the predecessor to the Naabik'íyáti' Committee (CO-45-12 Section 5(A)), approved the Plan of Operation of the Navajo Utah Commission through IGRJN-134-92 which was later amended by IRGMA-38-99.
- C. The Plan of Operation for the Navajo Utah Commission, IRGMA-38-99 Exhibit A, Section 8, provides for the manner in which amendments to the Plan of Operation take place. It states:  
  
"This plan of operation may be amended by the Intergovernmental Relations Committee" (now the Naabik'íyáti' Committee) of the Navajo Nation Council upon consultation with the Navajo Utah Commission."
- D. There are seven Navajo Nation Chapter located within the State of Utah. Those chapters are the Teecnospos, Aneth, Red Mesa, Mexican Water, Dennehotso, Oljato and Navajo Mountain Chapters.

- E. In 1999 the Plan of Operation for the Navajo Utah Commission was amended to change the number of commissioners from seven to eight. The Aneth Chapter's commission membership increased to two commissions and the remaining six chapters' representation remained one commissioner for each of the six chapters. IRGMA-38-99 is attached as Exhibit B.
- F. The primary purpose of this legislation is to amend the Plan of Operation of the Navajo Utah Commission to include all the Navajo Nation Council Delegates representing Navajo Nation constituents from the State of Utah. The current IRGMA-38-99 Plan of Operation permits the seven Navajo Chapters in Utah to select either their Navajo Nation Council Delegate or a chapter official to be its commissioner. The inclusion of the Navajo Nation Council Delegates on the Navajo Utah Commission will bring more interaction between the Navajo Utah Commission and the Navajo Nation government, the State of Utah and the federal government.
- G. There are three (3) Navajo Nation Council Delegates representing the seven (7) Navajo Nation Chapters within the State of Utah.
- H. The amendment of IRGMA-38-99 would not change the total number of Navajo Utah Commissioners. The final composition of the Navajo Utah Commission would total eight (8) Commissioners. The amendment would insure that the eight (8) Commissioners would be comprised of three (3) Navajo Nation Council Delegates and five (5) Utah Navajo Nation Chapter officials.
- I. The second purpose for amending the Plan of Operation of the Navajo Utah Commission is to update the Plan of Operation as to the Oversight Committee for the Navajo Utah Commission. The reduction of the number of Navajo Nation Council Delegates from 88 to 24 necessitated the reorganization of the twelve standing committees to five standing committees. The Naabik'íyáti' Committee of the Navajo Nation Council replaced the Intergovernmental Relations Committee of the Navajo Nation Council. CO-45-12 Section 5(A).
- J. It is in the best interest of the Navajo Nation that all three Navajo Nation Council Delegates representing Navajo Nation members from the State of Utah be Navajo Utah Commission Commissioners.

- K. It is in the best interest of the Navajo Nation that the Plan of Operation of the Navajo Utah Commission be amended to replace the Intergovernmental Relations Committee with the Naabik'íyáti' Committee as the oversight committee of the Navajo Utah Commission.

## **Section Two. Approval of the Amendment to the Plan of Operation**

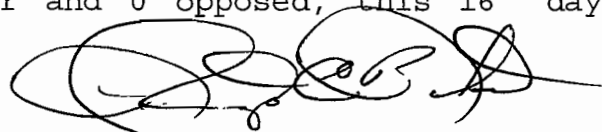
The Naabik'íyáti' Committee of the Navajo Nation Council approves the amendment of the Plan of Operation of the Navajo Utah Commission, IRGMA-38-99, to include all three (3) Navajo Nation Council Delegates that represent the seven (7) Utah Navajo Nation Chapters and to replace the Intergovernmental Relations Committee with the Naabik'íyáti' Committee of the Navajo Nation Council. These amendments are included in Exhibit A which is attached and incorporated herein by reference.

## **Section Three. Effective Date**

The effective date of the amendments to the Plan of Operation of the Navajo Utah Commission is the date it is certified by the Chairperson or Pro Tem Chairperson of the Naabik'íyáti' Committee of the Navajo Nation Council.

## **CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 23<sup>rd</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 12 in favor and 0 opposed, this 16<sup>th</sup> day of April, 2015.



LoRenzō C. Bates, Chairperson  
Naabik'íyáti' Committee

Motion: Honorable Alton Joe Shepherd  
Second: Honorable Benjamin Bennett

## **NAVAJO UTAH COMMISSION PLAN OF OPERATION**

### **SECTION 1. ESTABLISHMENT**

The Navajo Utah Commission is hereby established within the Legislative Branch.

### **SECTION 2. PURPOSES**

The purpose of the Commission shall be as follows:

1. To provide policy and administrative guidance to the development, implementation and operation of the Navajo Utah Office of the Navajo Nation.
2. To develop and maintain efficient governmental services to the Navajo people residing in the seven (7) chapters in the Utah portion of the Navajo Nation. These seven (7) chapters are the Aneth, Dennehotso, Navajo Mountain, Mexican Water, Oljato, Red Mesa, and Teecnospos Chapters.
3. To promote the eventual development of a regional subdivision of the Navajo Nation and/or the establishment of a B.I.A. Agency; to facilitate the establishment of BIA, IHS and other federal offices in the Utah portion of the Navajo Nation.

### **SECTION 3. MEMBERSHIP; OFFICERS; TERM; QUALIFICATIONS; VACANCIES; REMOVAL**

1. The Commission shall consist of eight (8) Commissioners.
2. Three (3) Commissioners shall be Navajo Nation Council Delegates representing the chapters within the Utah portion of the Navajo Nation.
3. The remaining five (5) Commissioners shall be selected by chapter resolution from among the chapter officials of the remaining chapters (Aneth, Mexican Water, Red Mesa, Teecnospos Chapters and either Navajo Mountain or Oljato Chapter).

4. The eight (8) Commissioners shall serve as commissioners concurrent with their terms as Navajo Nation Council delegates or Navajo Nation chapter officials.
5. The Officers of the Commission (Chairperson, Vice Chairperson) shall serve for one year and the Commissioners shall be selected by the Commission.
6. A vacancy on the Commission, whether the vacated Commissioner position was held by a Delegate or a chapter official, shall be filled in the same manner as stated above in SECTION 3.
7. A Commissioner shall be removed upon his or her removal as Council Delegate or Chapter Officer pursuant to Navajo law.

#### **SECTION 4. DUTIES AND RESPONSIBILITIES**

##### **1. General**

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

##### **2. Enumerated Powers**

The Commission shall have the power to:

- A. Supervise the official conduct of the Executive Director.
- B. Provide office space for official purposes at a site to be determined by the Commission.
- C. Subject to approval by the appropriate officials under 2 N.N.C. §164, contract for the provisions of services to members of the Navajo Nation residing in the Utah portion of the Navajo Nation.
- D. Develop and present to the Speaker, the Budget and Finance Committee and the Navajo Nation Council an annual operating budget.

- E. Expend public funds as appropriated and budgeted by the Navajo Nation Council.
  - F. Reallocate public funds only upon the approval of the Controller.
  - G. Seek, apply for and receive funds from any source subject to the approval of the Controller and under procedures approved by the Controller.
  - H. Prioritize and approve projects and programs within budgeted amounts.
3. The Commission through the Executive Director shall report annually to the Navajo Nation Council.

**SECTION 5. MEETINGS; QUORUM; PUBLIC SESSION**

- 1. There shall be ten (10) single day meetings per Navajo Nation fiscal year. At any meeting a quorum shall consist of five (5) members. Special meetings shall be limited to two (2) per fiscal year.
- 2. All meetings shall be held at the Navajo Utah Office.
- 3. The Commission is empowered to develop its own rules of procedures for the conduct of meetings, provided however, that: (a) 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 and (b) all proceedings shall be recorded and minutes shall be published.
- 4. All sessions of the Commission shall be public, with the exception that the Commission can deliberate on an individual personnel matter or specific litigation in an executive session.
- 5. No meeting shall be scheduled on the days that the Navajo Nation Council or the Naabik'íyáti' Committee is in session.

## **SECTION 6. COMPENSATION; REIMBURSEMENT**

1. The Commissioners may receive a stipend for attending Commission meetings as appropriated by the Navajo Nation Council; the stipend shall not exceed that allowed by Navajo law.
2. The commissioners shall be allowed mileage at Navajo Nation rates from their home when attending Commission meetings.

## **SECTION 7. EXECUTIVE DIRECTOR; PERSONNEL**

1. The Office of Executive Director is hereby established.

2. The Executive Director shall the following authorities and duties:

- A. All powers delegated by the Commission.
- B. Hire an administrative assistant, clerical staff and such other staff as may be necessary and approved by the Commission.
- C. Formulate administrative policies for Commission approval.
- D. Negotiate contracts and other agreements with offices of the Navajo Nation, federal, and state governments and subdivisions thereof for approval by the Commission and appropriate officials and entities of the Navajo Nation in conformity with Navajo Nation laws.
- E. Supervise, evaluate, administer and take all necessary actions over the staff, subject to the Navajo Nation Personnel Policies and Procedures.
- F. Conduct an annual assessment of the needs of Navajos living in the Utah Portion of the Navajo Nation.

- G. Develop and recommend prioritized projects to be funded by Navajo Nation General Fund, Utah Navajo Trust Fund and other sources for Commission approval.
- H. Supervise, manage and operate the routine operation of the office.

#### **SECTION 8. AMENDMENT**

This plan of operation may be amended by the Naabik'íyáti' Committee of the Navajo Nation Council upon consultation with the Navajo Utah Commission.



IGRMA-38-99

RESOLUTION OF THE  
INTERGOVERNMENTAL RELATIONS COMMITTEE  
OF THE NAVAJO NATION COUNCIL

Amending Section Three of the  
Plan of Operation of the Navajo Utah Commission

WHEREAS:

1. Pursuant to 2 N.N.C. §§ 821 and 824 (1), the Intergovernmental Relations Committee is established as a standing committee of the Navajo Nation Council with powers to amend plans of operation of commissions under the Legislative Branch; and

2. Pursuant to Resolution IGRJN-134-93, the Intergovernmental Relations Committee of the Navajo Nation Council approved the Plan of Operation for the Navajo Utah Commission with the Legislative Branch; and

3. The Navajo Utah Commission, by Resolution NUCFEB-169-99, requested the Intergovernmental Relations Committee of the Navajo Nation Council to amend the Commission's Plan of Operation by increasing the Navajo Utah Commission's membership to eight (8); and

4. The purpose of the Commission is to develop and maintain efficient governmental services to the Utah Navajos residing within the Utah portion of the Navajo Nation and to promote the development of a regional subdivision of the Navajo Nation, Bureau of Indian Affairs Agency, Indian Health Service and other federal offices in the Utah portion of the Navajo Nation; and

5. Section Three of the Plan of Operation for the Navajo Utah Commission identifies membership of the Commission to consist of seven (7) members with one representative from each of the chapters within the Utah portion of the Navajo Nation, including Teec Nos Pos, Aneth, Red Mesa, Mexican Water, Dennehotso, Oljato and Navajo Mountain; and

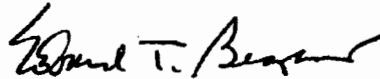
6. The Intergovernmental Relations Committee of the Navajo Nation Council finds it in the best interest of the Utah Navajo Chapters to amend Section Three of the Plan of Operation of the Navajo Utah Commission by increasing the membership to eight (8) to ably represent the complex and varied issues of Utah Navajos.

NOW THEREFORE BE IT RESOLVED THAT:

The Intergovernmental Relations Committee of the Navajo Nation Council hereby amends Section Three of the Plan of Operation of the Navajo Utah Commission by increasing the Navajo Utah Commission's membership to eight (8), as set forth in attached Exhibit "A".

**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 5 in favor, 1 opposed and 3 abstained, this 16th day of March, 1999.



Edward T. Begay, Chairperson  
Intergovernmental Relations Committee

Motion: David John  
Second: Jerry Bodie

**NAVAJO UTAH COMMISSION  
PLAN OF OPERATION**

**SECTION 1. ESTABLISHMENT**

The Navajo Utah Commission is hereby established within the Legislative Branch.

**SECTION 2. PURPOSES**

The purposes of the Commission shall be as follows:

1. To provide policy and administrative guidance to the development, implementation and operation of the Navajo Utah Office of the Navajo Nation.
2. To develop and maintain efficient governmental services to the Navajo people residing in the Utah portion of the Navajo Nation.
3. To promote the eventual development of a regional subdivision of the Navajo Nation and/or the establishment of a B.I.A. Agency; to facilitate the establishment of BIA, IHS and other federal offices in the Utah portion of the Navajo Nation.

**SECTION 3. MEMBERSHIP, OFFICERS; TERM, QUALIFICATIONS; VACANCIES;  
REMOVAL**

1. The Commission shall consist of ~~seven (07)~~ eight (08) Commissioners ~~with one representative~~ from each of the chapters within the Utah portion of the Navajo Nation listed below; each Chapter shall by resolution select either the Council Delegate or one of the Chapter officers; each member shall serve a term coinciding with their term as

**Council Delegates or Chapter officers.**

2. The Officers of the Commission (Chairperson, Vice Chairperson) shall serve for one year and they shall be rotated among the Commissioners in the following order:

**CHAIRPERSON**

1. Teecnospos
2. Aneth
3. Red Mesa
4. Mexican Water
5. Dennehotso
6. Oljato
7. Navajo Mountain
8. Aneth

**VICE CHAIRPERSON**

1. Oljato
2. Navajo Mountain
3. Mexican Water
4. Aneth
5. Red Mesa
6. Dennehotso
7. ~~Teec Nos Pos~~ Aneth
8. Teec Nos Pos

3. A vacancy on the Commission shall be filled upon a new selection by Chapter resolution.
4. A Commissioner shall be removed upon his or her removal as Council Delegate or Chapter Officer pursuant to Navajo law.

**SECTION 4. DUTIES AND RESPONSIBILITIES**

1. General

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

## 2. Enumerated Powers

The Commission shall have the power to:

- A. Supervise the official conduct of the Director; and
- B. Provide office space for official purposes at a site to be determined by the Commission; and
- C. Subject to approval by the appropriate officials under 2 N.T.C.<sup>N</sup> §164, contract for the provision of services to members of the Navajo Tribe residing in the Utah portion of the Navajo Nation; and
- D. Develop and present to the Speaker, the Budget & Finance Committee and the Navajo Nation Council an annual operating budget; and
- E. Expend public funds as appropriated and budgeted by the Navajo Nation Council; and
- F. Reallocate public funds only upon approval of the Controller; and
- G. Seek, apply for and receive funds from any source subject to the approval of the Controller and under procedures approved by the Controller; and
- H. Prioritize and approve projects and programs with budgeted amounts; and

3. The Commission through the Director shall report annually to the Navajo Nation Council.

#### **SECTION 5. MEETINGS; QUORUM; PUBLIC SESSION**

1. There shall be ten (10) single day meetings per Navajo Nation fiscal year. At any meeting a quorum shall consist of ~~four (04)~~ five (05) members. Special meetings shall be limited to two (02) per fiscal year.
2. All meetings shall be held at the Navajo Utah office.
3. The Commission is empowered to develop its own rules of procedures for the conduct of meetings, provided however, that: (a) 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 and (b) all proceedings shall be recorded and minutes shall be published.
4. All sessions of the Commission shall be public, with the exception that the Commission can deliberate on an individual personnel matter of specific litigation in an executive session.

#### **SECTION 6. COMPENSATION; REIMBURSEMENT**

1. The Commissioners may receive a stipend for attending Commission meetings as appropriated by the Navajo Nation Council; the stipend shall not exceed that allowed by Navajo law.
2. The Commissioners shall be allowed mileage at Navajo Nation rates from their home when attending Commission meetings.

## **SECTION 7. EXECUTIVE DIRECTOR; PERSONNEL**

1. The Office of Director is hereby established.
2. The Director shall have the following authorities and duties:
  - A. All powers delegated by the Commission.
  - B. Hire an administrative assistant, clerical staff and such other staff as may be necessary and approved by the Commission.
  - C. Formulate administrative policies for Commission approval.
  - D. Negotiate contracts and other agreements with offices of the Navajo Nation, federal and state governments and subdivision thereof for approval by the Commission and appropriate officials and entities of the Navajo Nation in conformity with Navajo Nation laws.
  - E. Supervise, evaluate, administer and take all necessary actions over the staff, subject to the Navajo Nation Personnel Policies and Procedures.
  - F. Conduct an annual assessment of the needs of Navajos living in the Utah portion of the Navajo Nation.
  - G. Develop and recommend prioritized projects to be funded by Navajo Nation General Fund, Utah Navajo Trust Fund and other sources for Commission approval.
  - H. Supervise, manage and operate the routine operation of the office.

## **SECTION 8. AMENDMENT**

The plan of operation may be amended by the Intergovernmental Relations Committee of the Navajo Nation Council upon consultation with the Navajo Utah Commission.

JL/grsy,947  
August 2, 1993