

# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



April 19, 2020

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

RE: CAP-27-20, *An Action Relating to an Emergency for the Navajo Nation; Temporarily suspending 2 N.N.C. § 162(A); Canceling the 2020 Navajo Nation Council Spring Session*

Dear Speaker Damon,

Pursuant to the authority vested in the Navajo Nation President, I am exercising the Veto authority for CAP-27-20.

As Diné bi beenahazáanii tells us “All leaders chosen by the Diné are to carry out their duties and responsibilities in a moral and legal manner in representing the people and the government; the people’s trust and confidence in the leaders and the continued status as a leader are dependent upon adherence to the values and principles of Diné bi beenahazáanii.” 1 N.N.C. § 203(B). As President and Vice President, elected by the people of the Navajo Nation, we have a duty to protect the trust of the Navajo people in their government; just as Navajo Nation Council Delegates have a duty to ensure the representation of their constituents of their respective Chapters, who individually elected them to serve on the Council. During this health crisis, it is incumbent upon us to step up and lead, to inform and make the proper decisions for our people, and to show strength as we combat an invisible enemy, COVID-19.

The Navajo Nation Council, as the legislative body, is required to meet only four times a year by statute. It is in these sessions that the people are afforded the opportunity to hear from all of their leaders regarding the actions of the government that affect their daily lives. It is a time for all persons to hear reports from the President and Vice President, from the Speaker of the Council, from the Chief Justice, as heads of the three-branch government. It is also a time for all persons to hear select reports that have an impact on the lives of Navajo people; to hear from the Bureau of Indian Affairs, Indian Health Service, the Navajo Nation Controller, and the Navajo Nation Department of Justice, among others. The four statutory obligated Council sessions provide an opportunity for all people across the Navajo Nation and beyond to learn the decisions of their leaders and to take into account those decisions. Reports are an extremely important aspect of transparency in government and cannot be muffled out of angst or fear.

We find it interesting that the Navajo Nation Council held several Special Sessions and a Naabiki’yáti’ Committee meetings during the ongoing pandemic in recent weeks, but now at a very late date is reluctant to hold a statutorily mandated session. To the contrary, we should not shirk our duties as leaders during this time but, rather, show true leadership for our people and



our communities. The people look to the wisdom of those they elected as leaders and they need to hear from leadership.

CMA-27-20 was passed by the Council on Friday, April 17, three days before the scheduled start of the Spring Session. This emergency resolution was also passed using the consent agenda procedure that allowed for no debate, no opportunity for input from the Navajo people, or development of any legislative record of why this legislation is an emergency under the requirements of Title Two. As our Navajo Nation court has said, “We have long required that our legislators strictly comply with Navajo Nation statutory enactment procedures. Procedural requirements for the enactment of Navajo Nation legislation must be strictly observed...Apparently, the Council routinely uses the emergency legislation exception for all manner of legislation that ought not to qualify as emergency legislation, which enables a by passing of the statutory committee(s) review and approval process. We state uncategorically that such misuse of the emergency legislation procedural exception is impermissible.” *See Office of the President and Vice President, et al. v Navajo Nation Council, et al.*, SC-CV-02-10. The court also emphasized the need for a legislative record--something that is missing in CAP-27-20--with regard to determining what is an emergency legislation according to the requirements listed in 2 N.N.C. § 164 and said, “There is no indication that the Council made any effort to establish a public record showing the existence of a genuine emergency threat to our Navajo Nation sovereignty.” *Id.* With this background, we cannot condone the non-compliance with Navajo law any longer or circumventing a statutory requirement that will leave the Navajo people with more questions on the important issues now facing the Navajo Nation. With this said, the use of the emergency clause with respect to any legislation deemed an “emergency,” without just cause, can be challenged by the Navajo people at any time.

Regardless of the semantics played out in CAP-27-20 by *temporarily suspending* the application of Title Two requirement for a council session, this resolution remains a waiver of Title Two. Imposing the justification for a waiver on the President will not correct the legally mandated requirement for a council session. By not having this statutorily-mandated spring session, the Council is causing a “blackout” or void in information to be given to the Navajo people during a time of pandemic. The Office of the President and Vice President will not be complicit in circumventing the law by agreeing to this temporary suspension when, in fact, it is a true waiver of the law.

There are audio and virtual media remedies to holding a Council session as shown in the past few weeks as the Council has been using for its special session. The Office of the President and Vice President has made use of technology during the weeks of this emergency and we see no reason for the Council not taking similar measures. The right of the people to be informed and the right of the people to participate in their government is so important that leaders must find every way possible to keep the people informed, not cower behind ill-conceived legislation as to cause a blackout or void. Navajo teachings implore coming into the light rather than going into darkness. “The recitals in Resolution CD-68-89 operate as a promise. Through the Title II Amendments, the Council acted to stabilize Navajo Nation government in face of corruption and chartered a course for further reform and enhancements. The Council recognized that the power over the structure of the Navajo government ‘is ultimately in the hands of the People and it will look to the People to guide it’.” *Id.* We want to offer leadership during these troubling times and

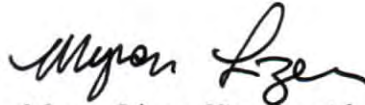
we respectfully request the Council to support us and not muzzle or compete with our office.

For these reasons I exercise the authority of the Office of the President and Vice President and veto CAP-27-20.

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 ACTION  
RELATING TO AN EMERGENCY FOR THE NAVAJO NATION; TEMPORARILY  
SUSPENDING 2 N.N.C. § 162 (A); CANCELING THE 2020 NAVAJO NATION  
COUNCIL SPRING SESSION

BE IT ENACTED:

**SECTION ONE. AUTHORITY**

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).
- B. 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. 2 N.N.C. § 101 (E).
- C. Pursuant to 2 N.N.C. §164 (A)(16): "Matters constituting an emergency shall be limited to the cessation of law enforcement services, disaster relief services, fire protection services or other direct services required as an entitlement under the Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council." 2 N.N.C. §164 (A) (16).
- D. Ensuring the health and safety of all residents and employees within the Navajo Nation is an inherent attribute of sovereignty.
- E. Decisions and determinations concerning the actions necessary to operate the Navajo Nation government while ensuring the health and safety of all employees and officials is an inherent attribute of the Navajo Nation's sovereignty.

**SECTION TWO. FINDINGS**

- A. COVID-19 is a dangerous and extremely contagious respiratory virus. The COVID-19 virus is pandemic and is spreading at an alarming rate within the Navajo Nation; as of April 15, 2020, the Navajo Nation has reported 921 cases of COVID-19 and 38 related deaths.



- B. The World Health Organization declared a Public Health Emergency of International Concern on January 30, 2020; the United States Department of Health and Human Services declared a Public Health Emergency related to the COVID-19 outbreak on January 31, 2020; and the World Health Organization officially declared a pandemic due to COVID-19 on March 11, 2020.
- C. On March 11, 2020, the Navajo Nation Commission on Emergency Management, with the concurrence of the President and Vice President of the Navajo Nation, declared a Public Health State of Emergency due to the outbreak of COVID-19 in areas surrounding the Navajo Nation. Acknowledging the establishment of the Health Command Center by the Navajo Nation Department of Health, the Commission stated, "Locally, it is acknowledged and understood that the threat of COVID-19 needs to be mitigated to reduce risk of exposure to the Navajo People and the resultant consequential public health impacts." CEM-20-03-11, attached as **Exhibit A**.
- D. On March 20, 2020, Public Health Emergency Order No. 2020-003 was issued limiting mass gatherings and ordering all individuals living on the Navajo Nation to stay home (Shelter in Place). See **Exhibit B**. The same order prohibits visitors to the Navajo Nation, and requires the closure of all businesses on the Navajo Nation except "essential businesses."
- E. On March 29, 2020, Public Health Emergency Order No. 2020-004 was issued implementing a curfew from 8:00 p.m. to 5:00 a.m. on all Navajo Nation residents. The Shelter in Place order of March 20, 2020 was also indefinitely extended. **Exhibit C**.
- F. On March 31, 2020, the President issued Executive Order No. 002-20 extending the Declaration of a State of Emergency due to COVID-19 on the Navajo Nation, extending the closure of Navajo Nation government offices and related entities. **Exhibit D**.
- G. On March 24, 2020, the Chief Justice of the Navajo Nation issued Administrative Order 14-2020 ordering, among other things, that the courts of the Navajo Nation shall operate with minimum personnel on-site to provide essential court operations and permit judicial employees to work from home where practicable. **Exhibit E**.
- H. On March 18, 2019, the Speaker of the Navajo Nation Council, closed all Legislative Branch programs until further notice to mitigate the spread of COVID-19. **Exhibit F**.

- I. Title Two of the Navajo Nation Code states that "[s]tates that there shall be four regular sessions of the Navajo Nation Council each year. Such sessions shall commence at 10 a.m. on the fourth Monday of January, and the third Monday of April, July and October of each year." 2 N.N.C. § 162 (A).
- J. The 2020 Navajo Nation Council Spring Session is scheduled for April 20 - 24, 2020.
- K. It takes more than thirty (30) Legislative Branch employees, not including Council Delegates and Legislative District Assistants, to produce a Navajo Nation Council regular session; although the numbers vary, participation of Executive and Judicial Branch employees as agents for legislations and advisors to the Council is also necessary to produce a Navajo Nation Council session.
- L. Given the Declarations of Emergency, Public Health Orders, government office closures, and stay at home orders, the Navajo Nation Council finds it necessary to temporarily suspend 2 N.N.C. § 162 (A) and cancel the Navajo Nation Council Spring Session to mitigate the spread of COVID-19 to Navajo Nation employees and officials.
- M. The Navajo Tribal Council Resolution, CD-68-89, attached as **Exhibit G**, which reorganized the Navajo Nation Government into three branches, "authorizes and directs that any amendment to the [CD-68-89] adopted Title Two amendments shall require two-thirds (2/3) vote of the full membership of the Navajo Tribal Council . . . [and] these amendments shall be presented at the regular session of the Navajo Tribal Council." CD-68-89, Resolved Clause 6.
- N. The CD-68-89 amendments to 2 N.N.C. § 162 (A) read as follows: "There shall be four regular sessions of the Navajo Nation Council each year. Such sessions shall commence at 10:00 on the third Monday of January, April, July and October of each year." **Exhibit G**.
- O. Given that the CD-68-89 amendments do not change the requirement that there be a Navajo Nation Council regular session in April, the temporary suspension of 2 N.N.C. § 162 (A) to cancel the 2020 Spring Session is not limited by CD-68-89 Clause 6's restriction that CD-68-89 Title Two amendments be presented at the regular session of the Navajo Tribal Council, as long as the President is allowed to exercise his authorities pursuant to 2 N.N.C. § 221 (B) and § 1005 (C) (10) - (12). See *Judy v. White*, 9 Nav. R. 325, 345 (With the



exception of resolutions addressing matters internal to the Navajo Nation Council and its Committees, Council resolutions affecting CD-68-89 Title Two provisions must follow a process by which they are reviewed and signed by representatives of at least two of the branches.)

**SECTION THREE. SUSPENDING 2 N.N.C. § 162 (A)**

The Navajo Nation Council hereby suspends 2 N.N.C. § 162 (A) as necessary to cancel the 2020 Navajo Nation Council Regular Session (aka Spring Session) slated to start on April 20, 2020.

**SECTION FOUR. APPROVING THE CANCELATION OF THE 2020 NAVAJO COUNCIL SPRING SESSION**

The Navajo Nation Council hereby cancels the 2020 Navajo Nation Council Regular Session (aka Spring Session) slated to start on April 20, 2020 and end on April 24, 2020.

**SECTION FIVE. EFFECTIVE DATE**


This Action shall become effective in accord with 2 N.N.C. § 221(B).

**SECTION SIX. SAVINGS CLAUSE**

Should any provision of this Action 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, the remainder of the Action shall remain the law of the Navajo 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 17<sup>th</sup> day of April 2020.

  
Honorable Seth Damon, Speaker  
24<sup>th</sup> Navajo Nation Council  
April 17, 2020  
DATE

Motion: Honorable Paul Begay  
Second: Honorable Pernell Halona

Speaker Seth Damon not voting


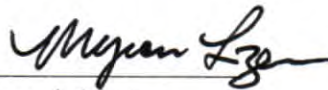
ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Jonathan Nez, President  
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this 19th day of April, 2020 for the reason(s) expressed in the attached letter to the Speaker.

   
Jonathan Nez, President  
Navajo Nation



# THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



CEM-20-03-11

## RESOLUTION OF THE COMMISSION ON EMERGENCY MANAGEMENT

**DECLARING A PUBLIC HEALTH STATE OF EMERGENCY FOR THE NAVAJO NATION DUE TO THE CONFIRMATION OF THE CORONAVIRUS DISEASE ("COVID-19") IN REGIONAL AREAS SURROUNDING THE NAVAJO NATION.**

### WHEREAS:

1. Pursuant to 2 N.N.C., § 881 the Navajo Nation Council established the Commission on Emergency Management, authorizing it to assess, verify, recommend and declare states of emergency with the concurrence of the President of the Navajo Nation; and
2. Pursuant to 2 N.N.C., § 883 (A) and (C) the Commission is empowered to coordinate immediate emergency and disaster relief services with Navajo Nation and non-tribal entities in conjunction with the Department of Emergency Management to recommend and deploy appropriate resources regarding natural and man-made emergencies; and
3. Pursuant to 2 N.N.C., § 884 (B), (2) the Commission on Emergency Management may seek assistance from federal, state, other tribal governments, and local and private agencies to address emergency and disaster related situations; and
4. The nature of the Coronavirus Disease ("COVID-19") is such that it has spread and increased globally, as indicated by the Centers for Disease Control & Prevention ("CDC"), the World Health Organization ("WHO"), and other public health organizations within the U.S. and regionally; and
5. In the U.S. the number of positive and presumptive positive cases have grown, with the rise in COVID-19 confirmed cases in Arizona, New Mexico, Utah, Colorado; and
6. No confirmed COVID-19 cases have been verified on the Navajo Nation and area Public Health Services are closely monitoring the situation; and
7. The Navajo Nation, in collaboration with various entities such as the U.S. Public Health Services Area Offices (Albuquerque, Navajo, Phoenix), CDC, state departments of health, Navajo Nation 638 Tribal Health Organizations and various other multi-agency groups, have organized an incident command approach to mitigate COVID-19 transmission on the Navajo Nation; and
8. In partial response to addressing the spread of COVID-19 on the Navajo Nation, a Navajo Department of Health ("NDOH") Command Operations Center has been established with an infrastructure to maintain situational awareness, conduct daily communication briefings among NDOH and key collaborative partners and, disseminate information to the public; and



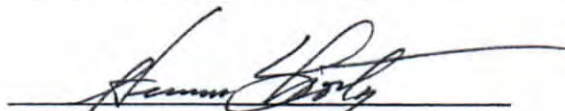
9. The Navajo Department of Emergency Management (NDEM) Emergency Operation Center (EOC) shall be activated to support the Navajo Department of Health Command Center.
10. Locally, it is acknowledged and understood that the threat of transmission of COVID-19 needs to be mitigated to reduce risk of exposure to the Navajo People and the resultant consequential public health impacts.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The Navajo Nation Commission on Emergency Management hereby declares a Public Health State of Emergency for the Navajo Nation due to the confirmation of the Coronavirus Disease ("COVID-19") in regional areas surrounding the Navajo Nation.
2. To address increased concerns of potential public health impacts due to risk and exposure to the COVID-19, especially to our older population, the Navajo Nation must encourage independent responsibility and action by the Navajo People in practicing recommended preemptive measures to minimize, prevent and reduce risk of exposure to and from the COVID-19.
3. The Navajo Nation population receives timely, consistent and correct information needed on the COVID-19 on preventive measures against contracting and spread of the virus, signs, symptoms and contacting local hospitals and clinics for reporting.
4. In declaring the Public Health State of Emergency, all Navajo Nation Branches, programs, departments will comply with and adhere to directives, instructions, and/or policies forthcoming from the Navajo Department of Health as related to addressing COVID-19.
5. The needs of the Navajo Nation are to be addressed in a manner so as to provide the necessary resources required to address said Declared Public Health State of Emergency. This includes, but not limited to, resources of personnel, medical supplies and equipment, monetary funding, and other resources as may be required to protect the health, safety and welfare of citizens of the Navajo Nation.

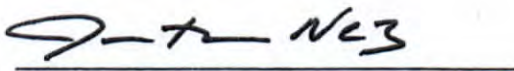
**CERTIFICATION**

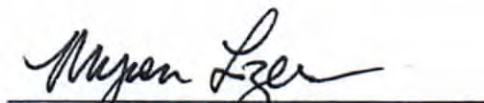
I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Commission on Emergency Management at a duly called meeting at Window Rock, Navajo Nation, Arizona, at which a quorum was present and that same passed by a vote of 4 approved, 0 opposed, and 0 abstained this 11<sup>th</sup> day of March 2020.

  
Herman Shorty, Chairperson  
Commission on Emergency Management

Motion by: Dicky Bain  
Second by: Ben Bennett

**CONCURRENCE:**

  
Jonathan Nez, President  
THE NAVAJO NATION

  
Myron Lizer, Vice President  
THE NAVAJO NATION



**PUBLIC HEALTH ORDER  
NAVAJO DEPARTMENT OF HEALTH  
NAVAJO OFFICE OF ENVIRONMENTAL HEALTH & PROTECTION PROGRAM**

**March 20, 2020**

**Public Health Emergency Order No. 2020-003**

**Public Health Emergency Stay at Home (Shelter in Place) Order for All Residents of the Navajo Nation for Quarantine and Isolation Purposes to Limit the Spread of COVID -19**

On March 11, 2020 the Commission on Emergency Management declared a Public Health State of Emergency due to the coronavirus disease (COVID-19) in areas surrounding the Navajo Nation, CEM 20-03-11, stating: *"Locally, it is acknowledged and understood that the threat of transmission of COVID-19 needs to be mitigated to reduce risk of exposure to the Navajo People and the resultant consequential public health impacts."*

On March 18, 2020, the Navajo Office of Environmental Health and Protection Program, Navajo Department of Health, designated herein as the Regulatory Authority, in accordance with its enabling legislation CO-50-14, declared the current outbreak of COVID-19 a condition of public health importance as a threat on an individual or community level and that can reasonably be expected to lead to adverse health effects in the community and which poses an imminent threat of substantial harm to the Navajo Nation population. (Public Health Order, *Public Health Emergency Order to Limit Mass Gatherings and Gatherings Due to COVID-19*).

In a short period of time, COVID-19 has arrived on the Navajo Nation and the number of cases are increasing at a high rate across the Nation. The degree of contact of contagious individuals and the subsequent degree of exposure is unknown and continued person-to-person spread throughout the Navajo Nation thereby poses an extensive and substantial Public Health risk.

To mitigate the risk and to preserve the public health and safety, all individuals living on the Navajo Nation must stay home or at their place of residence, except essential workers needed to maintain continuity of operations of the critical infrastructure sectors. (See <https://www.cisa.gov/critical-infrastructure-sectors>).

The purpose of the closure is to allow the Navajo Nation as a whole to isolate and quarantine. Isolation and quarantine help protect our Nation by preventing exposure to people who have or may have the contagious COVID-19 virus. Isolation separates people who may be sick with COVID-19 from people who are not sick. Quarantine separates and restricts the movement of people who were exposed to a contagious disease to see if they become sick.

The intent of this Order is to ensure the maximum number of people on the Navajo Nation self-quarantine (showing no symptoms of sickness) or self-isolate (showing symptoms of sickness) in their places of residence to the maximum extent feasible, while addressing the critically essential



needs of the Navajo Nation in order to minimize the spread of COVID-19 to the maximum extent possible. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat and creates an immediate menace to public health.

The supply chain must continue, and residents of the Navajo Nation must have access to necessities such as food and healthcare. The Commission on Emergency Management shall continue to assist in coordinating such emergency and disaster relief services in conjunction with the Navajo Department of Emergency Management and the Health Command Center.

**THEREFORE NOTICE IS GIVEN** that pursuant the power and authority set forth in the Navajo Department of Health enabling legislation CO-50-14 and in conjunction with Navajo Nation declared Public Health State of Emergency CEM-20-03-11:

A. All individuals residing on the Navajo Nation shall limit their movement within and outside of their immediate communities, as well as limit their contact with individuals who are not immediate family or household members. Individuals may leave their residences only to perform any of the following "**Essential Activities**":

- i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their immediate family or household members (including, but not limited to, livestock and pets), such as, obtaining critical medical supplies or medication, or visiting a health care professional for an imminent health need.
- ii. To obtain necessary services or supplies such as canned food, dry goods, produce, pet supplies, meat, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residential living. When people need to leave home to obtain such necessities, they should do so in limited numbers and should at all times adhere to **Social Distancing Standards** (such as: not shaking hands, standing several feet away from other people, avoiding crowds, etc.).
- iii. To engage in daytime outdoor activity such as walking, hiking, or running, provided the individuals practice social distancing.

B. Visitors to the Navajo Nation are directed to return home immediately upon the issuance of this Order by the fastest and safest available means.

C. All businesses within the Navajo Nation, except Essential Businesses as defined herein, are required to cease all activities. Restaurants and food service establishments are limited to providing dine-out options only. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements. "**Essential Businesses**" include: Healthcare Operations, Essential Governmental Functions and Essential Infrastructure (e.g. courts of law, medical providers for urgent care, public utilities, and critical school operations such as nutrition programs).

- i. Grocery stores, food banks, convenience stores, hardware stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and



vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, wholesale and products necessary to maintaining the safety, sanitation, and essential operation of residences.

- ii. Food cultivation, including farming, livestock, and fishing;
- iii. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.
- iv. Gas stations and auto-supply, auto-repair, and related facilities.
- v. Banks and related financial institutions.
- vi. Plumbers, electricians, exterminators, internet or broadband providers and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences.
- vii. Businesses providing mailing and shipping services.
- viii. Educational institutions - for purposes of facilitating distance learning or performing essential functions, provided that Social Distancing is maintained to the greatest extent possible.
- ix. Laundromats.
- x. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site.
- xi. Businesses that ship or deliver groceries, food, goods or services directly to residences or other businesses.
- xii. Home-based care for seniors, adults, or children.
- xiii. Residential facilities and shelters for seniors, adults, and children.
- xiv. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities.

D. For purposes of this Order, individuals may leave their residence to work for or obtain services at any "**Healthcare Operations**" including hospitals, clinics, dentists (for emergency care only), pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. "Healthcare Operations" also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms and similar facilities.



E. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "Essential Infrastructure," including, but not limited to, public works construction, construction of housing, water, sewer, gas, electrical, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements, to the extent possible.

F. For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate structure.

G. All short term lodging, including but not limited to hotels, motels, short term rentals (30 days or less), bed and breakfast establishments, lodges and retreats shall cease operations, unless otherwise authorized in writing by the Public Health Director for emergency or quarantine purposes, or to provide lodging for essential personnel. Specifically excluded from this Order are circumstances in which it is not safe or impossible for a guest to depart. However, there shall be no new bookings or reservations during the pendency of this Order. Furthermore, current reservations for the timeframe anticipated in this Order shall be cancelled.

H. Residential and commercial construction sites may otherwise continue to operate so long as in compliance with this Order in reference to Social Distancing Requirements and limiting persons on site to no more than 10 people at any given time.

I. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others working for or to support Essential Businesses are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing Essential Governmental Functions. Essential Governmental Functions means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements, to the extent possible.

**NOTICE IS FURTHER GIVEN** that this Order declaring restrictions based upon the existence of a condition of public health importance shall not abrogate any disease-reporting requirements.

**NOTICE IS FURTHER GIVEN** that it is greatly advised that the public take the following preventive precautions:

1. Navajo Nation citizens are required to stay home and undertake only those outings absolutely necessary for their health, safety, or welfare as described herein.

2. Avoid close contact with people who are sick.

3. Wash your hands often with soap and water for at least 20 seconds, especially after blowing your nose, coughing, or sneezing, or having been in a public place. If soap and water are not available, use a hand sanitizer that contains at least 60% alcohol.



4. To the extent possible, avoid touching high-touch surfaces in public places – elevator buttons, door handles, handrails, handshaking with people, etc. Use a tissue or your sleeve to cover your hands or finger if you must touch something.

5. Avoid touching your face, nose, eyes, etc.


6. Clean and disinfect your home to remove germs: practice routine cleaning of frequently touched surfaces (for example: tables, doorknobs, light switches, handles, desks, toilets, faucets, sinks, and cell phones).


7. Avoid crowds.

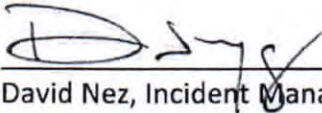
8. Avoid all non-essential travel.

**NOTICE IS FURTHER GIVEN** that this Order shall take immediately and shall remain in effect through April 4, 2020 unless otherwise extended by the Regulatory Authority and or the Health Command Center.

**ADDITIONAL ADVISORIES AND ORDERS WILL FOLLOW AS CONDITIONS WARRANT. SO ORDERED THIS 20<sup>TH</sup> DAY OF MARCH 2020.**

  
Herman Shorty, Program Supervisor III  
Navajo Office of Environmental Health &  
Protection Program  
Navajo Department of Health

  
Dr. Jill Jim, Executive Director  
Navajo Department of Health

  
David Nez, Incident Manager  
Dikos Nstaaígíí – 19  
Health Command Center  
Navajo Department of Health

**PUBLIC HEALTH ORDER  
NAVAJO DEPARTMENT OF HEALTH  
NAVAJO OFFICE OF ENVIRONMENTAL HEALTH & PROTECTION PROGRAM**



**March 29, 2020**

**Public Health Emergency Order No. 2020-004**

**Public Health Emergency Order Implementing a Curfew, Extending the March 20, 2020 Stay at Home (Shelter in Place) Order No. 2020-003, and Implementing Other Major Public Health Disaster Responses Due to the Community Spread of COVID -19**

- I. The Navajo Nation Council established the Commission on Emergency Management (CEM), authorizing it to assess, verify, recommend and declare states of emergency with the concurrence of the President of the Navajo Nation. 2 N.N.C. § 881. Pursuant to this authority, on March 11, 2020 the Commission on Emergency Management, with the concurrence of President Nez and Vice President Lizer, declared a Public Health State of Emergency due to the coronavirus disease (COVID-19) in areas surrounding the Navajo Nation. (CEM 20-03-11). CEM Resolution 20-03-11 states: *"Locally, it is acknowledged and understood that the threat of transmission of COVID-19 needs to be mitigated to reduce risk of exposure to the Navajo People and the resultant consequential public health impacts."*
- II. The Commission on Emergency Management is empowered to coordinate immediate emergency and disaster relief services. 2 N.N.C. § 881. CEM Resolution No. 20-03-11 acknowledges the Navajo Department of Health (NDOH) Health Command Center established to address the spread of the COVID-19 virus on the Navajo Nation. CEM Resolution No. 20-03-11 further recognizes the need to support and adhere to the directives of the NDOH Health Command Center.
- III. On March 18, 2020, the Navajo Office of Environmental Health and Protection Program within NDOH, designated herein as the Regulatory Authority, in accordance with its enabling legislation CO-50-14, declared the current outbreak of COVID-19 a condition of public health importance as a threat on an individual or community level and that can lead to adverse health effects in the community and which poses an imminent threat of substantial harm to the Navajo Nation population. (March 18, 2020 Public Health Emergency Order, *Public Health Emergency Order to Limit Mass Gatherings and Gatherings Due to COVID-19*).
- IV. On March 20, 2020, the Regulatory Authority by Public Health Emergency Order No. 2020-003, ordered all individuals living on the Nation to stay home (shelter in place). The purpose of the Order is to ensure the maximum number of people on the Nation self-quarantine and self-isolate to minimize the spread of COVID-19. The Order: (1) limits individuals on the Nation to "Essential Activities" primarily related to health, safety, and



welfare; (2) requires visitors to the Nation to return home; and (3) requires all business on the Nation to close, except "Essential Businesses." The Order is effective through April 4, 2020 unless otherwise extended.

- V. In a short and rapid period of time, COVID-19 has arrived on the Navajo Nation and the number of cases continues to increase at an alarming rate. Contact with contagious individuals and the subsequent high degree of exposure is evident by cluster and community spread throughout the Navajo Nation constituting a major public health disaster.
- VI. The Navajo Nation is beyond containment and mitigation of risk, and therefore must take extraordinary measures to address the current emergency Medical, Public Health, and Community needs.
- VII. Every individual has a responsibility to themselves, to their families and relatives, and to their communities to act in accordance with this Public Health Emergency Order No. 2020-004. This is an unprecedented public health disaster that requires centralized coordination and full cooperation to avoid duplication of efforts, waste of resources, and to minimize any increased risk of exposure to COVID-19 (which includes the potential loss of life). Accordingly, all COVID-19 plans, efforts, and relief must be coordinated through the Command Center.
- VIII. The intent and purpose of this Public Health Emergency Order No. 2020-004 is to elevate the response to the current public health disaster by addressing the dire strain on medical response capabilities as well as further restricting the movement of individuals on the Nation. All provisions of this Order are to be interpreted to effectuate this intent. Failure to comply with any of provision of this Order constitutes an imminent threat and menace to public health.
- IX. The Navajo Police Department (NPD) Emergency Operations Center (EOC) shall continue to be activated to support and coordinate with the Health Command Center with COVID-19 emergency operations and to enforce the requirements of Public Health Emergency Orders.

**THEREFORE, NOTICE IS GIVEN** that pursuant the power and authority set forth in the NDOH enabling legislation (NNC Resolution No. CO-50-14) and in conjunction with the Navajo Nation Public Health State of Emergency Declaration (CEM Resolution No. 20-03-11):

- A. The healthcare system, including Indian Health Service and Tribal Health Organizations, are reaching and are projected to exceed surge capacity due to the community spread of COVID-19. The healthcare system is also rapidly exhausting available resources, including supplies and personnel.



1. This requires a coordinated response to provide immediate support to the Navajo comprehensive health services, including medical stations and mobile medical facilities.
2. Outreach and partnerships with state, federal, other outside agencies, including the private sector, is a priority for the Health Command Center.
3. To support these efforts, the Health Command Center will be coordinating with all partners regarding facilities and infrastructure and, if necessary, to commandeer all resources necessary to support expanded medical services, including facilities for quarantine and isolation (i.e. community centers, gymnasiums, hotels, schools, etc.).

B. Public Health Emergency Order No. 2020-003 (March 20, 2020) is hereby extended and shall remain in effect until rescinded. All individuals on the Navajo Nation shall strictly limit their movement within and outside of their immediate communities, as well as limit public contact with others. Individuals may leave their place of residence only to perform "**Essential Activities**", defined herein, which primarily include activities and tasks essential to health, safety, and welfare.

Additionally, individuals on the Nation shall comply with the following:

1. **Curfew:** 8:00 P.M. to 5 A.M. curfew across the Nation, applicable to all individuals, seven days a week. All individuals shall be at home during curfew hours except in the event of an emergency. This curfew does not apply to Essential Employees reporting to or from duty, with official identification and/or a letter of designation from their Essential Business employer on official letterhead which includes a contact for verification.
2. All indoor and outdoor public gatherings are limited to no more than 5 people, except for outdoor funeral services that cannot be postponed, which shall be limited to no more than 10 people.
3. For curb side and drive-thru essential activities, remain in your vehicle.

C. "**Essential Businesses**", defined herein, shall comply with Social Distancing Requirements. Except for Healthcare Operations, Essential Governmental Functions, and Essential Infrastructure Activities, all other Essential Businesses are required to:

1. To the greatest extent possible, limit operations before 6:00 A.M. and after 7:00 P.M. to permit customers to obey the 8:00 P.M. to 5 A.M. curfew. This does not apply to Essential Businesses that do not directly serve customers.
2. Operate on a curb-side or drive-thru basis, unless otherwise provided herein.
  - i. Restaurants and other businesses serving prepared food must provide an outdoor order station and/or a means for people to call ahead to place an order and enable individuals to remain in their vehicles for pick-up.



- ii. Gas stations must either provide a fueling attendant to pump gas, enabling individuals to remain in their vehicles, or provide disinfectant wipes or spray for self-service customer use.
- iii. Banks and financial institutions must provide drive-thru services only. Banker services can be provided to customers through technology-based means (i.e. telephone, web-based meeting, etc). ATM services may be provided so long as disinfectant wipes or spray is made available for customer use.
- iv. Grocery stores, food banks, convenience stores, hardware stores and the like are required to limit the number of customers in the store to no more than 10 customers at a time. These businesses shall ensure that customers waiting to enter or pay maintain the required 6-foot Social Distancing.
- v. Post Offices, including rural mail delivery locations, are not required to provide curbside or drive-thru delivery requirements, however disinfectant wipes or spray should be made available for customer use.
- vi. Laundry facilities shall limit customer occupancy to 2 people per household and no more than 10 persons at any given time, and shall make available disinfectant wipes or spray for customer use.
- vii. All other Essential Businesses not specifically addressed in this section shall post a notice at their place of business with a contact number for customers to receive service during business hours, and also provide contact information for services on their company website, if any. The purpose of this requirement is to limit in-person customer contact to the greatest extent possible, while still allowing customers to receive services.

D. Mandatory Coordination with the Health Command Center.

- 1. All Navajo Nation governmental entities, including all branches of government and all Governance-Certified Chapters, shall coordinate all COVID-19 public health efforts, plans, and relief through the Health Command Center to avoid duplication of effort or waste of resources, which has the potential to increase risk of exposure to COVID-19 (including the potential loss of life).
  - i. Public Employee Program (PEP) temporary personnel and any approved volunteers and volunteer groups must coordinate efforts, plans, and relief through the Health Command Center.
    - a. Approved volunteers shall complete required training and sign a liability release form prior to conducting any approved activities.
    - b. Approved volunteers shall otherwise comply with the requirements of the March 25, 2020 Emergency Navajo Nation Chapter Plan (Chapter Drive Up, Pick Up & Delivery of Essential Services).

- ii. All volunteers must be in good health, without flu-like symptoms, and cannot have any known pre-existing Underlying Health Conditions, as defined herein.
2. State, federal, county or other outside agencies and private entities should continue to coordinate with the Health Command Center to avoid duplication of effort and waste of resources.

**NOTICE IS FURTHER GIVEN** that this Order shall not abrogate any disease-reporting requirements (consistent with HIPAA privacy standards).

**NOTICE IS FURTHER GIVEN** that it is greatly advised that the public take the following preventive precautions:

**1. All persons on the Navajo Nation are required to stay home and leave home only when absolutely necessary for their health, safety, or welfare as described herein.**

2. Avoid close contact with people who are sick.

3. Wash your hands often with soap and water for at least 20 seconds, especially after blowing your nose, coughing, or sneezing, or having been in a public place. If soap and water are not available, use a hand sanitizer that contains at least 60% alcohol.

4. To the extent possible, avoid touching high-touch surfaces in public places – elevator buttons, door handles, handrails, handshaking with people, etc. Use a tissue or your sleeve to cover your hands or finger if you must touch something.

5. Avoid touching your face, nose, eyes, etc.

6. Clean and disinfect your home to remove germs: practice routine cleaning of frequently touched surfaces (for example: tables, doorknobs, light switches, handles, desks, toilets, faucets, sinks, and cell phones).

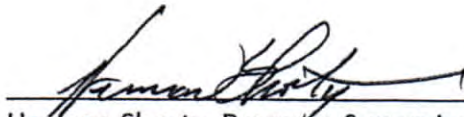
7. Avoid all public gatherings (no more than 5 people).

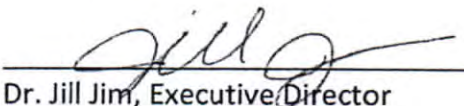
8. Avoid all non-essential travel.

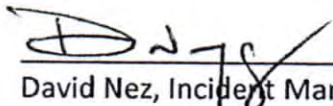
**NOTICE IS FURTHER GIVEN** that this Order shall take effect Monday, March 30, 2020 and shall remain in effect until rescinded by the Regulatory Authority and/or the Health Command Center.



ADDITIONAL ADVISORIES AND ORDERS WILL FOLLOW AS CONDITIONS WARRANT. SO ORDERED THIS 29<sup>TH</sup> DAY OF MARCH 2020.

  
Herman Shorty, Program Supervisor III  
Navajo Office of Environmental Health &  
Protection Program  
Navajo Department of Health

  
Dr. Jill Jim, Executive Director  
Navajo Department of Health

  
David Nez, Incident Manager  
Dikos Ntsaaígíí – 19  
Health Command Center  
Navajo Department of Health

## Definitions

**Essential Activities** includes: (1) activities or tasks essential to the health and safety of one's household (including livestock and pets), such as obtaining critical medical supplies or medication, or visiting a health care professional for an imminent health need; (2) obtaining necessary services or supplies (such as canned food, dry goods, produce, pet supplies, meat, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of a residence); and (3) engaging in daytime outdoor activity such as walking, hiking, or running; provided that Essential Activities are performed in limited numbers at all times adhering to Social Distancing Standards. (From Public Health Emergency Order No. 2020-003, March 20, 2020).

**Essential Businesses:** Healthcare Operation, Essential Governmental Functions and Essential Infrastructure (e.g., courts of law, medical providers for urgent care, public utilities, and critical school operations such as nutrition programs). (From Public Health Emergency Order No. 2020-002., March 19, 2020 and expanded through Public Health Emergency Order No. 2020-003, March 20, 2020 to include grocery stores, food banks, convenience stores, hardware stores and other establishments engaged in the retail sale of groceries, non-grocery products, wholesale and products necessary to maintaining the safety, sanitation and essential operation of residences, among other things.)

**Essential Employees:** Those employees identified by Essential Businesses deemed to be necessary to the continued operation of those Essential Businesses.

**Essential Governmental Functions:** means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public. (From Public Health Emergency Order No. 2020-002, March 19, 2020).

**Essential infrastructure:** Public works construction, construction of housing, water, sewer, gas, electrical, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services). (From Public Health Emergency Order No. 2020-003, March 20, 2020).

**Gathering:** means any grouping together of individuals in a single connected location. (From Public Health Emergency Order dated March 18, 2020).

**Social Distancing Requirements:** Limiting contact of people within 6 feet from each other. (From Public Health Emergency Order No. 2020-002, March 19, 2020).

**Social Distancing Standards:** Not shaking hands, standing several feet away from other people, avoiding crowds, etc.) (From Public Health Emergency Order No. 2020-003, March 20, 2020).

**Underlying Health Conditions:** Chronic medical conditions including, but not limited to, diabetes, heart disease, obesity, cancer, kidney disease, lung disease asthma (moderate to severe), and immunocompromised conditions (including cancer treatments).





**EXECUTIVE ORDER NO. 002-20**

**EXTENDING THE DECLARATION OF A STATE OF EMERGENCY DUE TO  
THE COVID-19 VIRUS ON THE NAVAJO NATION, EXTENDING THE  
CLOSURE OF NAVAJO NATION GOVERNMENT OFFICES AND RELATED  
ENTITIES**

**NAVAJO NATION OFFICE OF THE PRESIDENT AND VICE PRESIDENT  
MARCH 31, 2020**

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**WHEREAS:**

1. The President of the Navajo Nation serves as the Chief Executive Officer for the Executive Branch of the Navajo Nation government with full authority to conduct, supervise, and coordinate personnel and program matters. 2.N.N.C. §1005 (A);
2. The President shall have the power to issue an executive order for the purpose of interpreting, implementing or giving administrative effect to statutes of the Navajo Nation in the manner set forth in such statutes. 2.N.N.C. §1005 (C)(14);
3. With the concurrence of the President of the Navajo Nation, the Emergency Management Commission shall have the power to declare a state of emergency affecting the Navajo Nation and to obtain, coordinate and oversee assistance, whether in the form of goods, services, equipment, motor vehicles, or personnel, from all Divisions, Departments and Enterprises of the Navajo Nation for use in addressing the requirements of the People in any declared emergency. 2 N.N.C. § 884(B)(1)(3);
4. The Emergency Management Commission declared an emergency due to the confirmation of the coronavirus disease (COVID-19) in regional areas surrounding the Navajo Nation. 2 N.N.C. § 884(B)(1), *See* Emergency Management Commission resolution CEM 20-03-11;
5. An Executive Order shall have the force of law upon the recipient. 2 N.N.C. § 1005(C)(14).

**THEREFORE:**

I, Jonathan Nez, President of the Navajo Nation and I, Myron Lizer, Vice President of the Navajo Nation, by the authority vested in us, hereby issue the following order:

1. With the Declaration of a State of Emergency by the Emergency Management Commission, CEM-20-03-11, and Public Health Emergency Orders No. 2020-003 and



No. 2020-004, the public health state of emergency affecting the Navajo Nation citizens and residents due to confirmation of the spread of the COVID-19 virus in and surrounding the Navajo Nation is extended, as such:

- a. The Navajo Nation Health Command Operations Center shall be staffed throughout the emergency condition under the direction of David Nez, Health Command Center Manager with support from Director, Dr. Jill Jim, Navajo Department of Health; and,
  - b. The Navajo Department of Emergency Management Emergency Operation Center shall be activated to support the Navajo Health Command Operations Center; and,
  - c. All Navajo Nation Branches, Divisions, Departments, programs, offices, non-certified Chapters, Enterprises, and Navajo casinos shall comply with and adhere to directives, instructions, and/or policies coming from the Navajo Health Command Operations Center as related to addressing COVID-19.
2. The Navajo Nation previously issued travel restrictions due to the COVID-19 virus which restricted or canceled all off-reservation travel and directed all Navajo Nation employees to return from current off-reservation travel; however, the COVID-19 virus continues to spread throughout the Navajo Nation. The action of the Navajo Nation and surrounding States, restricting large gatherings and closure of government offices, has had effect on the spread of the COVID-19, as such:
- a. All Navajo Nation government offices shall remain closed to minimize the spread of the COVID-19 virus. This closure shall extend from April 3, 2020 to April 26, 2020 and only Essential Personnel, as determined by the respective Division Director, shall report to their respective duty stations, including, but not limited to, Navajo Public Safety, Navajo Fire Department, Navajo Emergency Medical Services, Department of Emergency Management, Navajo Division of Natural Resources, Navajo Division of Finance, Navajo Division of Social Services, Navajo Division of Human Services, Department of Diné Education, and those determined by the Branch Chiefs; and,
  - b. All Non-Essential Navajo Nation government employees, including non-governance certified Chapter employees, affected by this Executive Order shall be granted Administrative Leave for the duration of the closure and are expected to refrain from events, gatherings, or other areas where they may contract the COVID-19 virus, and to observe and follow all Public Health Emergency Orders; and,
  - c. The closure of Navajo Nation government offices may be extended beyond April 26, 2020 on the recommendation of the Navajo Health Command Operations Center and the Navajo Department of Emergency Management Operation Center.
3. All Navajo Nation Divisions, Departments, Programs, Offices, non-governance certified Chapters, Enterprises, and Navajo casinos shall follow the direction of the



Public Health Emergency Orders requiring all Navajo citizens to limit their movement which means staying at home and leaving for Essential Activities only; and comply with the curfew hours by staying home between the hours of 8:00 P.M. and 5:00 A.M. MDST.

4. The Navajo Nation Board of Education declared an emergency affecting all schools on the Navajo Nation due to the spread of the COVID-19 virus and recommended, among other measures, the closure of all schools and educational facilities on the Navajo Nation to protect our children, their parents, and care givers, NNBEMA-608-2020; in addition, the States of Arizona (H.B. 2910), New Mexico (Executive Order 2020-12), and Utah issued statewide school closure for the remainder of the 2020 school year that affect the Navajo Nation, as such:

We strongly recommend and urge the Navajo Board of Education to extend the closing of the schools and educational facilities for the remainder of this school year which shall include:

- a. Public Law 100-297 grant schools, Public Law 93-638 contract schools, and Bureau of Education operated schools be closed for the remainder of the 2020 school year; and,
- b. Public schools, including grant schools, private schools, higher education institutions, early childhood programs, including CCDF, Head Start, FACE programs, and all after school programs located on the Navajo Nation be closed for the remainder of the 2020 school year; and,
- c. Off reservation residential halls and dormitories for Navajo students operating under the authority of the Navajo Nation will follow the process and procedure for this host school district.

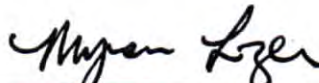
The Navajo Nation Divisions, Departments, Programs, Offices, non-governance certified Chapters, Enterprises, and Navajo casinos are responsible for implementing and ensuring compliance with this order.

The provisions of this order shall be implemented consistent with the laws of the Navajo Nation and in a manner that advances the highest welfare of the People.

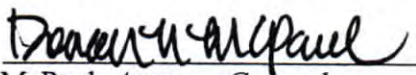
EXECUTED this 31<sup>st</sup> day of March 2020



Jonathan Nez, *President*  
THE NAVAJO NATION



Myron Lizer, *Vice-President*  
THE NAVAJO NATION

ATTEST:   
Doreen N. McPaul, *Attorney General*  
Navajo Nation Department of Justice

# JUDICIAL BRANCH OF THE NAVAJO NATION

JOANN B. JAYNE  
Chief Justice of the Navajo Nation

ELEANOR SHIRLEY  
Associate Justice, Navajo Supreme Court

TINA TSINIGINE  
Associate Justice, Navajo Supreme Court



## OFFICE OF THE CHIEF JUSTICE

P.O. Box 520 Window Rock, Arizona 86515  
Telephone 928-871-7669 Fax 928-871-6866

### CHIEF JUSTICE OF THE NAVAJO NATION ADMINISTRATIVE ORDER 14-2020

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#### IN THE MATTER OF COURT OPERATIONS IN THE COURTS OF THE NAVAJO NATION DURING THE COVID-19 STATE OF EMERGENCY

The Navajo Nation declared a State of Emergency in response to the growing spread of the coronavirus (COVID-19) in neighboring jurisdictions, authorizing a coordinated response to reduce the risk of exposure to the Navajo People.

With the rising number of confirmed cases in neighboring states, Navajo Nation President Jonathan Nez issued Executive Order No. 001-20, activating an emergency response and implementing protective measures, including travel restrictions, closing government offices, limiting governmental services to essential services, restricting large gatherings, and urging the closure of all school and educational facilities.

With the emerging number of confirmed cases and the spread of the coronavirus in communities within the Four Sacred Mountains, the Navajo Nation issued public health orders mandating a number of public health precautions, including sheltering in place.

The Judicial Branch ordered temporary closure of all courts and court-related services from March 19, 2020 to March 24, 2020, suspending normal operations in preparation for continued essential services to resume with precautionary measures on March 25, 2020.

In the sacred role of *Alqajj' Hashkééj Naat'ááh*, the leaders of the Judicial Branch are committed to the health and safety of the public and its staff—weighing the rights of each person and the collective rights of the people as recognized under *Diné Bi Beenahaz'áanii*—as it provides essential services and maintains the rule of law. The Court, seeking to provide additional guidance to the courts of the Navajo Nation in light of the evolving public health emergency, and being sufficiently advised, issues the foregoing with Chief Justice JoAnn Jayne, Justice Eleanor Shirley, and Justice Tina Tsinigine concurring:



IT IS ORDERED that all prior orders directed by the Chief Justice since the declaration of this public health emergency shall remain in effect until modified or withdrawn;

IT IS FURTHER ORDERED that all courts and court-related programs of the Navajo Nation shall operate with exterior doors locked at all times, permitting access upon precautionary screening as necessary, utilizing only minimum staff as required to ensure essential services to the Navajo people and to those who utilize our courts;

IT IS FURTHER ORDERED that the Supreme Court, with the exception of rules applicable to statute of limitations, suspends all court rules of procedure for pleading, filing, in-person and other related requirements during this public health emergency to provide courts of the Navajo Nation with discretion to comply with this Order;

IT IS FURTHER ORDERED that all criminal jury trials, dictated by the Navajo Rules of Criminal Procedure, shall be postponed through May 1, 2020. However, upon motion by a party, and being subject to the individual discretion of the presiding judge, a jury trial presently scheduled may proceed so as to avoid serious harm to a defendant's rights guaranteed by the Navajo Bill of Rights. Rules with time limitations, particularly Rules 31(d) and 34(a), may be suspended by declaration of the presiding judge.

IT IS FURTHER ORDERED that there will be no blanket suspensions not already authorized by this Order. The courts of the Navajo Nation are tasked with protecting the individual rights of each person as enumerated in the Navajo Bill of Rights and as recognized under *Diné Bi Beenahaz'áanii*, and with providing a forum for dispute resolution, therefore, the following essential cases or operations may not be suspended. The courts of the Navajo Nation must proceed with the following essential services during this public health emergency:

- (1) All criminal proceedings concerning an incarcerated defendant (i.e., arraignment, bail hearings, revocation hearings, etc.)
- (2) All proceedings concerning detained juveniles, abused or neglected minors (i.e., shelter care hearings);
- (3) Habeas corpus actions;
- (4) Involuntary commitment hearings (i.e., mental health commitments, guardianships, and other civil commitments);
- (5) Extraditions and federal detainees;
- (6) Order to Show Cause proceedings;
- (7) Applications for orders of protection and matters of enforcement; and
- (8) Applications for injunctive relief.

IT IS FURTHER ORDERED that because courts of the Navajo Nation are also tasked with protecting the collective rights of the people to remain safe as recognized by *Diné Bi Beenahaz'áanii*, the courts of the Navajo Nation, upon motion of a party, shall hold proceedings essential to the public health state of emergency, including but not limited to matters addressing violations of quarantines and enforcement of precautionary measures;

IT IS FURTHER ORDERED that all courts of the Navajo Nation shall have the discretion to continue proceedings or conduct proceedings remotely by telephonic or videoconference attendant upon motion of a party or on the court's own motion. Applicable provisions in rules of court procedure concerning continuance, in-person appearance and other requirements may be suspended by declaration of the presiding judge to the extent necessary to facilitate remote appearances and other protective measures during the current public health emergency;

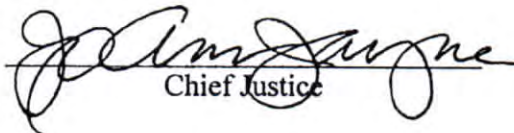
IT IS FURTHER ORDERED that the courts of the Navajo Nation will continue to accept filings by mail, and may accept filings by email or fax for the duration of the current emergency to eliminate in-person filings. If a person is unable to submit a filing by email or fax, such person should call the courthouse for alternative filing instructions. Applicable provisions in rules of court procedure addressing the filing of documents in the courts of the Navajo Nation may be temporarily suspended by declaration of the presiding judge to the extent necessary to permit such filings during the current public health emergency;

IT IS FURTHER ORDERED that the courts of the Navajo Nation shall operate with minimum personnel on-site to effectively provide essential court operations and, where practicable, permit judicial employees to work from home; and

IT IS FURTHER ORDERED that this order shall remain in effect until amended or withdrawn.

IT IS SO ORDERED.

Dated this 24 day of March, 2020.

  
Chief Justice





24<sup>TH</sup> NAVAJO NATION COUNCIL  
OFFICE OF THE SPEAKER



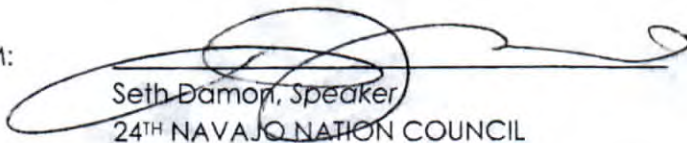
HONORABLE SETH DAMON

*Speaker, 24<sup>th</sup> Navajo Nation Council*

MEMORANDUM

TO: LEGISLATIVE BRANCH

FROM:

  
Seth Damon, Speaker  
24<sup>TH</sup> NAVAJO NATION COUNCIL

DATE: MARCH 18, 2019

SUBJECT: **LEGISLATIVE BRANCH - CLOSURE**

This memorandum serves as notification that there has been a reduction in services for all Legislative Branch programs. Programs under the Legislative Branch will be closed effective March 19, 2020 until further notice. Under the authority granted me under 2 N.N.C. §285(B)(2), all supervisors are directed to close public access to office buildings and to initiate remote working procedures for all employees. Notification will be provided when regular services will resume.

All regular and temporary employees shall be paid utilizing administrative leave with pay (Navajo Nation Personnel Policies Manual, X. LEAVE ADMINISTRATION, B. Paid Leave, 3. Administrative Leave).

Offices are to be closed and signs posted on all doors explaining that buildings are closed until further notice. Information pertaining to contact information will be posted on all entrances and voice messages are to be altered to reflect these changes.

This is a necessary measure to prevent the spread of coronavirus (COVID-19). All legislative branch staff are highly encouraged to remain home and to reduce or eliminate personal travel unless vital and necessary.

Guidance on COVID-19 symptoms and cautionary information is available at the Centers for Disease Control and Prevention website: [www.cdc.gov](http://www.cdc.gov).

If employees feel they are experiencing flu or COVID-19 symptoms, we recommend calling ahead to a health care center before arriving on site at the facility.

LEGISLATIVE BRANCH

Office of the Speaker • Post Office Box 3390 • Window Rock, Arizona 86515 • Ph: (928) 871-7160 • Fax: (928) 871-7255

For reference, the following is a list of contact numbers for local Navajo Nation health care facilities:

- Chinle Comprehensive Health Care Facility: (928) 674-7001/7688
- Crownpoint Health Care Facility: (505) 786-5291/6381
- Fort Defiance Indian Hospital Board: (928) 729-8000
- Gallup Indian Medical Center: (505) 722-1000
- Sage Memorial Hospital: (928) 755-4500
- Kayenta Health Center: (928) 697-4000
- Northern Navajo Medical Center: (505) 368-6001
- Tuba City Regional Health Care Center: (866) 976-5941
- Utah Navajo Health System: (866) 976-5941
- Winslow Indian Health Care Center: (928) 289-4646
- New Mexico Coronavirus Hotline: (855) 600-3453

All questions and correspondence may be directed to Legislative Branch Chief of Staff LaShawna Tso at [Lrtso@navajo-nsn.gov](mailto:Lrtso@navajo-nsn.gov) or (928) 871-7160.

Cc: 24<sup>th</sup> Navajo Nation Council  
Executive Branch  
Judicial Branch

**LEGISLATIVE BRANCH**

Office of the Speaker • Post Office Box 3390 • Window Rock, Arizona 86515 • Ph: (928) 871-7160 • Fax: (928) 871-7255



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.



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

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



## TITLE TWO

### Navajo Nation Government

#### CHAPTER 1

#### SECTION

1.	<u>Establishment</u> .....	1
2.	<u>Navajo Nation Council</u> .....	101
3.	<u>Executive Branch</u> .....	1001
7.	<u>Personnel</u> .....	3801
9.	<u>Tribal Chapters</u> .....	4001

#### 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

#### SUBCHAPTER 1. GOVERNING BODY -- Navajo Nation Council

#### SECTION

101. Establishment
102. Power; Composition
103. Qualifications
104. Incompatible service
105. Term of Office
106. Compensation of Council delegates
107. Advances to Council delegates
108. Group insurance
109. Tax declarations and returns; deductions

## SUBCHAPTER 2. MEETINGS

- 161. Place
- 162. Number; time; duration
- 163. Agenda
- 164. Navajo Nation Council and Committee Resolutions  
Procedure
- 165. Legislation
- 166. Record of Proceedings; interpreters; access to records
- 167. Failure to attend
- 168. Sergeant at Arms; appointment; duties
- 169. Quorum

## CHAPTER 3. COMMITTEES

- 180. Appointments
- 181. Membership
- 182. Term of Office
- 183. Meetings; Quorum
- 184. Chairperson; Vice-Chairperson; Chairperson Pro Temp
- 185. Powers
- 186. Subcommittee
- 187. Reports
- 188. Committee Actions
- 189. Staff
- 190. Conflict of Interest
- 191. Legislative Oversight

## SUBCHAPTER 5. RESOLUTIONS AND DOCUMENTS

- 221. Resolutions; certification; filing; codification
- 222. Contracts or other papers generally
- 223. Contracts
- 224. Filing
- 225. Public Access

## SUBCHAPTER 7. SPEAKER OF THE NAVAJO NATION COUNCIL

- 281. Creation of Office of Speaker of the Navajo Nation Council
- 282. Selection of the Speaker; Term of Office
- 283. Residence
- 284. Salary
- 285. Powers and duties
- 286. Removal; Vacancy
- 287. Speaker Pro Temp

## SUBCHAPTER 9. STANDING COMMITTEES

### Article 1. Government Services Committee

- 341. Establishment; purposes
- 342. Membership



- 343. Powers
- 344. Meetings; Quorum

Article 2. Budget and Finance Committee

- 371. Establishment
- 372. Purposes
- 373. Membership; advisors
- 374. Powers
- 375. Meeting; quorum

Article 3. Reserved

Article 4. Community Development Committee

- 420. Establishment
- 421. Purposes
- 422. Membership; advisors
- 423. Enumerated Powers
- 424. Meeting; quorum

Article 5. Health and Social Services Committee

- 451. Establishment
- 452. Purposes
- 453. Membership
- 454. Powers
- 455. Meetings; quorum

Article 6. Education Committee

- 481. Establishment
- 482. Purposes
- 483. Membership
- 484. Powers
- 485. Meeting; quorum

Article 7. Reserved.

Article 8. Reserved

Article 9. Judiciary Committee

- 571. Establishment
- 572. Purposes
- 573. Membership
- 574. Powers
- 575. Meetings; quorum

Article 10. Human Services Committee

- 601. Establishment
- 602. Purposes

603. Membership  
604. Powers  
605. Meetings; quorum

Article 11. Reserved

Article 12. Public Safety Committee

661. Establishment  
662. Purposes  
663. Membership  
664. Powers  
665. Meeting; quorum

Article 13. Resources Committee

691. Establishment  
692. Definition of terms  
693. Purposes  
694. Membership  
695. Powers  
696. Meetings; quorum

Article 14. Economic Development Committee

721. Establishment  
722. Purpose and Scope  
723. Membership  
724. Enumerated powers  
725. Meeting; quorum

Article 15. Reserved

Article 17. Reserved

Article 18. Intergovernmental Relations Committee

821. Establishment  
822. Purposes  
823. Membership; selection; Chairperson  
824. Powers  
825. Meeting; quorum

Article 19. Ethics and Rules Committee

831. Establishment  
832. Purposes  
833. Membership  
834. Powers  
835. Meeting; quorum

Article 20. Reserved



## SUBCHAPTER 1. BOARDS AND COMMISSIONS

### Article 1. NAVAJO-HOPI LAND COMMISSION

- 851. Establishment; purposes
- 852. Membership; selection; Chairperson and Vice-Chairperson; term of offices; ex-officio members
- 853. Powers
- 854. Meetings
- 855. Procedure
- 856. Staff
- 857. Reports
- 858. Subcommittees

### Article 2. EASTERN NAVAJO LAND COMMISSION

- 861. Establishment; purpose
- 862. Membership
- 863. Powers and duties
- 864. Staff
- 865. Meetings; procedures

### Article 3. Navajo Board of Election Supervisors

- 871. Establishment; Purposes
- 872. Membership; terms; Chairperson and Vice-Chairperson
- 873. Powers and duties
- 874. Meetings; quorum; compensation
- 875. Ethics
- 876. Office; purpose
- 877. Director; staff; powers and duties
- 878. Political Practices

### Article 5. Navajo Nation Insurance Commission

- 931. Establishment
- 932. Purposes
- 933. Powers
- 934. Membership; Chairperson and Vice Chairperson; quorum; advisors, review boards and committees
- 935. Procedures
- 936. Compensation

## SUBCHAPTER 12. LEGISLATIVE OFFICES

### Article 1. Office of Legislative Services

- 951. Establishment
- 952. Purpose
- 953. Director
- 954. Organizations and Functions

Article 2. Office of Legislative Counsel

- 960. Establishment
- 961. Purpose
- 962. Legislative and Administrative Oversight
- 963. Personnel
- 964. Authorities, Duties and Responsibilities

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

- 970. Establishment
- 971. Purposes
- 972. Membership; Officers; Term; Qualifications
- 973. Duties and Responsibilities
- 974. Meetings; Procedures
- 975. Director; Appointment; Removal
- 976. Power and Duties of the Director
- 977. Office; Staff; Duties and Accountability
- 978. Amendments

CHAPTER 5. EXECUTIVE BRANCH

SUBCHAPTER 7. President and Vice President

- 1001. Executive Branch Establishment
- 1002. Creation of Office of President and Vice President; term
- 1003. Vice President
- 1004. Qualification
- 1005. Powers and duties
- 1006. Vacancy
- 1007. Residences
- 1008. Salary
- 1009. Staff
- 1010. Gift of property
- 1011. Valuation and accounting; distribution
- 1012. Recording of Gifts
- 1013. Contracting

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 or 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 Central 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, 3530 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.



# NAVAJO NATION

292

Navajo Nation Council Special Session

4/17/2020  
03:24:33 PM

Amd# to Amd#	Consent Agenda	PASSED
MOT Begay, P	Legislation 0086-20, Legislation	
SEC Halona, P	0093-20 and Legislation 0094-20	

**Yeas : 21**

**Nays : 0**

**Excused : 0**

**Not Voting : 2**

## Yea : 21

Begay, E	Freeland, M	Slater, C	Tso, E
Begay, K	Halona, P	Smith	Walker, T
Begay, P	Henio, J	Stewart, W	Wauneka, E
Brown	James, V	Tso	Yazzie
Charles-Newton	Nez, R	Tso, D	Yellowhair
Daniels			

## Nay : 0

## Excused : 0

## Not Voting : 2

Crotty	Tso, C
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**Presiding Speaker: Damon**