

LEGISLATIVE SUMMARY SHEET

Tracking No. 0067-21

DATE: April 1, 2021

TITLE OF RESOLUTION: AN ACT RELATING TO LAW AND ORDER COMMITTEE; AMENDING THE COMMISSION ON NAVAJO GOVERNMENT DEVELOPMENT'S RULES OF PROCEDURE

PURPOSE: To amend the Commission on Navajo Government Development's Rules of Procedure.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD:

Website Posting Time/Date:

Posting End Date:

Eligible for Action:

Law and Order Committee

PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL – Third Year 2021

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0067-21

AN ACT

RELATING TO LAW AND ORDER COMMITTEE; AMENDING THE COMMISSION
ON NAVAJO GOVERNMENT DEVELOPMENT'S RULES OF PROCEDURE

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation established the Law and Order Committee as a standing committee of the Navajo Nation Council. 2 N.N.C. § 600 (A).
- B. The Commission on Navajo Government Development (Commission) is empowered to develop its own rules of procedures for the conduct of meetings, which shall be approved by the Law and Order Committee of the Navajo Nation Council. 2 N.N.C. § 974 (B).
- C. The Commission is empowered to review, evaluate, and recommend rules and regulations including those of boards and commissions in order to develop a comprehensive system of government for the Navajo People. 2 N.N.C. § 973 (B) (3).

SECTION TWO. FINDINGS

- A. The Commission on Navajo Government Development implemented its existing Rules of Procedure in Resolution CNGD-0205-20, attached as **Exhibit A**.
- B. The Commission on Navajo Government Development is seeking to amend its existing Rules.

1 **SECTION THREE. AMENDING THE RULES ON THE COMMISSION OF**
2 **NAVAJO GOVERNMENT DEVELOPMENT**
3 _____
4

5 **RULE 1 PURPOSE**

6 The purpose of these Rules of Procedure shall be to provide for the orderly, expeditious and
7 transparent meetings of the Commission on Navajo Government Development.
8

9 **RULE 2 ELECTION OF OFFICERS / VACANCY**

10 A. If a vacancy occurs in any office (Chairperson and/or Vice-Chairperson), the Commission
11 shall declare a vacancy and schedule at the next regular meeting the nomination and
12 election of officers. The Commission shall select from among its members and shall
13 entertain nominations and elect officers.

14 B. To facilitate full participation of all Commissioners, the Executive Director of the Office
15 of Navajo Government Development shall preside over the nomination and voting process
16 until a Chairperson and/or Vice-Chairperson are seated. The elected shall resume the
17 meeting.

18 C. All voting for the vacancies shall be done by written secret ballot.

19 D. If there are three (3) or more candidates for any position, there shall be a run-off election
20 to reduce the number of candidates to two (2).
21

22 **RULE 3 CHAIRPERSON AND VICE- CHAIRPERSON; CHAIRPERSON PRO**
23 **TEMPORE**

24 A. Pursuant to 2 N.N.C. § 972 (B), the Chairperson and Vice-Chairperson shall be selected by
25 the members of the Commission and serve terms concurrent with their membership terms.

26 B. The Chairperson, or in the absence of the Chairperson, the Vice-Chairperson shall preside
27 over Commission meetings. The Chairperson shall preserve order, decide points of order,
28 vote in the case of a tie, recognize Commission members, perform all duties prescribed by
29 law or by rules of the Commission.
30

1 C. In the absence of the Chairperson and Vice-Chairperson, the Commission members present
2 may select a Chairperson Pro-Tempore for that meeting only.

3 D. In the event the Chairperson has a conflict of interest or the Chairperson desires to present
4 a resolution to the Commission or otherwise participate as a voting member on any matter
5 before the Commission, the Chairperson may appoint the Vice-Chairperson or Chairperson
6 Pro Tempore to preside over the matter.

7
8 **RULE 4 PUBLIC RECORDS**

9 A. The Commission shall allow public access to Commission records that fall within the
10 definition of public records in accordance with the Navajo Nation Privacy Act, 2 N.N.C §
11 81 et. seq.

12 B. The Office of Navajo Government Development shall keep written minutes, exhibits and
13 other documents ~~concerning~~ reflecting the Commission meetings.

14 C. The Office of Navajo Government Development may charge a reasonable fee for providing
15 copies or reproduction of copies of any record that are requested in accordance the Navajo
16 Nation Privacy Act, 2 N.N.C § 81 et. seq.

17
18 **RULE 5 SUBCOMMITTEES**

19 Pursuant to 2 N.N.C. § 975, the Commission may establish subcommittees consisting of
20 Commission members for specified tasks and timelines as needed. The subcommittee(s) shall
21 continue until completion of its assigned task(s) and shall report its findings to the
22 Commission.

23
24 **RULE 6 MEETINGS**

25 Regular meetings shall be held every third ~~Saturday~~ Friday of each month, unless a different
26 day is more convenient. Special meetings may be called by the Chairperson of the
27 Commission.

28
29 **RULE 7 NOTICE OF MEETINGS**

1 The time, place and content of meetings shall be posted in the local media at least 24 hours
2 prior to the meeting. Courtesy notice shall be provided to the Speaker of the Navajo Nation
3 Council.

4 5 **RULE 8 QUORUM**

6 ~~A quorum shall consist of a majority of confirmed commissioners, which shall not be less~~
7 ~~than a minimum of six (6) confirmed members.~~

8 A. At any meeting, a quorum shall consist of a majority of duly appointed commission
9 members.

10 B. At any meeting, a quorum will include commissioners physically present or participating
11 telephonically for a meeting.

12 13 **RULE 9 ATTENDANCE**

14 Official attendance at all Commission business meetings shall be kept by the Office of Navajo
15 Government Development staff or recording clerk. All commissioners are encouraged to attend
16 all regular and special meetings. Commissioners must attend the entire duration of the meeting
17 unless excused by the Chairperson in the event of unforeseen circumstances.

18 19 **RULE 9 10 TELECONFERENCE**

20 With reasonable notice to make proper arrangements and at least a majority of the quorum is
21 physically present at the meeting. A Commissioner may participate in a duly called meeting of
22 the Commission by telephonic or other electronic or video means, which will require full
23 participation. A Commissioner appearing telephonically or otherwise shall be ~~accorded~~
24 afforded all rights and appropriate privileges of a Commissioner who appears in person.
25 Commissioners participating by telephonic or video means shall indicate on the record of their
26 call-in location.

27 28 **RULE 10 11 ORDER OF BUSINESS**

29 The order of business shall be as follows:

30 A. 1. Call meeting to Order; Roll Call; Invocation

~~B. 2. Invocation~~

~~C. 2. Introduction of Guests and Visiting Officials; Call to the Public (5-minute limit),
Announcements~~

~~D. Call to the Public (5-minute limit)~~

~~E. 3. Review and Adopt the Agenda~~

~~F. 4. Review and Adopt Minutes~~

~~G. 5. Old Business~~

~~H. 6. New Business~~

~~I. 7. Executive Director Report~~

~~a. Report~~

~~b. Other Business~~

~~J. Other Business~~

~~K. 8. Executive Session (for the good of the order)~~

~~L. Announcements~~

~~M. 9. Next meeting Date~~

~~N. 10. Adjournment~~

RULE 11 12 READING OF RESOLUTIONS

All proposed resolutions shall be made a part of the Commission's official record and shall be read into the record. The final reading of the proposed resolution shall be inclusive of all amendments.

RULE 12 13 MOTIONS

A. MAIN MOTION AND SECOND. The Chairperson shall recognize a main motion and second to address an item on the agenda that requires Commission action or consideration of a resolution. The Chairperson shall provide for an opportunity for the Commission to discuss the item. The resolution shall be read into the record before the main motion and second are acknowledged by the presiding chairperson.

B. AMENDMENT TO THE MAIN MOTION. Any member of the Commission may propose an amendment to the main motion, so long as it receives a second and does not substantially

1 alter the main motion. After discussion of the amendment, a vote shall occur prior to
2 returning to the main motion. Only one motion to amend shall be considered at a time.

3 C. TABLING MOTION. Any member of the Commission may propose a tabling motion, as
4 long as it receives a second, and includes a specific directive on when it will be taken up
5 again by the Commission. The tabling motion shall take precedence over all other motions
6 on that item. Tabling motion is not subject to discussion. Legislation, resolution or an issue
7 tabled twice shall be deemed eliminated from the agenda of the Commission. An item that
8 has been tabled two times can be considered at a future meeting of the Commission,
9 provided the Commission deems the condition for tabling has been satisfied and fulfilled.

10 D. POINT OF ORDER MOTION. Any member of the Commission may raise a point of order
11 if a Commission member is speaking to an item not properly before the Commission, or
12 other Rules of Procedure have been violated. It must be immediately raised. It is not subject
13 to debate. The Commission member may interrupt another Commission member, the
14 Chairperson, or a vote in progress to raise a point of order. The Chairperson shall
15 immediately rule upon the point of order.

16 E. WITHDRAWAL OR MODIFICATION OF MOTION. Any member of the Commission
17 may withdraw or modify a motion made by that member if the Chairperson grants
18 permission and there is no objection from any member.

20 **RULE ~~13~~ 14 DISCUSSION**

21 A. Upon recognition by the Chairperson of the Commission, members of the Commission
22 shall be given no more than two (2) opportunities to discuss a proposed resolution or issue
23 before the Commission. No member shall be interrupted when speaking on such resolution
24 or issue. Members of the Commission shall be given an opportunity to speak before
25 allowing non-members to speak to the matter.

26 A. 1. Non action items may be called for discussion by the discretion of the
27 Chairperson for Commission discussion.

28 B. 2. It shall be at the discretion of the Chairperson to determine the time length of
29 the debate.
30

1 **RULE 14 ~~15~~ VOTE**

2 A. Every member of the Commission, with the exception of the Chairperson, shall vote in
3 favor, ~~or in opposition of each motion before the Commission by a show of hands. or~~
4 express abstention of each motion before the Commission by verbal roll call. No vote shall
5 be conducted in Executive Session. If a member is participating via teleconference,
6 pursuant to Rule 7 10, the member shall indicate his or her vote by stating "Yes" in favor
7 or "No" in opposition of the motion. A member may abstain only if there is a direct
8 personal or monetary conflict of interest or is indifferent to the question.

9 B. The motion shall pass if it receives a majority of votes cast.

10 C. No proxy vote is permitted.
11

12 **RULE 15 16 INFORMAL DISCUSSION**

13 Any member of the Commission may request to go "off record" to discuss any resolution or
14 issue. The Chairperson shall rule on the request.
15

16 **RULE 16-17 EXECUTIVE SESSION**

17 With a motion, a second and a majority vote, the Commission may go into executive session
18 to discuss any business that may require confidentiality or is of a sensitive nature. The
19 Chairperson shall decide who shall remain in the meeting room. During the executive session,
20 there shall be no recording and no voting and the doors shall remain closed. All matters
21 discussed in executive sessions shall remain confidential. The Chairperson and or authorized
22 spokesperson may provide a summary of the discussion if deemed necessary and to the extent
23 necessary to preserve confidential information.
24

25 **RULE 17 18 RECOMMENDATION FOR REMOVAL**

26 Any Commission member who misses three (3) consecutive regular or special meetings
27 without reasonable notice to the chairperson may be recommended for removal. The
28 Commission, by majority vote, may recommend to the Navajo Nation Council, removal of a
29 member. The vacancy resulting in the removal shall be filled pursuant to 2 N. N. C. § 972.
30

1 **RULE 19 RESIGNATION**

2 Any Commission member(s) who voluntarily resigns from their position shall submit a letter
3 of resignation to the Chairperson with an effective date. The Commission will add the
4 Commission member's resignation letter to their next regular or special meeting agenda to
5 discuss and decide whether to formally accept the resignation through a resolution. The
6 vacancy resulting in the resignation shall be filled pursuant to 2 N. N. C. § 972.

7
8 **RULE 18 20 NAVAJO NATION ETHICS IN GOVERNMENT LAW**

9 All Commission members will be subject to the Navajo Nation Ethics in Government Law, 2
10 N. N. C. §§ 3741-3793.

11
12 **RULE 19 21 AMENDMENTS**

13 Pursuant to 2 N.N.C. § 974 (B) and CO-80-20, the Rules of Procedure may be amended by the
14 Naabik'iyáti Committee of the Navajo Nation Council upon recommendation of the
15 Commission on Navajo Government Development.

16 * * * *

17
18
19 **SECTION FOUR. EFFECTIVE DATE**

20 The amendments enacted herein shall be effective pursuant to 2 N.N.C. § 978.

21
22 **SECTION FIVE. SAVINGS CLAUSE**

23 Should any provision of these amendments, be determined invalid by the Navajo Nation
24 Supreme Court, or the District Courts of the Navajo Nation without appeal to the Navajo
25 Nation Supreme Court, those amendments that are not determined invalid shall remain the
26 law of the Nation.

**RESOLUTION OF THE
COMMISSION ON NAVAJO GOVERNMENT DEVELOPMENT**



**AN ACTION TO APPROVE AMENDMENTS TO THE RULES OF PROCEDURE FOR
THE COMMISSION ON NAVAJO GOVERNMENT DEVELOPMENT**

WHEREAS:

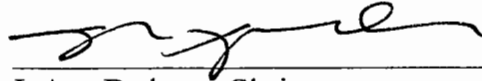
1. Pursuant to CD-68-89, the Navajo Nation Council established the Commission on Navajo Government Development ("Commission") including the Office of Navajo Government Development with quasi-independent authority to accomplish the Navajo Nation Council's project of instituting reforms necessary to ensure an accountable and responsible government, and
2. Pursuant to 2 N.N.C. § 970, the Commission on Navajo Government Development is established within the Legislative Branch, and
3. Pursuant to 2 N.N.C. § 974(B), the Commission is empowered to develop its own Rules of Procedure for the conduct of its meetings, which shall be approved by the Law and Order Committee of the Navajo Nation Council, and
4. The Commission amends Rule 6 – Meeting, from every third Saturday to every third Friday, so to make the Commission more accessible to Navajo Nation government officials, council delegates, Office of the President and Vice President, respective attorneys, and all divisions, departments, and programs, and the general public; and
5. The Commission adds a new Rule 9 – Attendance, in an effort to record official attendance record for public information and to encourage attending the full duration of all commission meetings; and
6. The Commission adds a new Rule 19 – Resignation, in an effort to specify the difference between recommendation for removal and voluntary resignation.

NOW THEREFORE IT BE RESOLVED THAT:

1. The Commission on Navajo Government Development hereby approves the amendments to the Rules of Procedure, attached hereto as Exhibit A, and recommends approval of the same to the Law and Order Committee of the Navajo Nation Council.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Commission on Navajo Government Development at a duly called meeting (via teleconference) in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that same was passed by a vote of 7 in favor, 0 opposed, and 2 abstained, this 3rd day of September 2020.



JoAnn Dedman, Chairperson
Commission on Navajo Government Development

Motion: Larry Rodgers

Second: Kenneth Maryboy

COMMISSION ON NAVAJO GOVERNMENT DEVELOPMENT

Rules of Procedure

RULE 1 PURPOSE

The purpose of these Rules of Procedure shall be to provide for the orderly, expeditious and transparent meetings of the Commission on Navajo Government Development.

RULE 2 ELECTION OF OFFICERS / VACANCY

- A. If a vacancy occurs in any office (Chairperson and/or Vice-Chairperson), the Commission shall declare a vacancy and schedule at the next regular meeting the nomination and election of officers. The Commission shall select from among its members and shall entertain nominations and elect officers.
- B. To facilitate full participation of all Commissioners. The Executive Director of the Office of Navajo Government Development shall preside over the nomination and voting process until a Chairperson or Vice-Chairperson are seated. The elected shall resume the meeting.
- C. All voting for the vacancies shall be done by secret ballot.
- D. If there are three (3) or more candidates for any position, there shall be a run-off election to reduce the number of candidates to two (2).

RULE 3 CHAIRPERSON AND VICE- CHAIRPERSON; CHAIRPERSON PRO TEMPORE

- A. Pursuant to 2 N.N.C. § 972(B), the Chairperson and Vice-Chairperson shall be selected by the members of the Commission and serve terms concurrent with their membership terms.
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- C. In the absence of the Chairperson and Vice-Chairperson, the Commission members present may select a Chairperson Pro-Tempore for that meeting only.
- D. In the event the Chairperson has a conflict of interest or the Chairperson desires to present a resolution to the Commission or otherwise participate as a voting member on any matter before the Commission, the Chairperson may appoint the Vice-Chairperson or Chairperson Pro Tempore to preside over the matter.

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- A. The Commission shall allow public access to Commission records that fall within the definition of public records in accordance the Navajo Nation Privacy Act, 2 N.N.C § 81 et. Seq.
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Pursuant to 2 N.N.C. § 975, the Commission may establish subcommittees consisting of Commission members for specified tasks and timelines as needed. The subcommittee(s) shall continue until completion of its assigned task(s) and shall report its findings to the Commission.

RULE 6 MEETINGS

Regular meetings shall be held every third ~~Saturday~~ Friday of each month, unless a different day is more convenient. Special meetings may be called by the Chairperson of the Commission.

RULE 7 NOTICE OF MEETINGS

The time, place and content of meetings shall be posted in the local media at least 48 hours prior to the meeting. Courtesy notice shall be provided to the Speaker of the Navajo Nation Council.

RULE 8 QUORUM

A quorum shall consist of a majority of confirmed commissioners, which shall not be less than a minimum of six (6) confirmed members.

RULE 9 TELECONFERENCE

With reasonable notice to make proper arrangements and at least a majority of the quorum is physically present at the meeting, a Commissioner may participate in a duly called meeting of the Commission by telephonic or other electronic means, which will require full participation. A Commissioner appearing telephonically or otherwise shall be accorded all rights and appropriate privileges of a Commissioner who appears in person. The Chairperson shall indicate on the record of the Commission the participation of a Commissioner by telephonic or other electronic means.

RULE 10 ORDER OF BUSINESS

The order of business shall be as follows:

- A. Call meeting to Order; Roll Call
- B. Invocation
- C. Introduction of Guests and Visiting Officials
- D. Call to the Public (5 minute limit)
- E. Review and Adopt the Agenda
- F. Review and Adopt the Minutes
- G. Unfinished Business
- H. New Business
- I. Executive Director Report
- J. Other Business
- K. Executive Session (for the good of the order)
- L. Announcements
- M. Next Meeting Date
- N. Adjournment

RULE 11 READING OF RESOLUTIONS

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- E. WITHDRAWAL OR MODIFICATION OF MOTION. Any member of the Commission may withdraw or modify a motion made by that member if the Chairperson grants permission and there is no objection from any member.

RULE 13 DISCUSSION

Upon recognition by the Chairperson of the Commission, members of the Commission shall be given no more than two (2) opportunities to discuss a proposed resolution or issue before the Commission. No member shall be interrupted when speaking on such resolution or issue.

- A. Non action items may be called for discussion by the discretion of the Chairperson for Commission discussion.
- B. It shall be at the discretion of the Chairperson to determine the time length of the debate.

RULE 14 VOTE

- A. Every member of the Commission, with the exception of the Chairperson, shall vote in favor or in opposition of each motion before the Commission by a show of hands. No vote shall be conducted in Executive Session. If a member is participating via teleconference, pursuant to Rule 7, the member shall indicate his or her vote by stating

“Yes” in favor or “No” in opposition of the motion. A member may abstain only if there is a direct personal or monetary conflict of interest.

- B. The motion shall pass if it receives a majority of votes cast.
- C. No proxy vote is permitted.

RULE 15 INFORMAL DISCUSSION

Any member of the Commission may request to go “off record” to discuss any resolution or issue. The Chairperson shall rule on the request.

RULE 16 EXECUTIVE SESSION

With a motion, a second and a majority vote, the Commission may go into executive session to discuss any business that may require confidentiality or is of a sensitive nature. The Chairperson shall decide who shall remain in the meeting room. During the executive session, there shall be no recording and no voting and the doors shall remain closed. All matters discussed in executive sessions shall remain confidential. The Chairperson and or authorized spokesperson may provide a summary of the discussion if deemed necessary and to the extent necessary to preserve confidential information.

RULE 17 RECOMMENDATION FOR REMOVAL

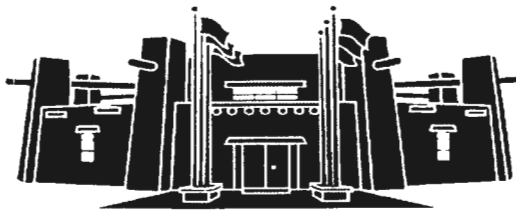
Any Commission member who misses three consecutive meeting without reasonable notice to the chairperson may be recommended for removal. The Commission, by majority vote, may recommend to the Navajo Nation Council, removal of a member. The vacancy resulting in the removal shall be filled pursuant to 2 N. N. C. § 972.

RULE 18 NAVAJO NATION ETHICS IN GOVERNMENT LAW

All Commission members will be subject to the Navajo Nation Ethics in Government Law, 2 N. N. C. §§ 3741-3793.

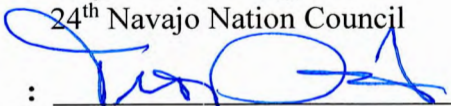
RULE 19 AMENDMENTS

Pursuant to 2 N.N.C. § 974 (B) and CO-45-12, these Rules of Procedure may be amended by the Naabik’iyáti Committee of the Navajo Nation Council upon recommendation of the Commission on Navajo Government Development.



MEMORANDUM

TO : Eugene Tso, Delegate
24th Navajo Nation Council

FROM : 
Troy D. Cook, Senior Court Advocate
Office of Legislative Council

DATE : April 1, 2021

SUBJECT : **AN ACT RELATING TO LAW AND ORDER COMMITTEE; AMENDING
THE COMMISSION ON NAVAJO GOVERNMENT DEVELOPMENT'S
RULES OF PROCEDURE**

I have prepared the above referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution drafted is legally sufficient. However, as with any legislation, it can be subject to review by the courts in the event of proper challenge. Also, understand that the Speaker is authorized to refer this proposed resolution to other committees that those stated in the title.

You are advised and encouraged to review the proposed resolution to ensure it is drafted to your satisfaction. If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment.

If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahe'he'.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0067-21_

SPONSOR: Eugene Tso

TITLE: An Act Relating to Law and Order Committee; Amending the Commission on Navajo Government Development's Rules of Procedure

Date posted: _April 6, 2021_ at 5:20PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*