

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0270-24

SPONSOR: Brenda Jesus

TITLE: An Action Relating to the Law and Order Committee, Resources and Development Committee, Naabik'iyáti' Committee, and the Navajo Nation Council; Amending Title 26 of the Navajo Nation Code to Refine the Delegation of Authority from the Navajo Nation Council to Navajo Nation Chapters

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0270-24

DATE: December 18, 2024

TITLE OF RESOLUTION: AN ACTION RELATING TO THE LAW AND ORDER COMMITTEE, RESOURCES AND DEVELOPMENT COMMITTEE, NAABIK'YATI COMMITTEE, AND THE NAVAJO NATION COUNCIL; AMENDING TITLE 26 OF THE NAVAJO NATION CODE TO REFINE THE DELEGATION OF AUTHORITY FROM THE NAVAJO NATION COUNCIL TO NAVAJO NATION CHAPTERS

PURPOSE: The purpose of this proposed resolution is to amend Title 26 of the Navajo Nation Code to refine the Delegation of Authority from the Navajo Nation Council to the Navajo Nation Chapters.

Final Authority: Navajo Nation Council

Vote Required: Simple Majority

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: 12-28-24
Eligible for Action: 12-29-24

Law & Order Committee
Thence
Resources & Development Committee
Thence
Naabik'iyati' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 25th NAVAJO NATION COUNCIL – Second Year, 2024

3 INTRODUCED BY



4 _____
5
6 (Prime Sponsor)

7
8 TRACKING NO. 0270-24



9
10
11 AN ACTION
12 RELATING TO THE LAW AND ORDER COMMITTEE, RESOURCES AND
13 DEVELOPMENT COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE, AND THE
14 NAVAJO NATION COUNCIL; AMENDING TITLE 26 OF THE NAVAJO NATION
15 CODE TO REFINE THE DELEGATION OF AUTHORITY FROM THE NAVAJO
16 NATION COUNCIL TO NAVAJO NATION CHAPTERS

17
18 BE IT ENACTED:

19
20 SECTION ONE. AUTHORITY

- 21 A. The Law and Order Committee is a standing committee of the Navajo Nation Council
22 with the responsibility to review and make recommendations to the Navajo Nation
23 Council on proposed amendments to and enactments to the Navajo Nation Code. 2
24 N.N.C. §§ 600 (A) and 601 (B)(14).
- 25 B. The Resources and Development Committee is a standing committee of the Navajo
26 Nation Council with oversight authority over Navajo Nation Chapters. 2 N.N.C §§ 500
27 (A) and 501 (C)(1).
- 28 C. The Naabik'iyati' Committee is a standing Committee Navajo Nation Council with the
29 responsibility to review legislation requiring final action by the Navajo Council. 2
30 N.N.C. §§ 164(A) (9) and 701(A) (3).

1 D. The Navajo Nation Council is the governing body of the Navajo Nation with the
2 authority to review and approve amendments to Navajo Nation laws. 2 N.N.C. §§
3 102(A) and 164(A).

4 E. The Local Governance Act, 26 N.N.C. §§ 1, et seq., "may be amended by the Navajo
5 Nation Council subject to approval of a majority of all chapters of the Navajo Nation;
6 or this Act may be amended by referendum vote of a majority of all chapters as set
7 forth in 11 N. N. C., Navajo Nation Election Code." 26 N. N. C. § 1(E).

8
9 **SECTION TWO. FINDINGS**

10 A. Since 1955, the Navajo Nation has supported Chapters "to the greatest extent possible."
11 Resolution CJ-20-55.

12 B. The comprehensive amendments offered herein are explained in more detail in **Exhibit A.**

13 C. The amendments to Title 26 herein address the following four (4) areas: 1) Five
14 Management System; 2) Supervision; 3) Regional Governments; and 4) Agency Councils.

15
16 **SECTION THREE. AMENDMENTS TO TITLE 26 OF THE NAVAJO NATION**
17 **CODE**

18 The Navajo Nation Council hereby amends Title 26 of the Navajo Nation Code as follows:

19 **Title 26**

20 **Navajo Nation Local Governance Act**

21 **Chapter 1. Navajo Nation Chapters**

22 **Subchapter 1. Generally**

23 **§ 1. Title; Purpose; Authorization; Prior Inconsistent Law Superseded; Amendment**

24 A. Title. This Act shall be cited as the "Navajo Nation Local Governance Act" and
25 herein codified in Title 26 of the Navajo Nation Code.

26 B. Purpose.

27 1. The purpose of the Local Governance Act is to recognize governance at the
28 local level as delegated expressly or impliedly by. ~~Through adoption of this~~
29 ~~Act, the Navajo Nation Council delegates to chapters governmental authority~~
30 ~~with respect to local matters consistent with Navajo law, including *Dine bi*~~

1 beenahaz'áanii custom and tradition. This Act clearly defines the executive and
2 legislative functions of the eChapters as well as the duties and responsibilities
3 of eChapter officials and the Chapter aAdministrationers consistent with the
4 Navajo Nation's policy of "separation of powers" and "checks and balances."

5 2. Enactment of the Local Governance Act allows Chapters to make decisions
6 over local matters. This authority, in the long run, will improve community
7 decision making, allow communities to excel and flourish, enable Navajo
8 leaders to lead towards a prosperous future, and improve the strength and
9 sovereignty of the Navajo Nation. Through adoption of this Act, Chapters are
10 compelled to govern with responsibility and accountability to the local citizens.

11 C. Authorization.

12 In 1998, the Navajo Nation Council, by Resolution CAP-34-98, hereby approveds
13 enacted the Navajo Nation Local Governance Act. Beginning in 1984, Chapters
14 have been asked to develop and operate under management systems for personnel,
15 procurement, financial management, property management, and records
16 management. Accordingly, this Act incentivized Chapters to develop a Five
17 Management System in order to gain the powers listed in § 103. In 2007 and 2010,
18 a standardized Five Management System was developed to assist Chapters in
19 certifying their Five Management System. However, by 2025 less than half of
20 Chapters have obtained such certification. There is a substantial need for the
21 remaining Chapters to follow a standardized Five Management System.

22 D. Prior Inconsistent Law Superseded.

23 Upon the effective date of the Navajo Nation Local Governance Act, as amended,
24 all inconsistent enactments, laws, rules, policies, ordinances and regulations of the
25 Navajo Nation and all branches, divisions, departments, offices and political
26 subdivisions thereof are superseded hereby and/or amended to comply herewith.

27 E. Amendment.

28 This Act may be amended by the Navajo Nation Council subject to approval of a
29 majority of all eChapters of the Navajo Nation; or this Act may be amended by
30

1 initiative or referendum vote of a majority of all chapters as set forth in the 11
2 N.N.C., Navajo Nation Election Code.

3 **§2. Definitions**

4 The language contained in this Section applies generally to all Chapters except as
5 otherwise provided in this Act.

6 1. "Accounting system" means the methods and records established and maintained to
7 identify, assemble, analyze, classify, record and report a Chapter's financial
8 transactions and to maintain accountability, ~~in accordance with~~ equal or equivalent
9 to generally accepted governmental accounting principles (GAGAP), or another
10 comprehensive basis of accounting, other than (GAGAP) of such transactions and
11 for the related assets and liabilities.

12 ~~2. "Administrative functions" are those activities of the Chapter government which are~~
13 ~~non-legislative, and involve the conduct of programs.~~

14 ~~23.~~ "Allotment" means a parcel of land either owned by the United States in trust for
15 an Indian (trust allotment) or owned by an Indian subject to restriction imposed by
16 the United States against alienation (restricted fee allotment).

17 ~~34.~~ "Alternative ~~f~~Form of Chapter ~~g~~Governance" means a change from the traditional
18 chapter form of governance to give a new design, function or organization to the
19 existing Chapter government.

20 ~~45.~~ "Attendance" means to be present either in person or through virtual methods.

21 ~~56.~~ "Bullying" means offensive or malicious behavior that involves the misuse of power
22 by those in positions of seniority.

23 ~~6.~~ "Chapters" are ~~units of local government which are~~ political subdivisions of the
24 Navajo Nation which are not under any branch of the Navajo Nation central
25 government but are subject to follow all applicable Navajo Nation laws,
26 regulations, rules, and policies.

27 ~~7.~~ "Chapter Administration" means all Chapter personnel hired to carry out the
28 executive functions of the Chapter such as executing all duly approved Chapter
29 ordinances and policies.

30

1 8. "Chapter Ballot Measure" means the official action of a Chapter's Registered
2 Voters pursuant to Section 2001(B) of this Act.

3 ~~79. "Chapter Certification" means the process required of a community group, pursuant~~
4 ~~to Section 3, seeking to establish a certified Chapter of the Navajo Nation~~
5 ~~Government described in Section 3 of this Act setting forth official recognition of~~
6 ~~any new Chapters as a political subdivision of the Navajo Nation.~~

7 ~~810. "Chapter eEmployee" means any person hired by the Chapter and is receiving a~~
8 ~~salary paid for by the Chapter or entity working for, or rendering or exchanging any~~
9 ~~services or performing any act for or on behalf of the Chapter in return for any form~~
10 ~~of payment or other compensation or thing of value received or to be received at~~
11 ~~any time temporarily, permanently or indefinitely, in any capacity; whether as~~
12 ~~agent, servant, representative, consultant, advisor, independent contractor or~~
13 ~~otherwise.~~

14 11. "Chapter Executive" means the Chapter Manager, Atsilasdai Executive, Regional
15 Executive, or similar position serving as the Chief Executive of the Chapter
16 Administration.

17 12. "Chapter Meeting Claim Form" means the form submitted by Chapter Officials in
18 order to receive a stipend or compensation for attending a meeting. This form shall
19 include the original documents for the Chapter Agenda, Sign-in Sheets, Audio
20 Recording of the Meeting, and written Chapter Meeting Minutes.

21 ~~913. "Chapter mMeeting mMinutes" means the written record of all action taken at~~
22 ~~a duly called meeting of the a Chapter meeting.~~

23 140. "Chapter membership" means:

- 24 a. For voting purposes, ~~and~~ participation in the Chapter government, and
25 performing the legislative functions of the chapter, all registered voters of the
26 Chapter, or those representing such voters pursuant to governing models
27 adopted by the Resources and Development Committee of the Navajo Nation
28 Council pursuant to this Act. An individual may not be a member of more than
29 one Chapter.

30

1 b. For purposes of services and benefits, all tribal members, young and old, who
2 either reside within or are registered in the Chapter. An individual may not be
3 a member of more than one Chapter.

4 ~~154.~~ "Chapter Officials" means the President, Vice-President, and Secretary/Treasurer
5 of a certified Chapter, or, ~~for purposes of the Election Code,~~ other officials who
6 may be locally elected based upon governing models adopted by the
7 ~~Chapter Resources and Development Committee of the Navajo Nation Council~~
8 pursuant to this Act.

9 ~~12.~~ "Chapter ballot measure" means the official action of a Chapter's registered voters
10 on a proposed resolution or ordinance pursuant to Sections 1003(B) and 2001(H)
11 ~~et seq. of this Act.~~

12 ~~163.~~ "Chapter ~~r~~Resident" means one who dwells permanently or continuously within
13 the boundaries of a Chapter.

14 ~~174.~~ "Chapter ~~r~~Resolution" means the legislative document presented~~document~~
15 ~~recording the official action taken by the Chapter membership at a duly called~~
16 Chapter meeting receiving the requisite number of votes.

17 ~~185.~~ "Community based ~~l~~Land ~~u~~Use ~~p~~Plan" means a planning document adopted by
18 ~~Chapter resolution~~ setting forth current and proposed uses of land within Chapter
19 boundaries, illustrating such uses by map or plat and upon certification, may
20 serve as the basis for zoning ordinances.

21 ~~196.~~ "Contracting" means the act of entering into written agreements which impose
22 legal obligations on the parties who are signatories to the agreement.

23 ~~2017.~~ "Custodian" means having day to day charge of official books, records,
24 documents, equipment, property and ~~funds~~ assets of the Chapter.

25 ~~1821.~~ "Eminent ~~d~~Domain" means the taking of land used by an individual, or legal
26 person or entity, in which an individual, or legal person or entity, has an interest for
27 a governmental purpose. "Just compensation" must be paid to the user for taking of
28 such as prescribed by Navajo law.

29 ~~19.~~ "Filing system" means the system by which all Chapter documents are maintained.
30

1 220. "Five Management System" means a the management systems and policies for
2 Fiscal ~~which includes: accounting, p~~Procurement, Records~~filing, p~~Personnel and
3 p~~Property~~ m~~Management~~.

4 231. "Governance Certification~~procedure requirements~~" means certification of a
5 Chapter's Five Management System which is a requirement in order to begin
6 exercising authorities pursuant to this Act.

7 242. "Governmental p~~Purposes~~" means activities carried out by the Chapter for the
8 general health, safety and welfare of the Chapter m~~Membership~~.

9 25. "Immediate Relative" means grandparent, parent, sibling, child, and grandchildren.

10 263. "Management and Operation" means the day-to-day non-legislative functions of
11 the Chapter exercised by the Chapter Administration which may include, but is not
12 limited to, implementing the Five Management System, other duly adopted Chapter
13 Policies, any other applicable laws, regulations, and policies"~~Local governance~~"
14 ~~means governance by and through Chapter governmental bodies as set forth by this~~
15 ~~Act.~~

16 24. "~~Manager~~" ~~means the individual who is responsible for administering the Five~~
17 ~~Management System and the administration of the Chapter.~~

18 25. "~~Navajo Nation law~~" means Navajo statutes, administrative regulations and Navajo
19 common law.

20 276. "Ordinance" means a local law, rule or regulation enacted by a Chapter pursuant
21 to this Act.

22 27. "~~Oversight~~" ~~means the general supervision of administrative functions by the~~
23 ~~Chapter official and/or the manager to ensure accountability.~~

24 28. "Personal p~~Property~~" is all supplies, materials, equipment and other property
25 subsidized by the Chapter , ~~including expendable and nonexpendable property,~~
26 ~~capitalized and non-capitalized, but does not include real property or permanent~~
27 ~~fixtures. Capitalized property is nonexpendable property having acquisition value~~
28 ~~of one thousand dollars (\$1,000.00) or more.~~

- 1 29. "Personnel ~~m~~Management" means the system used by which recruitment,
2 retention and termination of employees is administered at the Chapter to manage
3 their own employees.
- 4 30. "Property ~~m~~Management" means the system by which the Chapter administers
5 accounts for real and personal property ~~obtained or controlled as a result of past~~
6 ~~transactions, events or circumstances~~.
- 7 31. "Real ~~p~~Property" is any interest in land, ~~together with the improvements, structures~~
8 and permanent fixtures located thereon.
- 9 32. "Regional Form of Government" means the merger of one or more Chapters to
10 form a regionalized government.
- 11 33. "Registered ~~v~~Voter" means ~~having one's name officially placed on a list of eligible~~
12 ~~voters being on the Navajo Nation roll of registered voters~~.
- 13 33. ~~"Subcontract" means the act of entering into a written agreement between a Navajo~~
14 ~~Nation Chapter and a Navajo Nation division, program or entity~~.
- 15 34. "Spouse" includes a common-law spouse. ~~"Technical assistance" means services~~
16 ~~rendered by the central Navajo Nation government with respect to the authority to~~
17 ~~be exercised by Chapters as described herein~~.
- 18 35. "Virtual" or "virtually" means remote access through an audio or video
19 conferencing platform. Chapter meetings may be held virtually, or a combination
20 of virtual and in-person. Any reference to Chapter meeting throughout this Act
21 includes the authorization to hold virtual or a combination of virtual and in-person
22 meetings.
- 23 36. "Virtual Attendance" means that a person is not physically present at a meeting,
24 but is still able to participate in the meeting, in a manner similar to those physically
25 present, by means of an audio and/or video conferencing platform. Voting through
26 Virtual Attendance shall be subject to such voter's chapter registration being
27 verified by the Chapter Secretary, or their designee, prior to the final vote tally as
28 set forth in virtual/hybrid attendance policies and procedures adopted by Chapter
29 resolution or referendum.

30 **§ 3. Chapter eCertification as a Political Subdivision of the Navajo Nation**

- 1 A. ~~There shall be certified at least one chapter organization in each chapter precinct~~
2 ~~which elects delegates to the Navajo Nation Council. The list of certified chapters~~
3 ~~is at 11 N.N.C. § 10. The certification of Chapters originated under Navajo Tribal~~
4 ~~Council Resolution No. CM-28-58 to outline a procedure to establish additional~~
5 ~~Chapters on the Navajo Nation.~~
- 6 B. ~~Until increased by certification by the Navajo Nation Council, the number of~~
7 ~~certified eChapters shall not exceed 110.~~
- 8 C. Additional eChapters may be certified only if all of the following are met:
- 9 1. Upon presentation of evidence to the Navajo Nation Council that the proposed
10 eChapter represents a community group which has existed and functioned as a
11 community for four continuous years.
- 12 2. Upon presentation of evidence that the population of the area exceeds 1,000
13 persons for each of the ~~existingsurrounding~~ eChapters and that there is a need
14 to establish others.
- 15 3. Upon presentation of evidence that the topography or the unique demography
16 of the eChapter area makes it necessary to have more than one eChapter to allow
17 residents access to eChapter mMeetings.

18 Subchapter 3. Navajo Nation Chapter Governance

19 **§ 101. Five Management System and Community Land Use Plan Chapter government**
20 **requirements**

- 21 A. Five Management System: To ensure accountability, all chapters are required to
22 ~~adopt and operate under a Five Management System. Chapters shall develop~~
23 ~~polieies and procedures for the Five Management System consistent with~~
24 ~~applicable Navajo Nation law.~~
- 25 1. Chapters with Five Management Systems previously certified shall continue to
26 operate under their existing Five Management System certified by the
27 Resources and Development Committee and as properly amended.
- 28 2. Chapters without a previously certified Five Management System shall begin
29 operating under a standardized Five Management System approved by the
30 Resources and Development Committee.

1 B. Community Land Use Plan. In order for Chapters wanting to administer land,
2 pursuant to this Act such as eligibility to gain business site leasing authority and
3 proposing zoning ordinances, Chapters are required to develop a have a
4 eCommunity based lLand uUse pPlan based upon results of a community
5 assessment certified by the Resources and Development Committee.

6 **§ 102. Governance procedure requirements Amending the Five Management System**

7 A. ~~The Navajo Nation Auditor General's office shall review the chapter's Five~~
8 ~~Management System policies and procedures and recommend governance~~
9 ~~certification of the policies and procedures to the Resources and Development~~
10 ~~Committee.~~ Any Chapter may propose an amendment to their Five Management
11 System by:

- 12 1. Preparing a draft Chapter Resolution expressing the need for the amendment;
- 13 2. Preparing an exhibit to the Resolution containing the original language of the
14 Five Management System and underlining new language and/or striking
15 through deleted language; and
- 16 3. The proposed amendment shall be submitted to the Auditor General's Office
17 for review.

18 B. Upon a favorable review and recommendation by the Auditor General's office, the
19 Chapter shall follow the ordinance process expressed in §2001(A) herein in order
20 to finalize the amendments to the Five Management System. ~~Resources and~~
21 ~~Development Committee of the Navajo Nation Council shall certify the Five~~
22 ~~Management System policies and procedures. Also, the committee shall review, if~~
23 ~~applicable, the chapter's community based land use plan. Upon governance~~
24 ~~certification by the Resources and Development Committee, the chapter may~~
25 ~~exercise authorities pursuant to § 103 of this Act.~~

26 C. ~~Chapters subsequently approving a community based land use plan must receive~~
27 ~~certification from the Resources and Development Committee. Certification by the~~
28 ~~Resources and Development Committee authorizes chapters to administer land~~
29 ~~pursuant to § 103(D)(1).~~

30 **§ 103. Chapter authority**

- 1 A. ~~The members of each Chapter, at a duly called meeting, are authorized~~ Membership
2 shall have the authority to oversee the authority delegated to the Chapter pursuant
3 to this Act except when such oversight has been delegated pursuant to an
4 Alternative Form of Government or an approved Municipal Form of Government.
- 5 B. All authority exercised by a Chapter shall be consistent with Navajo Nation law.
- 6 C. All authority exercised by a Chapter, pursuant to this Act, may be preempted by
7 Navajo Nation Council statutes and/or resolutions.
- 8 D. All Chapters, by Chapter ~~Resolution~~, may exercise the following authorities,
9 including, but not limited to:
- 10 1. Issue home and business site leases or permits. The issuance of leases and
11 permits shall be done in accordance with uniform rules and regulations
12 promulgated by the Resources and Development Committee of the Navajo
13 Nation Council. This provision shall not apply to ~~a~~Allotments.
 - 14 2. Acquire, sell or lease property of the Chapter.
 - 15 3. Enter into agreements for the provision of goods and services.
 - 16 4. Enter into agreements with other Chapters to undertake a common goal or
17 interest which will benefit the Chapters.
 - 18 5. Enter into ~~intergovernmental agreements~~Memorandums of Agreements,
19 Memorandums of Understandings, or funding agreements with federal, state,
20 tribal entities and/or their agencies, ~~subject to the approval of the Naabik'iyáti'~~
21 ~~Committee of the Navajo Nation Council.~~ This provision is not intended to
22 alter ~~intergovernmental~~ agreements between Chapters and the United States
23 which pre date the enactment of this Act.
 - 24 6. Enter into contracts; or subcontracts with the Navajo Nation, ~~for~~ federal, state,
25 county, tribal entities and/or their agencies for grants and other funding~~and~~
26 ~~other funds, subject to the approval of the Naabik'iyáti' Committee of the~~
27 ~~Navajo Nation Council.~~ This provision is not intended to alter federal contracts
28 ~~between Chapters and the United States which pre-date the enactment of this~~
29 ~~Act.~~
- 30

- 1 7. Enter into contracts or subcontracts for Navajo Nation ~~general~~ funds, with
2 appropriate Navajo Nation divisions, programs or agencies for service delivery
3 programs. This includes agreements for administering capital improvement
4 project funds.
- 5 8. Appropriate funds, including reallocating Chapter Funds, by Chapter
6 Resolution, for direct services benefitting the Chapter Membership.~~according~~
7 ~~to conditions set forth by the Navajo Nation Council, divisions, departments or~~
8 ~~other funding sources, including Chapter claims funds and Chapter scholarship~~
9 ~~funds.~~
- 10 9. Retain legal counsel using contracts recommended by the Navajo Nation
11 Attorney General. Chapter Legal Counsel are prohibited from bringing suit
12 against the federal and state governments, including their entities. In addition,
13 the Navajo Nation Attorney General shall be primarily responsible to defend
14 Chapters in lawsuits filed in foreign courts and administrative tribunals.
- 15 10. Establish a peacemaking system or administrative procedure for resolving
16 disputes arising from Chapter ~~r~~Resolutions, ~~e~~Ordinances, or administrative
17 action; ~~including matters arising from personal disputes.~~ The peacemaking
18 system should emphasize Navajo custom for resolving disputes not otherwise
19 contrary to Navajo law and/or custom.
- 20 11. Generate revenue through means established by the Chapter consistent with this
21 Act. This includes imposing reasonable Chapter administrative fees consistent
22 with Navajo Nation law.
- 23 12. Other authorities not expressly delegated or reserved to another governmental
24 entity.
- 25 E. Chapters may adopt the following ~~e~~Ordinances pursuant to § 2001(A) of this Act.
- 26 1. Amend the Community land ~~u~~Use ~~p~~Plan to meet the changing needs of the
27 community.
- 28 2. Acquire property by ~~e~~Eminent ~~d~~Domain, pursuant to § 2005 of this Act. This
29 provision shall not apply to ~~a~~Allotments.
- 30

- 1 3. ~~Acquire and administer capital improvement project funds~~ Amend the Five
2 Management System.
- 3 4. Zoning ~~o~~Ordinances consistent with the Chapter's ~~e~~Community based ~~I~~and
4 u~~Use~~ ~~p~~Plan.
- 5 5. Regulatory ~~o~~Ordinances for governmental purposes, enforcement of which
6 shall be by the Chapter, for the general health, safety and welfare of the Chapter
7 membership, consistent with Navajo Nation law.
- 8 ~~6. An alternative form of Chapter governance based upon models provided by the~~
9 ~~Resources and Development Committee of the Navajo Nation Council.~~
- 10 ~~7. A municipal form of government or Chapter subunits based upon models~~
11 ~~provided by the Resources and Development Committee of the Navajo Nation~~
12 ~~Council.~~
- 13 ~~8. Local taxes pursuant to a local tax code developed by the Navajo Tax~~
14 ~~Commission and approved by the Navajo Nation Council.~~
- 15 ~~69.~~ Local fees based upon guidelines established by the Navajo Nation
16 Council.
- 17 ~~10. Issue community bonds.~~
- 18 ~~711.~~ Compensate the Chapter president, the vice president, and the
19 ~~secretary/treasurer.~~ Delegate approval authority to the Chapter administration
20 for the issuance of home and business site leases, signing of contracts,
21 appropriating funds, and acquiring, selling, or leasing Chapter property.
- 22 ~~8.~~ Creating non-profit corporations in accordance with Title 5 of the Navajo
23 Nation Code. Notwithstanding, sovereign immunity will not extend to these
24 entities except when permitted by the Navajo Nation Council.
- 25 ~~912.~~ Others, subject to the approval of the Resources and Development Committee
26 of the Navajo Nation Council ordinances consistent with Navajo Nation law.
- 27 F. ~~Chapter members may delegate the resolution authority to the Chapter~~
28 ~~administration through the Chapter ordinance process. The delegation of authority~~
29 ~~specifically applies to: the issuance of home, business and other site leases,~~
30 ~~contracting, the authority to acquire, sell or lease personal property of the Chapter,~~

1 and to appropriate funds. Chapters may adopt the following referendum ballot
2 measures using procedures expressed in applicable regulations, section 2001(B)
3 herein, and certain sections of 11 N.N.C. § 401 - § 408.

4 1. An Alternative Form of Chapter Governance in accordance with models
5 established by the former Transportation and Community Development
6 Committee Resolution TCD CAP-36-01, as amended.

7 2. A Municipal Form of Government or Chapter subunits based on models
8 approved by the Resources and Development Committee of the Navajo Nation
9 Council.

10 3. Merge two (2) or more Chapters to create a Regional Form of Government as
11 set forth in §§ 3100 et seq.

12 4. Local taxes pursuant to the Uniform Local Tax Code, 24 N.N.C. §§ 150 et seq.

13 5. Issuing community bonds.

14 6. Establishing a salary or compensation system for Chapter Officials; provided
15 that, the Navajo Nation shall not be responsible to appropriate for such salaries
16 or compensation.

17 G. The Chapter Officials, Chapter Administration, and/or the Chapter Membership
18 are prohibited from granting monetary loans and approving per capita distribution
19 of Chapter funds/Assets to the Chapter Membership.

20 H. All residents of the Chapter, whether registered voters or not, are subject to the
21 jurisdiction of the Chapter pursuant to this Section.

22 **Chapter 2. Chapter Government**

23 Subchapter 5. Navajo Nation Chapters, Officials and Administration – Generally

24 **§ 1001. Duties and Responsibilities of Chapter Officials**

25 A. Chapter Officials are elected by the Chapter membership perform the legislative
26 functions of the Chapter with the Chapter Membership by conducting Chapter
27 Meetings and setting forth policies of the Chapter to facilitate the conduct of
28 Chapter meetings and guide policy making within the Chapter. The executive
29 administrative functions of the Chapter government are to be left to performed by
30 the Chapter Administration executing the policies of the Chapter employees. An

1 individual may not serve simultaneously as both a Chapter ~~o~~Official and a Chapter
2 ~~e~~Employee at the same time for the same Chapter or any other Chapter. Immediate
3 Relatives and Spouses shall not serve within the same Chapter at the same time as
4 elected officials

5 B. The following duties and responsibilities of the Chapter ~~o~~Officials are primarily for
6 Chapters using the original three Chapter Official system. Chapters adopting an
7 Alternative Form of Government, Municipal Form of Government, or Regional
8 Government may add other duties and responsibilities for their Officials as follows:

9 1. The Chapter ~~p~~President shall:

- 10 a. ~~Meet~~Consult with the Chapter ~~v~~Vice ~~p~~President, ~~s~~Secretary/~~t~~Treasurer,
11 ~~e~~Council ~~d~~Delegate(s), and appropriate Chapter staff in preparation of the
12 agenda for each Chapter meeting. If applicable, the ~~p~~President shall also
13 consider proposed agenda items from the ~~p~~Planning ~~m~~Meeting.
- 14 b. Preside and maintain order over all Chapter ~~m~~Meetings and may appoint a
15 Sergeant-at-Arms in order to ensure that meetings maintain civility and
16 proper decorum. All Chapter meetings shall be conducted according to the
17 standard order of business pursuant to § 1003 of this Act.
- 18 c. Provide all residents of the community with equal opportunity to speak on
19 issues before the Chapter.
- 20 d. ~~Recommend the establishment of and appointment to the standing and~~
21 ~~special committees of the~~ Appoint members to Chapter Committees subject
22 to the approval by the Chapter M~~m~~embership. The appointment power may
23 be delegated, by Chapter Resolution, to a Chapter Committee and is also
24 subject to final approval by the Chapter Membership for approval.
- 25 e. Adjourn or ~~Recess~~postpone a Chapter meeting in the event of:
- 26 (1) A lack of quorum;
- 27 (2) Disorder at the meeting;
- 28 (3) Unforeseen emergency;
- 29
- 30

1 (4) When a Chapter ~~m~~Meeting is ~~adjourned or postponed~~recessed, the
2 Chapter ~~p~~President shall provide notice to the Chapter members as to
3 the time and place of the ~~next or continued~~ Chapter ~~m~~Meeting.

4 f. Vote in case of a tie.

5 g. Call ~~emergency or special~~ all Chapter ~~m~~Meetings.

6 h. ~~Coordinate, plan and organize to improve Chapter functions and activities.~~
7 When delegated by a duly adopted Chapter Resolution, serve as the primary
8 supervisor for the Chapter Executive. Such supervision will not extend over
9 other Chapter Employees. Any disciplinary action shall be reviewed by the
10 Navajo Nation Department of Justice or Chapter Legal Counsel prior to its
11 issuance.

12 i. As a *naát'áání*, communicate with everyone by maintaining the traditional
13 principles of *k'é* (respectful relations). Unless there is a threat of or actual
14 physical violence, the Chapter President shall not file actions to obtain a
15 protection order against other Officials and Employees. ~~Ensure that the~~
16 duties and responsibilities of the vice president and the secretary/treasurer
17 are carried out in the best interest of the Chapter community.

18 j. Work closely with the ~~v~~Vice ~~p~~President, and ~~s~~Secretary/~~t~~Treasurer, to
19 ensure that the Chapter ~~a~~Administration is adequately ~~meeting the Chapter's~~
20 ~~directives and expending funds according to conditions of the Navajo~~
21 ~~Nation Council and/or the Chapter's annual budgetary objectives; following~~
22 all Chapter Management Systems, Policies, Ordinances and shall report any
23 discrepancies to the Navajo Nation Department of Justice Chapter
24 membership.

25 k. Follow-up with Tribal, Federal and State governments or their agencies ~~on~~
26 ~~resolutions, ordinances, recommendations, proposals and projects of the~~
27 regarding Chapter intergovernmental matters.

28 l. Take action to protect the life and property of the ~~members of the Chapter~~
29 Membership in case of an emergency or other crisis including, but not
30

1 limited to, the ability to declare a State of Emergency for areas within the
2 Chapter.

3 m. Carry out the decisions of the Chapter and not frustrate those decisions in
4 any way. This includes the requirement of certifying all duly adopted
5 Chapter Resolutions even when the Chapter President disagrees with the
6 outcome of the vote. However, if there is a legitimate concern that a
7 Chapter Resolution is inconsistent with Navajo law, the Chapter President
8 shall immediately inform legal counsel or the Department of Justice to
9 review and determine whether or not to certify the Resolution.

10 n. ~~Work closely with council members, Chapter elected officials, committees~~
11 ~~and other concerned groups or agencies~~ Understand that all work product
12 created or received while serving as a Chapter Official is the property of the
13 Chapter and upon resignation, removal, or expired term, submit all such
14 property to the Chapter Administration. Failure to do so will be grounds for
15 the Navajo Department of Justice to file an appropriate legal action.

16 o. Encourage and promote community participation in planning and
17 development.

18 p. Mediate disputes, if appropriate, of families residing within the Chapter
19 and/or refer such family disputes to appropriate social service or law
20 enforcement authorities, as the circumstances may require.

21 q. Represent the Chapter at meetings which the Chapter has interest.

22 r. Keep informed of all Chapter related activities and acts to advance the
23 interests of the community in all matters.

24 s. Have authority to sign all contracts, leases, and all other official documents
25 of the Chapter, unless such signatory authority is properly delegated
26 otherwise-stated.

27 t. Delegate to the ~~v~~Vice p~~r~~President certain duties and responsibilities of the
28 ~~p~~Presidency, ~~when the president is otherwise incapacitated or is unavailable~~
29 ~~to perform his duties.~~

30 2. The Chapter ~~v~~Vice p~~r~~President shall:

- 1 a. Automatically assume the duties and responsibilities of the Chapter
2 ~~p~~President, in the absence of the ~~p~~President ~~during Chapter meetings.~~ This
3 includes duties such as calling a meeting to order, signing contracts, and
4 other short term duties when the President is temporarily absent. The
5 assumption of duties may need to be long term when a vacancy in the
6 President's position needs to be filled.
- 7 b. ~~In the event of an unforeseen situation, assume delegated duties and~~
8 ~~responsibilities of the Chapter president for a reasonable time~~
9 ~~period.~~ Assume the duties and responsibilities of the Secretary/Treasurer in
10 the absence of the Secretary/Treasurer.
- 11 c. When properly delegated, serve as the supervisor over the Chapter
12 Executive. Such supervision does not extend to other Chapter
13 Administration Employees. Any disciplinary action shall be reviewed by
14 the Navajo Nation Department of Justice or Chapter Legal Counsel prior to
15 its issuance. ~~Assist the president and secretary/treasurer with their duties and~~
16 ~~responsibilities.~~
- 17 d. As a *náát'áanii*, communicate with everyone by maintaining the traditional
18 principles of *k'é* (respectful relations). Unless there is a threat of or actual
19 physical violence, the Vice President shall not file actions to obtain a
20 protection order against other Officials and Employees. ~~Work closely with~~
21 ~~Chapter elected officials, committees and other concerned groups or~~
22 ~~agencies.~~
- 23 e. Understand that all work product created or received as a Chapter Official
24 is the property of the Chapter and upon resignation, removal, or expired
25 term, submit all such Chapter property to the Chapter Administration.
26 Failure to do so will be grounds for the Navajo Department of Justice to file
27 an appropriate legal action. ~~Monitor community projects.~~
- 28 f. Represent the Chapter at meetings of which the Chapter has interest.
- 29 g. Support and assist the ~~p~~President and ~~s~~Secretary/~~t~~Treasurer in carrying out
30 the decisions of the Chapter and not act to frustrate those decisions. This

1 includes the requirement of certifying all duly adopted Chapter Resolutions
2 even when the Chapter Vice President disagrees with the outcome of the
3 vote. However, if there is a legitimate concern that a Chapter Resolution is
4 inconsistent with Navajo law, the Chapter Vice President shall immediately
5 inform legal counsel or the Department of Justice to review and determine
6 whether or not to certify the Resolution

7 3. The Chapter Secretary/Treasurer shall:

- 8 a. ~~Maintain complete and accurate records of all Chapter activities and provide~~
9 ~~written information when called upon.~~ When properly delegated, serve as
10 the supervisor over the Chapter Executive. Such supervision does not
11 extend to other Chapter Administration Employees. Any disciplinary action
12 shall be reviewed by the Navajo Nation Department of Justice or Chapter
13 Legal Counsel prior to its issuance.
- 14 b. Assist the ~~p~~President and ~~v~~Vice ~~p~~President in preparing the agenda and
15 finalizing all agendas for Chapter Meetings. Once finalized, the
16 Secretary/Treasurer shall post the agenda in accordance with § 1002(B)
17 herein.
- 18 c. ~~Prepare~~Receive and finalize all ~~r~~Resolutions, ~~proposals, letters and other~~
19 ~~important documents for distribution to appropriate agencies.~~ At least
20 forty-eight (48) hours prior to the start of a Chapter Meeting, the Secretary-
21 Treasurer shall either post copies of draft Resolutions and/or post electronic
22 copies of draft Resolutions for view by the Chapter Membership prior to
23 being voted on. Failure to post will be deemed lack of notice to the Chapter
24 Membership and cannot be voted on until the next meeting or upon
25 compliance with this 48-hour notice rule. In addition, the Secretary-
26 Treasurer shall read aloud the final Resolution (with amendments) prior to
27 a vote being taken.
- 28 d. ~~Take~~Record the Chapter Meeting on a recording device and prepare the
29 Meeting Minutes ~~o~~for all Chapter ~~m~~Meetings and ~~record in detail all~~
30 ~~resolutions, votes and other official actions of the Chapter.~~ Discussion of all

1 ~~action items shall be recorded with a tape recording machine~~ provide a copy
2 of the recording and the Meeting Minutes to the Chapter Administration
3 when submitting the Chapter Meeting Claim Form.

- 4 e. As a *naát'áanii*, communicate with everyone by maintaining the traditional
5 principles of *k'é* (respectful relations). Unless there is a threat of or actual
6 physical violence, the Secretary-Treasurer shall not file actions to obtain a
7 protection order against other Officials and Employees.~~Follow up with the~~
8 ~~Chapter president and vice president on all referrals of resolutions,~~
9 ~~proposals, correspondence and other related matters.~~
- 10 f. Represent the Chapter at meetings of which the Chapter has an interest.
- 11 g. Work closely with the Chapter ~~p~~President, ~~v~~Vice ~~p~~President, and other
12 Chapter committees.
- 13 h. Monitor the maintenance of an adequate accounting system ~~to ensure~~
14 ~~accountability of all funds and expenditures; and shall report to the Chapter~~
15 ~~president and membership.~~
- 16 i. ~~Shall, in consultation with the Chapter president and vice president, ensure~~
17 ~~that the administration prepares monthly financial reports of all transactions~~
18 ~~and expenditures of the Chapter by categories. The secretary/treasurer is~~
19 ~~responsible for providing~~ Ensure that the Chapter Administration prepares
20 the monthly financial reports in order for the Secretary-Treasurer to provide
21 all financial reports to the Chapter mMembership at duly called Regular
22 Chapter mMeetings.
- 23 j. ~~Keep~~ Prepare records of meeting claims, attendance and payment of
24 Chapter ~~o~~Officials.
- 25 k. Turn over, to the Chapter Executive manager, within ten (10) working days
26 of the official action, all signed resolutions, Meeting Mminutes, Audio
27 Recordings of Meetings, and other official documents finalized by the
28 ~~s~~Secretary/~~t~~Treasurer.
- 29 l. Co-sign all Chapter checks along with the Chapter Executive manager. In
30 the event that the ~~s~~Secretary/~~t~~Treasurer is unavailable, the Chapter

1 pPresident or the vVice pPresident may co-sign Chapter checks after
2 submitting written justification.

3 m. Understand that all work product created or received as a Chapter Official
4 is the property of the Chapter and upon resignation, removal, or expired
5 term, submit all such Chapter property to the Chapter Administration.
6 Failure to do so will be grounds for the Navajo Department of Justice to file
7 an appropriate legal action.

8 n. Carry out the decisions of the Chapter and not frustrate those decisions in
9 any way. This includes the requirement of certifying all duly adopted
10 Chapter Resolutions even when the Chapter Secretary/Treasurer disagrees
11 with the outcome of the vote. However, if there is a legitimate concern that
12 a Chapter Resolution is inconsistent with Navajo law, the Chapter
13 Secretary/Treasurer shall immediately inform legal counsel or the
14 Department of Justice to review and determine whether or not to certify the
15 Resolution.

16 4. Other Chapter Officials added pursuant to an Alternative Form of Government,
17 Municipal Form of government, or Regional Government shall:

18 a. Carry out the decisions of the Chapter and not frustrate those decisions in
19 any way. This includes the requirement of certifying all duly adopted
20 Chapter Resolutions even when the Chapter Secretary/Treasurer disagrees
21 with the outcome of the vote. However, if there is a legitimate concern that
22 a Chapter Resolution is inconsistent with Navajo law, the Chapter
23 Secretary/Treasurer shall immediately inform legal counsel or the
24 Department of Justice to review and determine whether or not to certify the
25 Resolution.

26 b. As a *naát'áanii*, communicate with everyone by maintaining the traditional
27 principles of *k'é* (respectful relations). Unless there is a threat of or actual
28 physical violence, the Official shall not file actions to obtain a protection
29 order against other Officials and Employees.

30

1 c. Understand that all work product created or received as a Chapter Official
2 is the property of the Chapter and upon resignation, removal, or expired
3 term, submit all such Chapter property to the Chapter Administration.
4 Failure to do so will be grounds for the Navajo Department of Justice to file
5 an appropriate legal action.

6 C. Elected eOfficials of the Navajo Nation Chapters shall serve for a term of four (4)
7 years and terms shall not be limited to the number of terms he or she may serve.

8 D. Elected eOfficials of the Navajo Nation Chapters shall take the oath of office before
9 assuming official duties.

10 E. Except to the limited extent of delegated supervision of the Chapter Executive,
11 Elected eOfficials are prohibited from direct involvement in the management and
12 operations of the Chapter aAdministration.

13 F. Elected eOfficials, immediately upon resignation, removal or expiration of the term
14 of office, shall turn over to the Chapter Administration~~duly-certified successor~~, all
15 books, records, and property in his/her possession belonging to the Chapter.

16 G. Elected eOfficials shall comply with all Navajo Nation laws and Chapter policies
17 including, but not limited to, Five Management System, Chapter eOrdinances, and
18 Chapter Rresolutions. These eElected Officials shall perform the duties enumerated
19 above, and such other duties as may be consistent with Navajo law, including this
20 Act, ~~and applicable plans of operation enacted by the Chapter membership~~ Elected
21 Officials are prohibited from engaging in bullying and similar behavior. Any
22 violation of this Act may constitute as an ethics violation under the Ethics in
23 Government Law, 2 N.N.C. §§ 3741 et seq.

24 H. Elected eOfficials of the Navajo Nation Chapters shall attend, upon taking the oath
25 of office, a training session on Ethics in Government sponsored by the Ethics and
26 Rules Office of the Navajo Nation. It is the Chapter Official's responsibility to
27 ensure that he or she has received such training. Chapter eOfficials shall maintain
28 a high standard of conduct in all Chapter business ~~consistent with Navajo law,~~
29 ~~including this law, and the Navajo Nation Ethics and Government law.~~ Chapter
30 eOfficials are prohibited from rendering opinions, directions or decisions contrary

1 to the sound practice of leadership or contrary to Chapter Resolutions and/or the
2 best interest of the Chapter.

3 **§ 1002. Number of Meetings; meeting notice requirement; compensation of Chapter**
4 **Officials**

5 A. Number of meetings. Each Chapter shall ~~determine the number of meetings to be~~
6 ~~held each month and the time and place for such meetings (subject to the right of~~
7 ~~the Chapter President to call special or emergency meetings when~~
8 ~~necessary)~~ conduct one Planning Meeting and one Regular Meeting each month.
9 The Chapter President may also call a Special Chapter Meeting or an Emergency
10 Chapter Meeting.

11 B. Meeting notice. The Chapter ~~Secretary-Treasurer~~ officials shall post all Chapter
12 meeting agendas ~~within the Chapter boundaries~~ at least forty-eight (48) hours prior
13 to the proposed start date and time of the meeting.

14 C. Compensation of Chapter ~~Officials~~ Officials.

15 1. Chapter ~~Officials~~ Officials shall be compensated for only the number of meetings
16 provided for in the Navajo Nation approved budget. ~~It is nonetheless the~~
17 ~~obligation of Chapter officials to be present at all Chapter meetings.~~

18 a. Each Chapter President, Vice President, Secretary/Treasurer) shall be
19 paid five hundred dollars (\$500.00) each for one (1) Regular Chapter
20 Meeting and one (1) Planning Meeting per month in accordance with
21 the approved fiscal year budget. When a Chapter Meeting is recessed
22 under Section 1001(B)(1)(e), the Chapter Officials will be compensated
23 until after the recessed meeting is completed.

24 b. When the Chapter President and the Vice President is not present for a
25 Chapter Meeting, the Membership may select a Chairperson *Pro*
26 *Tempore* to conduct the Chapter Meeting only. The service of the *Pro*
27 *Tempore* will end upon the arrival of the Chapter President or the Vice
28 President. If the *Pro Tempore* conducts the entire Chapter Meeting, the
29 *Pro Tempore* shall be paid five hundred dollars (\$500.00).

- 1 c. When the Vice President and Secretary/Treasurer are both not present
2 for a Chapter Meeting, the Chapter President may appoint a
3 Secretary/Treasurer Pro Tempore for the limited purpose of audio
4 recording the Chapter Meeting and drafting the Meeting Minutes. If the
5 Secretary/Treasurer Pro Tempore serves for the entire Chapter Meeting,
6 the Pro Tempore shall be paid five hundred dollars (\$500.00).
7 d. The appointment of a Vice President Pro Tempore is prohibited.
8 e. The Navajo Nation shall not be responsible for compensating additional
9 Chapter Officials for Chapters adopting an Alternative or Municipal
10 Form of Government.

11 2. A Chapter meeting claim form shall be signed only by each the claimant Chapter
12 Official claiming compensation. The form and the documents below shall be
13 submitted to the Chapter Administration prior to the issuance of
14 compensation shall be attached to each of the regularly scheduled Chapter
15 meeting reports filed by the Chapter secretary/treasurer with the Chapter
16 Government Development Department, Division of Community Development,
17 or if applicable, by the Chapter Administration.

18 a. Actual copy of the Chapter Meeting sign-in sheet demonstrating that the
19 requisite number of registered Chapter Members were present to establish
20 a quorum. ~~Each regularly scheduled Chapter meeting report and claim form~~
21 ~~shall be correctly filled out before it will be accepted and processed for~~
22 ~~payment by the Chapter Government Development Department, Division~~
23 ~~of Community Development, or if applicable, by the Chapter~~
24 ~~Administration;~~

25 b. A copy of the Agenda approved at the Chapter Meeting ~~Each Chapter~~
26 ~~president, vice president, secretary/treasurer (the appointed acting secretary~~
27 ~~and/or the Chapter president pro tempore) shall be paid \$500.00 each for~~
28 ~~one regular chapter meeting and one chapter planning meeting per month in~~
29 ~~accordance with the approved fiscal year budget;~~

1 c. The Chapter Resolutions approved and certified by all Chapter Officials. ~~No~~
2 ~~Chapter official shall be compensated for a Chapter meeting unless he or~~
3 ~~she was in official attendance, either in person or virtually, at that meeting;~~
4 and

5 d. A Report for each Chapter Resolution that failed to obtain a majority
6 vote. ~~Reports will be furnished for all Chapter meetings, regular or special,~~
7 ~~and state whether or not Chapter officials are to be compensated for~~
8 ~~attendance at such meetings.~~

9 **§ 1003. Chapter Meetings Order of business**

10 A. The Chapter ~~p~~President or in the absence of the ~~p~~President, the ~~v~~Vice ~~p~~President
11 shall chair all ~~regular or special~~ Chapter ~~m~~Meetings. In the absence of the
12 ~~p~~President and ~~v~~Vice ~~p~~President, the Chapter ~~m~~Members ~~present~~ may select a
13 chairperson *pro tempore* for that meeting only.

14 B. All Regular and Special Chapter ~~m~~Meetings require a quorum of ~~twenty five (25)~~
15 the requisite number of registered Chapter ~~m~~Members to be in attendance, either in
16 person or virtually, to establish a quorum in order to conduct official Chapter
17 business. Chapters, by Chapter resolution or referendum, are to state whether their
18 Chapter meetings are to be conducted in person or with virtual/hybrid participation.
19 Such Chapter resolution or referendum shall include hybrid/virtual attendance
20 attendance participation policies and procedures. A Planning Meeting does not
21 require a quorum but the Chapter Membership may attend such Planning Meetings.
22 Only Chapter Members who are registered to vote with the Chapter are counted
23 towards the quorum requirement. The quorum requirement is either: Chapters,
24 ~~whether governance-certified or not, may amend the quorum requirement, based~~
25 ~~upon models and procedural regulations adopted by the Resources and~~
26 ~~Development Committee of the Navajo Nation Council. Adoption of an amended~~
27 ~~quorum requirement requires approval by Chapter ballot measure in accordance~~
28 ~~with 11 N.N.C. §§ 401-408.~~

29 1. Twenty-five (25) registered Chapter Members;
30

1 2. A reduced quorum pursuant to Resources and Development Committee
2 Resolution RDCD-127-12; or

3 3. The quorum established through a duly approved Alternative Form of
4 Government, Municipal Form of Government, or a Regional Form of
5 Government.

6 C. Chapters ~~shall use themay adopt~~ standard rules of order created by the Navajo
7 Department of Justice for conducting Chapter meetings. A Chapter may amend the
8 standard rules of order by following the ordinance process in Section 2001(A)
9 herein.

10 D. ~~Procedural Rules for Motions.~~

11 1. ~~The approval or amendments to the agenda, minutes, report(s) and resolution(s)~~
12 ~~under old and new business of the agenda shall be done in the following~~
13 ~~manner:~~

14 a. ~~Upon presenting the agenda, minutes, report(s), resolution(s) and/or issue(s)~~
15 ~~of the agenda, the Chapter president shall request a motion to accept the~~
16 ~~matter before the Chapter membership and recognize a second to the main~~
17 ~~motion.~~

18 b. ~~Upon receiving a motion and a second to the main motion, the Chapter~~
19 ~~president shall provide an opportunity to members of the Chapter to address~~
20 ~~the matter before the Chapter membership.~~

21 c. ~~Any member of the Chapter may propose an amendment to the main motion~~
22 ~~which would require a second. The Chapter membership shall vote on the~~
23 ~~proposed amendment motion. If the amendment motion passes, it shall take~~
24 ~~precedence over the part of the main motion subject to a proposed~~
25 ~~amendment. Only one motion to amend the main motion shall be on the~~
26 ~~floor.~~

27 d. ~~Any member of the Chapter may propose a substitute motion and if it~~
28 ~~passes, it shall take the place of the main motion. The substitute motion shall~~
29 ~~be seconded and voted on.~~

30

1 e. ~~Any member of the Chapter may propose to table the legislation or issue~~
2 ~~before the Chapter. The motion to table the matter shall be seconded and~~
3 ~~voted on. If the tabling motion passes, it shall take precedence over other~~
4 ~~motions.~~

5 2. ~~The Chapter president, vice president, and secretary/treasurer, at a duly called~~
6 ~~Chapter meeting, are prohibited from making main motions and second motions~~
7 ~~on substantive and administrative matters. They may make motions and second~~
8 ~~motions during planning meetings.~~

9
10 **§ 1004. Chapter aAdministration**

11 A. The Chapter Administration perform the executive functions of the Chapter by
12 carrying out the duties and responsibilities established in the Five Management
13 System and other duly approved Chapter policies consistent with Navajo Nation
14 law. A Chapter Administrative employee shall not serve simultaneously as a
15 Chapter Official at the same Chapter or any other Chapter~~The chapter shall enact,~~
16 ~~by resolution, plans of operation for all executive functions and administrative~~
17 ~~policies of the chapter, including but not limited to: record keeping, accounting,~~
18 ~~personnel, payroll, property management, contracting procurement and program~~
19 ~~management. The Five Management System shall be the basis of enacting the plans~~
20 ~~of operation and administrative policies. The chapter administration shall follow~~
21 ~~the duties and responsibilities prescribed in the plans of operation and shall comply~~
22 ~~with all administrative policies and procedures enacted by the chapter.~~

23 B. The Chapter Executive is the Chief Executive of the Chapter Administration. The
24 oversight of the Chapter Executive depends on the form of government the Chapter
25 chooses to operate~~The chapter manager shall co-sign all chapter checks.~~

26 1. There will be a general presumption that the Chapter Executive will be hired
27 pursuant to Five Management System. Under this form of government, the
28 Chapter Executive is not an at-will employee and will be supervised by a
29 designated Chapter Official. All disciplinary actions issued against the
30 Chapter Executive shall be consistent with the Five Management System

1 and reviewed by the Navajo Nation Department of Justice or Chapter's
2 Legal Counsel prior to issuance.

3 2. As an alternative, the Chapter Membership may, by Chapter Resolution,
4 have the Chapter Executive serve an appointed position. This option
5 requires the Chapter Executive to serve as at-will. Unless otherwise
6 designated, the Chapter Executive serves at the pleasure of the Chapter
7 Membership and may be removed without cause by majority vote at a
8 Regular or Special Chapter Meeting.

9 C. The Chapter Executive's duties include, but is not limited to:

10 1. Co-signing all chapter checks;

11 2. Serving as the primary supervisor for all Chapter Administration employees
12 unless otherwise delegated;

13 3. Serve as The chapter Executivemanager shall be the custodian of all official
14 books, records, documents, and funds of the chapter. Failure of the Chapter
15 Executivemanager to safeguard these items is cause for removal and
16 assessment of applicable penalties pursuant to Navajo Nation law;

17 4. Monitoring Chapter Projects; and

18 5. Follow-up with Tribal, Federal, and State governments or their agencies on
19 Resolutions, Ordinances, and policy proposals approved by the Chapter.

20 D. Members of the chapter, individually, are prohibited from direct involvement in the
21 management and operations of the government or administration.

22 *Subchapter 7. Navajo Nation Chapter Regulations and Procedure*

23 **§ 2001. Chapter ~~o~~Ordinance; Referendum ~~p~~Procedures**

24 A. Chapter Ordinance.

25 1. All proposed ordinance(s) shall contain the following:

26 a1. An ordinance number;

27 b2. A title which indicates the nature of the subject matter of the ordinance;

28 c3. A preamble which states the intent, need or reason for the ordinance.

29 d4. The subject of the ordinance;

30

1 e5. Rules and regulations governing the enforcement of the ordinance,
2 budgetary information, and where applicable, a statement indicating the
3 penalty for violation of the ordinance;

4 f6. A statement indicating the date when the ordinance shall become effective;

5 g7. The signature of the Chapter pPresident to make an official recording of the
6 transaction or writing.

7 2B. The proposed ordinance shall be read into the record at two (2) consecutive
8 Chapter mMeetings having quorum, of which one may be designated a sSpecial
9 mMeeting, to provide information and an opportunity to discuss, ~~and comment,~~
10 and offer amendments on the proposed ordinance(s).

11 3C. All proposed ordinances shall be read in both English and Navajo.

12 4D. After the final reading at the second Chapter Meeting, the proposed ordinance
13 shall be posted ~~forat public places within the Chapter boundaries~~ a minimum of
14 fourteen (14) days. The posting shall provide notice of the date and time of the
15 Regular or Special Chapter Meeting wherein the Chapter Membership will vote
16 on the ordinance. ~~prior to the vote. The date of the vote shall be decided upon~~
17 ~~at this time.~~

18 5E. Passage of ~~all ordinance(s), except those listed in Subsection H,~~ subject to these
19 ordinance procedures, requires a majority of the votes cast, ~~by the Chapter~~
20 ~~membership during a regular or special meeting.~~

21 6F. All ordinances shall be compiled and maintained at the Chapter for public
22 information. ~~Copies of ordinances shall be filed with the central Records~~
23 ~~Management Department of the Navajo Nation.~~

24 7G. Ordinances shall be amended or rescinded by the process provided in this
25 Section. All ordinances proposing amendments shall clearly indicate new
26 language by underscoring and deletions by overstriking.

27 ~~H. A Chapter ballot measure shall be used for the adoption of an alternative form of~~
28 ~~Chapter governance, a municipal form of government, Chapter sub-units, local~~
29 ~~taxes and fees, issuance of community bonds and compensation of Chapter~~
30

1 officials. Adoption of a Chapter ballot measure shall be in accordance with 11
2 N.N.C. §§ 401-408.

3 8f. Challenges to ordinances shall comply with all requirements of the Navajo
4 Sovereign Immunity Act, be pursuant to 1 N.N.C. § 5051 et. seq.

5 B. Chapter Referendums Requiring a Ballot Vote

6 1. Subject to any additional applicable procedures, all Chapter Referendum
7 measures require:

8 a. Draft Chapter Resolution containing the proposed ballot language in
9 accordance with 11 N.N.C. § 407.

10 b. The Draft Chapter Resolution shall be read in English and Navajo at two
11 (2) public hearings to inform the community of the proposed Referendum.

12 c. At the second public hearing, notice shall be provided for the date and time
13 of the Chapter Meeting where the Chapter Membership will vote to approve
14 the Referendum for a ballot vote.

15 2. If passed by majority vote, the Chapter Resolution shall be forwarded to the
16 Navajo Elections Office and the Navajo Board of Election Supervisors. The
17 Chapter shall work with the Elections Office and the Board to ensure that the
18 ballot measure meets the timelines as stated in 11 N.N.C. § 403(B).

19 3. All Chapter Referendums require a majority of ballot votes cast.

20 **§ 2002. Chapter contract requirements**

21 ~~A. Except as otherwise provided in this Act, a~~All contracts authorized to be executed
22 on behalf of a ~~e~~Chapter, ~~and utilizing Navajo Nation funds~~ shall:

23 1. Expressly state the liability of the ~~e~~Chapter under the contract such that the
24 contract is contingent upon the availability of funding and appropriations;

25 2. Be approved by the ~~e~~Chapter ~~m~~Membership, ~~before being executed~~ the contract
26 is signed on behalf of by the Chapter President or proper designee;

27 3. Have sufficient funds appropriated and available;

28 4. Comply with the Navajo Business and Procurement Act, 12 N.N.C. § 1501 *et*
29 *seq.*, the Navajo Preference in Employment Act, 15 N.N.C. § 601 *et seq.*, the
30

1 Navajo Nation Business Opportunity Act, 5 N.N.C. § 201 *et seq.* and rules and
2 regulations promulgated thereto;

3 5. Be awarded only after compliance with the Chapter's Five Management
4 System public advertisement and bidding;

5 6. Not waive the sovereign immunity of the Chapter and the Navajo Nation unless
6 approved by two-thirds (2/3) vote of the full membership of the Navajo Nation
7 Council. This provision shall not apply when the authority to waive immunity
8 is expressly delegated to the Chapter by the Navajo Nation Council;

9 7. Provide access to all contracts or papers to the public; and, ~~if applicable~~

10 8. If applicable, Nnot exceed twentyen percent (~~120%~~) of the original contract
11 amount-accepted bid. If the ten percent (10%) cap is exceeded by change
12 orders, modifications or amendments, such change orders, modifications or
13 amendments shall be subject to the provisions of § 2002(A)(5) above.

14 B. All executed contracts and papers, and any modifications thereof, shall be filed
15 atwith the eChapter Administration.

16 **§ 2003. Chapter Accounting System; Chapter Appropriations; Budget Process; Chapter**
17 **insurance**

18 A. The Chapter shall adopt an accounting system deemed acceptable by the Auditor
19 General.

20 B. In accordance with the exception provided in 12 N.N.C. § 820(N), funds
21 appropriated to the Chapters by the Navajo Nation Council shall not be subject to
22 a lapse of appropriation at the end of the fiscal year provided that Chapters shall
23 budget those funds in the subsequent fiscal year in accordance with the purposes
24 and conditions originally set forth by the Navajo Nation Council in its
25 appropriations.

26 C. General Budget Process for Navajo Nation Fiscal Year Appropriations

27 1. ~~At least one (1) month before the end of the Navajo Nation each~~ fiscal year, the
28 Chapter Executivemanager, in consultation with the Chapter eOfficials, shall
29 ~~prepare, schedule and explain the annual Chapter budget to the membership.~~
30 Chapters are required to following in accordance with the annual bBudget

1 ~~i~~Instructions Manual of the Navajo Nation Office of Management and Budget
2 ~~when formulating the annual Chapter budget and when the budget concerns~~
3 ~~Navajo general funds. At a duly called p~~Planning ~~m~~Meeting, the Chapter
4 Executivemanager shall present ~~athe~~ proposed annual budget to the Chapter
5 Officials for the ensuing fiscal year. The Chapter Executivemanager shall, to
6 the extent allowed by law, include the objectives of the Chapter Mmembership
7 in the proposed budget.

8 2. The budget shall consist of financial information, including but not limited to:
9 a statement on prior financial expenditures; capital improvement funds; debts;
10 encumbrances; and budget objectives from the current year and the status of
11 those objectives.

12 3. The Chapter Executivemanager, ~~in consultation~~ after consulting with the
13 Chapter ~~e~~Officials, shall finalize the budget for approval by the Chapter
14 ~~m~~Membership. ~~The Chapter membership shall vote upon the budget at a duly~~
15 ~~called Chapter meeting in which reasonable notice has been given to the~~
16 ~~Chapter membership that said meeting will include approval of the annual~~
17 ~~budget.~~ The budget expenditures shall not exceed the total of the estimated
18 income for the fiscal year. No payments shall be made or obligated except in
19 accordance with the appropriation duly enacted by the Chapter or adopted by
20 the Navajo Nation Council.

21 D. To protect the interests of the Chapter, the Chapter shall participate in the Navajo
22 Nation's insurance and employee benefit programs, subject to the terms and
23 conditions of such programs. In the event that a Chapter elects not to participate in
24 the Navajo Nation's programs, the Chapter shall establish adequate coverage
25 through the creation of a self-insurance program or the procurement of appropriate
26 policies.

27 E. Chapter funds shall not be used for personal, business or other forms of loans. Per
28 capita distribution of funds by the Chapter is prohibited.

29 F. Any person, agent, or Chapter ~~e~~Official misappropriating or misusing Chapter
30 funds or property shall be subject to prosecution under the applicable laws of the

1 Navajo Nation, and, if appropriate, under the laws of the United States federal
2 government.

3 **§ 2004. Zoning; Community Based Land Use Plan; land use variations**

4 A. Zoning

- 5 1. Chapters may enact zoning ordinances provided that the Chapter Mmembership
6 adopt and implement a eCommunity based HLand uUse pPlan pursuant to §
7 2004(B).
- 8 2. Adoption of all local zoning ordinances shall be done pursuant to § 103(E)(4)
9 and § 2001(A) of this Act.
- 10 3. The Chapter shall be responsible for the enforcement of all duly adopted zoning
11 ordinances ~~adopted by the membership~~. The Chapter shall provide and maintain
12 information ~~relative to~~ for all matters arising from adopted zoning ordinances.
- 13 4. All proposed amendments to zoning ordinances shall first be reviewed by the
14 Community Land Use Planning Committee (CLUPC), ~~and shall require~~
15 ~~approval by the Chapter m~~Membership ~~before becoming effective~~.
- 16 5. The Chapter shall provide notice of all duly approved zoning ordinances to the
17 Navajo Land Department.

18 B. Community Based Land Use Plan. ~~The Chapter, at a duly called chapter meeting~~
19 ~~shall by resolution, vote to implement a community based land use plan, after the~~
20 ~~CLUPC has educated the community on the concepts, needs, and process for~~
21 ~~planning and implementing a community based land use plan.~~ The eCommunity
22 based HLand uUse pPlan shall project future community land needs, shown by
23 location and extent, of areas identified for residential, commercial, industrial, and
24 public purposes. The ~~land use p~~Plan shall be based upon the guiding principles and
25 vision as articulated by the community; along with information revealed in
26 inventories and assessments of the natural, cultural, human resources, and
27 community infrastructure; and, finally with consideration for the land-carrying
28 capacity. Such a pPlan may also include the following:

- 29 1. An open space plan which preserves for the people certain areas to be retained
30 in their natural state or developed for recreational purposes.

- 1 2. A thoroughfare plan which provides information about the existing and
- 2 proposed road network in relation to the land use of the surrounding area.
- 3 3. A community facilities plan which shows the location, type, capacity, and area
- 4 served, of present and projected or required community facilities including, but
- 5 not limited to, recreation areas, schools, libraries, and other public buildings. It
- 6 will also show related public utilities and services and indicate how these
- 7 services are associated with future land use.

8 C. ~~Establishment and Duties of the Community Land Use Planning~~
9 Committee CLUPC.

- 10 1. ~~Upon approval and passage of a Chapter resolution stating the Chapter's desire~~
11 ~~to develop and implement a community based land use plan, the Chapter shall~~
12 ~~establish a Community Land Use Planning Committee (CLUPC) to approve the~~
13 ~~processes for planning and to oversee planning activities.~~ The CLUPC shall be
14 comprised of voting members of the Chapter that have expertise to provide
15 valuable contributions to the overall land planning process. Subcommittees
16 such as technical, and public advisory committees, comprising of voting and
17 non-voting members may be established to assist the CLUPC.
- 18 2. The CLUPC may hire a planner, subject to availability of funds, ~~to be~~
19 ~~responsible for preparing the community based land use plan~~ when the CLUPC
20 requires additional expertise on land use planning. At a minimum, the planner
21 shall exhibit leadership qualities and organizational abilities along with
22 experience or education in the discipline of land planning.
- 23 3. The planner shall work under the supervision of the CLUPC and with the
24 community residents. The duties and responsibilities of the planner shall
25 include the following:
 - 26 a. Coordinating all land planning activities.
 - 27 b. Developing a community education and participation plan describing
28 methods that will foster public education and participation through public
29 hearings, newspaper and radio. Chapter members will be informed
30 periodically on ~~the progress of the~~ land planning activities. All information

1 pertaining to the plan shall be available to the public. ~~The CLUPC shall~~
2 ~~approve the community participation plan.~~

3 c. Developing and implementing a community assessment ascertaining the
4 goals, priorities, and vision for the future of the community.

5 d. Inventorying and assessing pertinent data. The planner shall request data
6 and seek technical assistance when necessary for compilation of all
7 available data from tribal, federal, and state agencies for inventorying and
8 assessing natural, cultural, and human resources, as well as community
9 infrastructure. In addition, Chapters may hire consultants to assist with the
10 inventory and assessments.

11 e. In the event a Chapter lacks the resources to hire a planner, the CLUPC shall
12 be responsible for conducting the duties described in this subsection.

13 D. Presentation and Approval of the Community Based Land Use Plan by the Chapter
14 and Certification by the Resources and Development Committee.

15 1. ~~Upon completion of the resource inventory, assessments, and community~~
16 ~~assessment, the CLUPC shall prepare a community based land use plan as~~
17 ~~described in § 101. Local planning and zoning ordinances may also be presented~~
18 ~~at this time. The e~~Community based ~~H~~and ~~p~~lan shall be presented to the local
19 residents in one or more public meetings and through various multimedia. The
20 community members shall have sixty (60) days to comment in writing or in
21 testimony at a final public hearing. Upon compliance with the notice
22 requirements, the Chapter, at a duly-called Chapter meeting, shall by resolution,
23 vote to adopt the eCommunity based ~~H~~and ~~u~~se ~~p~~lan.

24 2. The CLUPC shall make necessary adjustments, as approved by the Chapter
25 membership, and shall submit the plan for legal review by legal counsel or the
26 Navajo Department of Justice prior to submitting to the Resources and
27 Development Committee of the Navajo Nation Council. The Resources and
28 Development Committee by resolution shall certify the eCommunity based
29 ~~H~~and ~~u~~se ~~p~~lan. ~~Every five (5) years the plan shall be reevaluated and~~
30 ~~readjusted to meet the needs of the changing community.~~

1 E. Land Use Variations. ~~The utilization of all withdrawn lands of the community as~~
2 ~~defined by the adopted Community Based Land Use Plan shall be in accordance~~
3 ~~with applicable Navajo Nation and federal law, and the provisions of said plan;~~
4 ~~variations to said plan must be consistent with § 103(E)(4).~~

5 1. Once approved, the CLUPC may initiate proposals for zoning ordinances.

6 2. When lands have been zoned for a particular use, any planned changes shall
7 require an amendment to the zoning ordinance in accordance with § 103(E)(4)
8 and § 2001(A).

9 3. When lands have not been zoned for a particular use but the Community Land
10 Use Plan has been certified, any planned changes shall require an amendment
11 to the Community Land Use Plan in accordance with § 103(E)(1) and §
12 2001(A).

13 4. The Community Land Use Plan may be amended at any time. At minimum,
14 the CLUPC shall update the Plan every five years.

15 **§ 2005. Eminent domain requirements**

16 A. Damages to Improvements of Individuals ~~Navajo Indians~~

17 1. Whenever a Navajo Nation eChapter disposes of land containing any
18 improvement belonging to an Individual ~~Navajo Indian~~ who will not donate the
19 same, whether the disposition is made by surface lease, permit, consent to grant
20 of right-of-way or consent to commencement of construction on a proposed
21 right-of-way, or in any other manner that gives the grantee or proposed grantee
22 exclusive use of the surface of the land containing such improvement, or
23 authorizes the grantee or proposed grantee to use the surface of the land in such
24 manner that said improvement or improvements must be removed, damaged, or
25 destroyed, the eChapter will pay damages to the rightful claimant of such
26 improvement or improvements.

27 2. As used in this Section, "improvement" means houses, hogans, sunshades,
28 stables, storage sheds, dugouts, and sweathouses; sheep and horse corrals, and
29 pens, and fences lawfully maintained; irrigation ditches, dams, development
30 work on springs, and other water supply developments; any and all structures

1 used for lawful purposes and other things having economic value. Where any
2 improvement by an Individual Navajo Indian is readily removable and such
3 person has an opportunity to remove the same, damages payable on account of
4 said improvement shall be limited to the reasonable cost of removal, if any,
5 even though the claimant thereof may have failed to remove such improvement
6 and it may have been destroyed or damaged in the authorized course of use of
7 the land on which it is located.

8 3. No damages shall be paid to any person for any improvement, when such person
9 at the time of building or acquiring said improvement knew or with reasonable
10 diligence ought to have known that the area in which it was located was
11 proposed to be disposed of by the eChapter adversely to such person's interest.

12 4. Damages to be paid to Individuals Navajo Indians under this Section shall be
13 fixed by negotiation and consent between the eChapter pPresident of the chapter
14 or his or her authorized representative and the individual involved. If no
15 agreement satisfactory to the eChapter pPresident or his or her representative
16 can be reached within a reasonable time, the eChapter pPresident shall appoint
17 one appraiser, the iIndividual shall appoint one appraiser, and the two appraisers
18 so appointed shall appoint a third appraiser; but if they cannot agree upon the
19 third appraiser within 10 days, the eChapter pPresident may appoint him or her.
20 The three appraisers shall examine the improvement alleged to be damaged and
21 shall appraise and determine the damages. Their determination shall be
22 submitted to the Resources Committee of the Navajo Nation Council and when,
23 if, and as approved by said Committee the amount thereof shall be final. The
24 eChapter shall pay the fees of said appraisers, except where they are regular
25 Navajo Nation employees, in which case they shall not be entitled to any fees.
26 In addition, the eChapter shall pay the reasonable and necessary expenses of
27 said appraisers, whether or not such appraisers are Navajo Nation employees.

28 B. Economic Damage to Intangible Interests of Navajo Indians

29 1. Whenever as a result of a Navajo Nation eChapter granting any lease or permit
30 embracing Navajo Nation land, or granting permission by the eChapter for the

1 use of Navajo Nation land, or as a result of the use of Navajo Nation land under
2 such lease, permit or permission, the value of any part of such land for its
3 customary use by any Navajo Individual~~an~~ formally lawfully using the same is
4 destroyed or diminished, the Chapter will compensate the ~~former~~ Navajo
5 Individual~~an user~~ in the manner hereinafter specified.

- 6 2. When the livelihood of the former Navajo Individual~~an user~~ is gravely affected
7 by the new use, such Individual~~user~~ shall have first priority in resettling on other
8 lands acquired by the Navajo Nation, except the area acquired pursuant to the
9 Act of September 2, 1958 (72 Stat. 1686); and the Chapter shall pay the
10 expense of removing said person, his or her family, and property to any new
11 land made available for his or her use, and such shall constitute full
12 compensation to such Navajo.
- 13 3. In all other cases involving damages under this Paragraph, the amount thereof
14 shall be fixed and determined in the manner specified in 26 N.N.C. §
15 2005(A)(4) above.
- 16 4. Whereby reseeding, irrigation, or otherwise, the remaining land in the
17 customary use area of any Individual damaged by the governmental exercise
18 of eminent domain is within a reasonable time made able to provide the same
19 economic return as his or her former entire customary use area, no damages
20 shall be payable to such person, except for the period, if any, between adverse
21 disposition of the land in the customary use area and the time when the
22 productivity of the remaining land achieves equality with the entire former
23 customary use area.
- 24 5. Only lawful and authorized use shall be compensated under this Section. Thus,
25 no person shall be compensated for loss of use of land for grazing animals in
26 excess of his or her permitted number, or without a permit.
- 27 6. Every person otherwise entitled to damages under Subsection (3) of this Section
28 shall not be entitled to receive any payment thereof until that person has
29 surrendered for cancellation that person's grazing permit as to all animal units
30 in excess of the carrying capacity of the land remaining in that person's

1 customary use area. Persons so surrendering their grazing permits shall be
2 entitled to an immediate lump sum payment based on the current market value
3 for each sheep unit canceled.

4 C. Adverse Disposition of Navajo Nation Land Not to be Made Until Individual
5 Damages are Estimated. Neither lessee, permittee, or the grantee of a right-of-way
6 or other interest in or right to use Navajo Nation lands shall commence any
7 construction thereon, nor make any change in the grade or contour thereof or
8 remove any surface vegetation thereon until the damages to the improvements
9 thereon or the customary use rights of all the individuals affected thereby have been
10 estimated by the Navajo Land Department of the Navajo Nation. Unless the
11 ~~eChapter mMembership~~ has previously authorized the payment of such damages
12 from nonreimbursable funds of the ~~eChapter~~, the ~~eChapter pPresident~~ shall require
13 the applicant for such lease, permit or grant of a right-of-way or other interest in or
14 right to use Navajo Nation lands to deposit with the chapter secretary/treasurer an
15 amount equal to at least double the estimate of damage made by the Navajo Land
16 Department. After the lease, permit, or grant of right-of-way or user has become
17 final and the damages have been determined, either by appraisal, estimate or by
18 consent as hereinbefore provided, the chapter president shall cause the
19 secretary/treasurer to pay, from and out of this deposit, to the person or persons
20 damaged thereby such sum as he, she or they may be entitled to under the terms of
21 this Section, and to return to the applicant the excess thereof, except that where the
22 individual damaged has not consented to the determination of the amount thereof,
23 it shall be withheld in order to satisfy the excess amount, if any, determined under
24 26 N.N.C. § 2005(A)(4). Such disbursements shall be made without further
25 appropriation of the Navajo Nation ~~eChapter mMembership~~. All sums held by the
26 ~~secretary/treasurer of the Navajo Nation eChapter~~, pursuant to the terms of this
27 Section, for a period of more than 30 days shall be deposited in a Federal Savings
28 and Loan Association or invested in the bonds of the United States until needed for
29 disbursement.

30 Chapter 3. Regional Form of Government

1 Subchapter 9. [Reserved] Generally

2 **§ 3001. Purpose**

3 There was an effort in 2016 for a referendum to ask the Navajo voting membership
4 whether to replace the one-hundred and ten (110) Chapter governmental structure with
5 twenty-four (24) regional governments. If passed, each Chapter would elect a
6 representative to serve at a Regional Government and there would be a Regional Office
7 to carry out the direct services to each community. However, the referendum did not
8 make it as a ballot measure and therefore the Navajo People did not get a chance to
9 consider it. The purpose of adding Regional Forms of Government to this Act is to
10 give the power to the local communities to decide whether to replace their own Chapter
11 by joining other Chapter communities in forming a Regional Form of Government.

12 **§ 3002. General Structure**

13 A. When a Chapter approves a referendum to merge into a Regional Government, the
14 Regional Government will replace the Chapter Government.

15 1. The Chapter President, Vice-President, and Secretary-Treasurer positions shall
16 be replaced by a single elected Chapter Council Member to represent the
17 Chapter at the Regional Government level; and

18 2. The Chapter Administration will be replaced by the Regional Government
19 Staff. The corresponding budget for direct services will be managed by the
20 Regional Government.

21 B. The Regional Government will adopt a charter describing the form of government
22 similar to a Council-Manager Form of Government separating the legislative and
23 executive functions consistently with the Navajo Nation's policy of separation of
24 powers and checks & balances.

25 1. Regional Council

26 a. Each Chapter approving a referendum to adopt regionalization shall elect a
27 single local Council member to represent the Chapter.

28 b. The Regional Council performs the legislative functions by setting forth
29 policies which includes, but is not limited to, the Five Management System.

30 2. Regional Executive

1 a. The Regional Governmental offices is led by a Regional Executive and
2 performs the executive functions and oversees the day-to-day operations of
3 the Regional Government.

4 b. The Regional Government Offices will assume the duties and
5 responsibilities of the Chapter Administration as described in § 1004 herein
6 and shall, to the extent possible, be centrally located within the region.

7 **§ 3003. General Procedure**

8 A. A minimum of two (2) Chapters will coordinate efforts to pass a Resolution within
9 their respective Chapters to appoint an individual or task group to develop a charter
10 and a draft Chapter Resolution/Referendum to adopt a Regional Form of
11 Government.

12 B. The charter shall be consistent with this subchapter and the finalized draft of the
13 charter shall be reviewed and approved by the Navajo Nation Department of Justice
14 Chapter Unit and the Resources and Development Committee.

15 C. Each Chapter shall hold a minimum of two (2) public hearings to explain the
16 contents of the charter and to educate their respective community members of the
17 proposed Referendum to adopt a Regional Form of Government. The draft Chapter
18 Resolution/Referendum shall be read in English and Navajo.

19 D. At the second public hearing, the Chapter shall inform the community of the date
20 and time of the upcoming Chapter Meeting where the Chapter Membership will
21 vote to approve or deny a Resolution for a Referendum.

22 E. The Chapter Resolution adopting a Referendum shall indicate:

23 1. The date of the election; and

24 a. If the Chapter Referendum will be considered at a regularly scheduled
25 Chapter election, the Chapter Resolution must be approved sixty (60) or
26 more days prior to the election as provided in 11 N.N.C. § 403(B).

27 b. If the Chapter Referendum will be considered at a special Chapter election,
28 the Chapter Resolution must be approved no sooner than sixty (60) days
29 and no more than ninety (90) days prior to the election.

30

1 2. The draft ballot language to be placed on the ballot. The ballot language shall
2 conform to 11 N.N.C. § 407.

3 F. A ballot vote to adopt a Regional Form of Government shall require a majority of
4 votes cast. The failure to obtain a majority vote means that a particular Chapter
5 will not participate in the Regional Form of Government and will continue with
6 their pre-existing form of government. If only two (2) Chapters proposed to
7 regionalize and one (1) fails to approve, the measure will fail for both Chapters.

8 **§ 3004. Powers; Duties and Responsibilities**

9 A. Generally

10 1. A Regional Form of Government shall possess all powers and authorities
11 consistent with this Act which may be preempted by Navajo Nation law or by
12 an act of the Navajo Nation Council. The charter may also state other powers
13 and duties not expressed herein.

14 2. As provided in § 101(B), a Region wanting to administer land shall develop a
15 Community Land Use Plan.

16 a. Any Community Land Use Plans previously certified by the Resources and
17 Development Committee may be adopted by the Regional Government.

18 b. The power to issue home and business site leases requires an express
19 delegation of authority from the Resources and Development Committee.

20 3. All Regional Governments shall operate pursuant to the standardized Five
21 Management System until duly amended to conform to the Regional
22 Government structure.

23 B. Regional Council

24 1. Duties and Responsibilities.

25 a. Appoint a Chair, Vice-Chair, and Secretary. The Chair conducts Regional
26 Meetings and the Vice-Chair acts in the absence of the Chair.

27 b. Establish Regional Government departments and programs, standing
28 committees, subcommittees, and task forces.

29 c. Represent their respective areas and advocate for community interest.
30

- 1 d. Approve final amendments, by Resolution, to the Five Management System
2 and other policies.
- 3 e. Take action to protect the life and property of the Chapter Membership in
4 case of an emergency or other crisis including, but not limited to, the ability
5 to declare a State of Emergency for areas within the Chapter.
- 6 f. As a *náát'áanii*, communicate with everyone by maintaining the traditional
7 principles of *k'é* (respectful relations). Unless there is a threat of or actual
8 physical violence, Council Members shall not file actions to obtain a
9 protection order against other Officials and Employees. Council Members
10 are also prohibited from acts that is determined to be bullying.
- 11 g. Understand that all work product created or received while serving is the
12 property of the Regional Government and upon resignation, removal, or
13 expired term, submit all such property to the Regional Executive. Failure
14 to do so will be grounds for the Navajo Department of Justice to file an
15 appropriate legal action.

16 2. Regional Council Meetings; Compensation.

- 17 a. The Regional Council shall meet on a monthly basis and may conduct a
18 Planning Meeting and a Regular Meeting. Each Member shall earn a
19 stipend of five hundred dollars (\$500.00) for each of these meetings
20 provided that he/she was present and all necessary documents have been
21 submitted with the Meeting Claim Form to the Chapter Executive. Any
22 alternative form of compensation shall be specified in the charter.
- 23 b. The Regional Council Secretary shall post the agenda at least forty-eight
24 (48) hours prior to the start of the meeting and draft the Meeting Minutes.
- 25 c. A quorum shall be required to take official action. A quorum shall consist
26 of a majority of Council Members.
- 27 d. All registered voters within the Region may attend a Regional Council
28 meeting and may have the opportunity to speak but shall not be entitled to
29 vote on a Resolution unless otherwise provided in the charter.
- 30 e. A rule of order shall be adopted to ensure the proper conduct of meetings.

1 B. Regional Executive

2 1. The charter shall specify if the Regional Executive will be elected, appointed,
3 hired as an employee, or hired by contract.

4 a. If elected, the Regional Executive is subject to the requirements of the
5 Navajo Election Code.

6 b. If appointed, the Regional Executive shall serve at the pleasure of the
7 Regional Council and may be removed by Resolution without cause.

8 c. If hired as an employee, any disciplinary actions shall comply to the
9 Personnel Management System.

10 d. If hired under contract, the contract may specify the terms, renewal, and
11 termination procedures.

12 2. In addition to the duties expressed in § 3102(B) herein, the Regional Executive,
13 Departments, and Programs shall:

14 a. Prepare a budget consistent with § 2003(C).

15 b. The Regional Executive shall sign contracts after presentment and approval
16 by the Regional Council.

17 **Chapter 4. Agency Councils**

18 Subchapter 11. [~~Reserved~~] Generally

19 **§ 4001. Establishment**

20 The five (5) Agency Councils (Eastern, Fort Defiance, Western, Central, and Northern)
21 are hereby established as political subdivisions of the Navajo Nation. Although the
22 existence of Agency Councils predated this Act, Agency Councils were subsequently
23 recognized as Legislative Branch entities despite the amendment made in 2 N.N.C. § 1
24 that Chapters are not under any Branch of the Central Government. Since Agency
25 Councils consist primarily of the Chapter President, Chapter Vice-President, and
26 Chapter Secretary-Treasurer of member Chapters and because there were no Code
27 provisions for Agency Councils, this Act hereby clarifies Agency Councils as a
28 consortium of elected Chapter Officials representing Chapters within their agency area.

29 **§ 4002. Purposes**

30

1 The primary purpose for Agency Councils is to maintain effective communications
2 with the Executive, Legislative, and Judicial Branches of the Central Government by
3 providing a venue to meet and/or pass resolutions.

4 **§ 4003. Meetings**

5 A. Each Agency Council shall meet on a quarterly basis where Chapter Officials may
6 earn a stipend as set forth in the Navajo Nation budget. The Agency Chairperson
7 may call a Special Meeting or an Emergency Meeting.

8 B. All meetings shall be held within the Agency area except that meetings held outside
9 the area will require a three-fourths (3/4) vote at a duly called meeting.

10 C. Each Agency Council may determine membership and shall clearly establish the
11 quorum requirements in their Plan of Operation. The quorum members shall attend
12 in-person except that virtual-hybrid attendance may be permitted, by resolution, at
13 a duly called Agency Council meeting.

14 D. The Agency Councils shall develop their own rules of order to ensure the orderly
15 conduct of meetings.

16 **§ 4004. Powers; Limitations**

17 A. The Agency Councils shall have the powers necessary to fulfill the purposes
18 provided herein.

19 B. The enumerated powers of Agency Councils includes, but is not limited to:

- 20 1. Establish the duties and responsibilities of Agency Council Officer positions;
 - 21 2. Create an Executive Council, an administrative office, committees, sub-
22 committees, and task forces subject to the approval of the Resources and
23 Development Committee. Except when expressly provided for, the Navajo
24 Nation Council will not be responsible for the budget and compensation of these
25 entities;
 - 26 3. Consider matters involving local governance;
 - 27 4. Recommend appointments of individuals representing the Agency; and
 - 28 5. Accept oral and written reports from Navajo Nation, Federal, and State entities.
- 29
30

1 **SECTION SIX. SAVINGS CLAUSE**

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

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