

LEGISLATIVE SUMMARY SHEET

Tracking No. 0183-14

DATE: May 26, 2016

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING NAVAJO NATION CODE, TITLE 26: NAVAJO NATION LOCAL GOVERNANCE ACT

PURPOSE: This resolution if approved will amend 26 N.N.C. § 1002 (A).

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

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: 4:01pm on 9/15/16
Posting End Date: 10/12/2016
Eligible for Action: 10/13/2016

Resources & Development Committee

THENCE

Law & Order Committee

THENCE

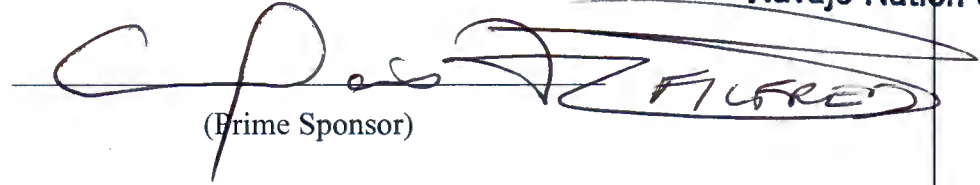
Naa'biik'íyáti' Committee

THENCE

Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 23rd NAVAJO NATION COUNCIL -- Second Year, 2016

3 INTRODUCED BY

4 
5
6 (Prime Sponsor)

7
8 TRACKING NO. 0183-14

9
10 AN ACTION

11 RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER AND
12 NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING
13 NAVAJO NATION CODE, TITLE 26: NAVAJO NATION LOCAL GOVERNANCE
14 ACT

15
16 **BE IT ENACTED:**

17 **SECTION ONE. AUTHORITY**

- 18 A. The Navajo Nation established the Resources and Development Committee as a
19 Navajo Nation standing committee and as such gave RDC oversight authority over
20 Chapters. 2 N.N.C. §§ 164 (A)(9), 500 (A), 501 (B)(2)(c), and 501 (C)(1) (2015).
- 21 B. The Navajo Nation established the Law and Order Committee (LOC) as a Navajo
22 Nation standing committee and as such empowered LOC to review and make
23 recommendations to the Navajo Nation Council on proposed Navajo Nation Code
24 amendments and enactments. 2 N.N.C. §§ 164 (A)(9), 600 (A), 601 (B)(14) (2015);
25 CO-45-12.
- 26 C. The Navajo Nation Council established the Naabik'íyáti' Committee as a Navajo
27 Nation standing committee and as such proposed legislation that requires final action
28 by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee. 2
29 N.N.C. §§ 164 (A)(9), 700 (A) (2015); CO-45-12.
- 30

1 D. The Navajo Nation Council must review and approve enactments or amendments of
2 positive law. 2 N.N.C. § 164 (A) (2015); CO-45-12.
3

4 **SECTION TWO. FINDINGS**

5 A. There are a total of 110 chapters within the Navajo Nation; and twenty-four (24)
6 Council Delegates (Delegates) who serve as representatives to the Navajo Nation
7 local government units.

8 B. Delegates as representative of the Navajo Nation Council regularly attend chapter
9 planning meetings and chapter meetings.

10 C. When the local chapter conducts a meeting during a Naabik'íyáti' Committee
11 meeting or the Navajo Nation Council session, the Delegates who opt to attend their
12 chapter planning meeting or a chapter meeting are unable to perform their duties as a
13 Delegate, therefore not serving their respective communities (*i.e.*, not being able to
14 vote on their communities behalf).

15 D. It is imperative due to the limited number of Council Delegates that all delegates are
16 able to attend the Naabik'íyáti' Committee meetings as well as the Navajo Nation
17 Council sessions, without conflicting meetings being held at the same time, to prevent
18 loss of quorum.

19 E. Pursuant to 2 N.N.C. § 700 (C), the Naabik'íyáti' Committee shall meet at least once
20 per month at the call of the Chairperson on the second and fourth Thursday of each
21 month until such time as the Committee adopts an annual meeting schedule and posts
22 such schedule on the Council's website.

23 F. Pursuant to 2 N.N.C. § 162, there shall be four regular sessions of the Navajo Nation
24 Council each year. Such sessions shall commence at 10 a.m. on the fourth Monday of
25 January, the third Monday of April, July and October of each year.

26 G. It is within the Navajo Nation's best interest to amend Title 26, Navajo Nation Local
27 Governance Act.
28

29 **SECTION THREE. AMENDING NAVAJO NATION CODE TITLE 26**

30 The Navajo Nation amends the Navajo Nation Code, Title 26 as follows:

1
2 **NAVAJO NATION CODE ANNOTATED**
3 **TITLE 26. NAVAJO NATION LOCAL GOVERNANCE ACT**
4 **CHAPTER 2. CHAPTER GOVERNMENT**
5 **SUBCHAPTER 5. NAVAJO NATION CHAPTERS, OFFICIALS AND**
6 **ADMINISTRATION—GENERALLY**
7

8 **§ 1002. Meetings; Meeting notice requirement; Compensation of chapter officials**

9 A. Number of meetings. Each chapter shall determine the number of meetings to be held
10 each month and the time and place for such meetings (subject to the right of the
11 chapter president to call special or emergency meetings when necessary).

12 ***

- 13 1. No chapter meetings shall be held during a regularly scheduled Naabik'íyáti'
14 Committee meeting or the Navajo Nation Council sessions.

15 ****
16
17

18 **SECTION FOUR. CODIFICATION**

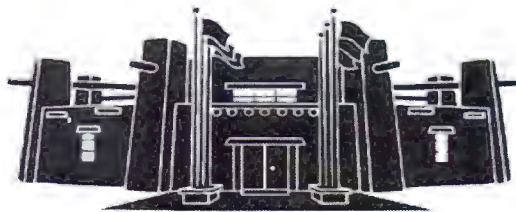
19 The provisions of the Act which amend or adopt new sections of the Navajo Nation
20 Code shall be codified by the Office of Legislative Counsel. The Office of Legislative
21 Counsel shall incorporate such amended provisions in the next codification of the Navajo
22 Nation Code.

23
24 **SECTION FIVE. SAVINGS CLAUSE**

25 Should any provision of this Act be determined invalid by the Navajo Nation
26 Supreme Court or the District Courts of the Navajo Nation, without appeal to the Navajo
27 Nation Supreme Court, the remainder of the Act shall remain the law of the Navajo Nation.

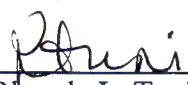
28
29 **SECTION SIX. EFFECTIVE DATE**


30 The provisions of this Act shall become effective in accord with 2 N.N.C. § 221 (B).



MEMORANDUM

TO: Honorable Davis Filfred
Navajo Nation Council

FROM: 
Rhonda L. Tuni
Office of Legislative Counsel

THRU: 
Levon Henry, Attorney
Office of Legislative Counsel

DATE: May 26, 2016

SUBJECT: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT,
LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES AND
NAVAJO NATION COUNCIL; AMENDING NAVAJO NATION
CODE, TITLE 26: NAVAJO NATION LOCAL GOVERNANCE ACT

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

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

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0183-16_____ SPONSOR: Davis Filfred

TITLE: An Action Relating to Resources And Development, Law And Order, Naabik'ivati' Committees And Navajo Nation Council; Amending Navajo Nation Code, Title 26: Navajo Nation Local Governance Act

Date posted: June 7, 2016 at 4:01pm

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

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7590

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

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

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0183-16

SPONSOR: Honorable Davis Filfred

TITLE: An Action Relating To Resources And Development, Law And Order, Naabik'iyati' Committees And Navajo Nation Council; Amending Navajo Nation Code, Title 26: Navajo Nation Local Governance Act.

Posted: June 7, 2016 at 4:01pm

5 DAY Comment Period Ended: June 12, 2016

Digital Comments received:

Comments Supporting (1)	1. Gil Harrison Sr.; Gadiiahi/Tokoi Chapter
Comments Opposing (1)	2. Ojo Encino Chapter Resolution No. OJOE 06-12-16/007
Inclusive Comments (1)	1. Lorenzo Curley; Attorney, Navajo Nation Department of Justice.



Executive Director
Office of Legislative Services

06-13-16 @ 2:27 pm

Date/Time

0183-16

Lorenzo Curley <lcurley@nndoj.org>

Wed 6/8/2016 2:46 PM

To: comments <comments@navajo-nsn.gov>;

I think title 26 amendments requires majority of chapters approval for changes to become law.

Lorenzo Curley, Attorney
NAVAJO NATION DEPARTMENT OF JUSTICE
Economic/Community Development Unit
Post Office Box 2010
Window Rock, AZ 86515
(T) 928.871.6932-6933
(F) 928.871.6200
lcurley@nndoj.org



This message is intended only for the use of the Addressee and may contain information that is PRIVILEGED and CONFIDENTIAL. If you are not the intended recipient, please delete the email and inform the sender immediately. Thank you.

legislation # 0183-16

Gilbert Harrison <gil.harrison@yahoo.com>

Fri 6/10/2016 1:12 PM

To:comments <comments@navajo-nsn.gov>;

I think this legislation is timely and appropriate. In addition to prohibiting chapters from holding chapter meetings during Nabi and Council meetings, it should be appropriate to prohibit Council delegates from attending or scheduling other meetings, such as standing committees, board membership, or travel. I agree the Nabi and Council meetings are critical to the well-being of the Nation.

thanks,

Gil Harrison Sr.

Gadiiahi/Tokoi Chapter

Regarding: Resolution of Legislation 0183-16

Gloria Chiquito <gchiqto@navajochapters.org>

Sun 6/12/2016 5:16 PM

To: comments <comments@navajo-nsn.gov>; btv321@hotmail.com <btv321@hotmail.com>; Gloria Chiquito <gchiqto@navajochapters.org>;

1 attachment

0183-16 legislation.pdf;

We are resenting the resolution of Legislation of 0183-16 for Ojo Encino Chapter comment

Any question do call our Office at 505-731-2263

Thanks, George Werito, Chapter President



OJO ENCINO CHAPTER
HCR 79 BOX 1500, OJO ENCINO, NEW MEXICO 87013
PHONE (505)731-2263 or 731-2262 FAX (505)731-1516
EMAIL: ojoencino@navajochapters.org
Resolution OJOE 06-12-16/007

RESOLUTION OF THE OJO ENCINO CHAPTER OF THE NAVAJO NATION

Resolution of Input regarding Navajo Nation Legislation 0183-16

WHEREAS,

1. The Ojo Encino Chapter (the "Chapter") is a political subdivision of the Navajo Nation under 11 N.N.C. § 10 and a local governance certified chapter pursuant to 26 N.N.C. § 102, and the Chapter is responsible for the health and safety of its local residents/members and for stewardship of its Chapter lands and resources; and
2. The Chapter believes in the intent of Title 26 and strongly believes in the ideas of Local Governance and Local Empowerment; and
3. The Chapter also agrees with the intent of the the proposed legislation 0183-16 (the "legislation") which is to encourage council delegates to attend more chapter meetings; and
4. The Chapter feels that the legislation shows a fundamental flaw in Title 2 where attendance of chapter meetings is not a requirement of council delegates; and
5. Also, the Chapter believes that the issues addressed by the legislation can be better addressed by the few council delegates who are not attending chapter meetings to increase their communication and working relationship with chapter governments within their districts; and
6. In addition, the chapter believes that the proposed legislation would restrict the ability of local communities to hold chapter meetings when the community may see fit which would be counter to the intent of Title 26; and
7. That if legislation is required to fix this situation that Title 2 should be amended at §106 and §167 to require and pay stipends for council delegates to attend chapter meetings; and
8. The chapter would like to note that any amendments to Title 26 by the Navajo Nation Council will also require approval by the majority of chapters according to 26 N.N.C. §1.E:

Amendment. This Act may be amended by the Navajo Nation Council subject to approval of a majority of all chapters of the Navajo Nation; or this Act may be amended by referendum vote of a majority of all chapters as set forth in 11 N.N.C., Navajo Nation Election Code.

NOW THEREFORE BE IT RESOLVED THAT

1. The Chapter is opposed to legislation 0183-16
2. The Chapter would instead support legislation that amends 2 N.N.C §106 and §167 that would codify the importance of delegates attending chapter meetings and encourage them to do so.

George Werito Jr., Chapter President
Jeanette Vice, Chapter Vice President
Brandon Sam, Chapter Secretary/Treasurer

Gloria Chiquito, Chapter Manager
Leonard Tsosie, Council Delegate
Elizabeth Stoney, Land Board Member



OJO ENCINO CHAPTER
HCR 79 BOX 1500, OJO ENCINO, NEW MEXICO 87013
PHONE (505)731-2263 or 731-2262 FAX (505)731-1516
EMAIL: ojoencino@navajochapters.org

1. Suggested potential changes to 2 N.N.C §106:

C. Council delegates attending an official Regular Chapter meeting (to be considered as a meeting in regards to 2 N.N.C §106 F) within their district may receive sixty dollars (\$60.00) per diem per quarter per chapter and mileage reimbursement for use of a private vehicle per quarter per chapter at the rate established in the Navajo Nation Travel Policy and Procedures Handbook, and amendments thereto.

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

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

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

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

2. Suggested potential changes to 2 N.N.C §167:

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

B. All delegates to the Navajo Nation Council shall attend at least one regular chapter meeting per quarter (one regular chapter meeting per 3 months) for each chapter within their district. If any delegate is absent for more than 50% of their required quarterly regular chapter meetings within a one year period the offended chapter may pass a resolution for the Navajo Nation Council to consider the censure of said delegate. If his/her absence continues, the Navajo Nation Council shall have the authority to declare the delegate's seat forfeited and vacant.

CERTIFICATION

I hereby certify that the foregoing resolution was considered by the Members of the Ojo Encino Chapter at a duly called meeting at the Ojo Encino Chapter House at which a quorum was present, and that the same was passed by vote of in favor, opposed, and abstaining, this day of June, 2016.

Motion: *Martiza Lopez*

Second: *Marcella Barbare Sam*

George Werito, Chapter President

George Werito Jr., Chapter President
Jeanette Vice, Chapter Vice President
Brandon Sam, Chapter Secretary/Treasurer

Gloria Chiquito, Chapter Manager
Leonard Tsosie, Council Delegate
Elizabeth Stoney, Land Board Member

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0183-16

SPONSOR: Honorable Davis Filfred

TITLE: An Action Relating To Resources And Development, Law And Order, Naabik'iyati' Committees And Navajo Nation Council; Amending Navajo Nation Code, Title 26: Navajo Nation Local Governance Act.

Posted: June 7, 2016 at 4:01pm

5 DAY Comment Period Ended: June 12, 2016

Digital Comments received:

Comments Supporting	
Comments Opposing (1)	<ol style="list-style-type: none">1. Martha Tate; Ts'ah Bii Kin Chapter President2. Regan Hawthorn3. Ts'ah Bii Kin Chapter Resolution
Inclusive Comments	



Executive Director
Office of Legislative Services

6/22/2016 - 11:00 AM

Date/Time

Legislation No. 0183-16

DELETE

REPLY

REPLY ALL

FORWARD

Martha Tate <martha.tate1835@gmail.com>

mark as read

Thu 6/16/2016 7:30 AM

To: comments;

Action Items

Get more apps

Honorable Council Delegates of the Navajo Nation,

As elected leaders, you understand the frustration of getting a quorum for each chapter meeting.

When a chapter meeting has to be postponed, it is due to the lack of quorum. Basically you all use the same philosophy in your meetings.

One way to address the lack of quorum issue at the legislative level is to host all your meetings on the EXACT day of each month.

That way, the chapter officials are aware that these days are reserved for your meetings.

Imposing this legislation on the Navajo Nation chapters is very detrimental to the local leadership, if this legislation is passed by the Navajo Nation Council, you need to listen to your chapter officials and local leaders first before dictating to them.

Please get the feedback from all the 110 chapters first before passing this legislation.

The Ts'ah Bii Kin Chapter has already opposed this legislation on June 15, 2016 at it duly called regular chapter meeting.

I ask for this legislation to be ceased until all chapters have responded.

Ahe'hee,

Martha Tate
Ts'ah Bii Kin Chapter President

0183-16

DELETE

REPLY

REPLY ALL

FORWARD

Regan Hawthorne <reganh54@gmail.com>

mark as unread

Wed 6/15/2016 3:29 PM

To: comments;

The language of this proposed amendment strikes at the very heart of local chapter authority.

The findings imply that quorum is either lost or unmet due to a Delegate's choice to attend a local chapter meeting; I cannot number the times personally observed wherein a Delegate choosing to leave the Council floor resulted in the loss of quorum.

Further, the findings declare it to be in the best interest of the Nation to amend NNC 26 with this legislation, when in actuality the Nation's best interest would be served by allowing chapters to continue to set meeting dates with a recommendation to observe the respective committee scheduled.

Local Chapter governance needs to be allowed to mature, and in the same sense of helping a child grow so should the Navajo Nation government be supportive.

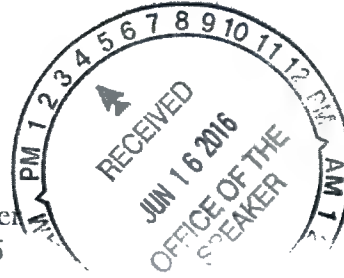
This legislation should not be approved.

Ts'ah Bii Kin Chapter



[Handwritten initials]

Resolution
of the
Ts'ah Bii Kin Chapter
TBK 2016-16 1-005



Martha Tate
President

Geraldine Chee
Vice-President

Calsey Richardson
Secretary/Treasurer

Happy Jerry Begay
Grazing Official

Herman Daniels, Jr.
Council Delegate

OPPOSING LEGISLATION NO: 0183-16 AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, LAW AND ORDER, NAABIK'IYATI' COMMITTEES, AND NAVAJO NATION COUNCIL; AMENDING NAVAJO NATION CODE, TITLE 26: NAVAJO NATION LOCAL GOVERNANCE ACT

WHEREAS:

1. Pursuant to N.N.C., Section 3 (A), the Ts'ah Bii Kin Chapter is a duly recognized certified chapter of the Navajo Nation Government, as listed at 11 N.N.C., part 1, section 10; and vested with the authority to discuss all matters affecting the Navajo people and its Nation; and
2. Pursuant to N.N.C., Section 1 (B), the Ts'ah Bii Kin Chapter is vested with the authority to review all matters affecting the community, make appropriate corrections when necessary, and provide recommendations to the Navajo Nation and other local agencies for appropriate action(s); and
3. The Ts'ah Bii Kin Chapter Opposes the Legislation No: 0183-16 to Amend Navajo Nation Code Title 26: Navajo Nation Local Governance Act, and;
4. The Ts'ah Bii Kin Chapter believes that it is not in the best interest of the Navajo people to subject them to only certain days to have their meetings, and;
5. The Ts'ah Bii Kin Chapter and Community does not approve no chapter meetings to be held during meetings scheduled by the Council, it is the Council whom should schedule their meetings around their constituents meetings.

NOW THEREFORE BE IT RESOLVED THAT:

The Ts'ah Bii' Kin Chapter hereby is opposes Legislation No: 0183-16 to amend Navajo Nation Code Title 26: Navajo Nation Local Governance Act. The Navajo Nation Council should not limit the communities of the Navajo Nation to certain days when they can hold their meetings.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by Ts'ah Bii Kin Chapter at a duly called meeting in Ts'ah Bii Kin, Arizona at which a quorum was present and the same was passed by a vote of 29 in favor 0 opposed and 10 abstained on this 12th day of June 2016.

Motioned By: Earl Sombbrero
[Signature]
Martha A Tate, President

Second By: Jerome Addison
[Signature]
Geraldine Chee, Vice-President

Calsey Richardson
[Signature]
Calsey Richardson, Secretary/Treasurer

Jerry H Begay
[Signature]
Jerry H Begay, Grazing Official

**RESOURCES AND DEVELOPMENT COMMITTEE
23rd NAVAJO NATION COUNCIL**

SECOND YEAR 2016

COMMITTEE REPORT

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

LEGISLATION # 0183-16: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER, NAABIK'IYATI COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING NAVAJO NATION CODE, TITLE 26, NAVAJO NATION LOCAL GOVERNANCE ACT. **SPONSOR:**
Honorable Davis Filfred

Has had it under consideration and report the same with a recommendation of a DO PASS with no amendments

And thereafter referred to Law and Order Committee

Respectfully submitted,



Alton Joe Shepherd, Chairperson
Resources and Development Committee
of the 23rd Navajo Nation Council

Date: June 21, 2016
Motion: Honorable Leonard Pete
Second: Honorable Davis Filfred
Vote: 3-1-1 (CNV)

LAW AND ORDER COMMITTEE
23RD NAVAJO NATION COUNCIL

SECOND YEAR 2016

COMMITTEE REPORT

Mr. Speaker,

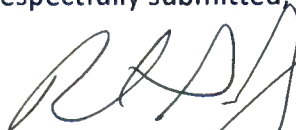
The **LAW AND ORDER COMMITTEE** to whom has been assigned:

Legislation No. 0183-16: An Action Relating to Resources and Development, Law and Order, and Naabik'iyati' Committees and Navajo Nation Council; Amending Navajo Nation Code, Title 26: Navajo Nation Local Governance Act - Sponsor: Hon. Davis Filfred

Has had it under consideration and reports the same with a recommendation that it **NOT PASS** with no amendments

And thereafter referred to Naabik'iyati' Committee

Respectfully submitted,



Raymond Smith, Jr., Pro Tem
Law and Order Committee
23rd Navajo Nation Council

Date: June 22, 2016

Main Motion: Honorable Otto Tso
Second : Honorable Kee A. Begay, Jr.
Vote : 1-2 (Pro Tem not voting)