

RESOLUTION OF THE
NAVAJO NATION COUNCIL

22ND NAVAJO NATION COUNCIL - Second Year 2012

AN ACT

RELATING TO LAW AND ORDER, HEALTH EDUCATION AND HUMAN SERVICES AND THE NAVAJO NATION COUNCIL; AMENDING 11 N.N.C §§ 2, 11 AND 22 FOR PURPOSES OF AUTHORIZING THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE TO EXTEND THE TIME FOR APPROVAL OF LOCAL COMMUNITY SCHOOL BOARD APPORTIONMENT PLANS

BE IT ENACTED:

Section 1. Findings and purpose

1. Pursuant to 11 N.N.C. § 11 (B), apportionment plans for Local Community School Boards are approved "[o]n" or before the first Monday of November 2003 and every four years thereafter" by the Education Committee of the Navajo Nation council. These apportionment plans set the size of each school board and apportion the number of school board seats among the Chapter or Chapters represented on each Board. Latest apportionment plan attached as Attachment "1" hereto (2007 Navajo Nation Local Community School Board Apportionment Plan, as approved by EC-34-07 and amended by ECJA-01-08, for use in the 2008 Chapter Elections)

2. Proposed school board apportionment plans require input from and consultation with the public and various entities, including chapters, school board organizations and the Dine Department of Education. 11 N.N.C. § 11 (C). The duration for this comment period is set at 60 days. 11 N.N.C. § 2 (H). Hearings for the 2012 - 2014 apportionment plans are currently set for January 2012.

3. The Navajo Supreme Court has state - "Navajo common law speaks to consultation as giving participants ample freedom to speak, be heard, and opportunity to present written comments." *Rough Rock Community School v. Navajo Nation*, 7 Nav. R. 313, at 317 (Nav. Sup. Ct. 1998).

4. With the reduction of the size of the Navajo Nation Council from 88 to 24 delegates, the number of committees was also reduced. Some committees, such as the Education Committee, Public Safety Committee, Judiciary Committee and the Ethics and Rules Committee no longer exist. Their functions however, to the extent practicable, were redistributed among the five new standing committees. CAP-10-11. Because of the reduction of the size of the Council and with fewer standing committees, it is necessary to redistribute and/or delegate authority in various areas of law, including education and apportionment.

Section 2. Amending the Navajo Election Code

The Navajo Nation Election Code is amended as follows:

Title 11. Elections
Chapter 1. Navajo Election Code of 1990
Subchapter 1. General Provisions

§ 2. Definitions

H. "Consultation" as used in 11 N.N.C. § 11 shall mean notice of the proposed school board apportionment plan, and an opportunity to comment on the proposed apportionment plan. The Education Health, Education and Human Services Committee of the Navajo Nation Council shall allow at least 60 days for person interested to provide comments. Comments received shall be in writing, and maintained by the Division of Diné Education. The Education Health, Education and Human Services Committee may, but is not required to, hold hearings at the schools, chapters, communities or agencies affected by the proposed reapportionment plan. To the extent the Education Health, Education and Human Services Committee holds hearings on any proposed reapportionment plan, the Education Health, Education ad Human Services Committee may impose reasonable restrictions including, but not limited to, the length of time witnesses may present testimony.

§ 11. Composition of School Board; Apportionment for School Board Election

- A. A Local Community School Board shall consist of not less than three or more than seven members based upon the current adopted apportionment plan.
- B. On or before the first Monday of November 2003 and every four years thereafter, the Education Health, Education and Human Services Committee of the Navajo Nation Council shall set the size of each Local Community School Board and shall apportion the number of school board seats among the Chapter or Chapters represented in each Local Community School Board. This apportionment shall establish election precincts for each Local Community School Board containing approximately equal numbers of students attending the Local Community at the time of the apportionment. The Health, Education and Human Services committee, for purposes of public comment or collecting data, may extend the time for approval of an apportionment plan. Should an extension be ordered, the Navajo Board of Election Supervisors shall adjust, if necessary, the opening filing period for elective school board positions.
- C. The apportionment plan shall be developed by the Education Health, Education and Human Services Committee with the opportunity for input provided to the Navajo Board of Election Supervisor, parents, local school boards, chapters, school board organizations such as agency school boards, and the Navajo Division of Diné Education, pursuant to 11 N.N.C § 2(H). The Education Health, Education and Human Services Committee may receive input either in writing or through oral testimony.
- D. The apportionment plan shall be based at a minimum on the number of students attending from one or more Chapters. Each Local community School Board shall provide to the Education Health, Education and Human Services Committee and the Division of Diné Education current and accurate information regarding the number of students attending the Local Community School for use in development of the apportionment plan by October 2003 and every four years thereafter.

4. With the reduction of the size of the Navajo Nation Council from 88 to 24 delegates, the number of committees was also reduced. Some committees, such as the Education Committee, Public Safety Committee, Judiciary Committee and the Ethics and Rules Committee no longer exist. Their functions however, to the extent practicable, were redistributed among the five new standing committees. CAP-10-11. Because of the reduction of the size of the Council and with fewer standing committees, it is necessary to redistribute and/or delegate authority in various areas of law, including education and apportionment.

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- E. The Education Health, Education and Human Services Committee shall adopt the apportionment plan and provide the plan to the Navajo Board of Election Supervisors for use in school board elections.
- F. A school board member shall be permitted to serve the entire remaining period of his or her duly elected term prior to application of an apportionment plan which would eliminate the school board position held by that school board member.

Title 11. Elections
Chapter 1 Navajo Election Code of 1990
Subchapter 2. Filing for Elections

§ 22 Time of filing

- A. Except as otherwise provided by law, there shall be a 90-day filing period beginning 180 days prior to a primary election and ending 90 days thereafter. However, for those elective positions which lack a candidate after the primary election has been conducted, candidate application shall be filed within the filing period set by the Navajo Board of Election Supervisors.
- B. For special elections, candidate applications shall be filed pursuant to the special election provisions of this Title.

Section 3. Effective date

The amendments enacted shall be effective pursuant to 2 N.N.C. §221(b). The amendments shall be applicable for the 2012 Chapter Elections and thereafter.

Section 4. Codification

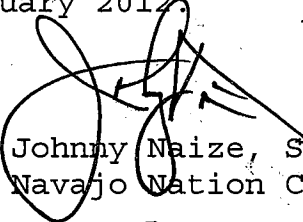
The provisions of this Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

Section 5. Savings Clause

Should any provision of this Act be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation without appeal to the Navajo Nation Supreme Court, these provisions of the Act which are not determined invalid shall remain the law of the Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 17 in favor and 2 opposed, this 26th day of January 2012.


Johnny Naize, Speaker
Navajo Nation Council

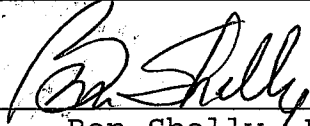
Feb. 07, 12

Date

Motion: David Tom
Second: Charles Damon, II

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), on this _____ day of FEB 13 2012 2012.



Ben Shelly, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2012 for the reason(s) expressed in the attached letter to the Speaker.

Ben Shelly, President
Navajo Nation

ATTACHMENT "1"

**RESOLUTION OF THE
EDUCATION COMMITTEE
OF THE NAVAJO NATION COUNCIL
21TH NAVAJO NATION COUNCIL - Second Year, 2008
INTRODUCED BY**

Leonard Anthony

AN ACTION

Legislation No. 0033-08; Relating to Education; amending
Resolution ECD-34-07, the 2007 School Board Apportionment
Plan

BE IT ENACTED:

01. The Navajo Nation, following consideration of all input received from all sources, hereby amends Resolution ECD-34-07 by approving the amendments to the 2007 School Board Apportionment Plan, hereto attached as Exhibit A.
02. The Navajo Nation hereby provides the 2007 School Board Apportionment Plan, as amended, to the Navajo Election Administration for use in the 2008 Navajo Nation election.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Education Committee of the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same passed by a vote of 4 in favor, 0 opposed, and 0 abstained, on this 14th day of January, 2008.



ANDY R. AYZE, Chairperson
Education Committee
NAVAJO NATION COUNCIL

Motion: Elmer Milford
Second: Raymond Maxx

2007 NAVAJO NATION
 LOCAL COMMUNITY SCHOOL BOARD
 APPORTIONMENT PLAN

CENTRAL NAVAJO AGENCY

NAME OF SCHOOL	2007 SCHOOL BOARD APPORTIONMENT
01. Black Mesa Community School, Inc.	<u>Four (4) Member Board:</u> 2 - Black Mesa 2 - Pinon / Forest Lake
02. Chinle Boarding School	<u>Five (5) Member Board:</u> 2 - Many Farms 2 - Chinle 1 - Round Rock / Rough Rock / Lukachukai / Tsaile
03. Cottonwood Day School	<u>Four (4) Member Board:</u> 2 - Tselani 1 - Whippoorwill 1 - Tachee / Blue Gap / Low Mountain
04. Jeehdeez'a Academy, Inc.	<u>Four (4) Member Board:</u> 1 - Whippoorwill 1 - Low Mountain 1 - Pinon / Jeddito / Blue Gap 1 - Whippoorwill / Low Mountain
05. Lukachukai Community School, Inc.	<u>Five (5) Member Board:</u> 4 - Lukachukai 1 - Tsaile/Wheatfields / Round Rock
06. Many Farms High School	<u>Five (5) Member Board:</u> 1 - Lukachukai 1 - Many Farms 1 - Round Rock 1 - Chinle 1 - Tselani / Cottonwood
07. Nazlini Community School, Inc.	<u>Four (4) Member Board:</u> 3 - Nazlini 1 - Chinle / Sawmill / Kinlichee

<p>08. Pinon Community School, Inc.</p>	<p><u>Four (4) Member Board:</u> 2 – Pinon 1 – Whippoorwill / Hard Rock 1 – Blue Gap / Forest Lake</p>
<p>09. Rough Rock Community School, Inc.</p>	<p><u>Five (5) Member Board:</u> 2 – Rough Rock 1 – Chinle Agency 1 – Fort Defiance Agency 1 – Western Agency / Eastern Agency / Northern Agency</p>
<p>10. Tse Nitsaa Deecz'ahi' Dine' Bi' Olta' (Rock Point Community School)</p>	<p><u>Five (5) Member Board:</u> 4 – Rock Point 1 – Round Rock / Mexican Water</p>

Total Member Board: 45

EASTERN NAVAJO AGENCY

NAME OF SCHOOL	2007 SCHOOL BOARD APPORTIONMENT
01. Alamo Navajo School Board, Inc.	<u>Five (5) Member Board:</u> 5 – Alamo
02. Baca/Dlo' Ay Azhi Community School	<u>Five (5) Member Board:</u> 2 – Baca 2 – Thoreau 1 – Casamero Lake / Smith Lake
03. Breadsprings Day School	<u>Four (4) Member Board:</u> 2 – Bread Springs 2 – Red Rock
04. ChiChilTah/Jones Ranch Community School	<u>Four (4) Member Board:</u> 3 – Chichiltah/Jones Ranch 1 – Red Rock / Manuelito / Bread Springs
05. Dibe Yazhi Hasbitiin, Olta	<u>Four (4) Member Board:</u> 1 – Casamero Lake 1 – Little Water 1 – Smith Lake / Mariano Lake 1 – Crownpoint
06. Dzilh-na-o-dith-hle Community School, Inc.	<u>Four (4) Member Board:</u> 2 – Nageezi 1 – Huerfano 1 – Counselor
07. Hanna'dli Community School/Dorm, Inc.	<u>Four (4) Member Board:</u> 3 – Huerfano 1 – Pueblo Pintado / Nageezi
08. Lake Valley Navajo School	<u>Four (4) Member Board:</u> 2 – Lake Valley 1 – White Rock 1 – Crownpoint / Becenti
09. Mariano Lake Community School	<u>Four (4) Member Board:</u> 2 – Pinedale 1 – Mariano Lake 1 – Mariano Lake / Smith Lake
10. Na'Neelzhiin Ji Olta', Inc.	<u>Four (4) Member Board:</u> 4 – Na Neelzhiin

11. Ojo Encino Day School	<u>Four (4) Member Board:</u> 3 – Ojo Encino 1 – Counselor
12. Pueblo Pintado Community School	<u>Four (4) Member Board:</u> 1 – Torreon 1 – Ojo Encino 1 – Pueblo Pintado 1 – Whitehorse Lake
13. Ramah Navajo School Board, Inc. (Pine Hill Schools)	<u>Five (5) Member Board:</u> 4 – Ramah 1 – Eastern Agency
14. T'iists'oozi Bi'Olta (Crownpoint)	<u>Five (5) Member Board:</u> 3 – Crownpoint 1 – Little Water / Dalton Pass 1 – Becenti / Standing Rock
15. To'Hajiilee Community School, Inc.	<u>Five (5) Member Board:</u> 5 – Tohajiilee
16. Tse'ii'ahi' Community School (Standing Rock)	<u>Four (4) Member Board:</u> 1 – Standing Rock 1 – Coyote Canyon 1 – Nahodishgish 1 – Crownpoint
17. Wingate Elementary School	<u>Five (5) Member Board:</u> 1 – Churchrock 1 – Iyanbito 1 – Manuelito / Rock Springs / Tseyatoh 1 – Red Rock / Bread Springs 1 – Pinedale / Mariano Lake
18. Wingate High School	<u>Five (5) Member Board:</u> 1 – Pinedale 1 – Churchrock 1 – Red Rock / Chilchiltah/Jones Ranch / Bread Springs 1 – Iyanbito 1 – Eastern Agency

Total Member Board: 79

FORT DEFIANCE AGENCY

NAME OF SCHOOL	2007 SCHOOL BOARD APPORTIONMENT
01. Ch'oosghai Community School, Inc.	<u>Five (5) Member Board:</u> 1 – Twin Lakes 1 – Tohatchi 1 – Coyote Canyon 1 – Naschitti 1 – Mexican Springs
02. Crystal Boarding School	<u>Four (4) Member Board:</u> 1 – Red Lake 1 – Sawmill 1 – Crystal 1 – Fort Defiance
03. Dilcon Community School, Inc.	<u>Four (4) Member Board:</u> 3 – Dilcon 1 – Indian Wells / Whitecone / Teesto
04. Greasewood Springs Community School, Inc.	<u>Four (4) Member Board:</u> 2 – Greasewood Springs 1 – Steamboat 1 – Cornfields / Jeddito / White Cone
05. Hunters Point Boarding School	<u>Four (4) Member Board:</u> 1 – Fort Defiance 1 – St. Michaels 1 – Oak Springs 1 – Lupton
06. Kin Dah Lich'I', Olta, Inc.	<u>Four (4) Member Board:</u> 2 – Kinlichee 1 – Ganado 1 – Cornfields
07. Pine Springs Boarding School	<u>Four (4) Member Board:</u> 1 – Houck 1 – Lupton 1 – Nahata Dzil 1 – Oak Springs
08. Seba Dalkai Boarding School	<u>Four (4) Member Board:</u> 3 – Teesto 1 – Dilcon / Indian Wells

<p>09. Tiisyaakin Residential Hall, Inc.</p>	<p>Four (4) Member Board: 1 – Chinle / Many Farms / Rough Rock 1 – Jeddito / Steamboat 1 – Dilcon / Greasewood Springs / Cornfields 1 – Nahata Dzil / Houck</p>
<p>10. Wide Ruins Community School, Inc.</p>	<p>Four (4) Member Board: 2 – Nahata Dzil 1 – Wide Ruins / Klagetoh 1 – Houck / Lupton</p>
<p>11. Winslow Residential Hall, Inc.</p>	<p>Four (4) Member Board: 1 – Dilcon 1 – Bird Springs / Leupp / Tolani Lake 1 – Teesto 1 – Chinle Agency</p>

Total Member Board: 45

NORTHERN NAVAJO AGENCY

NAME OF SCHOOL	2007 SCHOOL BOARD APPORTIONMENT
01. Aneth Community School	<u>Four (4) Member Board:</u> 3 – Aneth 1 – Red Mesa
02. Aztec High School Dormitory, Inc.	<u>Four (4) Member Board:</u> 2 – Shiprock 1 – Sanostee / Sheep Springs / Two Greyhills 1 – Teec Nos Pos / Beclabito
03. Beclabito Day School	<u>Four (4) Member Board:</u> 1 – Shiprock 1 – Beclabito 1 – Gadiiahi 1 – Teec Nos Pos
04. Cove Day School	<u>Four (4) Member Board:</u> 3 – Cove 1 – Red Valley
05. Navajo Preparatory School, Inc.	<u>Five (5) Member Board:</u> 1 – Chinle Agency 1 – Fort Defiance Agency 1 – Northern Agency 1 – Eastern Agency 1 – Western Agency
06. Nenahnezad Community School	<u>Four (4) Member Board:</u> 1 – Nenahnezad 1 – Upper Fruitland 1 – San Juan / Hogback 1 – Shiprock
07. Red Rock Day School	<u>Four (4) Member Board:</u> 3 – Red Valley 1 – Cove
08. Sanostee Boarding School	<u>Four (4) Member Board:</u> 4 – Sanostee
09. Shiprock Associated Schools, Inc.	<u>Five (5) Member Board:</u> 3 – Shiprock 1 – Hogback / Gadiiahi 1 – Sanostee / Red Valley / Cove

<p>10. T'iis Nazbas Community School</p>	<p><u>Four (4) Member Board:</u> 2 – Teec Nos Pos 1 – Sweet Water / Red Mesa 1 – Shiprock / Beclabito</p>
<p>11. Tohaali' Community School</p>	<p><u>Four (4) Member Board:</u> 2 – Two Greyhills 1 – Sanostee 1 – Newcomb / Sheep Springs</p>

Total Member Board: 46

WESTERN NAVAJO AGENCY

NAME OF SCHOOL	2007 SCHOOL BOARD APPORTIONMENT
01. Chilchinbeto Community School, Inc.	<u>Four (4) Member Board:</u> 4 – Chilchinbeto
02. Dennehotso Boarding School	<u>Four (4) Member Board:</u> 4 – Dennehotso
03. Greyhills Academy High School, Inc.	<u>Five (5) Member Board:</u> 3 – Tuba City / Tonalea 1 – Cameron / Hard Rock / Kaibeto 1 – Western Agency
04. Kaibeto Boarding School	<u>Five (5) Member Board:</u> 5 – Kaibeto
05. Kayenta Community School	<u>Five (5) Member Board:</u> 4 – Kayenta 1 – Oljatoh
06. KinLani Bordertown Dorm, Inc.	<u>Four (4) Member Board:</u> 1 – Tuba City 1 – Shonto/ Navajo Mountain / Kayenta 1 – Hard Rock / Tonalea 1 – Western Agency
07. Little Singer Community School	<u>Four (4) Member Board:</u> 3 – Bird Springs 1 – Tolani Lake / Leupp
08. Leupp Schools, Inc.	<u>Four (4) Member Board:</u> 2 – Leupp 1 – Bird Springs 1 – Tolani Lake
09. Naa Tsis'Aan Community School, Inc.	<u>Four (4) Member Board:</u> 4 – Navajo Mountain
10. Richfield Residential Hall, Inc.	<u>Four (4) Member Board:</u> 1 – Tuba City 1 – Kayenta 1 – Kaibeto / Lechee 1 – Shonto / Oljatoh
11. Rocky Ridge Boarding School	<u>Four (4) Member Board:</u> 4 – Hard Rock

12. Shonto Preparatory School, Inc.	<u>Five (5) Member Board:</u> 3 – Shonto 1 – Inscription House 1 – Tonalca / Kaibeto
13. Tonalca Day School	<u>Four (4) Member Board:</u> 4 – Tonalca
14. Tuba City Boarding School	<u>Five (5) Member Board:</u> 4 – Tuba City 1 – Cameron / Coalmine / Badaway / Tonalca

Total Member Board: 61

EXHIBIT "A"

COMPOSITION GUIDE OF LOCAL COMMUNITY SCHOOL BOARD MEMBERS

- 1) Up to 99 students enrolled = 4 Board Members
- 2) 100 to 299 students enrolled = 4 Board Members
- 3) 300 to 400+ students enrolled = 5 Board Members

**LAW AND ORDER COMMITTEE
22nd NAVAJO NATION COUNCIL**

SECOND YEAR 2012

COMMITTEE REPORT

Mr. Speaker,

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

NAVAJO LEGISLATION NO. 0512-11

AN ACT RELATING TO LAW AND ORDER; HEALTH, EDUCATION, AND HUMAN SERVICES AND THE NAVAJO NATION COUNCIL; AMENDING 11 N.N.C. §§2, 11 AND 22 FOR PURPOSES OF AUTHORIZING THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE TO EXTEND THE TIME FOR APPROVAL OF LOCAL COMMUNITY SCHOOL BOARD APPORTIONMENT PLANS. *(Sponsored by Jonathan Hale)*

Has had it under consideration and report the same with a recommendation for **DO NOT PASS**, with no amendments:

and therefore referred to **HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE**.

Respectfully submitted,



Edmund Yazzie, Chairperson
Law and Order Committee of the
22nd Navajo Nation Council

Date: January 9, 2012

The vote was 0 in favor and 3 opposed

Motion: Alton Joe Shepherd

Second: Duane S. Tsinigine



22nd NAVAJO NATION COUNCIL – SECOND YEAR 2012

The HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL to whom has been assigned:

LEGISLATION NO. 0512-11

Has had it under consideration and report the same with the recommendation that it **DO PASS** with no amendments.

And therefore referred the same to **NABIK'ÍYÁTI' COMMITTEE OF THE NAVAJO NATION COUNCIL.**

A handwritten signature in cursive script, reading "Charles Damon", is written over a horizontal line.

Charles Damon, Vice Chairperson
Health, Education and Human Services Committee

Dated: January 11, 2012

Motioned by: Honorable Dwight Witherspoon

Seconded by: Honorable Walter Phelps

Vote: 4 in Favor, 0 Opposed and 0 Abstain

NAA BIK'YATI' COMMITTEE REPORT
22ND NAVAJO NATION COUNCIL – SECOND YEAR 2012

Mr. Speaker:

The NAA BIK'YATI' COMMITTEE, to whom has assigned:

LEGISLATION NO. 0512-11

Introduced by Jonathan Hale

AN ACT

Relating to Law and Order, Health, Education and Human Services and the Navajo Nation Council; Amending 11 N.N.C. §§ 2, 11 and 22 For Purposes Of Authorizing The Health, Education and Human Services Committee To Extend The Time For Approval Of Local Community School Board Apportionment Plans.

has had it under consideration and reports the same with a **DO PASS** with NO AMENDMENTS.
and thence referred to the Navajo Nation Council.

CERTIFICATION

I, hereby certify that the foregoing legislation was duly considered by the Naa bik'iyati' Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed with a vote of 10 in favor and 3 opposed this 17th day of January 2012.



Mr. Johnny Naize, Chairperson
Naa bik'iyati' Committee

MOTION: Walter Phelps
SECOND: Katherine Benally