

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL - Third Year, 2017

AN ACT

RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT AND
NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL,
APPROVING THE NAVAJO HOUSING AUTHORITY REFORM ACT BY APPROVING
AMENDMENTS TO 6 N.N.C. §§ 605, 606, and 618

BE IT ENACTED:

Section One. Authority

- A. The Navajo Nation Council established the Law and Order Committee (LOC) as a Navajo Nation Council standing committee and as such empowered LOC to review and make recommendations to the Navajo Nation Council on proposed Navajo Nation Code amendments and enactments. 2 N.N.C. §§ 164(A)(9), 600(A), 601(B)(14)(2012) see also CO-45-12.
- B. The Navajo Nation Council established the Resources and Development Committee (RDC) as a Navajo Nation Council standing committee and as such empowered RDC to establish policies and legislation appropriate to the housing needs of the Navajo Nation and its People. 2 N.N.C. §§ 500(A), (C)(3) see also CO-45-12.
- C. The Navajo Nation Council established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee and as such proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee. 2 N.N.C. §§ 164 (A)(9), 700 (A)(2012) see also CO-45-12.
- D. The Navajo Nation Council must review and approve enactments or amendments of positive law. 2 N.N.C. §§ 164 (A)(2012) see also CO-45-12.

Section Two. Findings

- A. The Navajo Housing Authority Board of Commissioners should be composed of five individuals with post-high school education and knowledgeable in the components of the housing industry such as having knowledge of finance, engineering and knowledge of Indian Housing and Federal Housing issues.
- B. The Navajo Housing Authority Board of Commissioners should be selected by a Nomination Committee composed of the Navajo Nation President, Navajo Nation Council Speaker and the Resources and Development Committee designee.
- C. The Navajo Housing Authority Board of Commissioners should be confirmed by the Naabik'íyáti' Committee.
- D. One hundred and twenty days, after 6 N.N.C. §§ 605, 606 and 618 is amended through this legislation, is sufficient time for selection and confirmation of the Navajo Housing Authority Board of Commissioners using the new qualification criteria. Commissioners of the current Navajo Housing Authority Board of Commissioners may apply for positions after the amendments to the qualifications of Navajo Housing Authority Board of Commissioners have been enacted.
- E. It is in the best interest of the Navajo Nation that amendments be made to 6 N.N.C. §§ 605, 606 and 618, regarding the qualification criteria for the Navajo Housing Authority Board of Commissioners, to the lowering of the Board of Commissioners from eight to five members, for the formation of a Nomination Committee, and for the confirmation of Commissioners by the Naabik'íyáti' Committee.

Section Three. Approving Amendment to Title 6, N.N.C. §§ 605, 606 and 618

The Navajo Nation hereby amends Title 6, Navajo Nation Code, Navajo Housing Authority, as follows:

NAVAJO NATION CODE
TITLE 6. COMMUNITY DEVELOPMENT
CHAPTER 5. HOUSING PROJECTS
SUBCHAPTER 5. NAVAJO HOUSING AUTHORITY

§ 605. Board of Commissioners

The affairs of the Authority shall be managed by a Board of Commissioners composed of ~~eight~~ five persons.

§ 606. Appointment

- A. The Board Members shall be appointed, and may be reappointed, by the Naabik'iyáti' Nominations Committee composed of the Navajo Nation President, Speaker of the Navajo Nation Council, Resources and Development Committee designee, and confirmed by the Naabik'iyáti' Committee of the Navajo Nation Council. A resolution of the Naabik'iyáti' Committee of the Navajo Nation Council as to the appointment or reappointment of any Commissioner shall be conclusive evidence of the due and proper appointment of the Commissioner.
- B. A majority of the A Commissioners shall be a members of the Navajo Nation, and no more than two no Commissioners shall be members of the Navajo Nation Council, and no Commissioners shall be former employees of the Navajo Housing Authority within the past three years. Three Two of the Commissioners shall represent the tenants and homebuyers participating in programs administered by the Authority, one shall reside in the State of New Mexico, one shall reside in the State of Arizona, and one shall reside in the State of Utah. There shall be one representative on the Board from each of the five agencies comprising the Navajo Nation. One Commissioner shall be a Certified Public Accountant, Chartered Financial Analyst, or accountant. One Commissioner shall be a Registered Architect or licensed Professional Engineer. One Commissioner

shall have construction management or engineering or business management or equivalent field experience with background in Indian Housing or Federal Housing. These individuals shall have some All Commissioners, at a minimum, shall have formal post-high school education and employment experience in at least one of the areas of business operations, architecture, construction management, finance, accounting, investing, or in other specialized areas of construction or business that correspond to the activities or anticipated activities of the Authority, and, or at least three years of management or leadership experience in business or a local unit of government. Experience gained by serving on committees or other boards of directors shall not be considered.

- C. No person shall be barred from serving on the Board because that person is a tenant or homebuyer in a housing project of the Authority; and such Commissioner shall be entitled to fully participate in all meetings concerning matters that affect all of the tenants or homebuyers, even though such matters affect the Commissioner as well. However, no such Commissioner shall be entitled or permitted to participate in or be present at any meeting (except in his capacity as a tenant or homebuyer), or to be counted or treated as a member of the Board, concerning any matter involving his or her individual rights, responsibilities or status as a tenant or homebuyer.

618. Quarterly report

The Authority shall submit quarterly reports, signed by the Chairperson of the Board, to the Navajo Nation President and to the Navajo Nation Council showing:

- A. summary of the quarter's activities;
- B. The financial condition of the Authority;
- C. The condition of the properties;

- D. The number of units and vacancies;
- E. Any significant problems and accomplishments;
- F. Plans for the future;
- G. Such other information as the Authority or the Navajo Nation President or the Navajo Nation Council shall deem pertinent.

Section Four. Effective Date

The Act enacted herein shall be effective 120 days after the Navajo Nation President signs it into law or 120 days after the Navajo Nation Council overrides the Navajo Nation President's veto of the resolution.

Section Five. Codification

The provisions of this ordinance 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 Six. Saving Clause

Should any provisions of this ordinance 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, those portions of this ordinance which are not determined invalid shall remain the law of the Navajo 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 11 in favor and 8 opposed, this 26th day of January 2017.



LoRenzo C. Bates, Speaker
Navajo Nation Council


2-1-17

Date

Motion: Honorable Jonathan Perry
Second: Honorable Nathaniel Brown

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 10th day of February 2017.



Russell Begaye, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. 1005 (C) (11), this _____ day of _____ 2017 for the reason(s) expressed in the attached letter to the Speaker.

Russell Begaye, President
Navajo Nation

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23rd Navajo Nation Council

Winter Session

DATE: January 26, 2017

Legislation 0402-16 (Main Motion)

Motion: Perry

Second: Brown

ALL DELEGATES:

	Yea	Nay
BATES, LoRenzo		
BEGAY, Kee Allen Jr.	✓	
BEGAY, Norman M.		
BEGAYE, Nelson	✓	
BENNETT, Benjamin L.		
BROWN, Nathaniel	✓	
CHEE, Tom T.		✓
CROTTY, Amber K.		✓
DAMON, Seth		
DANIELS, Herman		✓
FILFRED, Davis	✓	
HALE, Jonathan L.	✓	
JACK, Lee Sr.	✓	
PERRY, Jonathan	✓	
PETE, Leonard H.		
PHELPS, Walter		✓
SHEPHERD, Alton Joe	✓	
SLIM, Tuchoney Jr.	✓	
SMITH, Raymond Jr.		✓
TSO, Otto		✓
TSOSIE, Leonard	✓	
WITHERSPOON, Dwight		✓
YAZZIE, Edmund	✓	
YAZZIE, Peterson		✓

GRAND TOTAL

11 8

CERTIFICATION:



Honorable LoRenzo Bates
Speaker