

original

CD-68-89

Class "C" Resolution
No BIA Action Required.

RESOLUTION OF THE
NAVAJO TRIBAL COUNCIL

Amending Title Two (2) of the
Navajo Tribal Code and Related Actions

WHEREAS:

1. Pursuant to 2 N.T.C., Section 101, the Navajo Tribal Council is the governing body of the Navajo Nation; and
2. Recent controversy involving the leadership of the Navajo Nation has demonstrated that the present Navajo Nation Government structure allows too much centralized power without real checks on the exercise of power. Experience shows that this deficiency in the government structure allows for, invites and has resulted in the abuse of power; and
3. The Judicial Branch has been reorganized by the Judicial Reform Act of 1985, Resolution CD-94-85, and treating the Judicial Branch as a separate branch of government has proven to be beneficial to the Navajo Nation and has provided stability in the government; and
4. The lack of definition of power and separation of legislative and executive functions have also allowed the legislative body to overly involve itself in administration of programs, thereby demonstrating a need to limit the legislative function to legislation and policy decision making and further limit the executive function to implementation of laws and representation of the Navajo Nation; and
5. There is an immediate need to reorganize the Navajo Nation government by defining the powers of the legislative and executive branches and impose limitations on exercise of such powers; and
6. The number of standing committees of the Navajo Tribal Council has grown to eighteen (18) and some standing committees can be combined and Navajo-Hopi Land Committee moved back to a Commission, thereby reducing the number of standing committees to twelve (12) and to provide for a more efficient and responsive committee system; and

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7. The reorganization of the Navajo Nation Government as proposed herein is intended to meet the immediate needs of the Navajo People for a more responsible and accountable government and will have no effect on the long-term Government Reform Project which will proceed as authorized and directed by the Navajo Tribal Council; and

8. It is in the best interest of the Navajo Nation that the Navajo Nation Government be reorganized to provide for separation of functions into three branches, and provide for checks and balances between the three branches until the Navajo People decide through the Government Reform Project, the form of government they want to be governed by; and

9. The Intergovernmental Relations Committee by Resolution IGRNV-01-89, Exhibit "C" attached, has recommended the Title Two (2) amendments.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Tribal Council hereby amends Title Two (2) of the Navajo Tribal Code as provided in Exhibit "A" attached hereto and incorporated herein by reference.

2. The Navajo Tribal Council further directs and authorizes the Legislative Counsel to codify the Title Two (2) amendments and to insert the proper language in the Code to reflect the amendments.

3. The Navajo Tribal Council further directs and authorizes that the Title Two (2) amendments adopted herein shall become effective April 1, 1990; except that the Plans of Operation of the Intergovernmental Relations Committee of the Navajo Tribal Council, Navajo Nation Commission on Navajo Government Development and the Office of Navajo Government Development, Office of Legislative Counsel, Office of Legislative Services, the Navajo Board of Election Supervisors and Navajo Election Administration shall become effective immediately upon passage of this resolution. The salary provided in 2 N.T.C. Section 106(a) of the amendments shall become effective on January 1, 1990.

4. The Navajo Tribal Council further repeals and declares null and void, rules, regulations and laws or parts thereof which are inconsistent with the provisions of Title Two (2), Navajo Tribal Code, as amended herein.

5. The Navajo Tribal Council further confirms the Standing Committee Chairpersons and Vice Chairpersons listed on attached Exhibit "B" and directs the Chairpersons and Vice Chairpersons to recommend committee membership and two (2) candidates for the position of the Speaker of the Navajo Nation Council for final confirmation by the Navajo Tribal Council.

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6. The Navajo Tribal Council further authorizes and directs that any amendment to the adopted Title Two (2) amendments and the 1985 Judicial Reform Act, 7 N.T.C., Section 101, et. seq., shall require two-thirds (2/3) vote of the full membership of the Navajo Tribal Council. The two-thirds (2/3) vote requirement shall not apply to technical amendments to Title Two (2); these amendments shall be presented at the regular session of the Navajo Tribal Council.

7. The Navajo Tribal Council further authorizes, declares and directs that Sections 101(b), 102(a), 1008 and 106(a) of the Title Two (2) amendments, shall not apply to amendments duly proposed by the Navajo Nation Commission on Navajo Government Development.

8. The Navajo Tribal Council further designates the Interim Chairman and Interim Vice Chairman of the Navajo Tribal Council to serve as the Interim President and Interim Vice President of the Navajo Nation until the Navajo Tribal Council directs otherwise or until the term of the current administration expires.

9. Present references in the Navajo Tribal Code to the "Chairman of the Navajo Tribal Council" or "Vice Chairman of the Navajo Tribal Council" are hereby declared to refer to the President or the Vice President of the Navajo Nation.

10. Present references in the Navajo Tribal Code to the "Advisory Committee of the Navajo Tribal Council" are hereby declared to refer to the Government Services Committee of the Navajo Nation Council.

11. The Navajo Tribal Council further directs that the Commission members for the Navajo Government Development Project shall be presented for confirmation by the Navajo Tribal Council at the next Navajo Tribal Council session.

12. The Navajo Tribal Council further directs the Ethics and Rules Committee of the Navajo Tribal Council to prepare and present Rules of Order for Navajo Tribal Council Sessions for approval by the Navajo Tribal Council at the next Council session.

13. The Navajo Tribal Council further authorizes and directs the Budget and Finance Committee of the Navajo Tribal Council to declare and reallocate budget savings to fund the Office of the Speaker and salary of the Speaker and other budgetary matters as necessitated by the amendments herein; and that such reallocation shall be completed by January 1, 1990.

14. The Navajo Tribal Council further authorizes and directs the Budget and Finance Committee of the Navajo Tribal Council to resolve the potential personnel layoffs and other

potential and unanticipated urgent matters, such as the Capital Improvement Projects, which will require some budget savings declarations and allocations of the same. This is a one-time exemption from Budget Directives contained in Navajo Tribal Council Resolution CS-57-89.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 44 in favor, 17 opposed and 13 abstained, this 15th day of December 1989.



Interim Chairman
Navajo Tribal Council

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TITLE TWO

Administration of Tribal Affairs Navajo Nation Government

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Chapter 1. Generally Establishment

SECTION

1. Navajo Nation Government Establishment
12. Location of Tribal office Navajo Nation Capitol
- 2- Construction of buildings and facilities; policy; contract form
3. Meter Peel Oath of Office
- 4- Restructuring of Navajo Tribal Government

Section 1. Establishment of the Navajo Nation Government

There is hereby established the Navajo Nation Government consisting of the Legislative, Executive and Judicial Branches.

Section 12. Location of Tribal office Navajo Nation Capitol

The Tribal office capitol of the Navajo Tribe Nation shall be located at Window Rock, Navajo Nation (Arizona).

Section 2- Construction of buildings and facilities; policy; contract form

(a) It is declared to be the policy of the Navajo Tribe that construction of Tribal buildings and/or facilities shall be accomplished on force account by the Design and Construction Department of the Navajo Tribe, except that certain major projects may be constructed by building contractors in cases where the Design and Construction Department is unable to accomplish such projects expeditiously or economically.

(b) The general conditions and special conditions of the contract form dated October 1958, prepared by the Legal Department of the Navajo Tribe, are hereby approved, and shall control and regulate construction by building contractors of such major Tribal buildings and/or facilities as the Advisory Committee may from time to time direct.

(c) Contract construction of major Tribal buildings and/or facilities may be accomplished under the provisions of the contract form dated October 1958 when the Advisory Committee has approved plans and specifications for each project to be so constructed, and has further authorized that construction may be accomplished by building contractors.

Section 3. Meter Pool Oath of office

The Advisory Committee is authorized and directed to approve construction and operating plans for the Navajo Tribal Meter Pool to be located at Window Rock, Arizona.

The President, Vice President and all delegates to the Navajo Nation Council, before assuming their official duties, shall take an oath of office.

Section 4. Restructuring of Navajo Tribal Government

The organizational structure and Plan of Operations of all Navajo Nation divisions, departments, entities and organizations heretofore adopted or set forth in the Fiscal Year 1984 Budget are hereby approved and ratified.

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CHAPTER 3. Tribal Council Legislative Branch

SUBCHAPTER 1. Governing Body - Navajo Nation Council

Section 101. Establishment

(a) There is hereby establishment the Legislative Branch of the Navajo Nation government. The Legislative Branch shall consist of the Navajo Nation Council and any entity established under the Navajo Nation Council.

(b) This section 101(a) shall not be amended unless approved by majority of all registered Navajo voters through a referendum.

Section 1042. Powers; Composition of governing body

(a) The Tribal Navajo Nation Council shall be the governing body of the Navajo Tribe Nation and shall consist of 88 delegates. This section 102(a) shall not be amended unless approved by majority vote of all registered voters in all precincts.

(b) All powers not delegated are reserved to the Navajo Nation Council.

(c) The Navajo Nation Council shall supervise all powers delegated.

(d) The Navajo Nation Council shall have all powers to discipline and/or regulate the conduct of its members, including removal.

(e) The Navajo Nation Council shall have the authority to promulgate rules, regulations and procedures for the conduct of its meetings and that of its Committees.

(f) The Navajo Nation Council shall confirm the appointments of all Division Directors upon recommendation from appropriate oversight committee. The President shall present the appointments at the next Navajo Nation Council Session following the date the appointments are made.

(g) The Navajo Nation Council shall establish standing committees of the Council and to delegate such authorities to such Committee as it deems necessary and proper for such Committees to execute its purposes.

Section 1023. Qualifications

No person shall serve as a delegate to the Tribal Navajo Nation Council unless he or she is an enrolled member of the Navajo Tribe above the age of 25.

Section 1034. Incompatible employment service

(a) No person shall serve as a delegate if he is in the permanent employment of the United States except as a judge, interpreter, teacher, or Indian Assistant, or if he is in the employment of any state or any subdivision thereof; nor shall an elected official of the United States or the several states thereof serve as a delegate. This section shall not apply to service on a school board or elective county office.

(b) No person shall be eligible for election to the Navajo Nation Council if that person is permanently employed or an elected official as described in Section 104(a).

(bc) If any delegate, after his election, enters such employment service, he shall immediately resign forfeit his office as a Council delegate.

(d) No Council Delegate shall engage in the private practice of law while serving as a Navajo Nation Council delegate.

Section 1045. Term of Office

(a) Each delegate to the Tribal Navajo Nation Council shall serve for a term of four years.

(b) A delegate shall not be limited in the number of terms he may serve.

Section 105. Resignation; removal

(a) If any delegate fails to resign his office in accordance with the provisions of this title, a notice shall be sent him and he shall be given a chance to come before the Tribal Council and show cause why he should not resign.

(b) When the accused delegate has been heard, the Tribal Council shall vote on his case, and if two-thirds of the votes are cast for his removal, he shall be removed from office.

(c) In the same manner, a delegate may be removed if he misrepresents the action of the Tribal Council, or accepts any bribe, or commits any act of disloyalty toward the Tribal Council.

Section 106. Vacancies; special elections; cost; regulations

(a) Whenever there appears to be a vacancy in the membership of the Tribal Council from any precinct, the Council by majority vote may declare that a vacancy exists irrespective of the cause creating such vacancy.

(b) Promptly after the declaration of a vacancy as provided in the subsection (a) hereof the Chairman of the Tribal Council shall appoint a Special Election Supervisor and shall call a public meeting for a time and date, and at a place in the precinct where the vacancy exists, deemed by him to be convenient.

(c) All Navajo persons over 21 years of age, residents in the precinct, except those under judicial restraint, shall be eligible to be present and vote at such meeting and any such person may make a nomination at said meeting to fill the existing vacancy. The Special Election Supervisor shall preside at such meeting.

After all nominations have been made, the persons present at the meeting shall decide by majority vote whether to proceed with the election or to hold an election by secret ballot. If they decide to proceed with the election, the candidates shall immediately leave the meeting and an election shall be held by standing vote. The Special Election Supervisor shall promptly certify the result to the Chairman of the Tribal Council.

If the meeting decides to hold an election by secret ballot, the Special Board of Election Supervisors shall immediately set a date, not less than 15 nor more than 30 days thereafter, for such election, and shall certify the names of the candidates to the Chairman of the Tribal Council, who shall cause paper ballots to be prepared and delivered to the precinct before the date set for the election.

(d) Polls shall remain open from 7 a.m. to 6 p.m. on the day set for the special election by secret ballot. Each candidate may have a poll watcher in attendance at all times during the

voting and counting of ballots, who may challenge any voter or ballot. The Special Election Supervisor, or such other persons as he may designate, shall be present at the polls during the special election and upon request shall assist any voter to mark his ballot for the candidate of his choice.

Promptly after the closing of the polls, the Special Election Supervisor shall count the ballots at the polling places. He shall promptly certify the result of the election of the Chairman of the Tribal Council and shall deliver the marked ballots to him. He shall decide any challenges or disputes, subject to a prompt appeal to the Chairman.

(e) The Chairman shall announce or cause to be announced to the Tribal Council at its current or next session the name of the person elected Councilman at any special election. If any Council member questions such person's election or qualification to serve, he shall immediately move that such person not be seated. If such motion is seconded, it shall be voted upon, and if it receives a majority of a quorum of the Council, the vacancy shall be deemed to continue to exist, subject to being filled in the manner hereinabove provided. If such a motion is not made within 24 hours, Saturdays and Sundays excluded, after the announcement to the Council, or if such motion is made and not adopted by the Council, the person announced as elected shall be administered the oath of office and may thereafter assume his seat in the Council.

(f) The Special Election Supervisor shall be paid out of any funds available for such purpose in the Tribal Budget, \$10 for conducting the public meeting provided for in subsections (b) and (c) of this section shall receive \$25 in addition for conducting a special election by secret ballot, and shall be reimbursed for any reasonable and necessary expenses.

(g) The Chairman of the Tribal Council may make such rules and regulations as may appear to him to be necessary or convenient for the implementation of this section.

Section 1076. Compensation of Council members delegates

(a) Members of Delegates the Tribal Council shall be compensated by an annual salary of ~~\$23,100~~ \$25,000 per year for their duties as members of the Tribal Council. All Council members delegates shall be paid biweekly on a regular basis. In addition, Council members shall receive an allowance of \$30 per diem for each day the Council is in session. Salary increase may be approved by the Navajo Nation Council but shall not become effective unless ratified by two-thirds (2/3) of all Navajo Nation Chapters within thirty (30) days of approval by Council.

(b) Members of Delegates the Tribal Council attending Council or their respective committee meetings or any other official duty, in their capacity as delegates to the Tribal Council

as authorized by council resolution or by order of the Chairman, shall may receive an allowance of \$60 per diem for each such day official business is conducted and mileage at \$.24 per mile for use of private vehicle. Chairpersons of Committees may receive as compensation for extra time spent by the Chairperson beyond meetings to execute committee business \$80 per diem for each committee meeting day.

(c) For every week of a session of the Tribal Navajo Nation Council, members 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.

(d) For each complete committee meetings, members of delegates to the Tribal 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.

(e) Full per diem shall be paid only for attendance of at least three (3) hours of meeting or until all agenda items are concluded.

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

Section 1087. Advances to Council members delegates

(a) Temporary travel advances to a Councilman delegate, not to exceed the reasonable expected cost and expenses of authorized travel and/or special expenses, may be made by the Controller upon written authorization of the Chairman Speaker of the Tribal Navajo Nation Council or his authorized delegate or delegates.

(b) Claims for reimbursement of travel expenses shall be submitted to the Controller Department promptly upon completion of travel. Travel advances outstanding at the time reimbursement claims are submitted shall be deducted from the amount being claimed.

(c) Temporary travel advances not cleared, either partially or completely, within 30 days from the date of advance shall be deducted from the next biweekly Councilman's delegate's pay.

(d) Special Salary advances to a Councilman delegate, not to exceed an aggregate of \$1,800-00 \$2,500 during any biweekly pay period, may be made by the Controller upon written authorization of the Chairman of the Navajo Tribal Council or his authorized delegate or delegates or his designee.

(e) Special Salary advances made to a Councilman delegate during any biweekly pay period shall be deducted in amounts not to exceed the sum of less than \$50.00 from his biweekly pay, unless larger deductions are authorized in writing by the individual Councilman delegate. At no time shall any Councilman have a sum in excess of \$1,800.00 outstanding against him.

(f) Advances remaining outstanding at the end of the term of office of a Councilman shall be repaid from the savings of such Councilman.

(g) Any Tribal Councilman receiving an advance under the terms of this section shall indicate to the Controller the amount of money to be deducted from his biweekly paycheck in repayment of such monies.

(hf) The Navajo Tribe Nation shall have the right to deduct from any and all monies or other credits which the Tribe Navajo Nation owes to any Councilman delegate receiving an advance under this section, an amount equal to the total funds advanced at any time within 30 days prior to the expiration of the Councilman's delegate's term of office, or at any other time after the Councilman delegate leaves his office as such for any reason whatsoever, whether voluntary or involuntary.

Section 1098. Group insurance

The Navajo Tribal Council approves Nation group insurance shall be provided for its Navajo Nation Council members delegates and their dependents and directs that the Navajo Tribe Nation shall pay 50 a percent of the insurance premium as its contribution.

Section 14009. Tax declarations and returns; deductions

(a) It shall be the responsibility of each member of delegate to the Tribal Navajo Nation Council to provide the Navajo Tribe's Social Security Office Nation with the information necessary to complete the quarterly declaration of estimated federal income tax and self-employment tax return for each member.

(b) The declaration and return for each member of the Tribal Council will be prepared by the Tribe's Social Security Office and forwarded to the office of the Tribal Controller.

(cb) The Tribal Council authorizes and directs tThe Controller of the Navajo Tribe Nation to shall make deductions when requested by individual Councilmen delegates in the proper amounts from the salaries of the members of delegates to the Tribal Navajo Nation Council for the federal income and self-employment taxes and to file the tax returns along with payment of the deducted amounts pursuant to the provisions of applicable law and regulations.

Section 112- Service on committees

Each member of the Navajo Tribal Council shall be appointed to not less than one nor more than two standing committees.

Subchapter 32. Meetings

Section 161. Place

All regularly scheduled or special meetings of the Navajo Tribal Nation Council shall be held at the Navajo Tribal Nation Council Chambers located at Window Rock, Navajo Nation (Arizona) with the following exceptions:

(1) If the Chairman of the Navajo Tribal Council shall declare by written statement that the Chambers at Window Rock are unsuitable for meeting, whether because of fire, physical damage, remodeling or other cause, the Chairman Speaker shall may designate an alternate meeting place in or near Window Rock, and he shall give reasonable notice to all Council delegates of such fact.

(2) A majority of all Council delegates may agree to hold a meeting in some location in Window Rock other than the Chambers at Window Rock. Such agreement may be by written petition or by motion at any regular or special session of the Navajo Tribal Nation Council.

Section 162. Number; time; duration

(a) There shall be four regular sessions of the Navajo Tribal Nation Council each year. Such sessions shall commence at 10:00 a.m. on the third Tuesday Monday of January, the third Tuesday of April, the third Tuesday of July and the third Tuesday of October of each year.

(b) Special meetings of the Navajo Tribal Nation Council may be called upon reasonable and timely notice to all Council delegates, by:

(1) The Chairman Speaker of the Navajo Tribal Nation Council, acting on the recommendation of the Advisory Ethics and Rules Committee, or

(2) Written petition of a majority of all Council delegates. In either event, reasonable and timely notice of the special meeting shall be given to all Council delegates.

(c) The duration of each meeting session shall be determined by a majority vote of the Navajo Tribal Council no more than five (5) working days. Each meeting day of the Navajo Nation Council shall be for a minimum of six (6) hours each day of the session.

Section 163. Agenda

(a) All proposed resolutions of the Navajo Tribal Nation Council shall be reviewed and placed on the adopt an agenda in accordance to with written rules and procedures established by resolution of the Navajo Tribal Nation Council. All items other than proposed resolutions, such as demonstrations, presentations, ceremonies or receipt of reports, shall be placed on the Council Agenda by the Advisory Committee. The Advisory Committee may meet and recommend additions, deletions or sequential alterations to the Council Agenda at any time, up to and including the time the Navajo Tribal Council is in session.

(b) Once an agenda is adopted, it shall be amended only by two-thirds (2/3) vote of the Council.

Section 164. Establishment of the Resolutions Review Staff

(a) The Resolutions Review Staff shall consist of the following or their alternates:

- (1) Chairman, Navajo Tribal Council
- (2) Vice-Chairman, Navajo Tribal Council
- (3) Director, Navajo Legal Department
- (4) Legislative Secretary, Navajo Tribe
- (5) Representatives, Office of the Chairman

(b) The Chairman or in his absence the Vice-Chairman shall be the designated Chairman of the Review Staff.

(c) The Chairman of the Review Staff shall designate or appoint Chairman Pro Tempore and other officials of the Staff.

(d) The authority, duties and responsibilities of the Review Staff shall be limited to and shall be guided by 2 N.T.C., Sections 165 and 166.

(e) The Review Staff shall meet on the 15th calendar day preceding any regular meeting of the Navajo Tribal Council. The Chairman of the Review Staff shall schedule other meetings as may be necessary.

Section 1654. Processing of Navajo Tribal Nation Council and Committee Resolutions Procedure

Except as otherwise provided herein, no proposed resolution shall be considered by the Navajo Tribal Nation Council or its Committees unless the following procedures are complied with:

(1) Any proposed resolutions to be considered by the Navajo Tribal Council shall be drafted by the department making the

request. For requests of Council members, the drafting shall be by the department closely related or concerned with the subject matter.

(21) The preliminary draft of the proposed resolution shall will then be reviewed and signed by full signature of the following:

(Aa) The appropriate Division Director for departments and activities under his supervision;

(b) The Chairman President or Vice-Chairman President of the Navajo Nation for all other requests resolutions initiated by the Office of the Chairman President; or by an office within the Executive Branch;

(Bc) The Director, Legal Department Attorney General of the Navajo Nation;

(Ed) The Controller for all requests affecting pertaining to Tribal and other financial matters;

(e) The Legislative Counsel to the Navajo Nation Council;

(f) The Speaker of the Navajo Nation Council for Navajo Nation Council resolutions; and

(g) Chairpersons of Standing Committees for Committee resolutions.

(32) After such clearances but not later than 12 o'clock noon of the 15th calendar day preceding any regular meeting of the Navajo Tribal Council, the sponsoring department of the resolution shall submit to the Office of Legislative Secretary six Services a sufficient number of copies of the proposed resolutions.

(43) At the called meeting, the Review Staff shall review all submitted proposed resolutions and the supporting documents. The purpose of this review will shall be to:

(Aa) Determine whether each proposed resolution is properly prepared for the Navajo Tribal Council;

(Bb) Where necessary, refer the proposed resolution to appropriate division, departments, committees or other entities for comments and recommendations;

(Cc) See that Require necessary clearances, investigation or other appropriate action as may be deemed necessary and proper requested by the Review Staff is taken before transmitting it to the Legislative Secretary; and

(d) In no event shall processing of a proposed resolution be withheld or unduly delayed without review and written comment. The proposed resolution shall be reviewed within ten (10) working days after submission to the reviewing office.

(5) Upon receipt of the transmitted proposals, the Legislative Secretary shall place all such proposals on the proposed Agenda of the Navajo Tribal Council.

(64) The Director, Office of Legislative Services, shall prepared and submit a proposed Agenda for the Navajo Tribal Nation Council shall then be submitted by the Legislative Secretary to the Advisory Ethic and Rules Committee for recommendation to the Navajo Nation Council and the Director shall prepare and submit proposed Committee agendas to appropriate Committees when scheduled. This shall be The agendas shall be subjected to an item by item review to obtain final acceptance or referred to Committees for further instructions review and recommendations of the Advisory Committee.

(7) Upon acceptance by the Advisory Committee, the sponsors shall prepare and deliver 100 copies of each proposal to the Office of the Legislative Secretary.

(85) Any proposed resolution which has not been timely received by the Review Staff, but which is of an urgent or emergency nature, made a part of the adopted agenda may be considered in the current session of added to the agenda by two-thirds vote of the quorum of the Navajo Tribal Nation Council or Committee; without being subject to the terms and conditions set forth hereinabove, if the following conditions are met; provided that the resolution is reviewed pursuant to 2 NTC Section 164(1).
(See 2 NTC Section 163(b))

(A) The Legal Department has reviewed and approved the proposed resolution or legal form and proper departmental clearances;

(B) The Office of the Chairman certifies in a written memorandum to the Legislative Secretary that the proposed resolution is urgent and should be placed on the Agenda of the Navajo Tribal Council.

Section 1665. The Recommended and/or Requested Resolutions Legislation

There are proposed resolutions properly recommended to be adopted and there are resolutions which are officially requested to be developed. In such instances, the following shall apply:

(1) The Budget and Finance Committee has specific procedures that are followed in processing resolutions and it recommends certain resolutions to the Navajo Tribal Council. --For such recommended resolutions, the sponsor shall draft the

resolution for the Navajo Tribal Council to be reviewed by the Legal Department as to form and upon such clearance, the sponsor shall prepare 100 copies and deliver them to the Office of the Legislative Secretary.

(2) The Advisory Committee by resolution or by other action recommends to the Navajo Tribal Council various requested resolutions to be adopted. For these, the sponsor of the request shall draft the resolution for the Navajo Tribal Council to be reviewed by the Legal Department and upon such clearances, the sponsor shall prepare 100 copies and deliver them to the Office of the Legislative Secretary.

(3) Occasionally, the Budget and Finance Committee or the Advisory Committee of the Navajo Tribal Council will request and direct that specific resolutions be drawn for the Navajo Tribal Council. The Legal Department in collaboration with the Office of the Chairman shall draft such resolutions and have 100 copies delivered to the Office of the Legislative Secretary.

All resolutions proposing new laws or amendments of laws shall clearly indicate new language by underscoring the new language and deletion by overstrike and shall refer to appropriate Navajo Tribal Code titles and sections.

Section 1676. Record of proceedings; interpreters; access to records

(a) Proper records of the proceedings of the Navajo Tribal Nation Council and all standing Committees, Boards and Commissions shall be kept and the necessary interpreting services shall be provided by the Office of Legislative Secretary Services.

(b) Access to records of the Navajo Nation Council, standing Committees, Boards and Commissions proceedings shall be provided to the public through the Office of Legislative Services and the Central Records Department.

Section 168. Special meetings

Special meetings of the Tribal Council may be called jointly by the Chairman of the Tribal Council and the Area Director, acting on the recommendation of the Advisory Committee as expressed in any regular or special meeting thereof. (See 2 NTC Section 162(b))

Section 1697. Failure to attend

All members of delegates to the Navajo Tribal Nation Council are expected to shall attend all regularly scheduled and special meetings of the Navajo Nation Council or Committees. If any member delegate is absent from all of the meetings for a continuous sixty percent (60%) of the meeting days within a one

year period, the Navajo Tribal Nation Council may consider a motion to censure said member delegate. If his absence continues, the Navajo Tribal Nation Council shall have the authority to declare his the delegate's seat forfeited and vacant.

Section 170. Expenses

The expenses of holding meetings of the Navajo Tribal Council shall be paid from regularly budgeted Tribal funds, or from any other source acceptable to the Navajo Tribal Council.

Section 17168. Sergeant at Arms; appointment; compensation; duties

(a) The Director of the Division of Law Enforcement Public Safety shall designate any member of the Navajo Nation Police force to fill the post of Sergeant at Arms.

(b) The Sergeant at Arms shall maintain order under the direction of the Speaker or Presiding Chairman of the Navajo Tribal Nation Council or Committees and shall make appropriate arrangements for having the Council Chambers maintained in a clear and orderly condition during meetings; maintenance of law and order during Council and Committees sessions.

Section 17269. Quorum

(a) A quorum shall consist of a simple majority of all voting members of the Navajo Tribal Nation Council.

(b) No resolution or motion of the Navajo Tribal Nation Council or its Standing Committee shall be passed or otherwise acted upon unless a quorum is present. When a quorum is present, any motion or resolution shall be passed if it receives a majority of all votes cast, irregardless of how many members actually vote and how many abstain, unless a larger proportion than a simple majority has been properly stipulated in advance or required by Navajo Nation law. Only a vote in favor, oppose, or abstention shall be accepted; a delegate who fails to cast a vote shall be declared absent from the whole meeting. Any delegate who intentionally fails or refuses to cast a vote shall be declared absent from the entire meeting, unless otherwise excused by the Speaker of the Navajo Nation Council.

Subchapter 3. Committees

Section 172180. Service on committees Appointment

Each member of delegate to the Navajo Tribal Nation Council shall be appointed to not less than one nor no more than two one standing committees and no more than one board or commission of the Navajo Nation excluding membership on the Intergovernmental Relations Committee; except the Speaker of the Navajo Nation Council shall serve only on the Intergovernmental Relations

Committee and shall not serve on any board, commission or any other entity of the Navajo Nation.

Section 181. Membership

(a) Committee members shall be selected by the Speaker and confirmed by the Navajo Nation Council. The Speaker shall select and the Navajo Nation Council confirm any of its members to fill vacancies which may occur in the Committee membership.

(b) At least one (1) member of each Committee shall be from each of the Agencies of the Navajo Nation.

Section 182. Term of Office

Committee members shall serve a term of office coinciding with their term of office as delegates of the Navajo Nation Council. Upon reelection, delegates may continue to serve on the same committee.

Section 183. Meetings; quorum

(a) All meetings of the Navajo Nation Council committees or commissions shall be held in Window Rock, Navajo Nation (Arizona). Meetings held elsewhere within the Navajo Nation shall be by written permission of the Speaker of the Navajo Nation Council; provided that funds are available. No meetings shall be held outside the Navajo Nation unless by written permission of the Speaker of the Navajo Nation Council; provided that funds are available; and further provided that the meeting is with a legislative body of another sovereign.

(b) Committee and commission meetings shall be for a minimum of three (3) hours for each meeting day and such meetings shall be for at least two days each month. No compensation, per diem and mileage shall be paid unless these requirements are met. Special meetings may be held only if the following conditions are met:

(1) Funds are available within the approved annual budget for additional meetings; and

(2) The Speaker of the Navajo Nation Council approves such meetings; and

(3) Notice of the meeting is posted at Window Rock Tribal offices, published in a daily newspaper and announced on local radio, at least one (1) day before the meeting.

(c) When a Committee is authorized by law to hold hearings as a quasi-judicial body, the restrictions on meeting days per month and minimum hours for meetings shall not apply to said hearings.

(d) Until the Navajo Nation Council adopts uniform rules for conduct of Committee meetings, the Committees may adopt their own rules for conduct of meetings.

(e) Quorums for committees, boards and commissions shall be established in the plans of operation.

Section 184. Chairperson; Vice-chairperson; Chairperson Pro Temp

(a) The Chairperson and Vice Chairperson of Committees shall be selected by vote of the Committee.

(b) At any Committee meeting where the duly appointed Committee Chairperson and Vice Chairperson are absent, the majority of those Committee members present may select a Pro Temp Chairperson to conduct the Committee meeting; the Pro Temp Chairperson shall retain the power to vote.

(c) The Chairperson of Committees or in his absence, the Vice Chairperson shall vote only in the event of a tie vote by the regular voting members.

Section 185. Powers

(a) Subject to existing funding or contract requirements, the Committees, boards or commissions may reallocate funds appropriated by the Navajo Nation Council to the Committees, boards and commissions and to divisions, departments and programs over which the Committees have oversight authorities; provided that funds are determined available by the Controller; further provided that such reallocation is upon the request of the affected division, department or program and further provided that reallocation of funds is by two-thirds (2/3) vote of the full membership of the Committee, board or commission.

(b) The Committees, boards and commissions shall have the following authority regarding contracts within the area of their oversight:

(1) Contracts or grants which provide funds to the Navajo Nation are subject to final authorization, review, approval and acceptance by the Intergovernmental Relations Committee. (See 2 NTC Section 824 (b)(4) & (6).

(2) Contracts or subcontracts which expend funds held by the Navajo Nation, shall be approved by the Committee, board or commission but only to the extent or in such amounts as are available and provided in the approved budget of the Navajo Nation.

(c) The Committees, boards and commissions may acquire directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality, information, suggestions, estimates, and statistics necessary for

execution of its purposes and authorities. Each such department, bureau, agency, board, commission, office, establishment or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates and statistics directly to the Committee, board or commission upon request by the Chairperson.

(d) The Committees, boards and commissions may, for the purpose of carrying out its purposes and authorities, hold such hearings and request the attendance and testimony of such witnesses and the production of books, records, memoranda, papers and documents as it deems advisable.

(e) Any member of the Committee, board and commission may administer oaths or affirmations to witnesses appearing before the Committee, board or commission.

(f) Committees shall coordinate with one another where areas of authorities and responsibilities overlap.

Section 186. Subcommittee

Each Committee may establish subcommittees consisting of Committee members selected by the Committee. The subcommittee shall exist until its assigned tasks are completed and report and recommendation is made to the Committee. The same provisions which apply to Committee meetings shall also apply to Subcommittee meetings.

Section 187. Reports

All committees, boards and commissions of the Navajo Nation Council shall report quarterly and in writing to the Navajo Nation Council concerning their areas of oversight.

Section 188. Committee Actions

All substantive actions shall be by written resolution duly certified by the presiding officer, or memorialized by written memoranda setting forth the action taken and signed by the presiding officer. Resolutions and memoranda shall be identified by number and filed with Central Records Department of the Navajo Nation.

Section 189. Staff

Staff from divisions over which the Committees have oversight authority shall assist the Committees in execution of their authorities and shall provide necessary advice and clerical services.

Section 190. Conflict of Interest

Committee members who have personal, family or business interests in matters before the Committee shall not participate in the Committee proceeding or vote on the matter.

Section 191. Legislative Oversight

The Committee oversight shall be limited to legislation and policy decisions and shall not involve program administration. Where the Committee has statutory authority to appoint a director, the Committee shall exercise administrative oversight consistent with appointment authority.

Subchapter 5. Resolutions and Documents

Section 221. Resolutions; certification; filing; codification

The Chairman, Vice Chairman, Executive Secretary, Speaker of the Navajo Nation Council or Chairman Speaker pro tempore may shall certify the adoption of any resolution of the Tribal Nation Council or Advisory Committee by signing the same. Adopted resolutions shall be filed with Central Records Department of the Navajo Nation and the Legislative Counsel shall immediately arrange for codification thereof.

Section 222. Contracts or other papers generally

(a) All contracts or agreements approved by the Tribal Navajo Nation Council, or the Advisory its Committees acting under authority to approve delegated to it by the Council, in authorizing a contracts or paper of any nature to be executed on behalf of the Navajo Tribe may specify by name or by title one or more persons to sign the same; but if the Council or the Advisory Committee does not so specify, the contract or paper may agreements shall be signed executed in by any one of the following officers manner:

- (1) Chairman The President; or Vice Chairman The Vice-President of the Navajo Nation Executive Secretary shall execute contracts or agreements pertaining to the Executive Branch;
- (2) The Chief Justice of the Navajo Nation shall execute contracts or agreements pertaining to the Judicial Branch; and
- (3) The Speaker of the Navajo Nation Council shall execute contracts or agreements pertaining to the Legislative Branch.

(b) With respect to any contract or paper of any nature heretofore or hereafter authorized to be signed on behalf of the Navajo Tribe by the Chairman in the absence of the Chairman from

the Tribal offices at Window Rock, the Vice Chairman is authorized to sign as Acting Chairman, and in the absence of both the Chairman and Vice Chairman from the Tribal offices at Window Rock, the Executive Secretary is authorized to sign as Acting Chairman.

Section 223. Contracts affecting resources

Except as otherwise provided, The Chairman of the Navajo Tribal Council is any contract authorized to be executed on behalf of the Navajo Tribe Nation any contract providing for research or other services in connection with resources owned by the Navajo Tribe, provided shall meet the following conditions are met:

(1a) All contracts, involving the expenditure of Tribal funds in excess of applicable and available sums in the current Tribal Budget, shall expressly state that the liability of the Tribe Navajo Nation under such contract is contingent upon the availability of appropriations by the Tribal Navajo Nation Council to carry out the same.

(2b) If the All contracts involves the expenditure of Tribal funds in excess of \$500 must be approved by the Navajo Nation Council or appropriate Committee, the Advisory Committee must give prior approval before the Chairman may sign it is executed on behalf of the Navajo Tribe Nation.

(c) All contracts shall have sufficient funds appropriated and available.

(d) Contracts shall not waive the sovereign immunity of the Navajo Nation or its entities unless approved by two-thirds (2/3) vote of the full membership of the Navajo Nation Council. This provision shall not apply to authority to waive immunity properly delegated.

(e) All contracts shall comply with the Business Procurement Act, the Employment Preference Act, Business Preference Act, and rules and regulations promulgated thereto.

(f) All contracts shall be awarded only after public advertisement and bidding.

(g) All change orders, modifications or amendments of contracts utilizing Navajo Nation funds shall not exceed 10% of the accepted bid. If the 10% cap is exceeded by any change orders, modifications or amendments such change order, modification or amendment shall be subject to the provisions of 223(g) above.

Section 224. Filing

All executed contracts or papers, and any modifications thereof, shall be filed with Central Records Department of the

Navajo Nation. Executed contracts shall also be filed with the Office of Contracts.

Section 225. Public Access

Access to contracts or papers shall be provided to the public by the Central Records Department.

Subchapter 7- Chairman and Vice Chairman

Section 281- Creation of office of Chairman; term (Recodified at Section 1002.)

(a) There shall be one Chairman of the Navajo Tribal Council, and he shall hold office for a term of four years.

(b) There shall be no limitation on the number of terms of office which a Chairman may hold.

Section 282- Vice Chairman (Recodified at Section 1003)

(a) There shall be one Vice Chairman of the Navajo Tribal Council, and he shall hold office for a term of four years.

(b) There shall be no limitation on the number of terms of office which a Vice Chairman may hold.

Section 283- Qualifications (Recodified at Section 1004.)

(a) No person shall serve as Chairman or as Vice Chairman of the Navajo Tribal Council unless he is a member of the Tribe, 35 years old or older.

(b) No person shall serve as Chairman or Vice Chairman of the Navajo Tribal Council unless he has during the last three years before the time of election lived on the land of the Navajos, that is, on tribal or allotted land within the boundaries of the Navajo Reservation, or on land of a restricted allotment or homestead, or on purchased or exchanged land or on public domain outside of said exterior boundaries, or in the immediate vicinity of the reservation, and in the case of such nonresident that he has participated continuously and actively in the affairs of the Tribe for the three years prior to his taking office. The Tribal Council shall, by majority vote, decide whether such continuous active participation in the Tribal affairs on the part of the candidate has taken place and shall so certify.

Section 284- Powers and duties (Recodified at Section 1005.)

(a) The Chairman of the Navajo Tribal Council may yield the chair to the Vice Chairman in order to take part in the sessions of the Tribal Council. He may make recommendations and appoint committees. He shall be the Chairman of the Advisory

Committee, and he may advise and assist the Government on any action or policy adopted by the Tribal Council.

(b) The Vice Chairman shall be subordinate in authority to the Chairman and shall assist in carrying out the duties of the Chairman as the Chairman shall direct.

(c) The Vice Chairman of the Tribal Council shall serve as Chairman of the Tribal Council when the Chairman is unable to perform his duties.

(d) In the absence of the Chairman, the Vice Chairman shall preside over meetings of the Council and of the Advisory Committee.

(e) Responsibility for directing and supervising the personnel and executive or business staff of the Tribe shall be in the Chairman, and whatever duties in respect thereto may hereafter be carried out by the Vice Chairman shall be in accordance with the Chairman's directions and instruction.

Section 285. Vacancy. (Recodified at Section 1006.)

If a vacancy shall occur in the office of Chairman or Vice Chairman, the Tribal Council shall appoint a member of the Council as successor to serve the remainder of the term.

Section 286. Residences (Recodified at Section 1007.)

Residences shall be furnished at Window Rock, Arizona, together with the cost of utilities, without charge, to the Chairman and Vice Chairman of the Navajo Tribal Council.

Section 287. Salary (Recodified at Section 1018.)

The salary of the Chairman and Vice Chairman of the Navajo Tribal Council shall be \$45,000 and \$43,000 per annum, respectively.

Section 288. Pro Tempore Chairman

When a quorum of Council or Advisory Committee members is present at any duly called regular or special meeting of those bodies, the members present are authorized, in the absence of the Chairman and Vice Chairman of the Tribal Council, to select from among themselves a Pro Tempore Chairman to act in that capacity until the Chairman or Vice Chairman arrives.

Section 289. Staff, establishment, appointment and tenure, salaries

The following positions are established within the office of the Chairman and Vice Chairman of the Navajo Tribal Council, to be filled by the Chairman at the following budgeted salaries:

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Executive Administrator	\$22,000
Executive Assistant	\$17,500
Special Assistant	\$16,500
Staff Assistant	\$15,500
Staff Assistant	\$15,500
Executive Secretary	\$10,095
Executive Secretary	\$ 8,666
Executive Secretary	\$ 8,666
Secretary	\$ 8,408

All persons presently or hereafter occupying the established positions shall serve at the pleasure of the Chairman of the Navajo Tribal Council.

Subchapter 7. Speaker of the Navajo Nation Council

Section 281. Creation of Office of Speaker of the Navajo Nation Council.

(a) There is hereby established the Office of the Speaker of the Navajo Nation Council.

(b) The Speaker of the Navajo Nation Council shall be a member of the Navajo Tribal Council, in good standing.

(c) The Office of the Speaker shall have such support personnel as may be budgeted for.

Section 282. Selection of the Speaker; Term of Office

(a) The Speaker of the Navajo Nation Council shall serve in such office at the pleasure of the Navajo Nation Council.

(b) The term of office of the Speaker shall be two years.

(c) The Speaker shall be selected and confirmed by the Navajo Nation Council as the first order of business at the Council session scheduled for the third Monday in January of any odd numbered year.

Section 283. Residence

A residence may be furnished at Window Rock, Navajo Nation (Arizona), together with the cost of water, sewer, refuse disposal, electricity and natural gas without charge to the Speaker. If the Speaker declines to reside in such residence, the Navajo Nation shall not be responsible or liable for costs and expenses of living elsewhere.

Section 284. Salary

The salary of the Speaker shall be \$30,000 per annum above his salary as a Navajo Nation Council delegate.

Section 285. Powers and duties

(a) The Speaker of the Navajo Nation Council shall exercise all powers and authorities which are delegated to the Office by law or may from time to time be delegated to such Office by the Navajo Nation Council.

(b) The Speaker's powers and duties shall include the following:

(1) Preside at all Navajo Nation Council and Intergovernmental Relations Committee meetings;

(2) Direct and supervise the personnel and programs under the Legislative Branch as provided by law;

(3) Yield the Chair to a Speaker Pro Temp to participate and make recommendations pertaining to matters before the Navajo Nation Council;

(4) Vote only in the event of a tie vote;

(5) Call a special session of the Navajo Nation Council; and

(6) Recommend to the Budget and Finance Committee, an annual operating budget or amendments thereof for the Legislative Branch and advise the Navajo Nation Council on annual budget recommended by the Budget and Finance Committee.

Section 286 Removal; Vacancy

(a) The Speaker may be removed by two-thirds (2/3) vote of the full membership of the Council.

(b) If a vacancy should occur in the Office of the Speaker of the Navajo Nation Council, the Navajo Nation Council shall select and confirm from among its members, a successor to serve the remainder of the term.

Section 287. Speaker Pro Temp

When a quorum of the Navajo Nation Council is present at any duly called regular or special meeting, the members present, in absence of the Speaker, may select from among the Chairpersons of any Standing Committee to serve as the Speaker Pro Temp until the Speaker arrives.

Subchapter 9. Standing Committees

Article 1. Advisery Government Services Committee

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Section 341. Establishment; purposes

(a) The Advisory Government Services Committee of the Navajo Tribal Council is hereby established and continued as a standing committee of the Navajo Nation Council.

(b) It is the purpose of the Advisory Committee to

(1) Act as the Executive Committee of the Navajo Nation Council to the extent of the specific authority and powers provided herein.

(2) Monitor and coordinate the activities of all divisions, and departments of the Executive Branch of the Navajo Nation.

(3) Develop and recommend an agenda for the Navajo Tribal Council and to recommend legislation to the Navajo Tribal Council.

(4) Deal with all matters relating to the sale, lease, exchange, or other use of lands, including unrestricted (fee) land of the Navajo Nation.

(5) Review and approve all federal programs proposed by the Navajo Nation.

(6) Review pending federal legislation affecting the Navajo Nation.

(7) Coordinate all federal programs with all other concerned standing committees of the Navajo Nation to provide the most efficient delivery of services to the Navajo people.

(8) Approve and supervise Navajo participation in the implementation of the Indian Self-Determination Act (Public Law 93-638) and other comparable federal legislation.

Section 342. Membership, selection, Chairman and Vice Chairman, term of office

(a) Membership. The Committee shall consist of eighteen (8) members of the Navajo Tribal Nation Council and the Chairman or, in his absence, the Vice Chairman of the Navajo Tribal Council.

(b) Selection. The eighteen Council delegates shall be selected by the Chairman of the Navajo Tribal Council. (1) Three members of the Committee shall be selected from each Agency and three members shall be selected at large. See 2 NTC Section 181(b).

(2) Appointments shall be concurred by the Navajo Tribal Council. Each of the Committee members may serve on no more than

three committees, commissions or boards of enterprises or other entities. (See 2 NTC Section 180.)

(c) Chairman and Vice Chairman.

(1) The Chairman of the Committee shall be the Chairman of the Navajo Tribal Council.

(2) In the absence of the Chairman, Navajo Tribal Council, the Vice Chairman, Navajo Tribal Council, shall serve as the presiding Chairman of the Committee.

(3) In the absence of the Chairman and Vice Chairman, Navajo Tribal Council, a Chairman pro tempore shall be designated by the Chairman or Vice Chairman, Navajo Tribal Council.

(4) In the absence of the Chairman and Vice Chairman, and in the event no designation of a Chairman pro tempore has been made by either the Chairman or Vice Chairman, the members of the Committee may select a Chairman pro tempore.

(d) Term of Office. Committee members shall serve a term of office coincident with their term of office as a member of the Navajo Tribal Council or until their successor is appointed.

Section 343. Powers

(a) General. The Committee shall have powers necessary and proper to carry out the purposes set forth in 2 N.T.C. Section 342 herein.

(b) Enumerated Powers. The Committee is hereby authorized and directed:

(1) To recommend to the Navajo Nation Council legislation for the creation of any enterprise, college, ONEO, or other entity of the Navajo Nation by adoption of its Plan of Operation, and to recommend the amendment or rescission that Plan, and to amend, or rescind the Plans of Operation of any entity already created by the Navajo Tribal Council of such legislation.

(2) To create any division or department of the Executive Branch of the Navajo Nation government by adoption of its Plan of Operation and to amend or rescind that Plan or the existing Plan of Operation for any division or department of the Navajo Nation.

(3) To create the Overall Economic Development Plan of the Navajo Nation and any attendant economic development priority list by adoption and to amend or rescind the Plan or list. (See 2 NTC Section 724(D))

(4) To review and give final approval of any and all contracts with the United States, its departments and agencies, for the implementations of the Indian Self-Determination Act. (See 2 NTC Section 824(b)(3))

(5) To review and give final approval of any and all contracts with the United States, its departments and agencies, under the "Buy Indian" Act. (See 2 NTC Section 824(b)(3))

(6) To coordinate with all committees concerned with all Navajo appearances and testimony before Congressional committees, departments of the United States government, and state legislatures and departments. (See 2 NTC Section 824(b)(5))

(7) To give final approval of any inter-governmental agreement between the Navajo Nation and any federal, state or regional authority. (See 2 NTC Section 824(b)(5))

(8) To give final approval of any land exchanges, non-mineral leases, subleases or assignments of leases of Navajo land including unrestricted (fee) lands, or any amendment to or modification of any lease in accordance with all applicable laws. (Recodified at 2 NTC Section 695(2))

(9) To establish an office at Window Rock, Navajo Nation (Arizona), for the transaction of business.

(10) To provide for the compensation of Committee members in a manner consistent with that of all other standing committees of the Navajo Tribal Council. (See 2 NTC Section 105)

(11) To give final approval of right-of-way, prospecting permits, non-mineral leases and other licenses and usufructuary interests in Navajo land, including unrestricted (fee) land, in accordance with all applicable State, Federal and Tribal laws and regulations, with the exception that the Chairman, Navajo Tribal Council, is authorized to approve, in accordance with all applicable State, Federal and Tribal laws and regulations, sand and gravel permits in connection with road or other construction projects. (Recodified at 2 NTC Section 695(2))

(12) To delegate, at its discretion, to the Chairman, Navajo Tribal Council, powers and authority, in accordance with all applicable State, Federal, and Tribal laws and regulations, with regard to non-mineral leases and rights-of-way on Navajoland, including unrestricted (fee) land.

(14) To create standing committees of the Navajo Tribal Council by adoption of their Plans of Operation and to amend or rescind these plans and all existing Plans of Operation, provided, however, that -any -amendments -to -the Plans of Operation of the

Advisory Committee and the Budget and Finance Committee shall require the approval of the Navajo Tribal Council. (Recodified at 2 NTC Section 102(g))

(15) To prepare and give final approval of the proposed agenda for the Navajo Tribal Council, which agenda shall be amended thereafter only by the Navajo Tribal Council. (Recodified at 2 NTC Section 163)

(16) Upon recommendation of the Advisory Committee, the Chairman, Navajo Tribal Council, shall schedule special sessions of the Navajo Nation Council. (Recodified at 2 NTC Section 162(b)(1))

(17) To give final confirmation of appointments to Boards, Commissions, Enterprises, Navajo Community and Colleges, Courts and all other appointments which by existing law must be confirmed by the Navajo Tribal Council or its committees, except that:

The Chairman, Navajo Tribal Council, is authorized to make interim appointments to any position which must, by law, be confirmed by the Navajo Tribal Council or its committees. Such appointments shall expire:

(i) When and if rejected by the Navajo Tribal Council or appropriate committee; or

(ii) When the appointment is withdrawn or terminated by the Chairman, Navajo Tribal Council.

(18) To recommend to the United States, its departments and agencies, the several states and various regional agencies, the appointment of individuals who, in the judgment of the Committee, will fulfill the requirements of their office and serve the interests of the Navajo Nation. (Recodified as 2 NTC Section 824(b)(7))

(4) To oversee the conduct and operations of entities of the Navajo Nation not otherwise under the oversight authority of other standing committees, except that such oversight shall not interfere with the prerogative or business decisions of management and governing Boards.

(5) To recommend legislation to Navajo Nation Council on matters within the Committee's jurisdiction.

Section 344. Meetings; quorum; subcommittees

(a) Meetings shall be held on the call of the Chairman of the Navajo Tribal Council second and fourth Tuesday of each month. The eighteen members of the Committee shall be regular voting members. The Chairman or, in his absence, the Vice Chairman of the Navajo Tribal Council shall vote in case of a tie by the regular

voting members. All meetings shall be held in Window Rock, Navajo Nation (Arizona), for the transaction of Committee business. Meetings held elsewhere must be authorized by written permission of the Chairman, Navajo Tribal Council.

(b) The Committee is empowered to develop its own procedure for the conduct of meetings, provided, however, that all formal substantive action shall be taken by written resolution duly certified by the presiding officer and filed with the Central Records Department of the Navajo Nation. At any meeting, a quorum shall consist of ten (six) (6) members of the Committee.

(c)(1) Subcommittees. There are hereby established four subcommittees of the Advisory Committee, chosen from members of that Committee, to wit: (Recodified at 2 NTC Section 186)

- (A) The Subcommittee on Proposed Legislation
- (B) The Subcommittee on Enterprises
- (C) The Subcommittee on Leasing
- (D) The Subcommittee on Special Assignments.

(2) The Subcommittee on Proposed Legislation:

(A) Shall consist of a Chairman and four members selected by the Chairman, Navajo Tribal Council.

(B) Shall have a quorum of three members.

(C) Shall review all proposed legislation prior to its presentation to the full committee or the Navajo Tribal Council, and shall furnish the full committee with its recommendations concerning such proposed legislation.

(3) The Subcommittee on Enterprises:

(A) Shall consist of a Chairman and four members selected by the Chairman, Navajo Tribal Council.

(B) Shall have a quorum of three members.

(C) Shall review the periodic reports from the enterprises of the Navajo Nation and make recommendation to the full committee concerning the activities of such enterprises.

(D) Shall constitute a "Board of Visitors" with the responsibility and authority to visit the enterprises of the Navajo Nation, observe their operations, and report back to the full committee concerning such enterprises.

(4) The Subcommittee on Leasing:

(A) Shall consist of a Chairman and four members selected by the Chairman, Navajo Tribal Council.

(B) Shall have a quorum of three members.

(C) Shall review all proposed leases, permits, rights-of-way, etc., prior to their consideration by the full committee.

(D) Shall be delegated authority to approve homesite leases, where the lessee or lessees are enrolled members of the Navajo Tribe.

(5) The Subcommittee on Special Assignments:

(A) Shall consist of a Chairman and two members selected by the Chairman, Navajo Tribal Council.

(B) Shall have a quorum of two members.

(C) Shall execute all special assignments delegated to it from time to time by the Advisory Committee.

(6) Members of the Subcommittees shall be reimbursed for meeting expenses for each meeting on which a specific topic of business was discussed as authorized by the full committee.

(7) All Subcommittee meetings shall be held in Navajo Indian Country or as directed by the full Committee.

Section 345 Proposed resolutions; required procedure and submission to Legislative Secretary -- Generally

(a) Except as otherwise provided, no proposed resolution, including those sponsored by Tribal Councilmen, shall be considered by the Advisory Committee unless the procedure set out in this section and sections 346-348 below is complied with.

(b) All proposed Advisory Committee resolutions must be received by the Office of the Legislative Secretary of the Navajo Tribe on or before the 6th business day preceding the regular or special session of the Advisory Committee during which the proposed resolution is to receive consideration. Any proposed resolution not received within the above stated time shall not be placed on the agenda for the next coming session, but will be considered for the subsequent session.

(c) Each proposed resolution submitted to the Legislative Secretary for processing shall have attached thereto the name and title of its sponsor.

Section 346. Submission to Chairman of Advisory Committee

On the 5th business day preceding any regular or special meeting of the Advisory Committee the Legislative Secretary shall deliver to the Office of the Chairman all proposed resolutions and supporting documents which have been filed with his office for

review by the Chairman, Vice Chairman, General Counsel, and such other persons as the Chairman may designate.

Section 347. Consideration of untimely resolutions

Any proposed resolutions which has not been timely received by the Legislative Secretary, but which is of an urgent or emergency nature, may be considered in the current session of the Advisory Committee, without being subject to the terms and conditions set forth hereinabove, if the following conditions are met:

(1) The Chairman or Vice Chairman of the Navajo Tribal Council certifies in a written memorandum to the Legislative Secretary that the proposed resolution is of an urgent or emergency nature and should be considered by the Advisory Committee as soon as possible.

(2) The Office of the General Counsel has reviewed and approved the proposed resolution for legal form and proper departmental clearances.

Section 348. Approval, prior to proposal, of resolutions sponsored by government departments

No proposed resolution sponsored by a department of the Navajo Tribe shall be included on the Advisory Committee agenda unless and until it has been approved by the head of the department and the director of the division having jurisdiction over the department. All resolutions sponsored by departments and branches under the direct jurisdiction of the Executive Branch shall first be cleared by the head thereof and by the Chairman or Vice Chairman of the Navajo Tribal Council.

Section 349. Purpose of review; disposition

(a) The purpose of review will be to determine whether the proposed resolution is properly prepared for Advisory Committee action, refer such proposed resolutions to appropriate divisions, departments, committees or other entities for comments and recommendations, and see that necessary clearances, redrafting, investigation or other appropriate action is taken by the sponsor of the proposed resolution before including it on the Advisory Committee agenda.

(b) If the review shows that the above requirements have been met, the proposed resolution is in proper form, and has been cleared by the appropriate departments, the resolution shall be placed on the agenda for the Advisory Committee to consider. If upon review, it is found that the resolution is in improper form, is otherwise not properly prepared, or the Advisory Committee cannot near it without further preparation or advance work, it shall be returned to its sponsor with comments and recommendations.

{e} The Chairman, Vice Chairman, General Counsel or Legislative may, upon reasonable notice, call in the sponsor of the proposed resolution, or other interested persons to give further information or clarification of the proposed resolution.

Article 2. Budget and Finance Committee

Section 371. Establishment

The Budget and Finance Committee is hereby established and continued as a standing committee of the Navajo Tribal Nation Council.

Section 372. Purposes

The purposes of the Budget and Finance Committee are:

(1) To coordinate, oversee and regulate the fiscal, financial, investment, contracting and audit policies of the Navajo Nation.

(2) To report to the Navajo Tribal Nation Council on the fiscal and financial state of the Navajo Nation.

(3) To recommend to the Navajo Tribal Nation Council, the adoption of legislation designed to strengthen the fiscal and financial position of the Navajo Nation and to promote the efficient use of the fiscal and financial resources of the Navajo Nation.

(4) To protect the interests of the Navajo pPeople through the wise prudent management of the financial reserves of the Navajo Nation and the efficient use of the limited funds available for expenditure by the Navajo Nation.

(5) To oversee and provide direction for lending programs within the Committee's authority.

Section 373. Membership selection; Chairman and Vice Chairman; term of office; advisors

(a) The Committee shall consist of sixteen {16} eight (8) members of the Navajo Tribal Nation Council.

{b} The Committee shall be selected as follows:

{1} The members of the Committee shall be selected by the Chairman of the Navajo Tribal Council.

{2} Three members of the Committee shall be selected from each Agency. (Recodified at 2 NTC Section 101(b))

(3) All members of the Committee shall be appointed by the Chairman of the Navajo Tribal Council and shall serve at the pleasure of the Tribal Council.

(c) The Chairman and Vice Chairman shall be selected by the Chairman of the Navajo Tribal Council.

(d) At any Committee meeting where the duly appointed Committee Chairman and Vice Chairman are absent, a majority of those committee members present may select a Pro Temp Chairman to conduct the Committee meeting.

(e) Committee members shall serve a term of office coinciding with the terms of office of members of the Navajo Tribal Council and until their successors are appointed.

(fb) The Department of Justice, Controller, Auditor General, Legislative Counsel, Director of Legislative Affairs, and Director of the Division of Administration and Finance are shall serve as official advisors to the Committee and shall provide appropriate support, advice and counsel on all matters.

Section 374. Powers

(a) The Committee and its officers shall have all powers necessary and proper to carry out the purposes set forth in section 372 above.

(b) The Committee shall have the following powers:

(1) To review and recommend to the Navajo Tribal Nation Council the budgeting, appropriation, investment and management of all funds.

(2) To the extent permitted by federal or Tribal Navajo Nation laws and regulations, the Committee shall appropriate, allocate, cancel, reappropriate and review the use of Tribal Navajo Nation funds received including but not limited to all grants, contracts, gifts and other funds from non-Tribal all sources.

(3) With prior approval of the Chairman President, Speaker and/or Chief Justice of the Navajo Tribal Council, and without increasing the approval overall General Fund fiscal year appropriation, to recommend to the Navajo Nation Council amendment of the approved annual budgets of divisions, departments, offices and programs by reallocating funds between branches declared budget savings.

(4) To coordinate and review all fiscal, financial and investment activities of the Navajo Nation and its enterprises, as

well as other agencies, federal, state, regional and private, expending or seeking to expend funds within the Navajo Nation or for the benefit of the Navajo people.

(5) To review and approve or disapprove all contracts, subcontracts and agreements entered into by the Navajo Nation with federal, state, county and local agencies and private institutions and individuals in excess of \$50,000. Any contracts, subcontracts and agreements less than \$50,000 may be reviewed and approved by the Chairman of the Committee and the Chairman of the Navajo Tribal Council; provided, however, that all such contract documents have undergone review and have written recommendations from the Controller, Department of Justice, the Director of Office of Management and Budgets, and the Director of Division of Administration and Finance.

(6) Line item transfers within a program are specifically delegated to the approval of the Controller upon written request and justification of the program manager and the concurrence of the respective Division Director, the Director of the Office of Management and Budgets, and the Director of the Division of Administration and Finance.

(75) To require the presentation and submission of financial reports by any enterprise, authority, or entity chartered or approved by the Navajo Tribal Nation Council or its eCommittees.

(86) To return unexpended funds to unappropriated surplus the Reserve Fund or the appropriate funding source.

(97) To establish general promulgate policies and regulations concerning wages, expenditure reimbursement, and fringe benefits for Navajo Nation officials and Tribal employees.

(108) To require reports from and to monitor the financial performance of all offices, divisions, departments, enterprises, authorities, committees, boards, commissions, or entities having oversight or control over fiscal matters or financial obligations to the Tribe Navajo Nation.

(119) To require an annual audit of the accounts of the Navajo Nation by Certified Public Accountants and to review and make recommendations regarding present such audits to the Navajo Nation Council.

(12) To approve waiver of indirect costs on specified contracts administered by the Navajo Nation.

(1310) To review the annual budgets of the Bureau of Indian Affairs, the Indian Health Services and other departments and agencies of the United States government and to recommend the approval or disapproval of such budgets.

(14) To call for and periodically review reports from the Department of Justice, Controller, Auditor General, Director of the Division of Administration and Finance and all special legislative quasi-legislative and/or executive divisions, departments, committees or commissions having oversight or control over fiscal matters.

(15) To report quarterly and in writing to the Navajo Tribal Council on all fiscal, financial investment and audit affairs of the Navajo Nation. (Recodified at 2 NTC Section 187)

(11) To promulgate rules and regulations for lending money to members of the Navajo Tribe.

(12) To provide legislative oversight over lending programs previously delegated to the Central Loan Committee.

(13) To coordinate loan programs under the Committee's oversight with other governments.

(14) Review and approve agreements to make funds available for loans to Navajo individuals, except economic development business loans.

Section 375. Meetings; procedure quorum

(a) All regular meetings of the Committee shall be held on the first and third Tuesday of each month, and whenever called by the Committee, the Chairman of the Navajo Tribal Council, or upon written request of any seven (7) members of the Committee.

(b) At any meeting, a quorum shall consist of seven six (76) members of the Committee. Minutes shall be officially recorded by the Office of the Legislative Secretary.

(b) All Committee meetings shall be held in Window Rock, Navajo Nation (Arizona) for the transaction of Committee business. Meetings held elsewhere must be authorized by the Chairman of the Navajo Tribal Council.

(c) A majority vote of a quorum of members present at any meeting shall be necessary for any Committee action.

(d) Until such time as the Navajo Tribal Council adopts procedures and rules for the conduct of Committee business, the Committee is empowered to develop its own procedures for the conduct of meetings and the submission of requests for Committee action; provided that all formal substantive action shall be taken by written resolution duly certified by the presiding officer, or memorialized by written memorandum setting forth the action taken and signed by the presiding officer and filed with the Central Records Department of the Navajo Tribe.

(e) Whenever a vote among the Committee members results in a tie, the presiding officer of the Committee shall vote to break the tie vote. In all other instances, the presiding officer of the Committee shall not vote.

Section 376- Subcommittees

(a) The Chairman or Vice Chairman of the Committee may appoint subcommittees to make recommendations pertaining to the business of the Budget and Finance Committee. Subcommittee recommendations must be presented to the Committee for full review and final approval.

(b) Each subcommittee shall consist of any three members of the Budget and Finance Committee.

Section 377- Reimbursement

(a) Members of the Committee and its subcommittees will be reimbursed for meeting expenses for each meeting during which its assigned business was conducted.

(b) With the approval of the Chairman of the Navajo Tribal Council, Committee members also may be reimbursed for all expenses incurred in the discharge of their official duties as Committee members where such business is transacted in the absence of a quorum.

Section 378- Conflict of Interest

Committee members who have personal business interests or family relationships in business or personal matters brought before the Committee will not be eligible to participate in any Committee proceedings or to vote on the topic.

Section 379- Amendments

This Plan of Operation may be amended from time to time by the Navajo Tribal Council upon the recommendation of the Committee of the Navajo Tribal Council.

Article 3. Central Loan Committee Reserved (Consolidated with Budget and Finance Committee)

Section 401- Establishment

(a) The Central Loan Committee (hereinafter "Committee") of the Navajo Tribal Council was established by the Navajo Tribal Council Resolution of July 15, 1950.

(b) The Committee is hereby continued as a standing committee of the Navajo Tribal Council.

Section 402. Purposes

(a) To provide sources of funds for lending to Navajo individuals and businesses who would otherwise be unable to obtain needed funds.

(b) To oversee and provide management direction for all lending programs of the Navajo Tribe.

(c) To report quarterly to the Advisory Committee of the Navajo Tribal Council and to report annually to the Navajo Tribal Council concerning its activities, and to recommend legislation to the Navajo Tribal Council in connection with such activities.

Section 403. Membership; selection; Chairman and Vice Chairman; term of office

(a) The Committee shall consist of six (6) members of the Navajo Tribal Council, one of whom shall be from each of the five Agencies.

(b) All members of the Committee shall be selected by the Chairman of the Navajo Tribal Council to be confirmed by the Navajo Tribal Council, and shall serve at the pleasure of the Navajo Tribal Council or the Chairman of the Tribal Council.

(c) The Chairman and Vice Chairman shall be selected by the Chairman of the Navajo Tribal Council.

(d) Each Committee member shall serve a term of office coincident with his term of office as a member of the Navajo Tribal Council or when necessary, until a successor is appointed.

Section 404. Powers

(a) General. The Committee shall have all powers necessary and proper to carry out the purposes set forth in Section 402 of this Plan of Operation.

(b) Enumerated Powers.

(1) With the approval of the Advisory Committee of the Navajo Tribal Council, to establish policies, and procedures for lending money to members of the Navajo Tribe and to Navajo businesses as may, in the opinion of committee, be just and proper. (Recodified at 2 NTC Section 374(b)(11))

(2) To consolidate and provide direct control over all lending programs of the Navajo Tribe. (Recodified at 2 NTC Section 374(b)(12))

(3) To represent the Navajo Nation in negotiating agreements to make available funds for use by Navajo individuals and businesses. (Recodified at 2 NTC Section 374(b)(14))

(4) To provide for the compensation of Committee members in a manner consistent with that of other standing committees of the Navajo Tribal Council.

(5) To publish booklets, pamphlets and provide for the dissemination of other information concerning borrowing.

(6) To work in the implementation of federal and Tribal loan programs and with various agencies such as, but not limited to, the Bureau of Indian Affairs, the Farmers Home Administration, the Department of Housing and Urban Development, and Small Business Administration, to provide funds to members of the Navajo Tribe for business, housing, educational and other purposes. (Recodified at 2 NTC Section 374(b)(13))

Section 405. Meetings; procedures

(a) Meetings shall be held on the call on the Chairman of the Committee, the Chairman of the Navajo Tribal Council, or upon written request of any four (4) members of the Committee, provided that meetings shall be held no less frequently than once per month.

At any meeting, a quorum shall consist of three (3) members.

(b) All meetings shall be held at Window Rock, Navajo Nation (Arizona), for the transaction of regular committee business unless another location is designated by the Chairman of the Committee for special purposes.

(c) Until such time as the Navajo Tribal Council adopts rules of procedure, the Committee is empowered to develop its own procedure for the conduct of meetings, provided that any formal, substantive actions shall be initiated and undertaken by written resolution duly certified by the presiding officer, or memorialized by written memorandum setting forth the action taken and signed by the presiding officer and filed with the Central Records Department of the Navajo Nation.

Section 406. Subcommittees

(a) The Committee is empowered to elect, by vote of full Committee membership, subcommittees to transact the business of the Committee.

(b) Each subcommittee shall consist of not less than three (3) members, all of whom shall be members of the Committee.

(e) Members of the subcommittees will be reimbursed in the same manner as Committee members for full Committee meetings.

Section 407. Amendments

This Plan of Operation may be amended from time to time by the Advisory Committee of the Navajo Tribal Council.

Article 4. Community Development Committee

Section 420. Establishment

The Community Development Committee is hereby established and continued as a standing committee of the Navajo Nation Council.

Section 421. Purposes

The purposes of the Committee are:

(a) To develop overall policies and legislations appropriate to the housing needs of the Navajo Nation.

(b) To promote local community land use plans which support community infrastructural developments.

(c) To promote development of chapter government which enhances local self government.

(d) To promote, review, coordinate and approve projects to be financed by funds designated for capital improvement. Such projects shall include but not limited to chapter houses, multipurpose buildings, preschools, senior citizen centers, powerline extensions, housewiring, airports, waterline extensions and other water systems, airport/road infrastructures and other Navajo Nation facilities.

(e) To be responsible for planning and coordinating all roads and transportation activities of the Navajo Nation.

Section 422. Membership; advisors

(a) The Committee shall consist of eight (8) members of the Navajo Nation Council.

(b) The Executive Director of the Division of Community Development, the General Manager of the Navajo Tribal Utility Authority, the Area Director of Indian Health Service and other personnel from appropriate agencies shall serve as technical advisors.

Section 423. Enumerated Powers

(a) General

The Committee shall have all powers necessary and proper to carry out the purposes set forth above.

(b) Housing Development

The Committee shall:

1. Review and approve contracts and agreements between the Navajo Nation and any other entity for the development, construction and renovation of housing subject to applicable laws.

2. Propose policies and laws relating to housing development, including but not limited to building, construction, and utility codes.

3. Oversee and periodically review the overall function of the Division of Community Development to ensure that the purposes and objectives are properly and timely achieved and to recommend any amendments to the Division of Community Development Plan of Operation.

4. Represent the Navajo Nation at local, state and federal levels for housing development.

5. Coordinate with the Budget and Finance Committee and lending institutions for housing loans to enrolled members of the Navajo Tribe residing within the Navajo Nation.

(c) Community Development

The Committee shall:

1. Recommend legislations to develop and improve local governmental units.

2. Review and approve comprehensive community land use lands and zoning ordinances and amendments or modifications thereof, including land withdrawals necessary for the implementation of such land use plans.

3. Review and approve local ordinances enacted by local government entities and Chapters.

4. Review and approve all surface easements and right-of-ways and other clearances related to local community development including but not limited to powerline, waterline and sewerline extensions.

5. Review and approve priority lists for all chapter and community development projects funded by all funding sources.

(d) Capital Improvement Projects

The Committee shall:

1. Review and recommend to the Navajo Nation Council through the budget process, an annual budget for capital improvement projects utilizing all sources of funds.

2. Review and recommend to the Navajo Nation Council through the appropriate process, supplemental appropriations to the capital improvement projects' annual budget to fund necessary additional capital improvement projects.

3. To review, prioritize and approve capital improvement projects funded by all funding sources.

4. To lobby for state, federal, and other sources of funds.

5. To review and recommend legislation to accomplish Committee purposes.

6. To periodically review the progress of capital improvement projects and take necessary action(s) to ensure timely and efficient completion of projects.

7. To require periodic reports from the Controller of the Navajo Nation concerning the fund status of capital improvement projects and require such other reports from appropriate officials as may be necessary to execute the Committee's purposes.

8. To review the annual capital improvement projects budgets of the Bureau of Indian Affairs, Indian Health Services and other departments or agencies of the United States, and recommend the approval or disapproval of such budgets.

(e) Transportation and Roads

The Committee shall:

1. Represent the Navajo Nation in all roads and transportation matters.

2. Develop and maintain priority list for roads and transportation projects.

(f) Other Powers

The Committee shall:

1. Promulgate rules and regulations necessary to accomplish the Committee's purposes.

2. Review and approve new programs and improve existing programs to better serve the public and communities.

3. Review and approve alternative and appropriate technological projects related to housing, community development and capital improvement projects.

Section 424. Meetings; quorum

(a) Committee meetings shall be held on the first and third Tuesday of every month.

(b) At any meeting, a quorum shall consist of six (6) members of the Committee.

Article 5. Health and Human Social Services Committee

Section 451. Establishment

(a) Navajo Tribal Council Resolution CJA-2-71 of January 12, 1971, established the Health, Alcoholism and Welfare Committee (hereinafter "Committee") of the Navajo Tribal Council.

(b) The Health and Social Services Committee is hereby established and continued as the Health and Human Services a standing eCommittee of the Navajo Tribal Council.

Section 452. Purposes

(a) The Committee exists to exercise the authority of the Navajo Tribal Council in the areas of Health, Human Services and Environmental Health, consistent with and acceptable to the traditional practices and customs of the Navajo people.

(b) The Committee shall research address health and human social services problems affecting Navajo pPeople and develop, monitor, and coordinate policies and proposals laws, regulations and delivery of services to abate these problems consistent with and acceptable to the traditional practices and customs of the Navajo People.

(c) The Committee shall coordinate the delivery of health and human services to the Navajo people among federal, tribal, state, local and private jurisdictions according to standards developed by the Committee.

(d) The Committee shall review health and human services contracts and proposals, monitor health and human services programs, lobby for policy objectives developed by the Committee and approved by the Council, and shall promote the health and human

services objectives of the Navajo Nation in order to insure the future health and security of the membership of the Navajo Nation.

(e) The Committee shall report quarterly to the Advisory Committee of the Navajo Tribal Council and to report annually to the Navajo Tribal Council relating to its activities and to recommend legislation to the Navajo Tribal Council in connection with such activities.

Section 453. Membership; selection; Chairman and Vice Chairman; term of office

(a) The Committee shall consist of six eight (68) members of the Navajo Tribal Nation Council.

(b) All members of the Committee shall be selected by the Chairman of the Navajo Tribal Council, to be concurred in by the Navajo Tribal Council and shall serve at the pleasure of the Tribal Council or the Chairman of the Navajo Tribal Council.

(c) The Chairman and Vice Chairman shall be selected by the Chairman of the Navajo Tribal Council.

Section 454. Powers

(a) The Committee shall have all authority necessary and proper to carry out the purposes set forth in this Plan of Operation above subject to limitations imposed by the Navajo Tribal Council.

(b) The Committee shall have the power:

(1) To represent the Navajo Nation in matters relating to health, human social services, and environmental health, including lobbying for, promotion of Tribal policies and plans, and education on Tribal health and human services+ Navajo Nation policies.

(2) To review and monitor approve agreements and contracts negotiated with federal, state, regional, local, private and Tribal Navajo Nation health and human social services+ authorities, subject to the approval of any agreement by, applicable laws of the Navajo Nation.

(A) The Navajo Tribal Council; and

(B) The Budget and Finance Committee of the Navajo Tribal Council if agreement provides for the expenditure of Navajo Nation funds.

(3) To coordinate all health and human social services related activities of the Navajo Nation and its enterprises, as well as these activities of federal, state, regional, local and private authorities relating to the delivery of health and human

social services and health and human social services planning and prevention.

(4) To coordinate and direct all environmental health, pollution, and other public health related activities of the Navajo Nation and its enterprises, as well as these activities of federal, state, regional, local and private authorities relating to environmental health, pollution, and other public health related activities; and to set standards for the environmental health of the Navajo Reservation, including enforcement standards.

(5) To set promulgate health and human social services' policies, objectives and, priorities and regulations for the relevant Divisions and Departments of the Navajo Nation by adopting health and human services' plans, and to monitor the implementation of those plans and regulations.

(6) To recommend to the Navajo Tribal Council and federal Congress and lobby for the enactment, modification, or repeal of legislation relating to health, environmental health and human social services.

(7) To prepare and recommend a Committee budget each fiscal year for submission to the Budget and Finance Committee of the Navajo Tribal Council.

(8) To serve as oversight Committee for Divisions of Health Improvement Services and Division of Social Services except as delegated otherwise by Navajo Nation Council and shall include other programs delegated by the Navajo Nation Council.

Section 455. Meetings; quorum; technical advice; procedures

(a) Regular meetings shall commence on be held the second and fourth Tuesday of each month at Window Rock, Navajo Nation (Arizona), for the transaction of Committee business. Meetings may be held elsewhere upon the approval of the Chairman of the Navajo Tribal Council.

(b) Special meetings shall be held on the call of the Chairman of the Committee, the Chairman of the Navajo Tribal Council, or upon written request of any four (4) members of the Committee.

(c) At any meeting, a quorum shall consist of four six (46) members.

(d) If the Chairman of the Committee is not present at any regular or special meeting of the Committee, the Vice Chairman shall serve as presiding officer of the meeting. If the Vice Chairman is not present, a presiding officer shall be selected by a majority of those Committee members present at the meeting.

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(e) Compensation and reimbursement shall be provided for all -necessary -and -proper -expenses -incurred -by -the -Committee consistent with expense and reimbursement procedures developed by the Navajo Tribal Council.

(f) The Committee request the attendance of relevant Tribal and federal agency division and department directors at all regular meetings of the Committee, including but not limited to the Indian Health Services, the Bureau of Indian Affairs, the Division of Social Welfare, the Health Improvement Services Division, and the Youth Affairs Division of the Navajo Nation, to report on their activities, and to provide technical assistance to the Committee. (Recodified at 2 NTC Section 185 (d))

(g) Until such time as the Navajo Tribal Council shall adopt procedures and rules for the conduct of Committee business, the Committee is authorized to develop its own procedure for the conduct of all meetings. Provided, that all formal substantive action shall be taken by written resolution duly certified by the presiding officer, or summaries in writing, certified and signed by the presiding officer of that meeting. All formal substantive resolutions must be filed with the Central Records Department of the Navajo Nation.

Section 456. Subcommittees

(a) The Committee is authorized to create, by appointment of the presiding officer, with concurrence of the Committee, subcommittees to research health, human services and environmental health problems and report back to the Committee.

(b) Each subcommittee shall consist of not less than two (2) members, all of whom shall be members of the committee.

(c) Members of the subcommittees shall be reimbursed for meeting expenses for attendance at any meeting where assigned or designated business is conducted upon presentation of this subcommittee's report to the full Committee.

Section 457. Amendments

This Plan of Operation may be amended from time to time by the Advisory Committee of the Navajo Tribal Council.

Article 6. Education Committee

Section 481. Establishment and background

(a) The Education Committee (hereinafter "Committee") of the Navajo Tribal Council was established by Navajo Tribal Council Resolution CJA-13-38 in 1938 and reestablished by Resolution CJ-9-57 in 1957. The Committee is hereby established and continued as a standing committee of the Navajo Nation Council.

(b) The original Education Committee, as established in 1938, was absorbed into the Community Services Committee of the Navajo Tribal Council until 1957. In that year, the Committee was reestablished as a separate committee with the powers and duties of the original committee, together with such additional powers and duties as have been granted to it by the Navajo Tribal Council. In 1980, a Plan of Operation was adopted for the Committee by Resolution ACJY-97-80.

Section 482. Purposes ; goals and objectives

(a) The Education Committee's general purpose is to assert the responsibility of the Navajo Tribe to oversee the educational development of all the Navajo people Nation and to assure for them develop policies for a scholastically excellent, and culturally relevant education. It shall accomplish this purpose by functioning both as adviser and policy making body for the Navajo Tribal Council on all matters pertaining to education.

(b) The Education Committee commits itself to the following goals and objectives in order to meet its responsibilities of assuring quality education for the Navajo people.

(1) To interpret the existing and future educational policies and laws of the Navajo Tribe as contained in the Tribal Code and to provide for the implementation of these policies and laws.

(2) To develop new Tribal educational policies appropriate to the educational needs of the Navajo people and where necessary, to recommend to the Navajo Tribal Council, additions to and changes in the existing Tribal educational laws.

(3) To seek maximum involvement of parents, communities and Tribal leaders in all Navajo educational programs, and foster efforts to increase participation and attendance of Navajo students in these programs.

(4) To encourage and oversee the development of locally controlled, community-based educational programs within the Navajo Nation.

(5) To assist in and oversee the efforts of local Navajo school boards and parent advisory committees to assert their powers and responsibilities.

(6) To work with educational organizations within the Navajo Nation, such as school board associations and associations of educators and school administrators to improve the quality of education in the schools of the Navajo Nation.

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(7) To assist parents, communities, educational programs and the Navajo Tribal Council so that full utilization can be made of educational resources which benefit the Navajo people and foster their self-determination.

(8) To provide for the administration of a system of financial assistance for Navajo higher education students designed to meet financial needs and to encourage the development of a pool of skilled Navajo professionals available to serve the Navajo people.

(9) To oversee the higher education programs available for Navajo students, including those provided by post-secondary schools and tribally-controlled community colleges within the Navajo Nation.

(10) To recommend and provide for the creation, operation and maintenance of appropriate programs and facilities for vocational training and adult education.

(11) To encourage development of vocational rehabilitation programs for handicapped Navajo adults and special education programs for handicapped Navajo children.

(12) To obtain from all education programs serving Navajo people information regarding these programs, including, but not limited to, information about students, faculty, programs and plans.

(13) To disseminate through public outreach programs, information about educational progress being made and problems needing resolution.

(14) To oversee the activities of the Division of Education, including those activities which deal with the planning, development, promotion and oversight of educational programs.

(15) To oversee all programs of the Navajo Tribe which affect the education of Navajo students, including such programs as headstart programs, early childhood programs, supplemental programs, school clothing programs, scholarship programs, the Tribal library program and the like, in any other division of Tribal government.

(16) To plan cooperatively with other committees of the Navajo Tribal Council for the oversight of programs of the Navajo Tribe which affect areas within the jurisdiction of the Education Committee and within the jurisdiction of one or more other committees of the Council as well.

(17) To serve as the official body of the Navajo Tribal Council for engaging in consultation with the federal government, state governments, local school districts, local communities and

educational institutions and programs regarding all proposals for changes, additions, deletions and consolidations of educational programs available to the Navajo people.

(18) To advocate for the Navajo Tribe in all matters relating to the funding and operation of education programs serving Navajos.

Section 483. Membership; selection; officers; term

(a) The Committee shall consist of six eight (68) members of the Navajo Tribal Nation Council, at least one of whom shall be from each of the five agencies.

(b) All members shall be selected by the Chairman of the Navajo Tribal Council, to be concurred in by the Navajo Tribal Council, and to serve at the pleasure of the Navajo Tribal Council or the Chairman of the Navajo Tribal Council.

(c) The Chairman and Vice Chairman of the Committee shall be selected by the Chairman of the Navajo Tribal Council.

(d) Committee members shall serve a term of office coincident with their term of office as a member of the Navajo Tribal Council or until their successors are appointed. In the event of prior vacancy of office, the Chairman of the Navajo Tribal Council may appoint a member of the Navajo Tribal Council to fill such vacancy for the remainder of the term.

Section 484. Powers

(a) The Education Committee of the Navajo Tribal Council has all the powers and duties granted to it by existing resolutions of the Navajo Tribal Council and the Advisory Committee of the Navajo Tribal Council. The Committee may from time to time be granted additional powers and duties by the Tribal Council or Advisory Committee. In addition, the Tribal Council or Advisory Committee may from time to time, place limitations upon the powers and duties of the Education Committee. In the exercise of its powers and carrying out its duties, the Education Committee shall at all times act subject to such powers and limitations as have been established by Navajo Tribal law.

(b a) Consistent with the provision of Tribal law, tThe Education Committee shall have such powers as are necessary and proper for the accomplishment of the goals and objectives described in Section 483 purposes set forth above.

(b) These powers and duties include, but of the Committee are not limited to:

(1) Interpret existing laws and policies of the Navajo Tribal Council pertaining to education. Such interpretations shall

have the full force of law unless overruled by subsequent action of the Advisory Committee of the Navajo Tribal Council or the Navajo Tribal Council unless clearly inconsistent with Navajo Tribal law.

(21) Within the scope of Navajo Tribal law, develop Promulgate regulations, policies and procedures to implement Tribal Navajo Nation education laws. Such policies and procedures shall have the force of law unless overruled by subsequent action by the Advisory Committee of the Navajo Tribal Council or the Navajo Tribal Council, unless clearly inconsistent with Navajo Tribal law.

(32) Review and Recommend legislation to the Navajo Tribal Nation Council, changes in tribal education law.

(4) Report quarterly to the Advisory Committee of the Navajo Tribal Council and at least annually to the Navajo Tribal Council on the state of education in the Navajo Nation.

(5) Recommend plans of operation to the Advisory Committee for the Navajo Division of Education, the scholarship committee, and any other Tribal agency or committee with authority to implement education related programs, or the successors of any of these committees, and recommend to the Budget and Finance Committee, scholarship fund investment plans.

(6) In cooperation with other appropriate committees of the Navajo Tribal Council, recommend to the Advisory Committee plans of operation for any program or entity which falls jointly within the jurisdiction of more than one Committee of the Navajo Tribal Council.

(73) Review, sanction and authorize applications, reapplications and amendments for Self-Determination Act contracts and grants with the federal government from all divisions of the Tribal government and Tribal organizations seeking contracts for the operation of education programs for the benefit of Navajo students, subject to final approval by the Intergovernmental Relations Committee. Authorization of contract or recontract applications or amendments by the Education Committee shall constitute approval by the Tribal governing body. The review process for contract and recontract applications and amendments shall be conducted by the Navajo Division of Education and shall include management and program analysis and evaluations according to applicable federal and Tribal policies and procedures regarding educational, health and safety standards, and according to recognized criteria for educational quality. Advisory Committee Resolution ACMA-28-81 shall not apply to contract applicants and reapplications processed pursuant to this section unless required by subsequent action of the Advisory Committee of the Navajo Tribal Council. Upon the request of the Education Committee or any party aggrieved by an action of the Education Committee, the Advisory

Committee of the Navajo Tribal Council may review, rescind, modify and/or amend any action taken by the Education Committee pursuant to this subsection.

(84) Serve as the oversight committee. Oversee the operation of the Navajo Division of Educational Services and colleges within the Navajo Nation, including recommending approval of the Division's Plan of Operation, recommending approval of any proposals of the Division for a contract or grant with any federal, state, local or private funding source, evaluation of program performance, recommendation of approval of budget proposals and other oversight activities. The Division of Education is responsible for implementation of Education Committee policies and directives. The Division shall provide staff services to the Education Committee. The Division shall report at least quarterly to the Education Committee on its activities and projects and shall report at least annually, the results of its evaluation of education programs serving Navajo students. Oversight of the Division of Education includes providing general direction and review to the Division. Management of the Division is the responsibility of the Division Director.

(9) Oversee the operation of other education programs within the jurisdiction of the Education Committee. Work jointly with other committees of the Navajo Tribal Council to oversee the operation of programs falling within the jurisdiction of more than one committee, and which are education related.

(105) Work Assist, support and coordinate with local communities, parent organizations and school boards and with school board organizations such as the Navajo Area School Board Association, the Association of Navajo Controlled School Boards, Reservation-Wide School Administrators' Association, and the like to foster local control of educational programs. This includes implementing the laws regarding Navajo community school boards, agency school boards and the Navajo Area School Board Association, and implementing laws regarding community participation in consultations on changes in educational programs. This also includes assistance and support for Navajo school boards, parent advisory committees and other community groups and organizations in enforcing their rights under federal, state and Tribal laws.

(11) The committee is empowered to hold public hearings and conduct investigations regarding the state of education in the Navajo Nation. This is a power necessary to the performance of Committee responsibilities. Therefore, to the fullest extent possible under Tribal law and federal law, the Committee shall have the power to compel attendance of witnesses and production of documents and shall exercise all powers appropriate to a legislative committee in regard to hearings and investigations. This power shall include the authority to conduct on site visits to school facilities.

(126) Represent the Navajo Tribe Nation in consultation with federal, state and local officials regarding any proposed changes in educational programs, including additions, deletions, school closures, consolidations, and the like. The Committee shall, where appropriate, seek concurrence of the Advisory Intergovernmental Relations Committee of the Navajo Tribal Nation Council or the Navajo Tribal Nation Council in framing official responses from the Navajo Tribe Nation to proposals for major changes in educational programs, such as proposals regarding major school closures or transfers of jurisdiction. The Committee is the appropriate Tribal governmental body for consultation by federal, state and local officials on the size and location of all education facilities proposed for construction. The Committee may also require consultation from private organizations seeking to establish schools in the Navajo Nation. The Committee's powers of investigation described in paragraph (11) above apply to this paragraph.

(13) Represent the Navajo Tribe before federal and state legislative committees and administrative agencies in order to advocate for the educational needs of the Navajo people.

(14) Oversee all existing vocational education and adult education programs available to Navajo people and review and encourage efforts to expand the vocational and adult educational offerings available in the Navajo Nation.

(15) Oversee community college education in the Navajo Nation. This responsibility shall continue the state of the Chairman of the Education Committee as an ex-officio member of the Board of Regents of Navajo Community College.

(167) Review, approved and regulate any higher education programs offered on reservation the Navajo Nation by off-reservation Navajo Nation post-secondary institutions or any "nonresident" or home study post-secondary programs for which students recruitment activities are conducted on the Navajo Reservation Nation.

(17) Oversee and cooperate with the efforts of the Navajo Division of Education to improve student attendance at school, and enforce compulsory attendance law.

(18) Provide general oversight of the quality and nature of educational program available to the Navajo people at all levels from early childhood programs through adult and post-secondary programs.

(19) Serve as the Scholarship Committee Pro Tempore until a Scholarship Committee conforming with the requirements of the Tribal Code is seated and its plan of operation approved

established. The Education Committee shall be responsible for expediting the seating and commencement of operations of the Scholarship Committee.

Section 485. Procedures Meetings; quorum

(a) Until adoption of written procedural rules for Committees of the Navajo Tribal Council, the Committee is empowered to develop its own procedure for the conduct of meeting, provided that all formal substantive action shall be taken by written resolution duly certified by the presiding officer, or memorialized by written memorandum setting forth the actions taken.

(b) The act of the majority of the voting members of the Committee present at any meeting at which a quorum is present shall be the act of the Committee unless the act of a different number is required by the Navajo Tribal law.

(c) A written record, accurately describing the contents and actions of all meetings shall be kept in the form of minutes. Minutes of the Committee shall be made available to all members of the Committee and all other interested groups, individuals, institutions, and agencies.

(d) The majority of the entire Committee shall constitute a quorum for the transaction of business at any meeting of the Committee.

(ea) The Committee shall hold at least twenty-four (24) its regular meetings a year unless otherwise specified by majority vote of the Committee every second and fourth Friday of each month. Meetings shall be held on the call of the Chairman of the Committee, the Chairman of the Navajo Tribal Council, or upon written request of any member of the Committee. In addition, the Chairman or a majority of the Committee may call such special meetings as are required to conduct Committee business and respond to situations requiring Committee attention.

(f) Members of the Committee will be reimbursed for meeting expenses for each meeting during which its assigned business was conducted.

(b) At any meeting, a quorum of the Committee shall consist of six (6) members of the Committee.

Section 486. Duties of Chairman and Vice Chairman

(a) The Chairman of the Committee shall be the Principal Officer of the Committee and as such shall preside at all meetings of the Committee, if present, and shall in general perform all duties incident to the Office of the Chairman.

(b) The Vice Chairman shall have authority and perform the duties of the Chairman in the event of the absence or inability of the Chairman to act, or when requested to do so by the Chairman.

Section 487. Subcommittees

(a) The Chairman or Vice Chairman of the Committee may appoint subcommittees to make recommendations pertaining to the business of the Education Committee. No final action may be taken by any subcommittee without full review and approval by the Committee.

(b) Each subcommittee shall consist of members of the Education Committee.

(c) Members of the subcommittees will be reimbursed for meeting expenses for each meeting during which its assigned business was conducted.

Section 488. Offices

The Education Committee shall maintain offices in cooperation with the Navajo Division of Education. Appropriate staff, personnel, technical assistants and secretaries will be made available to the Committee by the Navajo Division of Education.

Section 489. Amendments

This Plan of Operation may be amended from time to time by the Advisory Committee of the Navajo Tribal Council.

Article 7. Reserved

Article 8. Reserved

Article 9. Judiciary Committee

Section 571. Establishment

(a) The Judiciary Committee, Navajo Nation Council, was established by Navajo Tribal Council Resolution CAU-54-59 on August 14, 1959 (hereafter "Committee").

(b) The Committee is hereby continued as a permanent standing committee of the Navajo Nation Council with oversight responsibilities for operation of the Judicial Branch of the Navajo Nation.

Section 572. Purposes

The purposes of the Judiciary Committee are:

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(1) To improve the administration of justice and in order to serve the best interests of the Navajo Nation, the Committee shall agree upon and determine, with the approval of the Navajo Tribal Nation Council or the Advisory Committee, qualifications to be required of judges and justices of the Navajo Nation. After determining the qualifications, the Committee shall thereafter screen all eligible candidates or applicants, review the performance of probationary judges and justices, and select panels for appointment of both probationary and permanent judges and justices and recommend probationary judges and justices for permanent appointment consisting of the Navajo Tribal Council. The Chairman of the Navajo Tribal Council Chief Executive Officer of the Navajo Nation shall appoint probationary and permanent judges and justices of the Navajo Nation only from among those named in the panel submitted by the Committee. The Chief Executive Officer shall appoint permanent judges and justices only upon recommendation of the Committee. Both probationary and permanent appointments shall be confirmed by the Navajo Nation Council.

(2) To report quarterly to the Advisory Committee of the Navajo Tribal Council and to report annually to the Navajo Tribal Council, concerning matter relating to the state of the Judicial Branch of the Navajo Nation.

(32) To work towards cooperation between the courts of the Navajo Nation, and the courts of the various states of Arizona, New Mexico, Utah and Colorado, the federal court system, and the administrative-judicial system of the Department of the Interior and other federal agencies.

(43) To promote the interests of the Navajo people through support and/or sponsorship of projects and legislation to improve the quality of the system of justice within the Navajo Nation.

(5) To assist the Chairman of the Navajo Tribal Council in overseeing the implementation of the Navajo Nation Department of Justice.

Section 573. Membership ; Chairman and Vice Chairman; term of office

(a) The Committee shall consist of six eight (68) members of the Navajo Tribal Nation Council.

(b) All members of the Committee shall be selected by the Chairman of the Navajo Tribal Council to be confirmed by the Navajo Tribal Council and shall serve at the pleasure of the Navajo Tribal Council or the Chairman of the Navajo Tribal Council.

(c) The Chairman and Vice Chairman shall be selected by the Chairman of the Navajo Tribal Council.

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(d) Committee members shall serve a term of office coincident with their term of office as a member of the Navajo Tribal Council or until their successor is appointed.

Section 574. Powers

(a) The Committee shall have all the powers necessary and proper to carry out the purposes set forth in Section 572 of the Plan of Operation above.

(b) The Committee shall have the exclusive power:

(1) To recommend candidates for the office of District Court Judge of the Navajo Nation; Children's Court Judges of the Navajo Nation; Associate justices of the Navajo Supreme Court; and any other judges positions which may be created by the Navajo Tribal Council; to the Navajo Tribal Council and the Chairman of the Navajo Tribal Council provide a process for accepting applications for judicial positions and for determining the most qualified candidates.

(2) To recommend the removal, termination or granting of permanent status to any probationary judge or probationary justice and to recommend the removal or impeachment of any permanent judge or justice to the Navajo Tribal Council. To present to the chief executive officer of the Navajo Nation and to the Navajo Nation Council, qualified candidates for appointment as Chief Justice, Associate Justices of the Supreme Court and the judges of the lower courts, and all other judicial positions which the Navajo Nation Council may create.

(3) To make provision for Committee compensation, facilities services and any other items necessary for Committee business. To recommend to the chief executive officer of the Navajo Nation, the removal of probationary justices and judges prior to their permanent appointment.

(4) To conduct trainings, seminars, workshops, in the name of the Navajo Nation to improve the awareness within the Committee and for the general public pursuant to the Committee's delegated area of authority and responsibility. In conjunction with the Chief Justice, to recommend to the Navajo Nation Council, the removal of or granting of permanent status to any probationary justice or judge.

(5) To review, if deemed appropriate by the Judicial Branch, prior to their adoption, any rules and procedures of the Courts of the Navajo Nation.

(c) The Committee shall recommend to the Navajo Nation Council, the removal of any permanent justice or judge of the Navajo Nation.

(d) The Committee shall present directly to the Navajo Nation Council the issue of permanent appointment of any probationary justice or judge whom the Committee and the Chief Justice have recommended for permanent appointment and which recommendation the chief executive officer of the Navajo Nation has failed to convey to the Navajo Nation Council within sixty (60) days of receiving the recommendation.

(e) In order to provide for the development of the Judicial Branch the Committee shall have the power:

(1) To initiate, recommend, support, and sponsor legislation to improve the Navajo judicial system, including its functions of implementing the laws of the Navajo Nation.

(2) To review legislation and make recommendations regarding any proposed or current laws, procedures, and regulations affecting or creating any impact on the Judicial Branch.

(f) In order to provide for its effective and efficient operation, the Committee shall have the power:

(1) To make provision for facilities, services, and any other items necessary for Committee business.

(2) To support public information programs promoting the awareness of the duties and responsibilities of the Committee.

(3) To select and approve for attendance by Committee members informational and/or educational programs, meetings, seminars, etc., to increase the knowledge and skills of the Committee members in the areas of their duties and responsibilities.

Section 575. Meetings; quorum

(a) Meetings shall be held on the call of the Chairman of the Committee, the Chairman of the Navajo Tribal Council, or upon written request of any four (4) members of the Committee, at any meeting, a quorum shall consist of four members. first and third Thursday of each and every month.

(b) All meetings shall be held at Window Rock, Navajo Nation (Arizona), for the transaction of Committee business. Provided however, the Committee may conduct business and held meetings in any part of the Navajo Nation or any other place where the business matters under discussion are pertinent to the place upon the approval of the Chairman, Navajo Tribal Council. At any meeting, a quorum shall consist of six (6) members of the Committee.

(c) All meetings shall be held at Window Rock, Navajo Nation (Arizona), for the transaction of Committee business. Provided however, the Committee may conduct business and hold meetings in any part of the Navajo Nation or any other place where the business matters under discussion are pertinent to the place upon the approval of the Chairman, Navajo Tribal Council.

Section 576. Subcommittee

(a) The Chairman or Vice Chairman of the Committee may appoint subcommittees to make recommendations pertaining to the business of the Judiciary Committee. No final action may be taken by any subcommittee without full review and final approval by the Committee.

(b) Each subcommittee shall consist of designated members of the Committee.

(c) Members of the subcommittee will be reimbursed for meeting expenses for each meeting during which its assigned business was conducted.

Section 577. Amendments

This Plan of Operation may be amended from time to time by the Advisory Committee of the Navajo Tribal Council.

Article 10. Labor and Manpower Human Services Committee

Section 601. Establishment

(a) The Labor and Manpower Committee, Navajo Tribal Council, was established by Navajo Council Resolution CN-73-76 of November 11, 1976 (hereinafter "Committee").

(b) The Human Services Committee is hereby established and continued as a standing committee of the Navajo Tribal Nation Council.

Section 602. Purposes

The purposes of the Committee are as follows:

(1) To coordinate the Navajo Nation efforts with respect to the implementation and enforcement of Navajo Nation Labor and Veterans Laws and Policies.

(2) To monitor and coordinate Navajo efforts to work towards full employment with the Navajo Nation.

(3) To monitor and coordinate all Navajo efforts in training (pre-service and in-service), so as to permit Navajo workers to gain and develop skills necessary for gainful employment.

(4) To report quarterly to the Advisory Committee of the Navajo Tribal Council and to report annually to the Navajo Tribal Council about activities concerning labor relations, employment and training, affecting the Navajo Nation, and to recommend legislation to the Navajo Tribal Council in connection with such activities.

(5) To report annually to the Navajo Tribal Council about federal laws and regulations pertaining to labor relations, employment training affecting the Navajo Nation, and to recommend legislation to the Navajo Tribal Council in connection with such activities.

(6) To review and recommend approval to the Budget and Finance Committee of all federally funded contracts and subcontracts proposed by the Navajo Division of Labor.

(72) To coordinate all federal employment and training and veterans services programs to provide the most efficient delivery of services to the Navajo people.

Section 603. Membership; selection; Chairman and Vice Chairman; term of office

(a) The Committee shall consist of six eight (68) members of the Navajo Tribal Nation Council.

(b) All members of the Committee shall be selected by the Chairman of the Navajo Tribal Council to be concurred in by the Navajo Tribal Council and shall serve at the pleasure of the Navajo Tribal Council and the Chairman of the Navajo Tribal Council.

(c) The Chairman and Vice Chairman shall be selected by the Chairman of the Navajo Tribal Council.

(d) Committee members shall serve a term of office coincident with their term of office as a member of the Navajo Tribal Council or until their successor is appointed.

Section 604. Powers

(a) The Committee shall have all powers necessary and proper to carry out the purposes set forth in Section 602 of the Plan of Operation above.

(b) The Committee shall have the following powers:

(1) The Labor and Manpower Committee and the Board of the Office of Navajo Labor Relations, with the approval of the Advisory

Committee of the Navajo Tribal Council, is hereby delegated the authority to promulgate regulations for the enforcement and implementation of the labor laws and policies of the Navajo Nation and laws relating to veterans services.

(2) To represent the Navajo Nation in matters relating to labor, employment and training and veteran services.

(3) To represent the Navajo Nation in negotiations with labor organizations, management organizations, and federal and state agencies dealing with labor, employment and training.

(4) To negotiate intergovernmental agreements (IGA), which shall be subject to the approval of the Advisory Committee of the Navajo Tribal Council. (Recodified at 2 NTC Section 824 (b)(6))

(5) To review and recommend approval of any agreement calling for the expenditure of Navajo Nation funds, which shall be subject to the approval of the Budget and Finance Committee of the Navajo Tribal Council or the full Tribal Council. (Recodified at 2 NTC Section 185 (b))

(6) To provide for the compensation of Committee members in a manner consistent with that of other standing committees of the Navajo Tribal Council.

(73) To recommend to the Navajo Tribal Council, policies legislation regarding employment, training, promotional practices, and job entry level requirements and veteran services.

(84) In conjunction with the Education Committee of the Navajo Tribal Council, to oversee and to propose the establishment of any employment training center or institution under the jurisdiction of the Navajo Nation and to review, recommend or propose the adoption, amendment or rescission of its Plan of Operation.

(5) To serve as the oversight authority for Division of Human Resources.

Section 605. Meetings; procedures quorum

(a) Meetings shall be called by the Chairman of the Committee, the Chairman of the Navajo Tribal Council, or upon written request of any four (4) Committee members held on the first and third Monday of each month.

(b) All regular meetings shall be held at least twice monthly in Window Rock, Navajo Nation (Arizona), for the transaction of Committee business. Meetings held elsewhere must be authorized by written permission of the Chairman of the Navajo Tribal Council.

(eb) The Navajo Tribal Council shall designate other places, within or outside the Navajo Nation where offices may be established for any and all businesses of labor, employment and training concerns, and where meetings of the Labor and Manpower Committee and the Executive Director may be held. At any meeting, a quorum shall consist of six (6) members.

(d) Until such time as the Navajo tribal Council adopts procedures and rules for the conduct of Committee business, the Committee is empowered to develop its own procedure for the conduct of meetings, provided that all formal substantive action shall be taken by written resolution duly certified by the presiding officer, or memorialized by written memorandum setting forth the action taken and signed by the presiding officer and filed with the Central Records Department of the Navajo Nation.

Section 606- Subcommittees

(a) The Chairman or Vice Chairman of the Committee may appoint subcommittees to make recommendations, pertaining to the business of the Labor and Manpower Committee. No final action may be taken by any subcommittee without review and final approval by the Committee.

(b) Each subcommittee shall consist of members of the Labor and Manpower Committee.

(c) Membership of the subcommittees will be reimbursed for meeting expenses for each meeting during which a specific topic of business was conducted.

Section 607- Amendments

This Plan of Operation may be amended from time to time by the Advisory Committee of the Navajo Tribal Council.

Article 11. Reserved.

Article 12. Public Safety Committee

Section 661. Establishment

(a) The Law and Order Committee, Navajo Tribal Council, was established by Navajo Tribal Council Resolution CJ-21-55 on June 22, 1955 (hereinafter "Committee").

(b) The Public Safety Committee is hereby established and continued as a standing committee of the Navajo Tribal Council, and replaces the Law and Order Committee.

Section 662. Purposes

The purposes of the Committee are:

(1) To coordinate legislative activities relating to Administration, Police Services, Highway Safety, Fire and Rescue Services, Detention, Criminal Investigations and Reseures Protection emergency services within the Navajo Nation and such other activities as may hereafter be specifically delegated to the Division of Public Safety.

(2) To report annually to the Advisory Committee of the Navajo Tribal Council and to report annually to the Navajo Tribal Council, concerning Public Safety activities within the Navajo Nation and to recommend legislation to the Navajo Tribal Council, the legislature of the several states and the United States Congress in connection with such activities.

(3) To coordinate federal, state and Navajo law enforcement and emergency services activities, affecting the Navajo Nation toward the enhancement of an effective law enforcement system.

(4) To promote the efficient operation of the system of Public Safety and emergency services on the Navajo Nation by reviewing and recommending appropriate training of Division of Public Safety personnel.

(5) To review all resolutions and legislation affecting Public Safety activities on the Navajo Reservation.

Section 663. Membership ; selection; Chairman and Vice Chairman; term of office

(a) The Committee shall consist of ~~six~~ seven (67) members of the Navajo Tribal Nation Council, with at least one member from each of the five agencies included among the ~~six~~ (6) committee members.

(b) All members of the Committee shall be selected by the Chairman of the Navajo Tribal Council to be confirmed by the Navajo Tribal Council and shall serve at the pleasure of the Navajo Tribal Council or the Chairman of the Navajo Tribal Council.

(c) The Chairman and Vice Chairman of the Committee shall be selected by the Chairman of the Navajo Tribal Council.

Section 664. Powers

(a) The Committee shall have all powers necessary and proper to carry out the purpose set forth in section 662 of this Plan of Operation above.

(b) The Committee shall have the following powers:

(1) To represent the Navajo Nation in matters relating to law enforcement and emergency services as set forth in Section 662 of this Plan of Operation.

(2) To represent the Navajo Nation in negotiations with federal, state and regional law enforcement authorities, subject to the concurrence of any negotiated agreement:

(A) By the Chairman, Navajo Tribal Council;

(B) By the Advisory Committee, Navajo Tribal Council; and

(C) By the Budget and Finance Committee, Navajo Tribal Council, if the agreement calls for the expenditure of Navajo Nation funds.

(3) To provide for the compensation and reimbursement of Committee members in a manner consistent with that of all other standing committees of the Navajo Tribal Council.

(42) To coordinate all law enforcement related and Public Safety and emergency services activities of the Navajo Nation and its enterprises, as well as those activities of federal, state and regional agencies relating to Public Safety administration and planning.

(5) In coordination with the Transportation Committee, Navajo Tribal Council, to recommend to the Navajo Tribal Council appropriate traffic safety laws and regulations.

(6) To interview and participate in the selection of candidates, and to make recommendations for the position of Executive Director of Public Safety to the Chairman of the Navajo Tribal Council.

(73) To recommend to the Navajo Tribal Nation Council, the enactment, repeal or amendment of the Navajo Criminal Code or other law enforcement, traffic and safety and emergency services legislation.

(8) In conjunction with the Judiciary Committee, Navajo Tribal Council, to recommend to the Navajo Tribal Council and the Judiciary Branch, the enactment, repeal or amendment of the rules of criminal procedure.

(4) With the concurrence of the President of the Navajo Nation, declare states of emergency for the Navajo Nation or sections thereof.

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(5) To promulgate regulations and rules as may be necessary to carry out the purposes stated herein and the laws of the Navajo Nation concerning law enforcement and emergency services.

(6) To review and approve comprehensive emergency response and relief plans.

(7) To serve as Legislative oversight authority for the Division of Public Safety and emergency services.

Section 665. Meetings; procedures quorum

(a) Meetings shall be held on the call of the Chairman of the Committee, the Chairman of the Navajo Tribal Council, or upon written request of any four (4) members of the Committees second and fourth Monday of each month. At any meeting, a quorum shall consist of four (4) members.

(b) All Committee meetings shall be held at Window Rock, Navajo Nation (Arizona); for the transaction of Committee business. Meetings held elsewhere must be authorized by written permission of the Chairman of the Navajo Tribal Council. At any meeting, a quorum shall consist of five (5) members of the Committee.

(c) The Committee is empowered to develop its own procedures for the conduct of meetings until such time as the Tribal Council or the Advisory Committee shall adopt uniform rules for the conduct of Committee business, providing that all formal substantive action shall be taken by written resolution duly certified by the presiding officer, or memorialized by written memorandum, setting forth the action taken and signed by the presiding officer and filed with the Central Records Department of the Navajo Nation.

Section 666. Subcommittees

(a) The Committee is empowered to elect, and appoint by vote of full Committee membership, subcommittees to transact the business of the Committee.

(b) Each subcommittee shall consist of one or more members, all of whom shall be members of the Committee.

(c) Members of the subcommittee will be reimbursed for meeting expenses for each meeting during which a specific topic of business was transacted.

Section 667. Amendments

This Plan of Operation may be amended from time to time by the Advisory Committee, Navajo Tribal Council.

Article 13. Resources Committee

Section 691. Establishment

(a) The Resources Committee (hereinafter "Committee") of the Navajo Tribal Council was created by resolution of the Navajo Tribal Council dated July 15, 1950.

(b) The Resources Committee is hereby established and continued as a standing committee of the Navajo Tribal Nation Council.

Section 692. Definition of terms

As used within this article, the following definitions of term shall apply:

(1) COMMITTEE. The Resources Committee of the Navajo Tribal Council.

(2) RESOURCES. Any and all, Navajo-owned, controlled or claimed, natural, renewable, nonrenewable, cultural, leisure, and recreational resources which includes, but is not necessarily limited to, land, air, airways, water, minerals, wildlife, fish, forests, woodlands, vegetation, livestock and parks.

(3) SURFACE DISTURBANCE. The alteration of the land resources to an extent that would change its existing utilization (e.g., penetration of the land surface, however slight, disposition of materials upon the surface, withdrawal of rangelands for homesite purposes, etc.).

(4) NATURAL STATE. That which occurs or exists in the environment, not a result of man, inclusive of natural regeneration induced by man.

(5) REGULATION. A rule of conduct for which the penalty for violation does not entail imprisonment or does not entail civil forfeiture of more than \$10,000 per day.

(6) LAW. A rule of conduct established by the Navajo Tribal Council.

Section 693. Purposes

The purpose of the Resources Committee is (1) To insure the optimum utilization of all resources of the Navajo Nation on behalf of the Navajo Tribal Council and to protect the rights, and interests and freedoms of the Navajo Nation and People to such resources.

(2) To establish the Tribal policy with respect to utilization, management, and administration, of resources.

(3) To represent the Navajo Nation with respect to proposed legislation or actions affecting resources to appropriate federal, state, regional, administration and judicial bodies.

(4) To serve as the Central Grazing Committee.

(5) To oversee the rights of the Navajo Nation and its people to insure that their interest in resource utilization is protected.

(6) To oversee the development, review, authorize, and implement short and long range plans for optimum utilization of resources by the responsible divisions and agencies of the Navajo Nation.

(7) To recommend approve appropriation regulations governing the utilization of resources.

(8) To recommend to the Navajo Tribal Council appropriate laws to govern the utilization of resources.

(9) To oversee the enforcement and administration by responsible divisions or agencies of applicable Navajo and federal rules, regulations, guidelines, laws and administrative procedures in the development and utilization of resources.

(10) To oversee all activities within Tribal Parks and Recreation areas.

(11) To report quarterly to the Advisory Committee of the Navajo Tribal Council and to report annually to the Navajo Tribal Council on activities relating to resources.

Section 694. Membership; selection; Chairman; Vice Chairman; term of office

(a) The Committee shall consist of six eight (68) members of the Navajo Tribal Nation Council.

(b) The six (6) members shall be selected by the Chairman of the Navajo Tribal Council and shall serve at the pleasure of the Navajo Tribal Council.

(c) The Chairman and Vice Chairman shall be selected by the Chairman of the Navajo Tribal Council.

(d) Committee members shall serve a term of office coincident with their term of office as members of the Navajo Tribal Council or until their successor is appointed.

Section 695. Powers

The Resources Committee shall have the power:

- (1) To act as the Central Grazing Committee with oversight authority over all grazing matters within the Navajo Nation. In the discharge of this duty, the Committee shall at all times comply with the Indian Civil Rights Act of 1968, 25 U.S.C. section 1301 et. seq.
- (2) To review and recommend to the Advisory Committee of the Navajo Tribal Council, prior to formal adoption, all actions which may involve disposition of resources, surface disturbance, or alteration of the natural state of the resource. (This shall include leases, rights-of-way, land acquisition, energy development agreements, timber sales, and other agreements affecting resources proposed as benefiting and on behalf of non-Tribal members.) To give final approval of any land exchanges or, non-mineral leases, subleases or assignments of leases of Navajo land, right-of-way, prospecting permits, sand and gravel permits, and other licenses and usufructuary interests in Navajo land, including unrestricted (fee) land, in accordance with applicable federal and Navajo Nation laws.
- (3) To recommend to the Navajo Nation Council, all actions which may involve mineral leases, land acquisitions, and energy development agreements.
- (34) To recommend approve or disapproval for homesite leases, or certificate, land withdrawals for homesites or residential subdivisions, and rights-of-way, to or directly benefiting enrolled members of the Navajo Tribe and promulgate rules and regulations thereto. (See 2 NTC Section 1005(b)(12). Source CN-52-87)
- (45) To oversee and regulate of all activities within Tribal ranch Navajo Nation lands, including recommending approval or disapproval of leases, acquisition and all actions which may involve disposition or acquisition of resources, surface disturbance, or alteration of the natural state of the resource.
- (5) To provide for the compensation of Committee members in a manner consistent with that of all other standing committees of the Navajo Tribal Council.
- (6) To recommend approve or disapproval of an overall Resource Management Plan of the Navajo Nation, including the promulgation of regulations governing the designation and use of resources.
- (7) To review and recommend approve or disapproval of all water development projects utilizing Navajo water resources.

(8) To promulgate rules and regulations to carry out its powers, which shall include authority to issue cease and desist orders, or such orders as the Committee shall deem necessary and appropriate to enforce regulations and policies and to assess fines for violations of its regulations and orders.

(9) To recommend the levy and assessment of fines for violations of its regulations and orders.

(10) To inform and advise the Navajo Tribal Council and its committees with respect to such actions as may be necessary or appropriate to insure the optimum use of resources of any other purpose stated herein.

Section 696. Meetings; procedures quorum

(a) Meetings shall be held on the first second and third fourth Wednesday Thursday of each month when not in conflict with a session of the Navajo Tribal Council, at the call of the Chairman of the Committee, at the call of the Chairman of the Navajo Tribal Council or upon the request of four (4) members of the Committee.

(b) All meetings shall be held at Window Rock, Navajo Nation (Arizona), for the transaction of business. Meetings held elsewhere must be authorized by the Chairman of the Navajo Tribal Council.

(c) Until such time as the Navajo Tribal Council shall adopt rules and procedures for the conduct of Committee business, the Committee is empowered to adopt its own procedure for the conduct of meetings, provided that any formal, substantive action shall be initiated and undertaken by written resolution duly certified by the presiding officer, or memorialized by written memorandum setting forth the action taken and filed with the Central Records Department of the Navajo Nation.

(d) At any meeting, Aa quorum shall consist of at least four ~~six~~ (6) members of the Committee, in the absence of the Chairman or Vice Chairman, the members present shall select a Chairman Pro Tempore.

(e) The Committee may, from time to time, attend resource related training to further enhance their knowledge on resource matters with the permission of the Chairman of the Navajo Tribal Council.

Section 697. Subcommittees

(a) The Committee is empowered to elect, by vote of full Committee membership, subcommittees to transact the business of the Committee, consisting of membership deemed necessary by the

Committee, provided, however, that each subcommittee shall consist of not less than two (2) of its members who shall be required to be present during the conduct of business.

(b) Members of subcommittees will be reimbursed for meeting expenses for each meeting during which a specific topic of business was transacted.

Section 698. Amendments

This Plan of Operation may be amended from time to time by the Advisory Committee of the Navajo Tribal Council.

Article 14. Economic Development Committee

Section 721. Establishment and Definitions

(a) The Economic Development Committee (hereinafter referred to as the "Committee") by Resolution GJA-1-87 is hereby established and continued as a Standing Committee of the Navajo Tribal Nation Council.

(b) The Navajo Nation's "territorial jurisdiction" means all areas within the Navajo Nation as defined in F-7-N-T-C- Section 254.

(c) "Business purposes" means any persons, partnership, association, cooperative, company, corporation or other legal entity lawfully engaged in employment, occupation, profession, commercial or industrial activity for gain or livelihood.

Section 722. Purpose and Scope

The purpose of the Committee shall be to establish, amend, regulate and enforce and foster overall policies pertaining to the development of the economy of the Navajo Nation. The scope of the Committee's concerns shall extend to the encouragement, development and regulation, according to law, of all business activities within the Navajo Nation. The Committee shall endeavor, within its powers enumerated under Article IV.

(A) To create and foster a climate conducive to increasing business opportunities, through the establishment of clear, affirmative standards for approval of business leases, permits and licenses.

(B) To recommend changes in Tribal and Federal laws, regulations and procedures to reduce barriers to entry or expansion faced by businesses.

(C) To establish plans for investing Navajo Nation assets and resources, physical, financial and human (such as infrastructure development) that build the value of these

resources, provide incentives for business development and promote opportunities for employment.

(D) To protect the Navajo Nation's economic interests and individual rights through: (1) delegation of approval authorities to levels most appropriate to ensure accountability; and (2) diligent monitoring and legislative oversight of the conduct of business activities within the Navajo Nation and of the economic development and regulatory activities of the Navajo Tribal Government.

Section 723. Membership; selection; Chairman and Vice Chairman; term of office

(A) Membership

Membership of the Committee shall consist of Six (6) eight (8) members of the Navajo Tribal Nation Council with at least one member from each of the five agencies.

(B) Selection

All members of the Committee shall be selected by the Chairman of the Navajo Tribal Council and confirmed by the Navajo Tribal Council.

(C) Chairman and Vice Chairman

The Chairman and Vice Chairman of the Committee shall be selected by the Chairman of the Navajo Tribal Council. These two appointees shall be selected based on their education, experience and interest in the areas of business and economic and/or community development.

(D) Term of office

Committee members shall serve a term of office coinciding with their term of office as a member of the Navajo Tribal Council, or until their successor is appointed.

Section 724. Enumerated Powers ; right to appeal

A-(a) Generally

The Committee shall have all powers necessary and proper to carry out the purpose set forth in Article II of this Plan of Operation above.

B-(b) Leases, Permits and Licenses

1. The Committee shall approve, promulgate and amend regulations governing the leasing, permitting and licensing of Tribal Navajo Nation lands, including unrestricted (fee) lands for

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business purposes. This authority does not extend to use of tribal lands for resources (forestry, grazing, farmlands, ranches and parks), mineral and homesite purposes. Such regulations shall set forth the policies and standards to be followed in approving, amending, transferring or terminating business site leases, permits and licenses.

2. The Committee shall, in accordance with approved regulations, grant final approval of non-mineral business leases, permits, licenses and associated right-of-way for the use of Tribal Navajo Nation lands, including unrestricted (fee) lands for business purposes. The Committee's authority includes all business lease transactions, including industrial, shopping center and other commercial leases, subleases, modifications, assignments, leasehold encumbrances, and transfers, renewals and extensions, and terminations in accordance with all applicable laws.

3. The Committee may, at its discretion, delegate by written resolution such approval authority, including authorization to sign necessary documents on behalf of the Navajo Nation, over business site leases to such individuals as the Committee may deem proper including individuals in the Executive Branch of the Navajo Tribal Government, in accordance with Tribal law. (Codified at 2 NTC Section 222)

(a) The Committee shall hear and settle disputes relating to the interpretation or enforcement of its business site leasing regulations under this section by acting as an administrative hearing body, and shall resolve all other matters within its jurisdiction and authority relating to business leases, permits and licenses.

(b) The Committee shall act as the administrative hearing body under the Navajo Nation Business Preference Act (5 N.T.C. Section 201 et seq.).

E-(c) Economic Development Land Withdrawal

The Committee shall review and grant final approval of all land withdrawals for tribal economic development projects, subject to chapter approval and/or existing tribal Navajo Nation law regarding local land use control.

D-(d) Plans for Economic and Business Development

The Committee shall approve all proposed economic development plans which require the use of Navajo Tribal Nation funds and/or assets; shall be the central point of contact for all economic development activities; shall establish and approve the Navajo Nation Overall Economic Development Plan and Ten-Year Plan, including the priority lists for all economic and business

development projects funded by Tribal Navajo Nation and Federal funds; development plans for individual business site leases shall not be subject to such approval.

E-(e) Tribal Navajo Nation Enterprises and Other Entities

1. The Committee shall periodically receive reports and review the operations of the Tribal Navajo Nation enterprises, authorities and industries and shall recommend the creation, reorganization, termination or "privatization" of any enterprise to the Navajo Tribal Nation Council. The Committee shall also confirm appointments to enterprise boards.

2. The Committee shall jointly with Central Loan appropriate Standing Committees of the Navajo Tribal Nation Council, do all things necessary and proper to create an independent financial institution designed to provide credit and financing to the Navajo Nation business community.

F- Economic Development Funds - Authority to Allocate

The Committee shall have the authority to allocate, reallocate, cancel and review the use of Tribal funds generally appropriated for economic development projects subject to limitations imposed by the Navajo Tribal Council on such appropriations. (Recodified at 2 NTC Section 185(a))

G- Consulting Contracts

The Committee shall have the authority, subject to the budget of the Committee, to enter into consulting contracts for the purposes of assisting the Committee in the review of economic development related projects or proposals. (Recodified at 2 NTC Section 185(b))

H-(f) Tribal Laws and Regulations -- Commerce and Business; Taxation

1. The Committee shall propose or review all legislation relating to commerce and business within the Navajo Nation, and shall recommend the adoption or amendment of such laws to the Navajo Tribal Nation Council through the Advisory Committee.

2. The Committee shall, in consultation with the Navajo Tax Commission, make recommendations to the Navajo Tribal Nation Council regarding all taxation proposals affecting business or commercial activities.

3. The Committee shall have authority to hold public hearings to gather information for investigation and fact finding as a preliminary to the promulgation, interpretation and

enforcement of Navajo laws and regulations governing economic and business activities conducted within the Navajo Nation. (Recodified at 2 NTC Section 185(d))

I-(g) Office of Business and Economic Development; Oversight

The Committee shall serve as oversee the oversight committee operation of the Office of Business and Division of Economic Development or its successor in responsibility, including those activities which deal with the planning, development, promotion and oversight of economic development activities. The Office of Business and Economic is responsible for implementation of Economic Development Committee policies and directives. The Office of Business and Economic Development shall provide staff services to the Economic Development Committee. The Office of Business and Economic Development shall report at least quarterly to the Committee on its activities.

J. Review and Coordination with other Committees

The Committee shall review and coordinate with other Standing Committees of the Navajo Tribal Council on issues which are related or may have an effect on economic and business development. (Recodified at 2 NTC Section 185(e))

K-(h) Other Powers

1. The Committee shall have the power to represent, or designate individuals to represent, the Navajo Nation in matters related to Tribal economic development.

2. To represent the Navajo Nation in negotiations with federal, state and regional economic development authorities, subject to guidelines established by the Navajo Tribal Council and/or the Budget and Finance Committee of the Navajo Tribal Council.

3. To coordinate efforts with all Tribal and federal entities to establish comprehensive socioeconomic and geographical information systems for the Navajo Nation.

Section 725. Meetings; procedures reimbursement quorum

A-(a) Meetings

1. Meetings shall be held on the first and third Wednesday of each month. Special meetings shall be held upon the call of the Chairman of the Committee, the Chairman of the Navajo Tribal Council, or upon written request of any four (4) members of the Committee. At any meeting a quorum shall consist of four (4) members. In the absence of the Chairman or Vice Chairman, the members present shall select a Chairman Pro Tempore.

2. Committee meetings shall be held in Window Rock, Navajo Nation (Arizona), for the transaction of Committee business. Meetings held elsewhere must be authorized by written permission of the Chairman of the Navajo Tribal Council.

B. (b) Voting Quorum

A majority vote of a quorum of members present at any meeting, a quorum shall consist of six (6) members of the be necessary for any Committee action.

C. Procedures

1. The Committee is empowered to adopt its own procedures for the conduct of meetings and may elect to use Robert's Rules of Order. Minutes of meetings shall be recorded and transcribed copies filed with Central Records Department of the Navajo Tribe.

Section 726. Subcommittees

A. The Chairman or Vice Chairman of the Committee may appoint subcommittees to make recommendations pertaining to the business of the Committee. Subcommittee recommendations must be presented to the Committee for full review and final approval.

B. Each subcommittee shall consist of not less than three (3) of its members which shall be required to be present during the conduct of assigned business.

Section 727. Conflict of Interest

Committee members who have personal business interest or close family relationships in business or personal matters brought before the Committee will not be eligible to participate in any Committee proceedings or to vote on the conflicting subject matter. The Committee shall comply with the Navajo Nation Ethics in Government Act in the conduct of Committee business.

Section 728. Amendments

This Plan of Operation may be amended from time to time by the Committee subject to the approval of the Advisory Committee of the Navajo Tribal Council.

Article 15. Emergency Services Coordinating Committee Reserved.
(Consolidated with Public Safety Committee)

Section 751. Establishment

(a) The Emergency Services Coordinating Committee (hereinafter "Committee") was established as a standing committee of the Navajo Tribal Council by Navajo Tribal Council Resolution CJA-2-79, on January 25, 1979.

(b) The Committee is hereby continued as a Standing Committee of the Navajo Tribal Council.

Section 752- Membership

(a) The Emergency Services Coordinating Committee shall have six (6) members, each of whom shall be Navajo Tribal Council delegates.

(b) All members of the Emergency Services Coordinating Committee shall be selected and appointed by the Chairman of the Navajo Tribal Council to be confirmed by the Navajo Tribal Council, and to serve at the pleasure of the Navajo Tribal Council or the Chairman of the Navajo Tribal Council.

(c) The Chairman and Vice Chairman of the Emergency Services Coordinating Committee shall be selected from among the members of the Emergency Services Coordinating Committee by the Chairman of the Navajo Tribal Council.

(d) The term of office of Committee members shall coincide with their term of office as members of the Navajo Tribal Council.

Section 753- Purposes

The purpose of the Committee are:

(1) To coordinate all emergency and disaster relief services of the Navajo Nation.

(2) To coordinate all emergency and disaster relief activities with the United States Government (its department, divisions, and agencies), the state and county governments, private foundations, charitable organizations and groups.

(3) To initiate, coordinate and assist in implementing a comprehensive plan to reduce or, if feasible, to eliminate human, cultural, stock, farm and financial losses through prevention, training and communication.

(4) To recommend to the Navajo Tribal Council, legislation and further action in regard to natural and man-made emergency and relief services and actions.

Section 754- Powers

(a) The Committee shall have all powers necessary and proper to carry out the purposes set forth in section 753 of this Plan of Operation.

(b) The Committee shall have the power:

(1) With the concurrence of the Chairman of the Navajo Tribal Council, to declare states of emergency affecting the Navajo Nation or any section thereof. (Recodified at 2 NTC Section 664(8).

(2) On behalf of the Navajo Nation, to assist in seeking assistance from federal, state, local and private agencies.

(3) To obtain, coordinate and oversee assistance, whether in the form of goods, services, equipment, motor vehicles, or personnel, from all divisions, departments and enterprises of the Navajo Nation for use in addressing the requirements of the people in any declared emergency.

(4) Within its approved budget, to execute contracts and other agreements for goods and services.

(5) Within its approved budget, to employ such person as may be necessary to carry out the responsibilities of the Committee.

(6) To establish offices within the Navajo Nation for the transaction of business.

(7) To provide for the compensation of Committee members in a manner consistent with that of committees of the Navajo Tribal Council, provided that travel throughout or off the reservation by fewer than a quorum of Committee members shall be reimbursed if authorized by the Chairman of the Emergency Services Coordinating Committee.

(8) To establish such subcommittees as it deems appropriate and to delegate to such subcommittees, the authority it deems proper.

(9) To ensure accountability by establishing specific policies, procedures and guidelines for the use of fund, goods, services or any type of assistance intended for use in meeting the requirements of the people in any declared emergency.

Section 755. Meetings

Meetings shall be held on the call of the Chairman and Vice Chairman of the Emergency Services Coordinating Committee, the Chairman of the Navajo Tribal Council, or upon request of any three (3) members of the Emergency Services Coordinating Committee.

For the purpose of obtaining timely action in emergency setting, at any meeting, a quorum shall consist of three (3) members.

Section 756. Procedures

Until such time as the Navajo Tribal Council adopts rules and procedures for the conduct of Committee business, the Emergency Services Coordinating Committee is empowered to develop its own procedures for the conduct of meetings, provided that any formal substantive action shall be taken by written resolution duly certified by the presiding officer and filed with the Records Department of the Navajo Nation.

Section 757- Amendments

The Plan of Operation may be amended from time to time by the Advisory Committee of the Navajo Tribal Council.

Article 17. Transportation and Roads Committee Reserved.
(Consolidated with Community Development Committee)

Section 801- Establishment

(a) The Transportation and Roads Committee (hereinafter "Committee"), Navajo Tribal Council, was established by Navajo Tribal Council Resolution CJA-7-71 of January 3, 1971.

(b) The Committee is hereby continued as a standing committee of the Navajo Tribal Council.

Section 802- Purposes

(1) To be responsible for coordinating activities of the Navajo Nation for planning and development of all transportation (air, rail and surface) activities, including Tribal enterprises within the Navajo Nation.

(2) To report quarterly to the Advisory Committee of the Navajo Tribal Council and to report annually to the Navajo Tribal Council, concerning activities relating to transportation within the Navajo Nation and to recommend transportation legislation to the Navajo Tribal Council, the legislatures of the several states, and the United States Congress, in connection with such activities.

(3) To monitor the progress of and participate in, as necessary, related transportation planning and development activities within the states of Arizona, New Mexico and Utah.

(4) To represent the Navajo position with respect to proposed legislative and administrative action affecting transportation to appropriate federal, state and regional legislative, administrative and judicial bodies.

(5) To coordinate activities and establish policies for the Navajo Nation Division of Transportation with respect to air, rail and road transportation.

(6) To be responsible for the coordination of negotiated funding levels with the BIA and other state, county and federal agencies.

(7) To recommend legislation for licensing of motor vehicles, issuance of drivers' licenses, and to regulate commercial and noncommercial (air, rail and surface) traffic within the Navajo Nation.

Section 803. Membership; Selection; Chairman and Vice Chairman; Term of Office

(a) The Committee shall consist of six (6) members of the Navajo Tribal Council, with at least one member from each of the five agencies included among the six (6) Committee members.

(b) All members of the Committee shall be selected by the Chairman of the Navajo Tribal Council, to be confirmed by the Navajo Tribal Council, and to serve at the pleasure of the Navajo Tribal Council or the Chairman of the Navajo Tribal Council.

(c) The Chairman and Vice Chairman of the Committee shall be selected by the Chairman of the Navajo Tribal Council.

(d) Committee members shall serve a term of office coincident with the term of office as members of the Navajo Tribal Council or until their successor is appointed.

Section 804. Powers

(a) The Committee shall have all powers necessary and proper to carry out the purposes set forth in section 802 of this Plan of Operation.

(b) The Committee shall have the following powers:

(1) To represent the Navajo Nation in matters relating to air, rail and road transportation.

(2) To represent the Navajo Nation in negotiations with federal, state and regional transportation authorities and enter into agreements, subject to the ratification of any negotiated agreement:

(A) by the Advisory Committee, Navajo Tribal Council, and/or

(B) by the Budget and Finance Committee, Navajo Tribal Council, if the agreement calls for the expenditure of Navajo Nation funds.

(3) To hold monthly meetings at Window Rock, Navajo Nation, for the transaction of Committee's business.

(4) To hold meetings at other locations, as approved by the Chairman of the Navajo Tribal Council.

(5) To conduct business in the name of the Navajo Nation with the Committee's delegated area of authority and responsibility.

(6) To provide for the compensation and reimbursement of Committee members in a manner consistent with that of all other standing committees of the Navajo Tribal Council.

(7) To coordinate all transportation related activities of the Navajo Nation and its enterprises, as well as those activities of federal and state agencies relating to transportation development and planning.

(8) To coordinate activities of the Agency Roads Committee and establish policy and monitor the activities of the Division of Transportation.

(9) To develop, maintain and update a priority list of road and airport facility construction and maintenance within the Navajo Nation.

(10) In coordination with the Public Safety Committee of the Navajo Tribal Council, to recommend to the Navajo Tribal Council appropriate traffic safety laws and regulations.

(11) To study the desirability and feasibility of imposition of road and airport use charges, as well as the licensing of common carriers (air and ground) within the Navajo Nation, and when and if authorized by the Navajo Tribal Council, to coordinate administration of such rules and regulations and use charges as may be adopted by the Navajo Tribal Council.

Section 805. Meetings; procedures

(a) Meetings shall be held at the call of the Chairman of the Committee, the Chairman of the Navajo Tribal Council, or upon written request of any four (4) members of the Committee. At any meeting, a quorum shall consist of four (4) members.

(b) All Committee meetings shall be held at Window Rock, Navajo Nation (Arizona), for the transaction of Committee business. Meetings held elsewhere must be authorized by the Chairman of the Navajo Tribal Council.

(c) Until such time as the Navajo Tribal Council adopts rules of procedure, the Committee is empowered to develop its own procedure for the conduct of meetings, provided that all formal substantive action shall be taken by written resolution duly certified by the presiding officer, or memorialized by written memorandum setting forth the action taken and signed by the

presiding officer and filed with the Central Records Department of the Navajo Nation.

Section 806. Subcommittees

(a) The Committee is empowered to elect, by vote of the full committee membership, subcommittees to transact the business of the Committee.

(b) Each subcommittee shall consist of at least one (1) member who shall be a member of the Committee.

(c) Members of the subcommittees will be reimbursed for meeting expenses for each meeting during which a specific topic of business was transacted as authorized by the full Committee.

Section 807. Amendments

This Plan of Operation may be amended from time to time by the Advisory Committee of the Navajo Tribal Council.

Article 18. Intergovernmental Relations Committee

Section 821. Establishment

The Intergovernmental Relations Committee is hereby established as a standing committee of the Navajo Nation Council.

Section 822. Purposes

The purposes of the Committee are:

(1) To coordinate all federal, county and state programs with other standing committees and branches of the Navajo Nation government to provide the most efficient delivery of services to the Navajo Nation.

(2) To ensure the presence and voice of the Navajo Nation.

Section 823. Membership; selection; Chairperson

(a) The Committee shall consist of the Speaker of the Navajo Nation Council and the Chairpersons of the Navajo Nation Council Standing Committees. In absence of the Chairperson of a Standing Committee, the Vice Chairperson shall represent the Standing Committee.

(b) The Chairperson of the Committee shall be the Speaker of the Navajo Nation Council.

(c) In the absence of the Speaker, the members of the Committee may select a Chairperson Pro Temp.

Section 824. Powers

(a) The Committee shall have all the powers necessary and proper to carry out the purposes set forth above.

(b) The Committee shall have the following powers:

(1) To serve as the oversight committee for the Office of Legislative Services and other offices, programs, commissions, boards, or task forces under the Legislative Branch of the Navajo Nation government and to approve and amend plans of operation therefore.

(2) To assist and coordinate all requests for information, appearances, and testimonies relating to proposed county, state and federal legislation impacting the Navajo Nation.

(3) To review and continually monitor the programs and activities of federal and state departments and to assist development of such programs designed to serve the Navajo people and the Navajo Nation through intergovernmental relationships between the Navajo Nation and such departments.

(4) To authorize, review, approve and accept any and all contracts, grants and associated budgets with the United States, its departments and agencies for the implementation of the Indian Self-Determination and Education Assistance Act as amended upon the recommendation of the standing committee which has oversight of the division, department or program applying for the contract and/or grant.

(5) To coordinate with all committees, chapters, branches and entities concerned with all Navajo appearances and testimonies before Congressional committees, departments of the United States Government, state legislatures and departments and county and local governments.

(6) To authorize, review, approve and accept agreements, including contracts and grants, between the Navajo Nation and any federal, state or regional authority upon the recommendation of the standing committee which has oversight of the division, department or program which has applied for the agreement.

(7) To recommend to United States departments and agencies, the states and various regional agencies, the appointment of individuals who, in the judgment of the Committee, will fulfill the requirements of their office and serve the interests of the Navajo Nation.

(8) To continually monitor contracts with state, federal and regional entities to ensure compliance with applicable laws, regulations and contract terms.

(9) To review and approve the negotiation and setting of the Navajo Nation's indirect cost or administrative cost rate agreements with the cognizant federal agent. When in the best interest of the Nation, the Committee may waive the indirect cost or administrative cost rate when:

(a) The division, department or program requesting the waiver demonstrates a statutory and/or regulatory requirement that limits the indirect cost or administrative cost rate available for a particular grant or contract, or

(b) There is a showing of necessity and a commitment of available general funds, by the division, department or program requesting the waiver, which is available to offset the loss in indirect costs or administrative costs.

(10) To review and approve the distribution of funds appropriated or allocated to assist enrolled Navajos residing in outside the Navajo Nation.

Section 825. Meeting; quorum

(a) Regular meetings shall be held on the first and third Monday of each month.

(b) At any meeting, a quorum shall consist of a simple majority of the total membership of the Committee.

Article 19. Ethics and Rules Committee

Section 831. Establishment

(a) The Ethics Committee of the Navajo Tribal Council, (hereinafter "Committee") was established by Navajo Tribal Council Resolution CJA-1-83 dated January 25, 1983.

(b) The committee is hereby designated as the Ethics and Rules Committee of the Navajo Tribal Nation Council is hereby established and continued as a standing committee of the Navajo Tribal Nation Council.

Section 832. Purposes

The purposes of the Ethics and Rules Committee are as follows:

(1) To represent the interests insure that public officials and affected employees of the Navajo Nation in maintaining are held to the highest standards of ethical conduct by the elected and appointed public officials, officers and representatives of the Navajo Nation, in the performance of their public and official duties and functions.

(2) To maintain and make available for official information, complete and current written records of all laws, resolutions, rules, regulations and other official enactments, rulings, decisions or opinions relating to requirements, prohibitions or standards of ethical conduct or disclosure by elected and appointed public officials, officers, employees and representatives of the government of the Navajo Nation; together with current and complete records of such written disclosures as may be required by the laws of the Navajo Nation.

(32) To protect the interests of the Navajo people in provide for fair and honest and efficient conduct of the government of the Navajo Nation, in accordance with the laws of the Navajo Nation and the will of the Navajo people; through review, recommendation and sponsorship of projects, legislation, rules and standards in furtherance of these ends.

(4) To report quarterly to the Advisory Committee of the Navajo Tribal Council and annually to the Navajo Tribal Council, concerning all matters relating to the purposes enumerated herein.

Section 833. Membership; selection; Chairman and Vice Chairman; term of office

(a) The Committee shall consist of six eight (68) members delegates of the Navajo Tribal Nation Council.

(b) All members of the Committee shall be selected by the Chairman of the Navajo Tribal Council and their appointments confirmed by the Navajo Tribal Council and shall serve at the pleasure of the Navajo Tribal Council.

(c) The Chairman and Vice Chairman of the Ethics and Rules Committee shall be selected by the Chairman of the Navajo Tribal Council; their appointments confirmed by the Navajo Tribal Council; and they shall serve at the pleasure of the Navajo Tribal Council and/or the Chairman of the Navajo Tribal Council.

(d) Committee members shall serve a term of office coincident with their term of office as a member of the Navajo Tribal Council or until their successors are appointed. In the event of prior vacancy of office, the Chairman of the Navajo Tribal Council may appoint a member of the Navajo Tribal Council to fill such vacancy for the remainder of the term.

Section 834. Powers

(a) The Committee shall have all the powers necessary and proper to carry out the purposes set forth in section 832 of this Plan of Operation above.

(b) The Committee shall have the power:

(1) To conduct business in the name of the Navajo Nation within the Committee's delegated areas of authority and responsibility at any convenient place and to make provision for Committee compensation, facilities, services, and any other items necessary for Committee business.

(21) To review and recommend or sponsor proposed rules of procedure for the effective and efficient conduct of the governmental functions of the Navajo Tribal Nation Council for approval and adoption by the Navajo Tribal Council its Committees.

(32) To review and recommend such Tribal legislation, standards of conduct, rules and regulations including required statements of disclosure of economic interests of public officials and employees for adoption by the Navajo Tribal Council and other appropriate Navajo Tribal government bodies or entities as will, in the opinion of the Committee, serve to maintain the highest standards of ethical conduct in the functions of the Navajo Tribal Nation Government and its administrative or political subdivisions, by its elected and appointed officials, officers and representatives.

(4) To receive and consider complaints and charges against appointed and elected public officials, officers, employees and representatives of the government of the Navajo Nation and its administrative or political subdivisions alleging violation of or failure to comply, in whole or in any part, with such laws, standards, rules and regulations of the Navajo Nation pertaining to ethical conduct and disclosure of economic interests in the course of the performance and functions of their official duties and responsibilities. All complaints including those of the Committee or any of its members shall be in writing and verified by the complainant. (Codified at 2 NTC Section 3756(10))

(5) The Committee may examine and review information provided in such disclosure statements of public and governmental officials as may be required by the laws of the Navajo Nation and in furtherance thereof, shall have the power to administer oaths and to request the production of relevant information by subpoena. (Codified at 2 NTC Section 3756(7))

(6) The Committee may examine and/or refer such matters to other lawful and appropriate governmental bodies of the Navajo Nation, including the conduct of hearings in accordance with due process of law and as authorized and directed by the Navajo Tribal Council or provisions of Navajo Tribal law, pertaining to the merits of any complaints or charges described in paragraph (4) above; and shall adopt such rules and regulations for the conduct of such examinations and hearings as may be consistent with provisions of Navajo Tribal laws and approved by the Navajo Tribal Council. (Codified at 2 NTC Section 3756(10) & (11))

(7) The Committee shall make such findings, determinations and recommendations to the Navajo Tribal Council or other appropriate governmental body or agency of the Navajo Nation pursuant to its examination and hearings set forth in paragraph (6) above, as may be authorized or directed by the Navajo Tribal Council or appropriate provisions of Navajo Tribal law. If the Committee finds that the facts alleged in the complaint are not true it shall dismiss the complaint and a copy of the report of such dismissal shall be sent to the person filing the complaint, the public officer against whom the complaint is filed, and the Chairman of the Navajo Tribal Council. If the Committee finds, based upon a preponderance of the evidence, that there is probable cause to believe that the facts alleged in the complaint are true and constitute a violation of the laws of the Navajo Nation, it shall report its finding and recommendations to the person filing the complaint, the public or governmental official, officer, employee or representative of the Navajo Nation against whom the complaint is filed, the Advisory Committee of the Navajo Tribal Council, for referral to other appropriate Navajo Tribal governmental bodies and where applicable, to appropriate law enforcement agencies for proceedings according to applicable law. (Codified at 2 NTC Section 3756(10))

(3) To perform the duties and responsibilities delegated by and implement the provisions of the Navajo Nation Ethic in Government Law, 2 NTC 3752, et. seq., and such other authority as may be delegated from time to time.

(4) To provide for the compilation and publication of all Navajo Nation laws, rules and regulations.

(5) To review and recommend an agenda for all Navajo Nation Council sessions.

(6) To promulgate such rules and regulations as necessary to execute its authority.

(7) To serve as the oversight authority for the Ethics and Rules Office.

(8) To review and recommend referendums and initiatives to the Navajo Nation Council.

(9) To appoint a Director of the Ethics and Rules Office of the Navajo Nation who will serve at the pleasure of the Committee.

Section 835. Meetings; procedures; conflict of interest quorum

(a) Meetings shall be held on the call of the Chairman of the Committee, the Chairman of the Navajo Tribal Council, or upon written request of any three (3) members of the Committee, first and third Friday of each month.

(b) Until adoption of written procedure rules for Committees of the Navajo Tribal Council, the Committee is empowered to develop its own procedure for the conduct of meetings, provided that all formal substantive action shall be taken by written resolution duly certified by the presiding officer, or memorialized by written memorandum setting forth the action taken. At any meeting, a quorum shall consist of six (6) members of the Committee.

(c) In the event that any member of the Committee is the subject of a complaint or if any members has a conflicting personal economic interest in any business pending before the Committee, then the Advisory Committee of the Navajo Tribal Council shall sit as the Ethics and Rules Committee, and in all such proceedings the Advisory Committee shall have and exercise all powers and duties conferred on the Ethics Committee by this Plan of Operation.

Section 836- Political practices

The Committee shall, at all times, refrain from using any information or conducting any proceeding for the purpose of causing harm or injury to the political standing or reputation of any member of the Navajo Tribal Council or the Chairman and Vice Chairman of the Navajo Tribal Council.

Section 837- Subcommittees

(a) The Chairman or Vice Chairman of the Committee may appoint subcommittees to make recommendations pertaining to the business of the Ethics and Rules Committee. No final action may be taken by any subcommittee without full review and final approval by the Committee.

(b) Each subcommittee shall consist of members of the Ethics and Rules Committee.

(c) Members of the subcommittee will be reimbursed for meeting expenses for each meeting during which its assigned business was conducted.

Section 838- Executive Director and staff

The Committee and the Executive Director of the Office of Legislative Affairs are authorized, within the amounts budgeted therefor, to employ an Executive Director and such administrative and secretarial staff, administratively responsible to the Executive Director of Office of Legislative Affairs and the Chairman of the Committee, as the Committee shall determine necessary to perform its functions as authorized and directed under the Navajo Nation Ethics in Government Law (2 N.T.C. 3751-3761).-- Such personnel shall be subject to Navajo Tribal personnel compensation, benefits, policies and procedures.

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Section 839- Amendments

This Plan of Operation may be amended from time to time by the Advisory Committee of the Navajo Tribal Council and in accordance with the provisions of the Navajo Nation Ethics in Government Law (2 N.T.C. 3751-3761)-as-amended-from-time-to-time---

Article 20- Navajo Veterans Committee Reserved (Consolidated with the Human Services Committee)

Section 841- Establishment

The Navajo Veterans Committee (hereinafter referred to as the "Committee") is hereby established as a Standing Committee of the Navajo Tribal Council.

Section 842- Purposes

The Navajo Veterans Committee's purposes shall be:

A- To identify, assess and prioritize the special needs of Navajo Veterans, their dependents and survivors, including unmarried survivors, widows/ers, Gold Star Mothers and children of deceased Navajo veterans.

B- To seek and identify additional funding sources and make recommendations for the implementation and expansion of established programs of the divisions and offices of the Navajo Nation for necessary assistance to the Navajo Veterans.

C- To oversee compliance with applicable Tribal and Federal laws and efficient implementation by all programs of the Navajo Nation which affect the special needs and interests of Navajo Veterans and to recommend policies regarding Navajo veterans to the Navajo Tribal Council and its respective communities which consider and are consistent with acceptable traditional and customary practices of the Navajo people.

D- To oversee compliance with the fiscal and administrative policies of the Budget and Finance Committee of the Navajo Tribal Council, the Division of Administration and Finance and the Office of Management and Budget of the Navajo Nation, in the implementation of funding appropriated by the Navajo Tribal Council for all programs affecting the special needs and interests of Navajo Veterans.

E- To seek the establishment and funding of health care facilities for Navajo Veterans on the Navajo Reservation.

F- To adopt, amend and or rescind operating policies and guidelines pertaining to program services and benefits provided by the Office of Navajo Veteran Affairs.

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G. To monitor and oversee Navajo Nation efforts towards employment of Navajo Veterans, business preference for Navajo Veterans, and to seek out other services and benefits for Navajo Veterans provided by other Veteran agencies and special interest groups.

Section 843. Membership; Selection; Chairman and Vice Chairman; term of office.

A. Membership

The Committee shall consist of six (6) members of the Navajo Tribal Council.

B. Selection

The Committee shall be selected as follows:

1. The members of the Committee shall be selected by the Chairman of the Navajo Tribal Council and confirmed by the Navajo Tribal Council.

2. One member of the Committee shall be selected from each Agency together with one member at large.

C. Chairman and Vice Chairman

The Chairman and Vice Chairman of the Committee shall be selected by the Chairman of the Navajo Tribal Council. These two candidates shall be selected based on their education, experience and interest in the area of advocating for the Navajo Veterans.

D. Term of Office

Committee members shall serve a term of office coinciding with the terms of office for members of the Navajo Tribal Council or until their successors are appointed.

Section 844. Powers

A. General

The Committee and its officers shall, consistent with all applicable Tribal and Federal laws, have all powers necessary and proper to carry out the purposes set forth in Section II of this Plan of Operation.

1. To adopt written policies and guidelines together with amendment thereof from time to time, for implementation of the purposes set forth in this Plan of Operation, subject to all approved laws, rules, regulations and policies of the Navajo Nation.

2. To disseminate by print, electronic media or otherwise, information regarding assistance available to Navajo Veterans and Navajo Veteran's activities, problems, needs and concerns.

3. To foster and support the implementation of duly approved Navajo Veteran's preference and benefits, including but not limited to such areas as health care, vision and dental services, psychological counseling, housing, personal financial assistance, small business assistance, education, vocational training, preference in hiring, business, contracting and legal assistance.

4. To foster and oversee the application of traditional Navajo values in restoring or securing harmony, balance, and cooperation among Navajo Veterans.

5. To represent the Navajo Nation, in consultation and coordination with responsible committees and the Chairman/Vice Chairman of the Navajo Tribal Council, before federal, state, tribal and local officials, legislative committees and administrative agencies and other bodies to advocate for the rights and needs of Navajo Veterans.

6. To encourage, support and coordinate local participation in community organizations of Navajo Veterans in policy making which affects Navajo Veterans, their families and communities. The Committee is the authorized and appropriate tribal government agency to provide general oversight, support and coordination for tribal recognized local and community Navajo Veteran's organizations; to review and approve all local and community organization Plans of Operation, by laws and Articles of Incorporation; to foster local implementation and control of their programs and affairs; and to promote support and cooperation with such local groups and organizations of Navajo Veterans in obtaining their rights, entitlements, and assistance under Federal, State and Tribal laws.

7. To report quarterly to the Navajo Tribal Council, and from time to time to the Advisory Committee of the Navajo Tribal Council, on the status of Navajo Veteran Affairs. The Committee is authorized to consult with local community groups and organizations of Navajo Veterans, for inclusion in the Committee's reports to the Navajo Tribal Council and Advisory Committee, respectively.

8. Where necessary and with review and consultation with appropriate committees of the Navajo Tribal Council, to recommend proposed legislation or amendments to legislation affecting the interests, needs and concerns of Navajo Veterans.

9. To seek the establishment and funding of health care facilities for the Navajo Veterans on the Navajo Reservation.

10. To review and recommend for approval all agreements and contracts negotiated with federal, state, tribal, local, Veterans agencies, or private authorities to the appropriate Committee of the Navajo Tribal Council, Central Loan Committee, Budget and Finance Committee or the Advisory Committee of the Navajo Tribal Council.

11. To provide for the compensation of Committee members in a manner consistent with that of other standing committees of the Navajo Tribal Council.

12. To prepare and recommend a Committee budget each fiscal year for submission to the Office of Legislative Affairs of the Legislative Branch of the Navajo Tribal Council.

Section 845. Meetings; Procedures

A. Meetings

1. All regular meetings of the Committee shall be held on the second Thursday of each month, and whenever called by the Chairman of the Committee, the Chairman of the Navajo Tribal Council, or upon written request of any four (4) members of the Committee.

2. All meetings shall be held at Window Rock, Navajo Nation (Arizona), for the transaction of regular Committee business unless another location is designated by the Chairman of the Committee for special purposes. Meetings held elsewhere must be authorized by the Chairman of the Navajo Tribal Council.

3. At any meeting, a quorum shall consist of any four (4) members present and voting.

4. If the Chairman of the Committee is not present at any regular or special meeting of the committee, the Vice Chairman shall serve as presiding Chairman or officer of the meeting. If the Vice Chairman is not present, a presiding officer shall be selected by a majority vote of those Committee members present at the meeting.

5. Compensation and reimbursement shall be provided for all necessary and proper expenses incurred by the Committee consistent with expense and reimbursement procedures developed by the Legislative Office and approved by the Navajo Tribal Council.

B. Voting

A majority vote of a quorum of members present and voting at any meeting shall be necessary for any Committee action.

C. Technical Advice

At the discretion of the Committee, it may request the attendance of Federal, State, Tribal and local Veterans organizations and/or Veterans interest groups of their regular or special meetings, including but not limited, to the Veterans Administration, Veterans Administration Medical Center, State Veterans Administration Personnel, Navajo Tribal Division and Department Directors, and local Veterans Organizations Officers to report on current and new developments for Navajo Veterans. Whenever possible and feasible, other Federal, State, Tribal and local agencies, groups and individuals may be requested to provide technical assistance to the Committee. Additionally, the Navajo Nation Washington Office shall advise the committee on any and all current and the new legislations concerning veterans in general and specifically on all legislation affecting Navajo Nation veterans.

D. Procedure

Until such time as the Navajo Tribal Council shall adopt procedures and rules for the conduct of Committee business, the Committee is empowered to develop its own procedures for the conduct of meetings, and the submission of requests for Committee action, provided that all formal substantive action shall be taken by written resolution duly certified by the presiding officer, or memorialized by memorandum setting forth the action taken and signed by the presiding officer and filed with the Central Records Department of the Navajo Nation.

VI. Subcommittees

The Committee is empowered to create, by appointing of the presiding officer and the concurrence of the Committee, subcommittees to research the concerns and issues of the Navajo Veterans and to review and make recommendations on Navajo Veterans services, benefits and other new and continuing program projects. Subcommittee recommendations must be presented to the Committee for full review and final approval.

A. Membership

Each subcommittee shall consist of not less than two (2) members, all of whom shall be members of the Committee.

B. Reimbursement

Members of the subcommittees shall be reimbursed for meeting expenses incurred for attendance at any meeting where assigned or designated business is conducted upon presentation of the subcommittees report to the full committee.

Section 847. Conflict of Interest

Committee members who have personal business interests or close family relationships in business or personal matters brought

before the Committee will not be eligible to vote on the conflicting matters in accordance with the Navajo Nation in Ethics in Government Law.

Section 848. Amendment to Plan of Operation

This Plan of Operation may be amended from time to time by the Advisory Committee of the Navajo Tribal Council.

Subchapter 11. Boards and Commissions

Article 1. Victims' Rights Commission

Section 851. Establishment

There is hereby established under the Navajo Tribal Council, a Commission to be known as the Navajo Victims' Rights Commission.

Section 852. Place of business

The Commission's head office and principal place of business shall be in Window Rock, Navajo Nation (Arizona), but other offices and places for conducting business, both within and without the Navajo Nation, may be established from time to time by the Commissioners.

Section 853. Purpose

The purpose of the Commission shall be to aid in enforcing the rights of the actual and potential Indian victims of crime, and by assisting those who have become victims of crime, and by examining the problems of crime as they exist on the Navajo Reservation and taking action to attempt to prevent victimization.

Section 854. Authority, duties and responsibilities

Within the constraints of the Navajo Tribal Government, the Commission shall have the power to take any and all actions deemed necessary and appropriate for the accomplishment of its purpose and within the general powers of the foregoing, the Commission shall have the following specific powers:

(1) To hold investigations to inquire into the nature, amount and causes of victimization in Navajo country;

(2) To make recommendations to the Navajo Tribal Council to ensure that, within constitutional limitations, the law enforcement authorities have the proper legal tools to enforce the laws effectively, thereby preventing the victimization of Indian people;

(3) To appear before Tribal, State and Federal bodies and agencies as representatives of the victims of crime to ensure proper recognition and enforcement of the victim's rights, and to make recommendations for changes in the criminal justice system, within constitutional limitations, which would help prevent victimization;

(4) To assist victims of crime in receiving any compensation -from -the -State, -the -perpetrator, -or other lawful sources if provisions for such compensation have been made, and especially to investigate the victim compensation provisions in the Treaty of 1868 as they relate to the Federal Government;

(5) To offer aid and counsel through the Commission's staff to the Indian victims of crime;

(6) To do all things necessary and proper to accomplish its purpose of aiding in enforcing the rights of Indian victims of crime.

Section 855. Membership

The Navajo Victims' Rights Commission shall consist of seven members, all of whom shall be appointed pursuant to this article. One member of the Commission shall be the Prosecutor of the Navajo Nation, or his designated alternate; one member shall be the Chairman of the Codification of Laws Committee of the Navajo Tribal Council; one member shall be the Chairman of the Police Committee of the Navajo Tribal Council; one member shall be the Chairman of the Judiciary Committee of the Navajo Tribal Council; one member shall be appointed by the Chairman of the Navajo Tribal Council from the Office of the Chairman; one member shall be, subject to their consent, the Director of the BIA Office of Social Services or his designated alternate; and one member shall be the Director of the Navajo Health Authority or his designated alternate. The Legal Department of the Navajo Tribe shall serve as counsel for the Commission, but the Commission may from time to time designate other counsel as needed. All members shall serve terms consistent with the term of the Office of the Chairman of the Navajo Tribal Council.

Section 856. Compensation

Members of the Commission shall serve without compensation but shall be reimbursed for expenses incurred in connection with the performance of their duties.

Section 857. Transaction of business

(a) A majority of the membership of the Commission shall constitute a quorum for the transaction of business. The members of the Commission shall select one of themselves as its Chairman, for such term as they determine, and may appoint from within their

membership other officers for such terms as they deem necessary. The Commission shall adopt rules for the conduct of its meetings and keep a record of all proceedings and transactions before it.

(b) The Commission shall meet at least once a month, or more frequently at the call of the Chairman of the Commission.

Section 858- Personnel

The Commission may employ such personnel as needed to assist the Commission to carry out the duties, responsibilities and purposes set out in this article, at such time that the Commission may be adequately funded. All such persons shall be compensated from the general payroll accounts of the Navajo Tribe. The Staff Director and Staff Secretary/Assistant shall be considered as employees of the Navajo Tribe, subject to the Personnel Policies and Procedures of the Navajo Tribe.

Section 859- Appropriation

The Navajo Tribal Council, in order to effectuate this article, may appropriate in the future such sums as are deemed necessary for the efficient operation of the Commission and staff. The receipt and disbursement of all funds shall be in accordance with Tribal procedures and policies. The Commission is hereby authorized to take any and all steps necessary to secure federal funding (grants and otherwise) in lieu of any Tribal appropriations. The Chairman of the Navajo Tribal Council is authorized to sign any federal grant on behalf of the Commission.

Subchapter 89 Article 1. Navajo-Hopi Land Commission

Section 3304 851. Establishment; purposes

(a) The Navajo-Hopi Land Commission ("Commission") is hereby established within the Legislative Branch.

(b) It is the purpose of the Commission to:

(1) Monitor, collect, and update information on any and all land use conflicts between the Navajo Nation and the Hopi Tribe, and any claimants in and to lands within the area described in the Act of June 14, 1934 (48 Stat. 960).

(2) Speak and act for the Navajo Nation with respect to the land selection and land exchange provisions of P.L. 96-305.

Section 3302 852. Membership; selection; chairmanperson and Vice Chairmanperson; term of office ex-officio members

(a) The Commission shall consist of eleven regular voting members and two ex-officio members who shall be appointed by the Chairman Speaker of the Navajo Tribal Nation Council with the approval of the Advisory Intergovernmental Relations Committee of

the Navajo Tribal Council Nation. The Commission shall have the authority to establish subcommittees as deemed appropriate to provide advisory input from citizens, professionals, federal and other non-elected sources.

(b) The Commission shall consist of:

(1) Eleven voting members of the Navajo Tribal Nation Council representing areas affected by the Navajo-Hopi Land Dispute.

(2) All Members of the Commission shall be appointed by the Chairman Speaker of the Navajo Tribal Nation Council and shall serve at the pleasure of the Advisory Intergovernmental Relations Committee of the Navajo Tribal Nation Council.

(3) The Agency Superintendent, Bureau of Indian Affairs, of Tuba City Agency and Crownpoint Agency and Tribal employees shall provide technical input to the Commission.

(c) The Chairmanperson and Vice Chairmanperson of the Commission shall be selected by the Commission.

(d) Commission members shall serve a term of office coinciding with the term of office of members of the Navajo Tribal Nation Council and until their successors are appointed.

(e) The Chairman President and Vice Chairman President of the Navajo Tribal Nation Council shall serve as ex-officio members of the Commission.

Section 3303 853. Powers

(a) General. The Commission shall have all powers necessary and proper to carry out the purposes set forth in 2 N.T.C. Section 3304 851.

(b) Enumerated Powers. The Commission is hereby authorized and directed:

(1) To advise the Chairman President of the Navajo Tribal Council Nation concerning all matters relating to land use conflicts between the Navajo Nation and the Hopi Tribe, and any claimants in and to lands within the areas described in the Act of June 14, 1934 (48 Stat. 960).

(2) To speak and act for the Navajo Nation with respect to the land selection and land exchange provisions of P.L. 96-305 by making such selections and approving or disapproving any proposed exchanges, subject to the limitations set forth in Resolution CN-69-80.

Section 3305 854. Meetings

Meetings shall be held on the call of the Chairman of the Commission, the Chairman President of the Navajo Tribal Council Nation, or upon written request of any six members of the Commission. At any meeting, a quorum shall consist of six members.

Section 3305 855. Procedure

Until such time as the Navajo Tribal Nation Council adopts procedures and rules for the conduct of Commission business, the Commission is empowered to develop its own procedure for the conduct of meetings, provided that all formal substantive action shall be taken by written resolution duly certified by the presiding officers, or memorialized by written memorandum setting forth the action taken and signed by the presiding officer and filed with the Central Records Department of the Navajo Nation. Minutes shall be kept of all meetings and shall be officially recorded by the Office of the Legislative Secretary Services.

Section 3306 856. Staff

(a) There shall be a Navajo-Hopi Land Commission Office under the direction of the Chairman President of the Navajo Tribal Council Nation. The Chairman President of the Navajo Tribal Council Nation shall appoint a staff assistant who shall head the Land Commission Office who shall serve at the pleasure of the Chairman President of the Navajo Tribal Council Nation.

(b) The Commission shall utilize the Navajo-Hopi Land Commission Office in performing its assigned functions.

Section 3307 857. Reports

The Commission shall report semi annually quarterly and in writing to the Navajo Tribal Nation Council beginning in August of 1983 and every six months thereafter concerning matters relating to the land use conflicts and agreements with the Hopi Tribe.

Section 3307 858. Subcommittees

The Commission is authorized and directed to establish at least one Citizen's Advisory Subcommittee to provide advice and assistance to the Commission. The members of the Citizen's Advisory Committee shall be non-elected private citizens who reside in or near the lands affected by P.L. 96-305 and such other private citizens as the Commission and the Chairman President of the Navajo Tribal Council Nation may deem appropriate.

Article 2- Urban Navajo Advisory Board (see 2 NTC Section 824(b)(10))

Section 861- Establishment

The Urban Navajo Advisory Board is hereby established.

Section 862. Purposes

The purposes of the Urban Navajo Advisory Board are as follows:

(1) The Board is hereby designated to serve as an Advisory Board to the Office of the Chairman and the Office of Urban Navajo Affairs on social, economic, and government relations issues, as they affect the well being of urban Navajos.

(2) To advise the Office of Urban Navajo Affairs on mini grant awards to urban Indian center that serve urban Navajos.

(3) To represent the interests of the Navajo People who have migrated to the cities outside of the Navajo Nation boundaries for education and employment.

(4) To protect the interests of the Navajo People who have migrated to the cities, through review, recommendation and sponsorship of projects, legislations, rules and standards in furthermore of these ends.

(5) To report quarterly to the Urban Navajo Advisory Board, the Office of the Chairman, Advisory Committee of the Navajo Tribal Council and annually to the Navajo Tribal Council, concerning all matters relating to the purposes enumerated herein.

Section 863. Organizations and membership

(a) Membership. The Urban Navajo Advisory Board shall comprise of six members from different established Urban Indian Centers with a 75% Indian Center Board membership; the Office of the Chairman will make the final selection of members.

(b) Term of Office. The members of the Urban Navajo Advisory Board shall serve a one year term to coincide with the fiscal year of the Navajo Tribal Government.

(c) Compensation. The members of the Urban Navajo Advisory Board will be compensated in accordance with prevailing policies established by the Urban Navajo Advisory Board to the Office of the Chairman.

Section 864. Powers

(a) The Board shall have all the powers necessary and proper to carry out the purposes set forth in section 862 of this Plan of Operation.

(b) The Board shall have the following powers:

(1) To conduct business under the name of Urban Navajo Advisory Board to the Office of the Chairman and within the Board's delegated areas of authority and responsibility at any convenient place and to make provision for Board compensation, facilities, services, and other items necessary for Board business.

(2) To review and recommend, or sponsor proposed rules of procedure for the effective and efficient conduct of the governmental functions of the Urban Navajo Advisory Board to the Office of the Chairman for approval and adoption by the Advisory Committee of the Navajo Tribal Council.

(3) To review and recommend Tribal legislation, rules and regulations, budgets, including resolutions, that will protect the interests and rights of the urban Navajo People.

Section 865. Meetings, procedures

(a) Meetings shall be held on the call of the Chairman of the Board, the Chairman of the Navajo Tribal Council, or upon written request of any three (3) members of the Board, at any meeting, a quorum shall consist of three (3) members.

(b) Until adoption of written procedural rules of the Board, the Board is empowered to develop its own procedures for the conduct of the meetings, provided that all formal substantive action shall be taken by written resolution duly certified by the presiding officer, or memorialized by written memorandum setting forth the action taken.

Section 866. Subcommittees

(a) The Chairman or Vice Chairman of the Board may appoint subcommittees to make recommendations pertaining to the business of Urban Navajo Advisory Board. No final action may be taken by any subcommittee without full review and final approval by the Board.

(b) Each subcommittee shall consist of members from the Urban Navajo Advisory Board.

(c) Compensation for subcommittee members will be in accordance with prevailing policies established by the Urban Navajo Advisory Board to the Office of the Chairman.

Section 867. Amendments

This Plan of Operation may be amended from time to time by the Urban Navajo Advisory Board and the Advisory Committee of the Navajo Tribal Council to reflect the changing priorities.

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Subchapter 90 Article 2. Eastern Navajo Land Commission

Section 3324 861. Establishment; purpose

(a) The Eastern Navajo Land Commission ("Commission") is established as a Standing Committee Commission of the Navajo Tribal Nation Council pursuant to 2 N.T.C., Section 100(a) within the Legislative Branch.

(b) The Commission is established for the following purposes:

(1) To assist in resolving land title problems in the Eastern Navajo Agency.

(2) To assist in mitigating the impact of energy development in the Eastern Navajo Agency.

(3) To coordinate Navajo efforts with respect to Eastern Navajo Agency land-related matters in dealings with federal, state and local authorities and private interests in judicial, legislative, administrative and private settings.

(4) To provide information and assistance to Navajo residents of the Eastern Navajo Agency, the Eastern Navajo Agency Council, and the Land Boards with respect to land-related matters and to receive input from Navajo residents of the Eastern Navajo Agency with respect to such matters.

Section 3322 862. Membership

(a) The Commission shall be composed of seven members.

(b) Six members shall be Navajo Tribal Nation Council Delegates representing the so-called "Checkerboard" Area, selected by the Chairman Speaker, Navajo Tribal Nation Council, and confirmed by the Navajo Tribal Nation Council.

(c) One member shall be an enrolled member of the Navajo Tribe skilled in land and/or energy matters, selected by the Chairman President, Navajo Tribal Council Nation, and confirmed by the Navajo Tribal Nation Council.

(d) All members shall serve three year terms and until their successors are appointed.

(e) All members shall serve at the pleasure of the Chairman President, Navajo Tribal Council Nation, and the Navajo Tribal Nation Council.

(f) The Chairman, Navajo Tribal Council, Commission shall appoint a Chairmanperson and Vice Chairmanperson from among its members.

Section 3323 863. Powers and duties

The Commission is hereby authorized and directed:

(1) To establish an office at Crownpoint for the transaction of business.

(2) To represent the Navajo Nation on land and energy matters affecting the Eastern Navajo Agency; provided, however, that any agreement involving more than \$25,000 or 100 acres or for longer than one year shall be concurred ~~in~~ by the Advisory Intergovernmental Relations Committee, Navajo Tribal Nation Council.

(3) To hire such staff and consultants excluding legal counsel which shall be the responsibility of the Navajo Tribal Nation Council as may be provided for in the annual Navajo Nation Budget of the Commission.

(4) To report quarterly and in writing to the Navajo Tribal Nation Council and the Eastern Navajo Agency Council on a quarterly basis concerning activities of the Commission.

(5) To provide for the reimbursement of the Commission members for travel and other expenses consistent with the practice of other standing committees of the Navajo Tribal Nation Council.

(6) To take all actions as may be necessary and proper to carry out the purposes for which the Commission was established.

Section 3324 864. Staff

(a) The Commission shall engage an Executive Director and such other staff as may be provided for in the annual Navajo Nation Budget.

(b) All staff shall serve at the pleasure of the Commission.

(c) The Executive Director and the other staff shall have such duties and responsibilities as may be assigned to them from time to time by the Commission.

Section 3325 865. Meetings; procedures

(a) The Commission shall meet on the call of the Chairman of the Commission or the written request of any three members, or the call of the Chairman President, Navajo Tribal Nation Council.

(b) At any meeting, a quorum shall consist of four members.

(c) All formal substantive action shall be taken by written resolution certified by the presiding officer or shall be

reflected in summary memorandum attested to by the presiding officer.

(d) The Commission is empowered to develop and establish such other procedures for meetings as it deems just and proper.

Article 3. Navajo Board of Election Supervisors

Section 871. Establishment; Purposes

(a) The Navajo Board of Election Supervisors, hereinafter, the Board, and the Election Administration Office, hereinafter, the office, are hereby established. The Board is created by the Navajo Nation Council as an independent entity. The Board shall be responsible to the Navajo Nation Council, only and shall be placed under the Intergovernmental Relations Committee who shall have ministerial oversight and whose primary purposes shall be routing documents and record-keeping incidental to the authority delegated to the Board and the Office by the Election Code; and to cause effect to the authority entrusted solely in the Board and Office; and to guard the public interests entrusted to the Board.

(b) The purposes of the Board are to:

1. Provide efficient and uniform administration and conduct of election.

2. Provide the opportunity for each qualified elector to exercise his right to vote for a candidate of his choice.

3. Provide the opportunity for all qualified person(s) to serve the Navajo public by seeking office.

4. Provide for fair, unbiased and untainted elections.

5. Encourage voter registration at the Navajo Nation, state and federal levels.

6. Guard against abuse of the electoral system in the Navajo Nation.

Section 872. Membership; terms; Chairperson and Vice Chairperson

(a) The Board shall compose of ten (10) members to be elected. Each of the five agencies shall have two (2) representatives. The Election of the ten (10) members shall be in conformity with the Election Code.

(b) All members shall serve four-year terms on staggered basis in conformity with the Election Code.

(c) The Chairperson and Vice Chairperson shall be selected from among its members.

(d) In the event the Chairperson and Vice Chairperson are absent at a Board meeting, the majority of the members present shall select a Pro Temp Chairperson to conduct the meeting.

Section 873. Powers and Duties

The Board is hereby authorized and directed:

(a) General: The Board shall have all powers necessary and proper to carry out the purposes set forth in the Election Code.

(b) Enumerated Powers. The Board is hereby authorized and directed:

1. To administer, implement and enforce the Navajo Election Code.

2. To oversee and supervise generally all tribal elections.

3. To compile information regarding elections, and distribute and educate the Navajo public to include printing and publishing the Election Code and procedures in pamphlet form for distribution to all certified chapter officials, candidates, poll officials and registrars.

4. To hear all election disputes to include the powers to subpoena witnesses.

5. To make Board and Administrative policies.

6. To establish rules and regulations and to interpret the Election Code consistent with Tribal laws.

7. To obtain and maintain uniformity in the application of the Election Code and Operation of the Election Office.

8. To develop and recommend to the Navajo Nation Council, all apportionment plans for election purposes.

9. To hire and maintain direct authority over the Director of the Election Administration Office and confirm the hiring of the Deputy Director by the Director and maintain general supervision over all election staff to carry out authority vested in the Board.

10. To develop and submit separate annual budgets for the Board and the Election Administration to include devising and managing a revolving account, utilizing filing, penalty and resignation fees for special election costs in addition to the annual appropriation for this category.

11. To coordinate with the county, state, and federal election agencies efforts, including seeking and obtaining from various governmental entities and private organization, funding and support to carry out the duties and responsibilities set out in the Election Code.

12. To establish subcommittees and delegate to them, the authority to declare vacancies, certify elections, hear and decide election disputes and challenges, and to make rules and regulations not inconsistent with the Election Code.

13. To initiate disqualification of candidates who do not meet the requirements and to initiate recounts of ballots, where necessary.

14. To maintain the Election Administration Office and staff independent under its supervision with the Intergovernmental Relations Committee.

15. To maintain such staff and consultants, including legal counsel as may be provided for in the annual Navajo Nation Budget of the Board.

16. To recommend the withdrawal of land for the establishment of a building facility which is to be separate from other entities and convenient to the public and to request funding from the Navajo Nation to erect such a public building for the operation of the Election Office.

17. To procure necessary supplies, services, equipment and furniture purchases and to enter contracts through the tribal process.

18. To delegate authority to Election Office not inconsistent with the Election Code.

19. To bring action as deemed necessary and proper for the enforcement of the Election Code through the Attorney General and report said violations/offenses to the Ethics Committee, where necessary.

Section 874. Meetings; Quorum; Compensation

(a) The Board shall meet the 2nd and 4th Thursday of each month unless otherwise scheduled by the majority of a quorum or where a dispute, challenge, or a hearing requires a meeting, in which case, a Subcommittee may be called upon.

(b) A simple majority shall constitute a quorum.

(c) Where subcommittees are designated, four members shall constitute a subcommittee. Subcommittee action shall require ratification by a quorum of the full Board.

(d) All meetings shall be held in Window Rock, Navajo Nation, (Arizona). Meetings held elsewhere must be authorized by the Chairperson of the Intergovernmental Relations Committee.

(e) All meetings shall be recorded and minutes transcribed. All dispute decisions shall be in writing and filed.

(f) Board members attending board meetings or delegated Election business shall receive \$60.00 per diem for each official business day conducted and mileage at \$.24 per mile for use of private vehicle. Full per diem shall be paid for attendance of at least three (3) hours of meeting or until all agenda items are concluded.

Section 875. Ethics

The Board shall not, for the purpose of personal gain, use any information or conduct any proceedings for the intent of causing harm or injury to the political standing or reputation of any member of the Navajo Nation Council, or any other employee, official or candidate for office of the Navajo Nation. The Board shall conduct themselves in accordance with the requirements of all applicable laws of the Navajo Nation, especially the Navajo Ethics in Government Law.

Section 876. Office; Purpose

The Election Administration Office shall implement the Election Code and assist the Board in carrying out authority delegated solely to the Board by the Navajo Nation Council to implement the Election Code and conduct elections.

Section 877. Director; Staff; Powers and Duties

(a) Powers and duties of the Director. The Director shall have all powers delegated by the Board and necessary and proper to carry out the purposes of the Election Code as authorized by the Board. The duties shall include the following:

(1) Assist the Board in implementing and enforcing the Election Code.

(2) Assist the Board in maintaining accountability to the Navajo Nation Council and the Intergovernmental Relations Committee and other Departments and Offices.

(3) The Executive Director shall hire the Deputy Director with confirmation by the Board.

(4) Serve as the Executive Director of the Navajo Election Administration and supervise the administrative staff.

(5) Formulate administrative policies for Board approval.

(6) Acquire and coordinate voting and election information from the States of Arizona, New Mexico and Utah and from the Bureau of Federal Election and disseminate, where necessary, to meet objectives and goals.

(7) Consult periodically with officials, Council Delegates, other elective offices, and various government officials regarding registration and election in general, including the scheduling of activities called for by the Election Code and other States, Counties, and Federal Government election requirements.

(8) Serve as the communicating and organizing agent for the Board in executive level planning and activities.

(9) Solicit available funding with approval of the Board for special programs, not of a continuing nature, which relate to registration and elections, including "Voter Registration Drive" and "Get Out to Vote" projects and other educational training programs for Chapter offices, poll officials and Navajo Nation Council.

(10) Supervise and administer staff subject to Navajo Nation Personnel Policies and Procedures, compensation and benefits.

(11) Coordinate with Office of Legislative Services, the processing of payroll, budget expenditures for travel, supplies, equipment, property and facilities management.

(b) Powers and Duties of Staff

The staff shall have all powers delegated by the Board and Election Administration Office Director and necessary and proper to carry out the purposes of the Election Code as authorized by the Board. The duties include the following:

(1) Provide administrative support to the Board implementing the Election Code.

(2) Register as many Navajo as possible for Navajo Nation, County, State and Federal elections on an ongoing basis and insure that they have the opportunity to vote in these elections.

(3) Disseminate voter information across the Navajo Nation by publishing and distributing forms and information pamphlets and where necessary provide information in the Navajo language.

(4) Obtain and maintain the cooperation of the appropriate county registrars and other officials in the State of

Arizona, New Mexico and Utah, to obtain maximum Navajo voter registration for state and federal elections.

(5) Assist in providing ongoing in-service training for Chapter officials and election workers on a regular basis.

(6) Utilize available research to provide a sound and firm foundation in the areas of voter registration and election for the Navajo People.

(7) Timely notify the Board of disputes, required hearings and schedule and provide logistical and technical assistance for such hearing.

(8) Assist in the drafting of proposed resolutions for Board's consideration.

(9) Execute the directives of the Board.

(10) Assist the Board in the development of revision of the Election Code for Navajo Nation elections.

(11) Provide all required technical and support staff and equipment for Navajo Nation elections.

(12) Insure elections are conducted pursuant to the Election Code and in a timely manner.

(13) Conduct recounts under supervision of the Board.

(14) Assist the Board in functions as follows:

(a) Declare vacancies in elective positions.

(b) Oversee the destruction of ballots.

(c) Approve policy decisions.

(d) Recommend major purchases of election equipment.

(e) Serve as a review and fact finding entity regarding election grievances.

(f) Certify election results and petitions as provided for in the Election Code.

(g) Develop rules and regulations not inconsistent with the Election Code.

(h) Review state and federal legislation which may effect the Navajo Nation electorate or Election Code.

(i) Attend and participate in recounts of voter tallies.

(j) Hear and resolve election disputes.

(k) Enforce the Election Code by reporting violations of the Election Code to the Attorney General or Ethics Office.

(l) Study, develop and recommend an apportionment plan.

(m) Develop and submit annual budgets.

Section 878. Political Practices.

The staff shall not, for the purpose of personal gain, use any information or conduct any proceedings for the intent of causing harm or injury to the political standing or reputation of any member of the Navajo Nation Council, or any other employee, official or candidate for office of the Navajo Nation. The Director and staff shall conduct themselves in accordance with the requirements of all applicable laws of the Navajo Nation, especially the Navajo Ethics in Government Law.

Article 5. Navajo Nation Insurance Commission

Section 931. Establishment

(a) The Navajo Insurance Committee was appointed by the Chairman of the Navajo Tribal Council on May 14, 1981.

(b) The establishment and membership of the Navajo Nation Insurance Commission by the Chairman of the Navajo Tribal Council as aforesaid, is hereby affirmed by established and continued by the Advisory Committee of the Navajo Tribal Council as the Navajo Nation Insurance Commission within the Legislative Branch.

Section 932. Purposes

The purpose of the Commission shall be to insure adequate insurance coverage and protection for the Navajo Nation, its entities, employees, and property.

Section 933. Powers

(a) Subject to approval of the Advisory Government Services Committee and the Budget and Finance Committee of the Navajo Tribal Nation Council, the Navajo Nation Insurance Commission shall have the sole authority to review, determine, select and coordinate all insurance coverages and programs pertaining to the Navajo Tribe Nation, including all Navajo Tribal offices, divisions, departments, entities, programs, interests, property and employees, with any private or public carriers, plans or organizations and together with all Tribal self-insured programs

or combined coinsured programs. Said programs may, without limitation, include the following coverages, together with any other insurance programs selected, reviewed or administered under the jurisdiction of the Navajo Nation Insurance Commission:

- (1) General, automobile, and excess liability insurance.
- (2) Building, personal property, equipment systems, machinery and vehicle physical damage insurance.
- (3) Health, life and accident, disability and income protection insurance.
- (4) Key man life insurance.
- (5) Blanket employee crime coverage.
- (6) Performance, fidelity, surety and other bonding.
- (7) Workmen's compensation and all other Tribal self-insured or coinsured programs.

(b) To review and determine all policy or program premium and/or rate making obligations and to provide orderly procedures for payment of premiums for bonding and insurance obligations, and to establish appropriate reserves for self- and coinsured Tribal programs, with appropriate apportionment of such obligations among the insured entities and parties for which coverage is provided.

(c) To direct, supervise and review the administration and implementation of all Tribal insurance programs by the Insurance Services Department, together with all determinations of any review boards or committees established to administer any Tribal Navajo Nation Insurance program and to review, evaluate, determine or make recommendations pertaining to all claims made under such programs.

(d) To report annually or as deemed necessary to the Navajo Budget and Finance Committee of the Navajo Tribal Nation Council at its budget session on the insurance coverages, and on the status of all pertinent fiscal, premium, revolving, special, operational and reserve accounts.

(e) To recommend to the Navajo Tribal Nation Council, the adoption of legislation appropriate to strengthen and protect the operations of the Navajo Nation, its entities, employees and property.

(f) To establish and administer appropriate means for review, evaluation and recommendation for the disposition and settlement of all claims of liability pertaining to the Navajo Tribe Nation, its entities or employees acting within the scope of their employment, to the extent such disposition involves the expenditure of Tribal funds (whether within self-insured,

coinsured, deductible or reimbursable insurance or other liability coverage); and to award damages from funds appropriated by the Navajo Tribal Nation Council for indemnification of such liability as determined by the Navajo Nation Insurance Commission.

(g) To authorize or conduct appropriate investigation for determination of liability and evaluation of claims involving payment or reimbursement of Tribal funds in accordance with the above described purposes.

Section 9334- Membership; selection; term of office Chairperson and Vice Chairperson; quorum; Advisors; Review Boards and Committees

(a) Membership. The Commission shall consist of five the following members, who shall be appointed by the Chairman of the Navajo Tribal Council and whose terms of service shall be at the pleasure of the Chairman.

(1) Director of Office of Personnel Management;

(2) The Senior Administrative Service Officer in the Office of the Speaker to the Navajo Nation Council;

(3) A representative of the Navajo Nation enterprises selected by consensus among the enterprises participating in the Navajo Nation insurance program; and

(4) A permanent employee of the Navajo Nation government selected at large by the employees for a term of four years. The election of the employee representative shall be conducted by the Office of Personnel Management.

(b) Chairmanperson and Vice Chairmanperson of the Navajo Nation Insurance Commission shall be selected by the Chairman of the Navajo Tribal Council Commission.

Members of the Commission shall have authority only when acting as a Commission legally in session; the Commission shall not be bound in any way by any statement or action on the part of any individual Commission member or constituted board or committee of the Commission; unless such statement or action is in pursuance of a specific resolution or authority of the Commission, which shall be duly recorded in minutes of the Commission meetings, and attested by the Commission chairman.

The Chairman of the Navajo Nation Insurance Commission shall be appointed by the Chairman of the Navajo Tribal Council, and he, or in his absence, the Vice Chairman or other Commission members as the Chairman or Vice Chairman shall delegate, shall call, conduct and preside at all meetings of the Insurance

Commission enforcing the procedural rules adopted by the Commission and signing all papers and documents required for action by the Commission.

(c) At any meeting, A majority of the members of the Commission shall constitute a quorum for the transaction of business, and all actions and decisions of the Commission shall be determined by a vote consist of the majority of Commission three (3) members, including the chairman, who are present or represented by duly executed proxy. Each such member shall have one vote.

A Commission member may designate any other Commission member present, by prior written authorization as his proxy, to vote upon any or all matters to be determined at a specified Commission meeting, or to take any other action on his behalf as specified in his said proxy.

(ed) Advisors. Representatives of the Attorney General, Controller, Auditor General, Contract Administrator Office, all Tribal Divisions and Departments and duly chartered enterprises of the Navajo Nation, are official advisors to the Commission and shall provide appropriate support, advice and counsel on substantial matters. The Risk Management Department shall provide staff assistance to the Commission.

(de) Review Boards and Committees. Review Boards and Committees may be constituted, appointed and delegated review and administrative duties herein under the auspices of the Insurance Commission for such approved Tribal insurance programs including but not limited to the following:

- (1) Liability Claims Review Board.
- (2) Property and Casualty Insurance Review Board.
- (3) Key Man Insurance Review Board.
- (4) Employee Benefits Review Board.
- (5) Community, Commercial and Claims Arbitration Boards.

(e) Powers. The Insurance Commission shall have all powers necessary and proper to carry out the purposes set forth in 2 N.T.C. Section 932.

Section 9345. Procedures

(a) On or before January 25 of each year, the Insurance Commission of the Navajo Nation shall meet to determine:

- (1) The insurance coverages to be in effect during the forthcoming fiscal year.

(2) The premiums to be incurred for such coverages.

(3) The sums which shall be necessary to meet deductible or coinsurance features with respect to such coverages.

(4) The appropriate apportionment of such premiums and deductible and coinsurance rates, among the Navajo Nation and its enterprises.

(b) Following this meeting and on or before February 15 of each year, the Insurance Commission shall meet with the appropriate representatives of each enterprise participating in the Insurance Programs of the Navajo Nation, the Director, Division of Administration and Finance (or his representative) and the Director, Insurance Services Risk Management Department (or his representative) and the Controller of the Navajo Nation to:

(1) Discuss with them, insurance programs for the forthcoming fiscal year.

(2) Discuss with them, the apportionment, or premiums, deductible and coinsurance rates and present invoices for the respective entities.

(3) Discuss risk management for the enterprises and the Navajo Nation.

(c) Premiums deductible and coinsurance shall be paid within 30 days of receipt of approved invoice.

(d) All such funds received from the Navajo Nation and its enterprises shall be placed in and administered on a revolving account basis. Appropriate procedures shall be used to identify the payer and the type of coverage for each payment.

(e) The Insurance Commission shall cause payment for appropriate revolving accounts, all premiums, bills and payments to divisions of the Navajo Nation and enterprises which suffer losses which are not fully paid by the carriers because of deductible and coinsurance requirements, as deemed appropriate.

(f) On or before April 1 of each fiscal year, the Insurance Commission shall convene to review the status of these revolving accounts. A representative of the Director, Division of Administration and Finance and the Insurance Services Risk Management Department shall also be in attendance. This meeting shall determine:

(1) If the payments due from the Navajo Nation and its enterprises have been made.

(2) If account balances are adequate to meet premium and other obligations for the balance of the fiscal year.

(3) Any risk management question which may be appropriate.

(4) In the event that any balance is inadequate, the amount(s) necessary to carry the program through the balance of the fiscal year and its appropriate share of the additional funds needed for the program.

(g) In the event that there is a surplus of funds in the premium contribution account at the end of any fiscal year (as determined by the Insurance Commission), the contributions of the Navajo Nation and the enterprises shall be reduced in the following fiscal year by the amount of such surplus.

Section 9356. Compensation

The Members of the Insurance Commission shall receive no additional compensation for their activities in connection with the Insurance Commission, other than reimbursement for required and authorized expenses incurred in the performance of their duties and shall assume their responsibilities in addition to their other responsibilities as employees of the Navajo Nation or its entity.

Subchapter 12. Legislative Offices

Article 1. Office of Legislative Affairs Services

Section 1051 951. Establishment

The Office of Legislative Affairs Services is hereby established within the Legislative Branch of the Navajo Tribal Council. The Intergovernmental Relations Committee of the Navajo Tribal Council will serve as the oversight committee for this office.

Section 1052 952. Purpose

The Office of Legislative Affairs Services is designed to develop a balanced Tribal Government through the full exercise of authority of the legislative branch and assist by providing analytical shall provide a complete and full range of professional, technical and administrative support services to the Navajo Tribal Nation Council, Standing Committees of the Navajo Tribal Nation Council, Unstaffed Commissions, Task Forces, or Boards of the Navajo Nation Council, Council Delegates and the certified chapters of the Navajo Nation.

Section 1053. Personnel and Organizations 953. Director

(a) The Office of Legislative Affairs Services will shall be headed by a Director, who will shall be appointed by the Chairman of the Navajo Tribal Council recommended for appointment by the Speaker in consultation with the Intergovernmental Relations Committee and subsequently confirmed by the Navajo Tribal Nation

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Council. The Director will be administratively responsible to the Speaker and serve at the pleasure of the Chairman Intergovernmental Relations Committee of the Navajo Tribal Nation Council. The Director will be responsible for program planning and administration, staff supervision, guidance, direction and general supervision, budget preparation, implementation, management and control, and property and facilities coordination and management within the Office of Legislative Affairs Services.

The Director will supervise three section managers who will in turn supervise their respective staff, unless delegated otherwise.

(c) The Program Director of the Tribal Government Reform section will be administratively responsible to and serve at the pleasure of the Chairman of the Navajo Tribal Council.

(b) The Director shall faithfully and diligently execute all duties and authorities delegated by law.

Section 1054 954. Authority, duties and responsibilities Organizations and Functions

(a) The Office of Legislative Affairs shall have all the authority necessary and proper to carry out the purpose set forth in section 1052 of this Plan of Operation. The Director shall establish an organizational structure which will provide for the following primary organizational functions within the Legislative Branch:

(1) General Services, which shall include processing of payroll and budget expenditures for travel, supplies, equipment, etc., personnel administration and management, property and facilities coordination and management;

(2) Reporting and Clerical Services, which shall include recording meetings, transcription and maintenance of Council and standing Committee meetings and resolution, minutes, resolution processing, agenda preparation and provision of secretarial services to Council Delegates.

(3) Legislative Research, which shall include researching for preparation of Council and Committee legislation, drafting of legislation, monitoring and analysis of pending legislation, and providing technical assistance (including English to Navajo and Navajo to English interpretation) in resolutions processing and discussion, and coordination with various Council Delegates, tribal programs, departments, divisions on proposed, pending and approved legislation. In addition, this organizational unit shall perform various Intergovernmental relations functions, which shall include monitoring of federal, state and other legislative actions,

providing of periodic reports on these matters to the appropriate Standing Committees, Tribal Offices and Officials, and the full Navajo Nation Council.

(4) Support services to the Office of Legislative Counsel.

(b) The Legislative Secretary shall have the authority and responsibility:

(1) To prepare tentative agenda for the Agenda Review Committee and finalize agenda for the Navajo Tribal Council, Advisory Committee, Budget and Finance Committee and the Intergovernmental Relations Committee meetings.

(2) To compile and prepare legislative information packages (proposed resolutions and supporting documents) for Chairman/Vice Chairman, Navajo Tribal Council, Advisory Committee, Budget and Finance Committee, Intergovernmental Relations Committee and the Agenda Review Committee, including add on items as approved.

(3) To coordinate and conduct follow up with all departments, agencies and entities regarding Navajo Tribal Council, Advisory Committee, Budget and Finance Committee and Intergovernmental Relations Committee regarding the information packages.

(4) To provide interpretation for Navajo Tribal Council, the Advisory Committee, the Budget and Finance Committee, the Intergovernmental Relations Committee and other Standing Committees as requested.

(5) To number and finalize all resolutions approved by the Navajo Tribal Council, Advisory Committee, Budget and Finance Committee, Intergovernmental Relations Committee and to develop and implement a workable resolution processing procedure to simplify the initiation of a resolution and to aid any party desiring to utilize their Tribal Government through the use of a resolution.

(6) To provide the Navajo Tribal Council reports of all Standing Committee actions.

(7) To record proceedings and accurately transcribe recordings of the Navajo Tribal Council and Standing Committees of the Navajo Tribal Council.

(8) To handle everyday clerical and secretarial duties, i.e., take and transcribe dictation, telephone calls, schedule meetings, make appointments and travel arrangements, handle incoming and outgoing mail, maintain files, reproduce documents, handle chapter related documents, etc.

(9) To handle other duties as requested by the Council Delegates and/or Committee assignments.

(e) The Intergovernmental Relations Section shall have the authority and responsibility:

(1) To monitor and provide analytical information and recommendations on federal, state, county and municipal legislation to Navajo Tribal policy makers thereby providing Tribal input regarding the legislations.

(2) To develop and implement a mechanism whereby the local Navajo People, through their respective elected officials, may participate in the review and development of Tribal legislation.

(3) To provide legislative summaries of the proceedings of the Navajo Tribal Council and its standing committees to interested citizens and the public.

(4) To assure the Tribe a strong, cohesive voice in state, county and municipal decision making processes and to foster and encourage intergovernmental communication and cooperation through policies and practices.

(5) To meet with the Agency Council on a regular basis regarding the aforementioned activities.

(d) The Bill Drafting/Legislative Research Section shall have the authority and responsibility:

(1) To assist with and prepare preliminary drafts of resolutions.

(2) To monitor, retrieve, research and analyze existing and pending resolutions;

(3) To provide assistance in the initiation and follow up of resolutions through the surname process;

(4) To coordinate resolution information with other Tribal Programs.

(5) To assist in the budget preparation of Legislative programs.

(e) The Tribal Government Reform Section shall have the authority and responsibility:

(1) To develop a philosophy for the Navajo Nation which will provide direction for the Navajo Tribal Government.

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(2) To develop a balanced Tribal Government through the full exercise of authority by the Judicial, Legislative and Executive Branches.

(3) To develop and define powers and authorities of local units of Tribal Government.

(4) To Develop a more responsive and effective Navajo Tribal Government which is accountable to the Navajo People.

(5) To decentralize the Tribal Government and restore to the Navajo People the power to guide and limit the actions of the Tribal Government.

Section 1055. Amendments

This Plan of Operation may be amended from time to time by the Advisory Committee of the Navajo Tribal Council.

Article 2. Office of Legislative Counsel

Section 960. Establishment

The Office of Legislative Counsel is established within the Legislative Branch of the Navajo Nation Government.

Section 961. Purpose

The purpose of the Office of Legislative Counsel is to provide legal advice and legislative services to the Navajo Nation Council, standing committees, commissions and boards of the Navajo Nation Council, independent of the Department of Justice.

Section 962. Legislative and Administrative Oversight

(a) The Office of Legislative Counsel shall be directly accountable to the Navajo Nation Council for all legal and legislative assignments and activities of the Office.

(b) The Intergovernmental Relations Committee of the Navajo Nation Council shall exercise legislative oversight over the Office on behalf of the Navajo Nation Council.

(c) Day-to-day administrative and operational matters, such as time and attendance, travel authorizations, expenditure requests, and provision of office space and equipment shall be coordinated through the Speaker of the Navajo Nation Council.

Section 963. Personnel

(a) There is hereby established the position of Chief Legislative Counsel, who shall be a state licensed attorney, appointed by the Navajo Nation Council upon recommendation of the

Intergovernmental Relations Committee of the Navajo Nation Council. The Chief Legislative Counsel shall serve at the pleasure of the Navajo Nation Council at a negotiated salary. The appointment shall be effective upon the approval of the Navajo Nation Council. The Chief Legislative Counsel shall not be allowed to engage in the private practice of law.

(b) A state licensed attorney or firm, selected in accordance with Navajo preference laws, may be hired as the Chief Legislative Counsel under a contract. Such contract shall not exceed one year and shall be approved by the Navajo Nation Council upon recommendation of the Intergovernmental Relations and the Budget and Finance Committees of the Navajo Nation Council. Such attorney contract shall require the training of a qualified Navajo replacement within the term of the contract.

(c) A non-Navajo licensed attorney may be hired only if a licensed Navajo attorney cannot be found to fulfill the position of Chief Legislative Counsel.

(d) All other personnel shall be hired and compensated pursuant to usual Navajo Nation policies and procedures. The Chief Legislative Counsel shall be responsible for the selection and supervision of personnel.

Section 964. Authorities, Duties and Responsibilities

A. General authorities, duties and responsibilities of the Office of Legislative Counsel shall include:

(1) Report and be responsible to the Navajo Nation Council and to the Intergovernmental Relations Committee of the Navajo Nation Council.

(2) Coordinate with the Department of Justice and other attorneys providing legal services to the Navajo Nation the work of the Legislative Counsel to avoid duplication of work and conflicting legal advice and opinion.

(3) Develop an annual work plan and budget for the office for consideration by the Navajo Nation Council during the regular annual budget process.

(4) To advise the Navajo Nation Council on legislative matters pending before the Navajo Nation Council.

(5) To advise standing committees, commissions, and boards of the Navajo Nation Council on legislative matters pending before the respective committee, commission or board.

(6) To assist members of the Navajo Nation Council in preparing proposed resolutions for consideration by chapters, committees, commissions, boards or the Navajo Nation Council.

(7) Perform all duties and responsibilities in accordance with the highest standards of legal ethics.

B. Codification of Tribal Laws, Rules and Regulations:

(1) The Legislative Counsel shall periodically review all legislation of the Navajo Nation Council and Standing Committees of the Navajo Nation Council to determine codification within the Navajo Nation Code.

(2) The Legislative Counsel shall periodically prepare and publish new, revised and updated hard bound versions of the Navajo Nation Code.

(3) The Legislative Counsel shall periodically review and evaluate the Navajo Nation Code and recommend appropriate actions to repeal, supersede, clarify and general update provisions of the Navajo Tribal Code, for consideration by the appropriate Standing Committees and the Navajo Nation Council.

Article 3. Commission on Navajo Government Development and the Office of Navajo Government Development

Section 970. Establishment

The Commission on Navajo Government Development is hereby established within the Legislative Branch. The Commission is a special entity created by the Navajo Nation Council with quasi-independent authority to accomplish the Council's project of instituting reforms necessary to ensure an accountable and responsible government. The Commission shall be responsible directly to the Navajo Nation Council with respect to its overall activities. The Intergovernmental Relations Committee of the Navajo Nation Council shall have legislative oversight authority.

Section 971. Purposes

The purposes of the Commission on Navajo Government Development shall be as follows:

1. To review and evaluate all aspects of the existing government structure of the Navajo Nation including laws, rules and regulations, practices, functions, goals and objectives.

2. To develop recommendations and proposals for alternative forms of government for consideration and possible adoption by the Navajo People through a referendum vote.

Section 972. Membership; Officers; Term; Qualifications

a. Membership -- Term

The Commission shall consist of twelve (12) Navajo members to be confirmed by and serve at the pleasure of the Navajo Nation Council as follows:

1. One member shall be nominated by the Executive Branch through the President of the Navajo Nation Council to serve a term of two (2) years.

2. One member shall be nominated by the Judicial Branch through the Chief Justice of the Navajo Nation to serve a term of two (2) years; the nominee shall be a member of the Navajo Nation Bar Association.

3. One member shall be nominated by the Legislative Branch through the Intergovernmental Relations Committee of the Navajo Nation Council to serve a term of two (2) years; the nominee shall have prior experience as an official or employee of a state government or any subdivision thereof.

4. One member shall be nominated by the Director of the Office of Navajo Government Development; the nominee shall be a practitioner of the Navajo healing arts to serve a term of four (4) years.

5. Five members shall be nominated from the five agencies of the Navajo Nation. Each agency council shall nominate one member from recommendations to be submitted by each chapter in each agency; such nominee shall be either a chapter officer or a Grazing Committee/Land Board member. These members shall serve a term of four (4) years.

6. One member shall be nominated by the President of the Student Body of the Navajo Community College; the nominee shall be a student at Navajo Community College and serve a term of one (1) year.

7. One member shall be nominated by the Education Committee of the Navajo Nation Council; the nominee shall be a graduate student from any college or university; such member shall serve for a term of one (1) year.

8. The Director of the Office of Navajo Government Development shall be a member.

b. Officers

The Chairperson of the Commission shall be the Director of the Office of Navajo Government Development. The Vice-Chairperson of the Commission shall be selected by the members of the Commission.

c. Vacancies

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A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

d. Qualifications

The Commission members shall be chosen from among individuals who have demonstrated scholarship, a strong sense of public interest, knowledge of Navajo history and cultural heritage, spiritual leadership, leadership in the Navajo government and abilities likely to contribute to the fulfillment of the duties of the Commission.

Section 973. Duties and Responsibilities

a. General

The Commission shall have powers necessary and proper to carry out the purposes set forth herein or as otherwise authorized by the Navajo Nation Council.

b. Enumerated Powers

The Commission shall have the power:

1. To develop a series of recommendations and proposals for alternative forms of government for consideration by the Navajo Nation Council and the Navajo People by examining and utilizing the concepts of the separation of powers and the delegation of authority to provide for the appropriate checks and balances in Navajo government; to establish the responsibility of the Navajo government to protect the rights and freedoms of the Navajo People; to establish limitations on how the Navajo government and its officials may use its powers and to define the powers of the Navajo People.

2. To provide short and long range comprehensive planning, evaluation and development appropriate to further enhance a Navajo Government that will perpetually accommodate the Navajo People by providing for their involvement, promote their general welfare, ensure governmental accountability integrity, justice, domestic order, and retain traditional harmony, cultural respect, heritage, and the protection of personal liberties.

3. To review, evaluate, and recommend laws, rules and regulations including those of agencies, boards and commissions in order to develop a comprehensive system of government for the Navajo People.

4. To collect, assemble, evaluate, interpret and distribute information, data statistics and evidence which accurately describes the Navajo government status, circumstances

and needs of the Navajo People and which would also serve as a repository, library, resource and research center for such information.

5. To encourage the public, private and public organizations, chapters, traditional Navajo leaders, including Native ceremonial practitioners (medicinemen) to actively participate in carrying out the purposes of the Commission and to conduct public hearings. The Commission shall give due consideration to traditional values and philosophical views of the Navajo People.

6. To encourage appropriate educational curriculums designed to educate students and the general public on the governmental development of the Navajo Nation.

Section 974. Meetings; Procedures

a. Meetings -- Quorum

Meetings shall be held on the call of the Chairperson of the Commission. At any meeting, a quorum shall consist of six (6) members.

All meetings shall be held in Window Rock, Navajo Nation (Arizona) for the transaction of Commission business. Meetings held elsewhere must be authorized by written permission of the Chairperson, Intergovernmental Relations Committee.

b. Procedure

The Commission is empowered to develop its own rules of procedures for the conduct of meetings, provided, however, that all formal substantive action shall be taken by written resolution duly certified by the presiding officer and filed with the Central Records Department of the Navajo Nation.

Section 975. Director; Appointment; Removal

a. The Director of the Office of Navajo Government Development shall be appointed by the Intergovernmental Relations Committee of the Navajo Nation Council subject to confirmation by the Navajo Nation Council.

b. The Director can be removed by the Intergovernmental Relations Committee at the recommendation of the Speaker of the Navajo Nation Council.

c. The Director shall employ or engage those persons qualified by education and experience necessary to discharge the duties of the Commission.

d. The Director and staff of the Office of Navajo Government Development shall be authorized to use the facilities of the Office of Legislative Services. The Office of Navajo Government Development shall be authorized to procure necessary supplies, services, equipment, furniture and make contracts as authorized from time to time through the Navajo Tribal budget process.

Section 976. Powers and Duties of the Director

a. Transmit to the Navajo Tribal Council, quarterly reports concerning activities of the Commission, including reports on the implementation of its recommendations.

b. Develop the budget and formulate administrative and operating policies of the Office and take action for accomplishment and enforcement thereof.

c. Hire and supervise support staff and consultants. The Director shall employ or engage those persons qualified by education and experience necessary to discharge the duties of the Commission.

d. Exercise supervisory control and direction over the day-to-day operation of the Office and Commission activities.

e. Represent the Office in executive level planning.

f. Delegate authority to members of the staff.

Section 977. Office; staff; duties and accountability

a. The staff is accountable and reports to the Director. The staff is hired and subject to the Navajo Nation's Personnel Policies and Procedures.

b. The duties of staff are as follows:

1. To provide a full range of administrative and support services to the Commission and Director.

2. To act as resource persons to the Commission.

3. To collect information and maintain central files of all information, data, statistics and research materials.

4. To assist in preparing for Commission meetings by collecting and confirming information, notifying interested parties and preparation of materials necessary to conduct meetings.

5. To assist in the coordination of scheduling of Commission and committee meetings and activities.

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6. Perform other duties as directed by the Director.

Section 978. Amendments

The sections hereof may be amended by the Navajo Nation Council upon recommendation of the Intergovernmental Relations Committee.

Chapter 5. Executive Branch

Subchapter 7. President and Vice-President

Section 1001. Executive Branch establishment

There is hereby established the Executive Branch of the Navajo Nation government. The branch shall consist of such divisions, departments, offices, or programs as may be established by law.

Section 281 1002. Creation of Office of Chairman President and Vice President; term

(a) There is hereby established the Office of President and Vice President.

(ab) There shall be one Chairman President of the Navajo Tribal Council Nation, and The President shall be elected held office for a term of four years.

(bc) There shall be no limitation on tThe number of terms of office which a Chairman President shall held serve no more than two (2) terms.

Section 282 1003. Vice Chairman President

(a) There shall be one Vice-Chairman President of the Navajo Tribal Council Nation, and hHe shall be elected held office for a term of four years.

(b) There shall be no limitation on tThe number of terms of office which a Vice-Chairman President shall held serve no more than two (2) terms.

Section 283 1004. Qualifications

(a) No person shall serve as Chairman President or as Vice-Chairman President of the Navajo Tribal Council Nation unless he is a an enrolled member of the Navajo Tribe, 3530 years old or older.

(b) No person shall serve as Chairman President or Vice-Chairman President of the Navajo Tribal Council Nation unless he has continually during the last three years before the time of

election lived on the land of the Navajos, that is, on tribal or allotted land within the boundaries of the Navajo Reservation, or on land of a restricted allotment or homestead, or on purchased or exchanged land or on public domain outside of said exterior boundaries, or in the immediate vicinity of the reservation, and in the case of such non resident that he has participated continuously and actively in the affairs of the Tribe for the three years prior to his taking office. The Tribal Council shall, by majority vote, decide whether such continuous active participation in Tribal affairs on the part of the candidate has taken place and shall so certify been physically present within the Navajo Nation. The Navajo Nation is defined by 7 NTC Section 254.

Section 1004 5. Chairman and Vice Chairman of Tribal Council;
pPowers and duties

(a) The Chairman President of the Navajo Tribal Council Nation shall preside over the deliberations serve as the Chief executive officer of the Council and Executive Branch of the Navajo Nation government shall also act with full authority as the chief executive officer of the Tribe's administrative organization in the to conduct, supervisiene, and coordinatiene of Tribal personnel and programs as approved by of the Navajo Nation Council. He shall have ultimate fiduciary responsibility for the proper and efficient operation of all Tribal Executive divisions and departments Branch offices.

(b) He The President shall represent the Tribe Navajo Nation in negotiatiens relations with governmental and private agencies and meet with many Off Reservation organizations and groups in order to create favorable public opinion and good will toward the Navajo Tribe Nation. The Chairman shall appoint various standing Committees, including the Advisory Committee, within the council, boards and commissions within and outside the Council, to help in determining Tribal policy and procedures and to suggest appropriate action on resolutions.

(c) The Chairman's functions include but are not limited to these set out in this subsection. President shall have the following enumerated powers:

(1) Faithfully execute and enforce the laws of the Navajo Nation.

(2) Negotiate and execute contracts subject to applicable laws.

(3) Appoint supervisory executive personnel subject to applicable laws.

(4) Appoint members of boards, commissions, and other entities subject to applicable laws.

(5) Report quarterly to the Navajo Nation Council on the state of the Navajo Nation.

(6) Recommend to the Budget and Finance Committee, an annual operating budget or amendments thereof for the Executive Branch and advise the Navajo Nation Council on annual budget recommended by the Budget and Finance Committee.

(7) Recommend to the Navajo Nation Council supplemental appropriations for Executive Branch.

(8) Recommend legislations rules or regulations to the Navajo Nation Council or its Committees.

(9) Exercise such powers as may be lawfully delegated to the Office of the President of the Navajo Nation.

(10) Veto legislation passed by the Navajo Nation Council subject to an override of the veto by two-thirds (2/3) vote of the membership of the Navajo Nation Council. The veto shall be exercised by the President by a letter to the Speaker specifying the reasons for the veto. This veto power shall be deemed waived if not exercised ten (10) days after certification of the legislation by the Speaker.

(bd) The Vice-Chairman President of the Tribal Council Navajo Nation, during the absence of the Chairman President, shall preside over Tribal Council meetings and, when so directed by the Chairman, perform designated duties exercise the powers and execute the duties of the chief executive officer President of the Navajo Nation. The Vice Chairman may preside over meetings of the Advisory Committee and can sign documents on behalf of the Tribe when authorized by the Tribal Council.

Section 284. Powers and duties

(a) The Chairman of the Navajo Tribal Council may yield the chair to the Vice-Chairman in order to take part in the sessions of the Tribal Council. He may make recommendations and appoint committees. He shall be the Chairman of the Advisory Committee, and he may advise and assist the Government on any action or policy adopted by the Tribal Council.

(b) The Vice Chairman shall be subordinate in authority to the Chairman and shall assist in carrying out the duties of the Chairman as the Chairman shall direct.

(c) The Vice Chairman of the Tribal Council shall serve as Chairman of the Tribal Council when the Chairman is unable to perform his duties.

(d) In the absence of the Chairman, the Vice Chairman shall preside over meetings of the Council and of the Advisory Committee.

(e) Responsibility for directing and supervising the personnel and executive or business staff of the Tribe shall be in the Chairman, and whatever duties in respect thereto may hereafter be carried out by the Vice Chairman shall be in accordance with the Chairman's directions and instruction.

Section 285 1006. Vacancy

If a vacancy should occur in the Office of Chairman the President or Vice-Chairman of the Navajo Nation or the President is unable to perform his powers and duties, the Tribal Council shall appoint a member Vice-President of the Council Navajo Nation shall serve as successor to President of the Navajo Nation and serve the remainder of the term or until the President's inability to perform his powers and duties is removed. If a vacancy should occur in the Office of the President and Vice-President of the Navajo Nation, the Speaker of the Navajo Nation Council shall serve as President of the Navajo Nation until a special election is held. Such special election shall be called by the Navajo Board of Election Supervisors pursuant to the provisions of the Navajo Election Code. Service by the Speaker as the President shall not create a vacancy in the Office of the Speaker.

Section 286 1007. Residences

Residences shall be furnished at Window Rock, Arizona, together with the cost of utilities water, sewer, refuse disposal, electricity and natural gas, without charge, to the Chairman President and Vice-President of the Navajo Tribal Council Nation. If the President or Vice-President decline to reside in such residence, the Navajo Nation shall not be responsible or liable for costs and expenses of living elsewhere.

Section 287 1008. Salary

The salary of the Chairman President and Vice-Chairman President of the Navajo Tribal Council Nation shall be \$55,000 and \$45,000 per annum, respectively. Salary adjustments may be approved by the Navajo Nation Council but shall not become effective until and unless approved by a referendum.

Section 288- Pre Tempore Chairman

When a quorum of Council or Advisory Committee members is present at any duly called regular or special meeting of these bodies, the members present are authorized, in the absence of the Chairman and Vice-Chairman of the Tribal Council, to select from among themselves a Pre Tempore Chairman to act in that capacity until the Chairman or Vice-Chairman arrives.

Section 289 1009. Staff; establishment; appointment and tenure; salaries

The following positions are established within the Office of the Chairman and Vice-Chairman of the Navajo Tribal Council; to be filled by the following budgeted salaries:

Executive Administrator	22,000
Executive Assistant	17,500
Special Assistant	16,500
Staff Assistant	15,500
Staff Assistant	15,500
Executive Secretary	10,095
Executive Secretary	8,666
Executive Secretary	8,666
Secretary	8,108

All persons presently or hired the established positions such personnel shall serve at the pleasure of the Chairman of the Navajo Tribal Council. The President and Vice-President shall appoint such assistants, administrators, legal counsel and clerical staff as may be budgeted for.

Section 1002 10. Gifts of personal property

The Chairman President of the Navajo Tribal Council Nation is hereby authorized shall, for and on behalf of the Navajo Tribe Nation, to accept or decline gifts of personal property, provided, that any such acceptance or refusal of a gift of personal property of an estimated value in excess of \$1,000 shall be with the concurrence of the Advisory Government Services Committee. All gifts to the Navajo Nation shall be and remain the property of the Navajo Nation.

Section 1003 11. Valuation and accounting; distribution

The Chairman President of the Navajo Tribal Council Nation, upon acceptance of any gifts of personal property, shall cause a valuation and accounting of the property to be made, and he shall further cause the property to be preserved and distributed to the departments of the Navajo Tribe in such a manner that the Navajo People will receive benefit thereby, or that income from sales will accrue to the Navajo Tribe Nation. Distribution of gifts in excess of \$1,000 value shall be with concurrence of the Government Services Committee.

Section 1012. Recording of gifts

All public officials, elected and non-elected, of the Navajo Nation receiving gifts, whether intended as a gift to the official or to the Navajo Nation, shall be recorded or cause to be recorded such gift with the Ethics and Rules Office.

Section 1012 3. Contracting procedures

It is the intent of the Design and Development section, Economic Development Department, to reduce to an absolute minimum the financial risk to the Tribe involved in its development of projects. Therefore, it is contemplated to contract all work possible as follows. All contracts let by the Navajo Nation shall comply with the following requirements:

(1) Plans and specifications will be placed in all nearby major cities, in plan service offices of common interest to contractors of all classification. The desire of the Design and Development section for contracting quotations will be advertised in all ways commonly utilized for this purpose. There shall be public advertisement or notice requesting bids or proposals and stating the qualifications or specifications.

(2) Bids in each category of construction development will or proposals shall be accepted only from competent, experienced, bondable and certified contractors under terms and conditions which will:

(Aa) Assure eCompletion of the project contract within applicable time requirements and allotted funds.

(Bb) Assure Comply with the Navajo Nation eEmployment of Preference qualified Navajo workmen Act.

(c) Comply with the Navajo Nation Business Preference Act.

(d) Comply with all laws and regulations of the Navajo Nation.

(3) The Design and Development section, Economic Development Department, shall have the authority to negotiate prior to contracts on all approved Tribal projects. The section shall recommend to the Chairman, Navajo Tribal Council, award of The contracts shall be awarded to the lowest qualified bidder.

(4) All purchase orders, change orders and other commitments necessary to execute work to be performed in accordance with existing contracts or future contracts and/or signing of bid documents shall be made only after review and approval by the Tribe's Legal Department. Exceptions to these requirements shall be allowed if authorized by rules and regulations duly approved by the Navajo Nation Council or appropriate Standing Committees.

(5) The Design and Development section is authorized to approve and employ nonbudgeted personnel on temporary projects, when contracting is not feasible. Such projects shall be administered through the Tribal Maintenance Department, by arrangement through the Director, Public Services Division, whereby

the wage rates shall be in accordance with "Wage Rates for Nonbudgeted Personnel on Project Development". Contracts not complying with these requirements herein shall be deemed void and not be binding on the Navajo Nation.

(6) A performance bond or retainage shall be required on all construction contracts.

Section 1013- Accounting

Accounting for project development project shall be the responsibility of the Design and Development Section.

(17) A project accountant The office letting the contract shall be responsible for the maintenance of proper books of all records and the accounting control of all project costs, including costs of projects performed under grants and loans from government agencies the contract. Such records shall be open to the Controller and the Auditor General at all times.

(2) He shall maintain a daily record of expended funds for labor, material, equipment and contract tabulation cost. He shall maintain contract payment records on all contracts for construction of Tribal projects reflecting original contract amounts, all change orders, amounts retained, amounts paid, and balances due.

(3) He will be responsible to the Director, Economic Development Department and Controller of the Navajo Tribe. He shall be under the direct supervision of the Controller of the Navajo Tribe in all matters relating to his accounts, books, costs, monies paid out, etc. His records shall be open to inspection by the Controller of the Navajo Tribe at all times.

(4) He shall prepare and submit receiving reports for partial payment on contracts, or for purchase orders on materials purchased for projects under development.

(5) He shall maintain records of all grants and loans awarded by government agencies for development projects, and shall prepare requests for funds from the agencies involved.

Subchapter 3- Office of Legislative Affairs (Recodified at 2 NTC Section 951, et. seq.)

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1989-1991

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RESOLUTION OF
THE INTERGOVERNMENTAL RELATIONS
COMMITTEE OF THE
THE NAVAJO TRIBAL COUNCIL

Recommending the Amendment of Title Two (2) to the Navajo
Tribal Code to the Navajo Tribal Council

WHEREAS:

1. The Intergovernmental Relations Committee of the Navajo Tribal Council is established as a standing committee of the Navajo Tribal Council and is composed of Chairpersons of all Navajo Tribal Council standing committees; and
2. The Legislative Counsel of the Navajo Tribal Council was instructed by the Navajo Tribal Council to prepare and propose amendments to Title Two (2) of the Navajo Tribal Code; and
3. Recent controversy involving the leadership of the Navajo Nation has demonstrated that the present Navajo Nation government structure vests too much power in one person or branch of government and invites abuse of power without real checks on the exercise of power by such person; and
4. There is a need to reorganize the Navajo Nation government by separation of functions into three separate branches, i.e., the legislative, executive and judicial branches, and to identify the powers of each branches and impose checks and balances; and
5. The Judicial Branch has been reorganized by the Judicial Reform Act of 1985, resolution CD-94-85, leaving the legislative and executive branches yet to be reorganized; and
6. The number of standing committees of the Navajo Tribal Council has grown to eighteen (18) and some standing committees can be combined and the Navajo-Hopi Land Committee moved back to a Commission thereby reducing the number of standing committees to twelve (12); and
7. The reorganization of the Navajo Nation government is an internal reorganization of government and has no effect on the Government Reform Project which will proceed as authorized and directed by the Navajo Tribal Council; and
8. It is in the best interest of the Navajo Nation that the Navajo Nation government be reorganized to provide for separation of functions into three branches, and provide for checks and balances between the three branches until the Navajo People decide the form of government they want to be governed by.

NOW THEREFORE BE IT RESOLVED THAT:

The Intergovernmental Relations Committee of the Navajo Tribal Council recommends the adoption of the amendments to Title Two (2) of the Navajo Tribal Code to the Navajo Tribal Council as provided in Exhibit "A" attached hereto and incorporated herein by reference.

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EXHIBIT

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Intergovernmental Relations Committee of the Navajo Tribal Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 13 in favor, 0 opposed, and 1 abstaining, this 27th day of November, 1989.



Chairman
Intergovernmental Relations Committee

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