

CD-68-89 - Article 3 (Sections on Commission and Office of Navajo Government Development)

(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