

**RESOLUTION OF THE
TRANSPORTATION AND COMMUNITY DEVELOPMENT COMMITTEE
OF THE NAVAJO NATION COUNCIL**

**Approving the Alternative Forms of Chapter Governance Models
Policies and Procedures**

WHEREAS:

1. Pursuant to 2 N.N.C. Sections 420 and 421, the Transportation and Community Development Committee of the Navajo Nation Council is established and continued as a standing committee of the Navajo Nation Council with authority to promote the development of chapter governments; and

2. Pursuant to 26 N.N.C. Section 103(E)(6), the Transportation and Community Development Committee of the Navajo Nation Council is authorized to establish alternative forms of chapter governance; and

3. The Transportation and Community Development Committee of the Navajo Nation Council has duly considered the Alternative Forms of Chapter Governance Models Policies and Procedures.


NOW THEREFORE BE RESOLVED THAT:

1. The Transportation and Community Development Committee of the Navajo Nation Council hereby approves the *Alternative Forms of Chapter Governance Models Policies and Procedures* attached hereto as Exhibit "A".

2. The Transportation and Community Development Committee of the Navajo Nation Council respectfully requests the President of the Navajo Nation and the Executive Director of the Division of Community Development to ensure that the 110 chapters of the Navajo Nation are provided copies of and given notice of Exhibit "A".

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Transportation and Community Development Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and the same was passed by a vote of 6 in favor, 0 opposed, and 0 abstained, this 12th day of April, 2001.



Lawrence T. Morgan, Chairperson
Transportation and Community
Development Committee of the
Navajo Nation Council

Motion: Sampson Begay

Second: Joe Salt

ALTERNATIVE FORMS OF CHAPTER GOVERNANCE MODELS
POLICIES AND PROCEDURES

I PURPOSE

The purpose of these polices and procedures is to give guidance to governance-certified chapters on how to adopt an alternative form of governance pursuant to the Navajo Nation Local Governance Act (LGA) 26 N.N.C. Section 103(E)(6).

II DEFINITIONS

- A. "Alternative forms of chapter governance" means to give a new design, function or organization to the existing chapter government.
- B. "Alternative form of chapter governance model" means the basic structural framework from which an alternative form of chapter governance is developed.
- C. "Local Governance Act" means 26 N.N.C. Sections 1-2005.
- D. "Ordinance" means a local law, rule or regulation enacted pursuant to the Local Governance Act.
- E. "Alternative Governance Ordinance Development Committee" means the locally appointed committee responsible for developing the alternative forms of governance ordinance and recommending to the chapter membership an appropriate governance model.

III TYPES OF GOVERNANCE MODELS

- A. The Transportation and Community Development Committee has established the following types of governance models for chapter consideration:
 - 1. Chapter Council- President. (see description attached hereto as Attachment A)
 - 2. Commission-Manager. (see description attached hereto as Attachment B)
 - 3. Council of Nat'aa. (see description attached hereto as Attachment C)
- B. In addition to the above-mentioned models, the Transportation and Community Development Committee will consider models duly proposed by governance-certified chapters pursuant to the conditions set forth in Section VI of these policies and procedures.

IV ORDINANCE DEVELOPMENT PROCEDURES

- A. Registered members of a governance-certified chapter shall adopt a chapter resolution authorizing the study and development of an alternative form of governance ordinance.
- B. Upon approval of the resolution, the members of a governance-certified chapter shall appoint chapter members to the Alternative Governance Ordinance Development Committee.
- C. The Alternative Governance Ordinance Development Committee shall be responsible for recommending to the chapter membership the alternative form of governance model that best meets the needs of the chapter.
- D. The Alternative Governance Ordinance Development Committee shall also be responsible for developing the proposed ordinance defining the duties, responsibilities, and functions of the elected and appointed officials and the extent of authorities delegated from the chapter membership to the alternative government.
- E. The Alternative Governance Ordinance Development Committee shall complete the proposed ordinance within 120 days after appointment, or as determined by the chapter membership.
- F. The development and approval process of the proposed ordinance and recommended model shall be consistent with the requirements set forth in 26 N.N.C. Section 2001.

V NOTIFICATION REQUIREMENTS

Upon the adoption by a governance-certified chapter of an alternative form of governance ordinance, the chapter administration shall provide a copy of the ordinance and all attachments thereof to the following:

- A. Transportation and Community Development Committee,
- B. Division of Community Development, Central Office,
- C. Agency Local Governance Support Center,
- D. Office of the President/Vice President,
- E. Office of the Speaker,
- F. Department of Justice,
- G. Office of the Auditor General, and
- H. Navajo Nation Central Records Management Department.

VI OPTIONAL GOVERNANCE MODEL PROCEDURE

If a governance-certified chapter wants to pursue a model not already established by the Transportation and Community Development Committee, the optional governance model and proposed ordinance must be consistent with the intent and purpose of 26 N.N.C. § 1(B)(1) and clearly set forth the duties and responsibilities of the elected and appointed officials. Additionally, the chapter must present to the Transportation and Community Development Committee the following items:

- A. A proposed Transportation and Community Development Committee resolution for consideration. (See Sample Resolution attached hereto as Attachment D).
- B. A copy of the chapter resolution indicating the chapter's support of and intent to adopt an alternative form of governance. The resolution should include information relative to the appointment of the Alternative Governance Ordinance Development Committee consistent with Section IV.
- C. A copy of the proposed optional governance model and corresponding proposed ordinance.
- D. Upon due consideration, the Transportation and Community Development Committee, may approve the alternative form of governance model by Committee resolution. The proposed Committee resolution must be surnamed by the following: (See Sample 164 Review Cover Sheet attached hereto as Attachment E).
 1. Sponsor (Chapter President),
 2. Division of Community Development,
 3. Office of the Controller,
 4. Department of Justice,
 5. Office of the Legislative Counsel, and
 6. Chairperson of the TCDC
- E. Upon approval of the optional governance model by the Transportation and Community Development Committee, the chapter must formally adopt its alternative governance ordinance pursuant to the 26 N.N.C. Section 2001(H).
- F. Upon approval of the optional governance ordinance by the chapter, the chapter shall comply with the notification requirements set forth in Section V herein.

VII ORDINANCE AMENDMENTS OR REVOCATION

A local government operating pursuant to an alternative form of chapter governance may amend or rescind consistent with the requirements of 26 N.N.C. Section 2001.

VIII AMENDMENTS

The *Alternative Forms of Governance Models Policies and Procedures* may be amended from time to time as deemed necessary by the Transportation and Community Development Committee.

CHAPTER COUNCIL - PRESIDENT FORM of GOVERNANCE

- A. Chapter Government by Council, President and Appointed Officers and Employees; Exercise of Legislative and Executive Functions.
1. Each chapter may be governed by an elected chapter council, and an elected chapter president and by such other officers and employees as may be duly appointed pursuant to this section and Alternative Governance Ordinance.
 2. Unless explicitly stated otherwise, any administrative or executive functions assigned by the chapter membership shall be exercised by the president, and any legislative and policy-making functions assigned by the chapter membership shall be exercised by the chapter council.
- B. Elected Chapter Officials
1. Chapter President; Election; Term

The chapter president shall be elected, at large, by the registered members of the chapter, in accordance with the Election Code of the Navajo Nation, and shall serve a four (4) year term.
 2. Chapter Council Members; Term; Number

The chapter council shall be elected, at large, by the registered members of the chapter, in accordance with the election laws of the Navajo Nation, and shall serve a four (4) year term. The council shall consist of not less than five, or more than nine members, as provided in the chapter membership ordinance.
- C. Chapter Council; Legislative Authority
- The legislative and policy-making authority of the chapter shall be exercised by the chapter council, unless otherwise reserved to the chapter membership. The legislative and policy-making authority shall be exercised by council resolution consistent with the authorities duly authorized by chapter membership ordinance, and shall include the exercise of, but not be limited to:
1. The override of a veto of the chapter president;
 2. The exercise of advice and consent to actions of the chapter president;
 3. The adoption of rules for the chapter council;
 4. The establishment of times and places for council meetings;

5. The election, appointment, setting of salaries and removal of officers and employees of the chapter council, subject to applicable Navajo Nation and chapter requirements and any applicable contractual obligations, and within the general limits of the chapter budget;
6. Approval of contracts presented by the chapter president; and
7. The expression of chapter council policies or opinions.

D. Chapter President; Executive Power

The executive power and administrative oversight of the chapter shall be exercised by the chapter president, subject to the procedures duly authorized by the chapter membership pursuant to the Alternative Governance Ordinance. The duties of the Chapter President shall include, but not limited to:

1. Enforcement of the chapter council and the chapter membership resolutions and ordinances, and all general laws applicable thereto;
2. Report annually to the chapter council and to the chapter membership on the state of the chapter, and the work of the previous year. The chapter president shall also recommend to the council whatever action or programs he or she deems necessary for the improvement of the chapter and the welfare of its residents. He may from time to time recommend actions or programs he or she deems necessary or desirable for the chapter to undertake;
3. Supervise, direct and control all departments of the chapter government and shall require each department to make an annual report and such other reports on its work as may deem desirable;
4. Require such reports and examine such accounts, records and operations of any board, committee, or other departments of chapter government, as he or she deems necessary;
5. Prepare and submit to the council for its consideration and adoption of the annual operating and capital improvements budget, establish schedules and procedures to be followed by all chapter departments and offices in connection therewith, and supervise and administer all phases of the budgetary process;
6. Supervise the care and custody of all chapter property, in accord with the chapter's certified Five Management System Policies and Procedures and make recommendations concerning the nature and location of chapter improvements and execute improvements determined by the chapter council and the membership;
7. Sign all contracts, bonds or other instruments requiring the consent of the chapter council and/or membership;
8. Review, analyze and forecast trends of chapter services and finances and programs of all boards, commissions, departments and other chapter bodies, and report and recommend thereon to the council;
9. Supervise budgeting, personnel and purchasing procedures;

10. Negotiate contracts for the chapter, subject to council approval; and
11. Assure that all terms and conditions imposed in favor of the chapter or its residents in any resolution, ordinance, or contract are faithfully kept and performed.

E. Approval or Veto of Council Resolutions; Attending Meeting

1. Resolutions adopted by the council shall be submitted to the president, and he shall within ten (10) days after receiving any resolution either approve the resolution by affixing his or her signature thereto or veto the resolution by returning it to the council by delivering it to the council, together with a statement setting forth his objection. No resolution or any item or part thereof shall take effect without the chapter president's approval, unless the president fails to return a resolution to the council within ten (10) days after it has been presented to him or her, or unless council upon recommendation thereof shall by a vote of two-thirds of the council members resolve to override the president's veto.
2. The chapter president may attend meetings of the council and may take part in discussions of the council but shall have no vote except in the case of a tie.

F. Reserved

COMMISSION - MANAGER FORM of GOVERNANCE

- A. Chapter Government by Commission and Appointed Manager and other Officers and Employees

Each chapter may be governed by an elected chapter commission and by an appointed chapter manager, and by such other officers and employees as may be duly appointed pursuant to this form of government, commission resolution and chapter membership ordinance.

- B. Commission Election; Terms; Number

The commission shall be elected, at large, by the registered members of the chapter, in accordance with the Election Code of the Navajo Nation, and shall serve a four (4) year term. The commission shall consist of not less than five (5), or more than nine (9) members, as provided in the chapter membership ordinance.

- C. Powers of Chapters Vested in Commission; Exceptions

All powers of the chapter and the determination of all matters of policy shall be vested in the commission; except as otherwise provided by chapter membership ordinance or by the general law of the Navajo Nation.

- D. Appointment of Chapter Manager; Clerk and Other Employees of the Chapter

The commission shall appoint a chapter manager. The commission may provide for the manner of appointment of other employees of the chapter, and may create chapter committees with advisory powers.

- E. Commission to Act as a Body; Administrative Function Performed by Manager; Committees

The commission shall act in all matters as a body, and it is contrary to the spirit of this form of government for any of its members to seek individually to influence the official acts of the chapter manager, or any other employee, or for the commission or any of its members to direct or request the appointment of any person to, or his or her removal from office; or to interfere in any way with the performance by such officers of their duties. The commission and its members shall deal with the administration solely through the manager, either publicly or privately. Nothing herein contained shall prevent the commission from appointing committees of its own members or of chapter members to conduct investigations into the conduct of any officer or department, or any matter relating to the welfare of the chapter, and delegating to such committees such powers or inquiry as the chapter commission may deem necessary. Any commission members violating the provision of this

section shall, upon conviction thereof in the courts of the Navajo Nation, be disqualified as a commission member.

F. Chapter Manager; Qualifications; Powers and Duties

1. Chapter Manager Qualifications

The chapter manager shall be chosen by the commission solely on the basis of executive and administrative qualification with special reference to his or her actual experience in, or his or her knowledge of the duties of office as set forth herein. At the time of his or her appointment, he or she need not be a resident of the chapter, unless otherwise provided.

2. Chapter Manager Duties and Responsibilities

The Chapter Manager shall:

- a. Be the chief executive and administrative official of the chapter;
- b. Execute all laws and ordinances of the chapter;
- c. Appoint and remove a deputy manager, if authorized by the chapter commission, all department heads and all other employees, clerks, and assistants, unless otherwise provided;
- d. Negotiate contracts for the chapter subject to the approval of the commission, make recommendations concerning the nature and location of chapter improvements as determined by the commission;
- e. See that all terms and conditions imposed in favor of the chapter or its members in any ordinance, or other contract are faithfully kept and performed, and upon knowledge of any violation call the same to the attention of the commission; and
- f. Perform such other duties as may be required of the chapter manager by commission and chapter membership ordinance or resolution.

3. Budget; Preparation by Chapter Manager

The chapter budget shall be prepared by the chapter manager and presented to the commission for approval.

G. Reserved.

COUNCIL of NAT'AA and ATSILASDAI EXECUTIVE
FORM of GOVERNANCE

- A. Chapter Government by Council of Nat'aa and Appointed Atsilas dai Executive and Other Officers and Employees.
1. Each chapter may be governed by an elected Council of Nat'aa and by an appointed Atsilas dai Executive, and by such other officers and employees as may be duly appointed pursuant to this form of government, and chapter membership ordinance.
 2. Unless explicitly stated otherwise, any administrative or executive functions assigned by the chapter membership shall be exercised by the Atsilas dai Executive, and any legislative and policy-making functions assigned by the chapter membership shall be exercised by the Council of Nat'aa.
- B. Council of Nat'aa; Election; Appointment; Term; Number
1. Council of Nat'aa Members Elected at Large; Term

The Chapter President, Vice President and Secretary/Treasurer shall be elected, at large, by the registered members of the chapter, in accordance with the Election Code of the Navajo Nation, and shall serve a four (4) year term.
 2. Council of Nat'aa Members Appointed to Serve; Term

The representative members of the council shall be appointed by their respective councils and/or boards, by resolution; and shall serve a two (2) year term, of which may be staggered pursuant to chapter membership ordinance.
 3. The Council of Nat'aa Number

The council shall consist of not less than five (5), or more than nine (9) members, as provided in the chapter membership ordinance.
- C. Powers of Chapter Vested in the Council of Nat'aa; Exceptions
- All powers of the Chapter and the determination of all matters of policy shall be vested in the Council of Nat'aa; except as otherwise provided by chapter membership ordinance or by the general law of the Navajo Nation.
- D. Atsilas dai Executive; Appointment

The Council of Nat'aa shall appoint the Atsilas dai Executive to carry out the executive and administrative responsibilities of the chapter government.

E. Council of Nat'aa to Act as a Body; Administrative Functions Performed by Atsilas dai Executive; Committees

The Council of Nat'aa shall act in all matters as a body, and it is contrary to the spirit of this form of government for any of its members to seek individually to influence the official acts of the Atsilas dai Executive, or any other officer, or for the Council of Nat'aa or any of its members to direct or request the appointment of any person to, or his or her removal from, office; or to interfere in any way with the performance by such officers of their duties. The council and its members shall deal with the administration solely through the Atsilas dai Executive, either publicly or privately. Nothing herein contained shall prevent the council from appointing committees of its own members or of chapter members to conduct investigations into the conduct of any officer or department, or any matter relating to the welfare of this chapter, and delegating to such committees such powers or inquiry as the council may deem necessary. Any council members violating the provision of this section shall, upon conviction thereof in the courts of the Navajo Nation, be disqualified as a council member.

F. Atsilas dai Executive

1. Atsilas dai Executive Qualifications

The Atsilas dai Executive shall be chosen by the Council of Nat'aa solely on the basis of executive and administrative qualification with special reference to his or her actual experience in, or his or her knowledge of the duties of his office as set forth herein. At the time of his appointment, he or she need not be a resident of the chapter, unless otherwise provided.

2. Atsilas dai Executive Duties and Responsibilities

The Atsilas dai Executive shall:

- a. Be the chief executive and administrative official of the chapter;
- b. Execute all laws and ordinances of the chapter;
- c. Appoint and remove all department heads and all other officers, clerks, and assistants, unless stated otherwise in local ordinance;
- d. Negotiate contracts for the chapter subject to the approval of the council, make recommendations concerning the nature and location of chapter improvements as determined by the council;
- e. See that all terms and conditions imposed in favor of the chapter or its members in any ordinance, or other contract are faithfully kept and

performed, and upon knowledge of any violation call the same to the attention of the council; and

- f. Perform such other duties as may be required of the Atsilasdai Executive by council and chapter membership ordinance or resolution.

3. Budget; Preparation by Atsilasdai Executive

The chapter budget shall be prepared by the Atsilasdai Executive and presented to the Council of Nat'aa for approval.

- G. Reserved.

**PROPOSED
RESOLUTION OF THE
TRANSPORTATION AND COMMUNITY DEVELOPMENT COMMITTEE
OF THE NAVAJO NATION COUNCIL**

Approving the Alternative Form of Chapter Governance Model
Proposed by the _____ Chapter

WHEREAS:

1. Pursuant to 2 N.N.C. §§ 420 and 421, the Transportation and Community Development Committee of the Navajo Nation Council is established and continued as a standing committee of the Navajo Nation Council with authority to promote the development of chapter governments; and
2. Pursuant to 26 N.N.C. § 103(E)(6), the Transportation and Community Development Committee is authorized to establish alternative forms of chapter governance; and
3. The Transportation and Community Development Committee has duly considered the alternative form of governance model presented by the _____ Chapter and finds that the proposed model and corresponding ordinance is consistent with 26 N.N.C. § 1(B)(1), attached hereto as Exhibits A and B, respectively.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Transportation and Community Development Committee of the Navajo Nation Council hereby approves the alternative form of chapter governance model presented by the _____ Chapter attached hereto as Exhibit A.
2. The Transportation and Community Development Committee of the Navajo Nation Council further hereby amends the *Alternative Forms of Governance Models Policies and Procedures* to include the model attached hereto as Exhibit A.
3. The Transportation and Community Development Committee of the Navajo Nation Council respectfully requests the President of the Navajo Nation and the Executive Director of the Division of Community Development to ensure that the all chapters of the Navajo Nation are provided copies of and given notice of Exhibit A.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Transportation and Community Development Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (AZ), at which a quorum was present, and the same was passed by a vote of __ in favor, __ opposed, and __ abstained, this __ day of _____, 2001.

Chairperson
Transportation and Community
Development Committee of the
Navajo Nation Council

Motion:

Second:

SECTION 164 REVIEW PROCESS

NAME: _____ CHAPTER: _____ PHONE: _____

DOCUMENT: _____ Date: _____

Lined area for notes or comments.

SURNAME

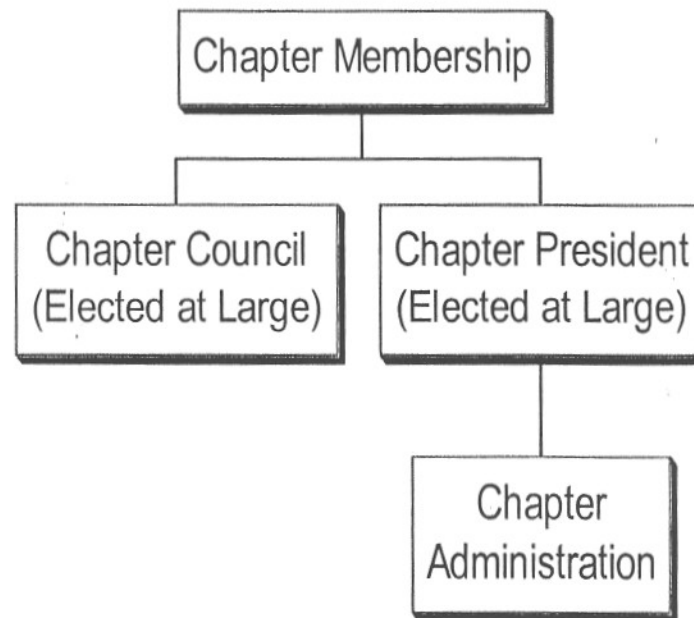
- 1. Sponsor (Chapter President) Date: _____
2. Division of Community Development Date: _____
3. Office of the Controller Date: _____
4. Department of Justice Date: _____
5. Office of Legislative Counsel Date: _____
6. Chairperson of the TCDC Date: _____
7. _____ Date: _____

Date Signed: _____ No. of Signatures _____
Disposition: _____ Initial: _____

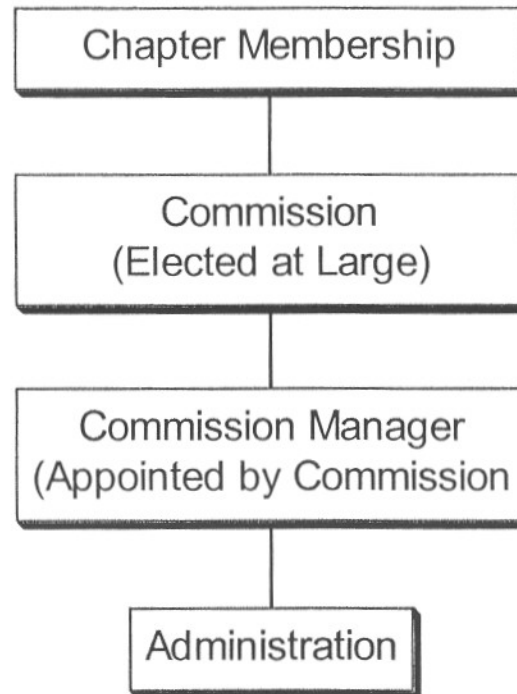
ADDENDUM

1. Organizational Structure: Chapter Council - President Form of Governance
2. Organizational Structure: Commission - Manager Form of Governance
3. Organizational Structure: Council of Nat'aa – Atsilasdai Executive Form of Governance

CHAPTER COUNCIL - PRESIDENT FORM of GOVERNANCE



COMMISSION - MANAGER FORM OF GOVERNANCE



COUNCIL of NAT'AA - ATSILASDAI EXECUTIVE
FORM of GOVERNANCE Con't.



COUNCIL of NAT'AA - ATSI LASDAI EXECUTIVE
FORM of GOVERNANCE

