Attachment for DOJ Memorandum June 28, 2024 re: Virtual-Hybrid Chapter Meetings

[TEMPLATE]

Policy and Procedure for

Virtual-Hybrid Chapter Meetings

I. Purpose

A. Under Navajo Nation Council Resolutions CO-85-23 and CJA-03-24, several sections of the Local Governance Act (26 N.N.C. § 1 *et seq.*) were proposed to allow Chapters to authorize the attendance of Chapter Meetings through teleconference and/or video conference. In order for these amendments to become effective, a majority of Chapters needed to approve the amendments to the LGA. This was described as “step one.” On June 25, 2024, step one was completed and the amendments were officially added as amendments to the LGA. Although effective, Chapters still need to complete “step two” described below before beginning virtual-hybrid Chapter Meetings.

B. Upon the effective date of the amendments, each Chapter possesses the ability to decide for themselves if the Chapter wishes to authorize virtual-hybrid Chapter Meetings. Under new section 1003(B) of the LGA, there are two ways that Chapters can decide: 1) Chapter Resolution; or 2) Chapter Referendum. This is “step two.”

C. New section 1003(B) also indicates that when Chapters are initiating step two, each Chapter “shall include hybrid/virtual attendance participation policies and procedures.” While each Chapter may adopt their own policy and procedure, the Department of Justice offers this template as it is deemed legally sufficient.

D. These policies and procedures shall be applied consistently with all existing provisions in the LGA. Any inconsistency in these policies shall be resolved in favor of the LGA.

II. Step Two: Chapter Resolution or Chapter Referendum

A. Chapter Resolution. At a duly called Regular Chapter Meeting, the community or Alternative Form of Governance (AFOG) will vote, by Resolution, to determine whether to allow virtual-hybrid Chapter Meetings through a future Chapter Resolution or through a Chapter Referendum. If the Chapter decides to vote through a future Chapter Resolution, the Chapter will post an agenda and a copy of these policies and procedures prior to the vote being taken (if not using this template, the Chapter shall post a copy of the policies and procedures to be used).

B. Chapter Referendum. If the Chapter chooses to vote through a Chapter Referendum, the Chapter will need to satisfy all of the applicable requirements in the Election Code, particularly 11 N.N.C. § 403(B), 405, 407, and 408. The Referendum shall include a copy of these policies and procedures if using the template. The vote requirement is a majority of the votes cast.

C. Effective Date. Chapters may begin virtual-hybrid Chapter Meetings after completing (A) or (B).

III. Definitions

1. “AFOG” means a Chapter that has adopted an Alternative Form of Governance.

2. “Chairperson” means the Chapter President or in their absence the Vice-President. In the absence of both, it means the Chairperson *Pro Tempore*. It may also mean the Chairperson for Chapters adopting an AFOG.

3. “Co-host” means the person who is assigned to assist the Host in administering the virtual meeting.

4. “Hybrid” means having a Chapter Meeting that includes in-person attendance and virtual attendance.

5. “Host” means the person administrating the virtual meeting.

6. “LGA” means the Navajo Nation Local Governance Act, 26 N.N.C. §§ 1 *et seq.*

7. “Roll call” means having the virtual attendees confirm that they are present for the meeting when the Chairperson calls for a roll call.

8. “Virtual” and “virtual attendance” is further defined in the LGA. For purposes of these policies, it means either virtual attendance or Chapter Meetings that are entirely virtual (i.e., not in-person presence).

IV. Quorum and Voting

A. Any and all Chapter Meetings allowing virtual attendance shall include, on the agenda, the website link, phone numbers, and/or all necessary information to allow others to successfully log into the meeting.

1. Under section 1002(B) of the LGA, there is a minimum forty-eight (48) hour notice requirement for the posting of all agendas.

2. If login information is not provided at the time the agenda is posted, the meeting may proceed only as an in-person meeting.

3. If login information is incorrect, the meeting may proceed only as an in-person meeting.

B. At least ten (10) minutes prior to the start of the meeting, the Host or Co-host shall open the virtual session to allow attendees to begin logging into the meeting.

1. Opening the virtual session does not start the meeting. The meeting will begin when a quorum is obtained.

2. The Secretary/Treasurer shall take record of the persons logging into the meeting.

3. Under section 1003(B) of the LGA, only Chapters members who are registered to vote at the Chapter are counted towards the quorum. Under section 2(10)(a), only registered Chapter members are allowed to vote.

4. Any person attending in-person or virtually who is not registered to vote with the Chapter will not be counted towards quorum or be allowed to vote.

5. It is the duty of each registered Chapter member to inform the Secretary/Treasurer of their name and state whether he/she is a registered Chapter member. The Chapter member will forfeit all voting rights if he/she does not identify themselves sufficient enough to allow the Secretary/Treasurer to confirm voting registration.

6. The Secretary/Treasurer will prepare a list of all virtual attendees.

7. Multiple individuals may share one login or phone line but only one person will be counted towards quorum and only that person may vote. If other individuals want to be counted towards quorum or vote separately, those individuals will need to login or call-in separately.

C. The Chairperson shall ask for a roll call at the start of the meeting to determine if there is a quorum.

1. A quorum will allow the Chairperson to call the meeting to order. Since different Chapters have different quorum requirements, these policies presumes that Chapters establish a sufficient number of registered voters for a quorum.

2. When there are sufficient number of persons attending in-person, there is no need for the Secretary/Treasurer to inform the Chairperson to ask for a roll call.

3. When there are not enough registered voters attending in-person, the Chairperson shall call for a roll call of virtual attendees to determine if there’s still a quorum. The Vice-President or Secretary/Treasurer may also ask the Chairperson for a roll call.

4. Virtual attendees are responsible for their own attendance. If the virtual attendee does not answer roll call, the person will not be counted towards quorum even though he/she is still logged in.

D. Voting Procedure

1. Whenever a vote is required, the in-person votes will be counted first.

2. Next, the Secretary/Treasurer will use the list prepared under (B)(6) above and ask each person for their vote.

a. The person shall either vote in favor, against, or abstain.

b. If the person does not answer, the person will be considered absent. In other words, if the person does not answer, the vote will not be counted either in favor, against, or as an abstention.

3. The Secretary/Treasurer will add the virtual votes to the in-person vote count and provide the Chairperson with the final combined tally.

V. Other Policies and Procedures

A. Duty to mute, raise hand, chat.

1. Each virtual attendee has a duty to mute themselves when not recognized to speak. The Chairperson will offer one warning to the virtual attendee to mute themselves by recognizing the name and/or last four digits of the displayed phone number. If the Chairperson determines that the virtual attendee is not complying, the Chairperson will:

a. Allow the Host or Co-host to mute the person’s line electronically; or

b. Allow the Host or Co-host to disconnect the person’s line.

2. Raise hand (if applicable)

a. Some online platforms allow virtual attendees to “raise their hand” electronically.

b. Virtual attendees will raise their hand to request to speak.

c. The Secretary/Treasurer may sometimes need to inform the Chairperson that a virtual attendee has raised their hand.

d. The Chairperson will recognize the raised hand and allow the virtual attendee to speak.

e. Attendees by phone shall announce their desire to speak. The person’s name will be placed on a list and the Chairperson will allow each person to speak.

f. This shall not be required for certain procedural matters such as points of order, questions of privilege, etc., which may be raised immediately and orderly.

3. Chat (if applicable)

a. Some online platforms allow virtual attendees to “chat.”

b. The Chapter should determine whether to allow chat and if so, determine the proper use of chat.

B. No Grounds for Disconnection

1. The Chapter shall not intentionally disconnect virtual attendees.

2. When a virtual attendee is causing disorder of the meeting, the Chairperson may exercise the power to adjourn or postpone the meeting as provided in section 1001(B)(1)(e) of the LGA.

3. When a virtual attendee has caused disorder in two different meetings, he/she will not be allowed to attend virtually for the next meeting. The person will be allowed to attend in-person.

4. For habitual offenders, the Chapter shall contact the Department of Justice.

C. Camera and Video

1. Each Chapter may decide whether to require the virtual attendee to turn on their camera when joining a virtual meeting.

2. The use of the camera may impact the bandwidth of both the Chapter and the virtual attendee. However, the use of the camera ensures Chapters that virtual attendees are in attendance.

D. Service issues

1. Virtual attendees are responsible for their own online and phone-line connection issues.

2. When the Chapter is experiencing connection issues, the Chapter shall recess for enough time to fix those issues. If the issues cannot be fixed, the Chairperson shall use their authority under section 1001(B)(1)(e) to adjourn or postpone the meeting. This is true even when there’s a sufficient number of in-person attendees.

E. Share Screen

1. Most online platforms allow the share screen function. This is often useful for presentations and showing documents on a screen within the online platform.

2. Shared screen by the Chapter. The Chapter has discretion to share screen of any public documents.

3. Shared screens by virtual attendees. The Chairperson has discretion to grant authorization to allow a virtual attendee to share their screen. However, the Chairperson may seek input from others.

F. Recording and Public Records

1. Under section 1001(B)(3)(d) of the LGA, all Chapter Meetings are recorded. Accordingly, Chapters shall maintain records of all virtual chapter meetings.

2. Under section 84(A)(6) of the Navajo Nation Privacy Act, 2 N.N.C. §§ 81 *et seq.,* Chapter Meeting Minutes are public records.

3. Any person logging into a virtual Chapter meeting is providing their consent to be digitally recorded. This includes the recordings of any chat and comments if Chapters decide to allow chat and comments.

4. If possible, the Chapter shall post the recordings of virtual meetings on the official Chapter website or any other platform (i.e., Authorized Chapter Social Media, YouTube, Vimeo, etc.).

G. Virtual Meeting Credentials

1. The Host and Co-host understands that virtual meeting credentials such as usernames and passwords are the property of the Chapter.

2. At least one Chapter Official and one Chapter Administrative employee shall possess the virtual meeting credentials in the event the Host and/or Co-host is not available to start the session.

3. Prior to departure of any person having credentials, that person shall inform a Chapter Official and a Chapter Employee of the credentials. Upon any departure, the passwords must be changed.

VI. Modifications/Amendments

This template may be edited and/or amended by Chapter Resolution after receiving approval of the changes from the Department of Justice.