

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0001-23_

SPONSOR: Eugenia Charles-Newton

TITLE: An Action Relating to an Emergency and the Navajo Nation Council; Selecting a Speaker Pro Tem to Perform Limited Duties from January 20 to January 23, 2023, or When the Navajo Nation Council Confirms a Speaker for the 25th Navajo Nation Council

Date posted: January 10, 2023 at 2:14PM

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Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0001-23

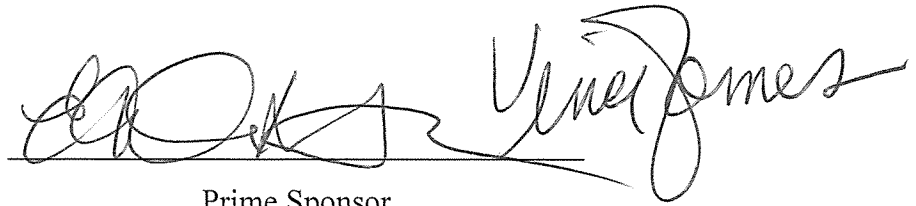
DATE: January 10, 2023

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY AND THE NAVAJO NATION COUNCIL; SELECTING A SPEAKER *PRO TEM* TO PERFORM LIMITED DUTIES FROM JANUARY 10 TO JANUARY 23, 2023 OR WHEN THE NAVAJO NATION COUNCIL CONFIRMS A SPEAKER FOR THE 25TH NAVAJO NATION COUNCIL

PURPOSE: The purpose of the resolution is to approve the Speaker *Pro Tem* for the 25th Navajo Nation Council for the period beginning January 10, 2023 and ending when the Navajo Nation Council confirms the Speaker to be selected on January 23, 2023. 2 N.N.C. §§ 281 (B) and 282 (C).

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
25th NAVAJO NATION COUNCIL - First Year, 2023



Prime Sponsor

TRACKING NO. 0001-23

AN ACTION

RELATING TO AN EMERGENCY AND THE NAVAJO NATION COUNCIL;
SELECTING A SPEAKER *PRO TEM* TO PERFORM LIMITED DUTIES FROM
JANUARY 10 TO JANUARY 23, 2023, OR WHEN THE NAVAJO NATION
COUNCIL CONFIRMS A SPEAKER FOR THE 25TH NAVAJO NATION COUNCIL

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation and shall consist of 24 delegates. 2 N.N.C. §102 (A).
- B. The Speaker of the Navajo Nation is selected by and serves at the pleasure of the Navajo Nation Council. *See* 2 N.N.C. §§ 282 (A) and (C).
- C. The Navajo Nation Council has the authority to promulgate rules, regulations and procedures for the conduct of its meetings and that of its committees. 2 N.N.C. § 102 (E).
- D. Pursuant to 2 N.N.C. § 164 (A)(16) "Matters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under the Navajo Nation or Federal law, or which directly threaten the sovereignty of the

1 Navajo Nation. Such an emergency matter must arise due to the pressing public need
2 for such resolution(s) and must be a matter requiring final action by the Council.”
3

4 **SECTION TWO. FINDINGS**

- 5 A. There is established the Office of the Speaker of the Navajo Nation Council. 2 N.N.C.
6 § 281 (A).
- 7 B. The Speaker of the Navajo Nation Council shall be a member of the Navajo Nation
8 Council in good standing. 2 N.N.C. § 281 (B).
- 9 C. The 25th Navajo Nation Council delegates are scheduled to be sworn into office at
10 noon on January 10, 2023.
- 11 D. Pursuant to 2 N.N.C. § 282 (C), the Speaker of the Navajo Nation Council is selected
12 and confirmed by the Navajo Nation Council as the first order of business at the
13 Council session scheduled for the fourth Monday in January of any odd numbered
14 year.
- 15 E. In order that the selection of a Speaker for the 25th Navajo Nation Council be chosen
16 in an orderly and efficient manner and that the necessary administrative and
17 ministerial duties of the Legislative Branch be fulfilled in the interim, a Speaker *Pro*
18 *Tem* shall be selected by the delegates of the 25th Navajo Nation Council once they
19 have been sworn into office.
- 20 F. Pursuant to Navajo Nation Council Resolution CJA-03-11 attached herein as **Exhibit**
21 **A**, each Council shall be authorized to select a Speaker pursuant to its own process
22 and procedures or to utilize the process and procedures set forth in Section 3 of CJA-
23 03-11.
- 24 G. This matters meets the emergency legislation criteria of 2 N.N.C. § 164 (A)(16) as the
25 25th Navajo Nation Council cannot operate to protect direct services to the Navajo
26 people or protect the Navajo’s sovereignty without an official head of the Legislative
27 Branch to execute administrative and ministerial duties.
28

29 **SECTION THREE. ADOPTION OF RULES FOR SELECTION OF SPEAKER *PRO*** 30 ***TEM***

1 For the purposes of selecting its Speaker *Pro Tem*, the 25th Navajo Nation Council hereby
2 adopts the Rules in the Selection of the Speaker set forth in Section 3 of CJA-03-11,
3 attached as **Exhibit A**.

4
5 **SECTION FOUR. SELECTION OF SPEAKER *PRO TEM***

6 A. The Navajo Nation Council hereby selects the Honorable
7 _____ as Speaker *Pro Tem* for the 25th Navajo Nation
8 Council for the period beginning January 10, 2023 and ending when the Navajo
9 Nation Council confirms the Speaker to be selected on January 23, 2023. 2 N.N.C.
10 §§ 281 (B) and 282 (C).

11 B. The Navajo Nation Council hereby authorizes the Speaker *Pro Tem* to perform the
12 following limited duties from January 10, 2023 thorough January 23, 2023 or when
13 the Navajo Nation Council confirms a Speaker for the 25th Navajo Nation Council.

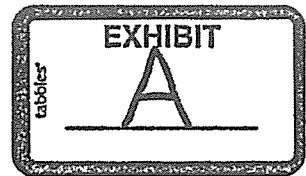
- 14 1. Preside over the January 10, 2023 Special Session of the Navajo Nation
15 Council and the Winter Session on January 23, 2023 until the Navajo
16 Nation Council confirms the newly selected Speaker.
- 17 2. Approve travel requests for Navajo Nation Council delegates.
- 18 3. Supervise all Program Directors in the Legislative Branch by approval of
19 leave, travel and payment requests. Any perceived reason for disciplinary
20 action shall be documented and reported in writing to the newly confirmed
21 Speaker.
- 22 4. When necessary, travel to represent the Navajo Nation upon written
23 request by the Navajo Nation general public, President, or Vice-President
24 of the Navajo Nation, or other sovereign entities such as the federal
25 government, the states of Arizona, New Mexico, Utah or subdivisions
26 thereof.
- 27 5. Call a work session(s) as needed.

28 C. The Navajo Nation Council hereby authorizes the Speaker *Pro Tem* to receive, in
29 addition to his or her salary as a delegate pursuant to 2 N.N.C. § 106 (A), the salary
30 enhancement authorized for the Speaker in an amount equivalent to the daily rate of

1 the salary established at 2 N.N.C. § 284 for the period of the Speaker *Pro Tem*
2 appointment. In addition, for the period of his or her *Pro Tem* appointment, the
3 Speaker *Pro Tem* shall be provided either housing in Window Rock at the Navajo
4 Nation's expense or an official vehicle with which to commute daily from his or her
5 resident to Window Rock.

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7 **SECTION FIVE. EFFECTIVE DATE.**

8 This Action and the selection of the Speaker *Pro Tem* shall be effective pursuant to 2
9 N.N.C. § 221 (C).
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CJA-03-11

RESOLUTION OF THE
NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL - First Year 2011

AN ACTION

RELATING TO THE NAVAJO NATION COUNCIL; RESCINDING CJA-1-93 AND CJA-02-99, RESOLUTIONS ADDRESSING THE PROCESS AND PROCEDURE FOR THE SELECTION AND CONFIRMATION OF THE SPEAKER OF THE NAVAJO NATION COUNCIL TO SELECT ITS SPEAKER AND ADOPT A PROCESS AND PROCEDURE ACCORDINGLY

BE IT ENACTED:

Section 1. Findings and Purpose

1. The number of delegates to the Navajo Nation Council was reduced from 88 to 24 members by vote of Diné voters.
2. Pursuant to Navajo Nation law, the Navajo Nation Council is authorized to select a speaker from among its membership. The selection of the speaker is an internal process of the Navajo Nation Council.
3. In January 1993, the Navajo Nation Council adopted rules in the selection of Speaker of the Navajo Nation Council. CJA-01-93. These rules were amended in special Session of the Navajo Nation Council in 1999. CJA-02-99 (Document No. 2026).
4. In accordance with Diné tradition, the rules in the selection of the Speaker must be inclusive and allow broader participation by all delegates to the Navajo Nation Council. The process involved in the selection of a Diné leader is done in a democratic manner, with utmost participation by every delegate of the Navajo Nation Council.
5. In order that the requirements of 2 N.N.C. § 282 (C) be met and that the selection and confirmation of the speaker of the Navajo Nation Council be the first order of business at the council session scheduled for the fourth Monday in January of 2011 and this selection be done in a manner consistent with Navajo tradition and the intent of the 22nd Navajo Nation Council.

Section 2. Rescinding CJA-1-93 and CJA-02-99

The Navajo Nation Council rescinds CJA-1-93 and CJA-02-99.

Section 3. Rules in the Selection of the Speaker

For the 22nd Navajo Nation Council, the Navajo Nation Council hereby adopts the following rules:

1. Each Council of the Navajo Nation shall be authorized to select a Speaker pursuant to its own process.
2. The Speaker shall be selected as the first order of business at the Winter Session of the Navajo Nation Council, January 2011. The Speaker shall be selected and confirmed by the Navajo Nation Council as the first item of business at the council session scheduled for the fourth Monday in January of any odd numbers year, 2 N.N.C. § 282 (C).
3. Read the powers and duties of the speaker, as written in 2 N.N.C. Section 285 into the record.
4. Any delegate may nominate another delegate to serve as Speaker with no second required. If the current Speaker is nominated and accepts the nomination, he/she shall point a Speaker pro tem pursuant to 2 N N.C. 285(b)(3).
5. The number of nominations shall be unlimited, except upon motion, second and majority vote on closing the nomination process.
6. Each nominee shall accept or reject a nomination upon being nominated.
7. Each nominee, in order of his or her draw, shall be allowed to make a 15-minute statement on his or her platform for Speaker.
8. Each nominee, in the order of his or her draw, shall be allowed to make a 15-minute statement on his or her platform for Speaker.
9. Questions shall not be allowed.

CJA-03-11

10. Upon presentations by nominees, each member of the Navajo Nation Council present shall cast one vote for a candidate by secret ballot. The Navajo Nation Election Administration shall assist in the balloting.
11. In the event there are more than two nominees, there shall be a run-off election between the two candidates receiving the most votes. At which time, the final two candidates will be allowed 5 minute statement before final vote, with no questions or comments. This run-off election procedure shall not apply in the event candidates and is hereby declared the winner.
12. In the event of a tie vote, selection shall be by random lot.
13. The Council shall by resolution confirm its new Speaker

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 21 in favor and 2 opposed, this 24th day of January 2011.


Jonathan Nez, Pro Tem Speaker
Navajo Nation Council

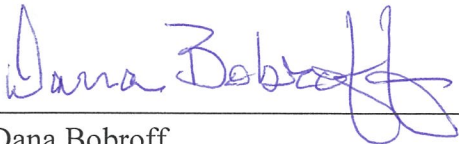
01-24-11

Date

Motion: Charles Damon, II
Second: Jonathan Hale

MEMORANDUM

TO: Honorable Otto Tso
25th Navajo Nation Council Delegate

FROM: 
Dana Bobroff
Chief Legislative Counsel
Office of Legislative Counsel

DATE: January 10, 2023

SUBJECT: **AN ACTION RELATING TO AN EMERGENCY AND THE NAVAJO NATION COUNCIL; SELECTING A SPEAKER *PRO TEM* TO PERFORM LIMITED DUTIES FROM JANUARY 10 TO JANUARY 23, 2023 OR WHEN THE NAVAJO NATION COUNCIL CONFIRMS A SPEAKER FOR THE 25TH NAVAJO NATION COUNCIL**

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Please ensure that his particular resolution request is precisely what you want.

Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient as to formatting. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, “the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration.” 2 N.N.C. §164(A)(5).

If you have questions regarding this legislation, please call me at (928) 871-7166 or email me.