

RESOLUTION OF THE
NAVAJO NATION COUNCIL

20th NAVAJO NATION COUNCIL - Third Year, 2005

AN ACT

RELATING TO CHAPTERS, ENACTING THE CHAPTER GOOD GOVERNMENT
ACT OF 2005, AMENDING TITLE 26 OF THE NAVAJO NATION CODE

BE IT ENACTED:

Section 1. Enactment of the Chapter Good Government Act of
2005

The Navajo Nation Council hereby enacts the Chapters
Good Government Act of 2005.

Section 2. Findings

- A. The Navajo Nation Council finds that the provisions of 26 N.N.C. §1001(A) have, since their enactment, prohibited community services coordinators, clerks, and other chapter employees, as defined at 26 N.N.C. §2(8), from serving as chapter employees and chapter officials, whether or not such service would be in the same chapter or multiple chapters.
- B. The Navajo Nation Council finds that a number of persons have misconstrued the provisions of 26 N.N.C. §§2(8) and 1001(A) to allow chapter employees to serve as chapter officials.
- C. The Navajo Nation Council finds that the addition of language to 26 N.N.C. §1001(A) would prevent further misconstruction of the prohibition against concurrent service of persons as both chapter employees and chapter officials, and that chapter employees should be prohibited from serving as an elected official.

Section 3. Amendments to Title 26 Navajo Nation Code

The Navajo Nation Council hereby amends the Navajo
Nation Code, Title 26, as follows:

§1001. Duties and responsibilities of chapter officials

- A. Chapter officials are elected by the chapter membership to facilitate the conduct of chapter meetings and guide policy making within the chapter. The administrative functions of the chapter government are to be left to the chapter employees. An individual may not serve as both a chapter official and chapter employee at the same time. Community services coordinators, clerks, and other chapter employees, as defined at 26 N.N.C. §2(8), may not serve as an elected official at the same chapter where they are employed, as defined at 11 N.N.C. §2(8), whether or not such service would be as a result of an election or an appointment under the Navajo Nation Election Code.

Section 4. Effective Date

In accord with the provisions of 26 N.N.C. §1(E), the effective date of these amendments shall be on the date on which the Office of Legislative Services receives chapter resolutions which indicate the approval of these amendments by a majority of all chapters of the Navajo Nation.

Section 5. Codification

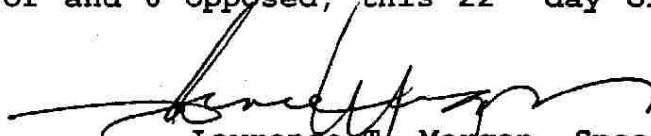
The provisions of this Act which adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall not finalize a recodification or supplement of the Navajo Nation Code which does not incorporate such newly adopted provisions.

Section 6. Savings Clause

Should any provisions of this Act be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, or any other court of competent jurisdiction, those portions of this Act which are not determined invalid shall remain the law of the Navajo Nation.

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 52 in favor and 0 opposed, this 22nd day of July 2005.


Lawrence T. Morgan, Speaker
Navajo Nation Council
27 July 05
Date

Motion: Peterson Yazzie
Second: Lorenzo Bates

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), on this _____ day of _____ 2005.

Joe Shirley, Jr., President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2005 for the reason(s) _____ expressed in the attached letter to the Speaker.

Joe Shirley, Jr., President
Navajo Nation