

RESOLUTION OF THE KAYENTA TOWNSHIP COMMISSION

Adopting the Rules of Order and Procedures to Regulate the Conduct of Meetings

WHEREAS:

1. The Kayenta Township Commission (KTC), the duly elected governing body of the Kayenta Township, is authorized to conduct meetings in furtherance of its responsibilities and duties; and
2. The KTC recognizes the need for rules and procedures to conduct orderly, efficient and expeditious meetings that allow the commissioners to participate in discussions and decisions, and provide access to the public to submit their views and concerns; and
3. The KTC, having fully discussed rules of order and procedures at a workshop, deems that the adoption of the Rules of Order and Procedures, attached hereto as "Exhibit A" and incorporated herein by reference, is in the best interest of the township.

NOW, THEREFORE, BE IT RESOLVED THAT:

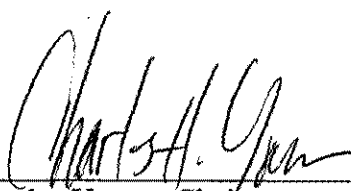
The KTC hereby adopts the Rules of Order and Procedures attached hereto as "Exhibit A" for the conduct of KTC meetings.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Kayenta Township Commission at a duly called meeting at Kayenta, Navajo Nation, at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, and 0 abstained, this 20th day of January, 2002.

Motion: Richard Mike

Second: Eugene Bedonie



Charles Young, Chairperson

EXHIBIT A

RULES OF ORDER AND PROCEDURES

RULE 1. Purposes

The purposes of these rules and procedures are to provide for orderly, efficient and expeditious meetings and protecting the right of the commissioners to participate in the governance of the township, and providing access to the public to submit their views and concerns to the KTC.

RULE 2. Chairperson

The Chairperson shall:

- A. Preside over all meetings of the KTC in accordance with these rules and procedures and preserve the order and decorum.
- B. Rule on all points of order.
- C. Not vote unless there is a tie.
- D. Not make any motions.
- E. Have the discretion to determine and rule (call for the question) that adequate time has been allowed for the discussion on any item and that debate shall cease.
- F. Have the discretion to determine and rule that a commissioner, a sponsor or a member of the public is not addressing the matter at hand or is exceeding the reasonable time limits of a debate or presentation and that the person is out of order and must cease talking.
- G. Have the discretion to recognize a member of the public to participate in the discussion by the commissioners on any item.

RULE 3. Order of agenda business

The order of agenda business shall be as follows:

- A. Call meeting to order; roll call; invocation
- B. Recognize guests; commissioners present announcements
- C. Review and adopt agenda
- D. Old business
- E. New business
- F. Call to the public
- G. Adjournment

RULE 4. Adoption of agenda

- A. The Chairperson and the General Manager shall jointly prepare a proposed agenda; the Chairperson shall present the agenda.
- B. Any commissioner may move to adopt the agenda; the motion must be seconded.
- C. Any commissioner may move to add or delete an item; the motion must be seconded.
- D. Once the agenda is adopted, it shall not be amended to add any item of business unless the motion is approved by a 2/3 vote of those present.

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RULE 5. Reading of legislation or resolution

- A. The Chairperson, or his designee, shall read twice all proposed ordinances or resolutions. In the first reading, the entire ordinance or resolution shall be read, unless the KTC, by consensus or vote, decide to waive the reading of all or part of the ordinance or resolution.
- B. After the first reading, the Chairperson shall entertain a motion to adopt.
- C. After all motions to amend have been voted upon, there shall be a second reading. The second reading shall be limited only to those provisions of the ordinance or resolution that have been amended.
- D. The Chairperson shall put the matter to vote without further debate upon completion of the second reading.

RULE 6. Main Motion

- A. After the first reading, the Chairperson shall entertain a motion to adopt. A second shall make no stipulation on the main motion.
- B. If there is no second, the motion is void. A motion and second shall commence the presentation by the sponsor(s).
- C. After the conclusion of the New Business section of the agenda, the Chairperson shall strike from the agenda all proposed ordinances or resolutions that did not receive a second.

Rule 7. Presentation by Sponsor(s)

- A. The sponsor(s) shall present (written and/or oral) the agenda item.
- B. All questions shall be directed through the Chairperson to the sponsor.
- C. Only upon recognition by the Chairperson shall the sponsor address the KTC.

Rule 8. Amendment to Main Motion

- A. Any commissioner (except parties to the main motion) may move to amend the main motion. An amendment to the main motion shall only amend a portion of the main motion and not its entirety.
- B. A motion to amend the main motion must be seconded, with no stipulation.
- C. A motion to amend the main motion shall take precedence over the main motion; the Chairperson shall allow debate of the motion to amend prior to resuming debate on the main motion. If the motion to amend is approved, the debate of the main motion shall continue as amended.
- D. Only one motion to amend shall be allowed at any given time.

Rule 9. Withdrawal or modification of motion and withdrawal of a second

- A. A commissioner may withdraw or modify a motion made by that commissioner if the request is made before any amendment to the motion is approved, and if the commissioner who seconded that motion agrees and there is no objection from any other commissioner, and the Chairperson grants permission.
- B. If there is any objection to withdrawal or modification, the commissioner may seek withdrawal or modification by motion. The motion to withdraw or modify shall take precedence over the motion it seeks to withdraw or modify, is not subject to debate, and cannot be amended.

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C. A commissioner may withdraw a second made by that commissioner if the request is made before any amendment to the motion is approved and the Chairperson grants permission.

Rule 10. Tabling Motion

A. A motion to table shall take precedence over all other motions. The tabling motion shall be seconded and is not subject to debate.

B. A motion to table must include specific directive(s) on when the agenda item will be reconsidered.

C. An agenda item that has been tabled twice shall be removed from the agenda.

D. An agenda item must be taken up from the table by motion and must be seconded. A motion to take up an item from the table is not debatable.

E. Any agenda item not taken up in this manner within the time set by the tabling motion shall be deemed to have expired and the Chairperson shall remove it from the agenda.

Rule 11. Vote

A. Unless otherwise required by these rules or by Navajo Nation or township law, all motions shall be approved if it received a majority of all votes cast.

B. Every commissioner shall vote in favor, oppose or abstain on each motion.

C. Abstentions shall be counted as part of the total number of votes cast and shall be counted for purposes of a quorum.

D. Abstentions shall be deemed as an expression of the voter that he or she will accept the result of the vote; therefore, abstentions shall be counted as part of the votes cast in favor of a motion.

E. Commissioners who have economic interest distinguishable from that of the general public, or have family interest, in any matter shall disclose the nature and extent of such interest to the KTC and shall not participate in any proceeding concerning the matter, including debate, and shall not vote on the matter. Commissioners with such interest shall be counted for purposes of a quorum.

F. Voting by proxy or by any method by or on behalf of any commissioner who is not physically present shall be prohibited and such votes shall be void.

Rule 12. Recall of vote

A. Any commissioner voting with the prevailing side of any motion may move to recall the vote on any previously considered motion. Any commissioner may second the motion.

B. A motion for recall of vote must be made during the same meeting in which the original motion was voted upon. A motion for recall of vote shall not be valid to reconsider a matter from any prior meeting.

C. A motion for recall of vote shall not apply to any motion to adjourn, to table or take from the table, to suspend the rules, or to an amendment motion when a vote on the main motion has already been taken, unless the vote on the main motion is first successfully recalled pursuant to this rule.

D. No vote on a motion may be reconsidered more than once on a motion for recall of vote, unless the motion was amended after reconsideration.

E. A motion for recall of vote shall be made only when no other motion is pending.

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F. If approved, the motion for recall of vote places the motion subject to reconsideration in the same position it occupied before being originally voted upon.

Rule 13. Executive session

A. Any commissioner make move to have the KTC resolve itself into an executive session to discuss any item on the adopted agenda.

B. A motion for an executive session shall take precedence over any main motion, motion to amend and a motion to recall vote.

C. If the motion is approved, the Chairperson shall direct the meeting room be cleared, except for such personnel as the Chairperson may deem necessary.

D. During the discussion in executive session, there shall be no recording and the doors shall remain closed.

E. No official action shall be taken while in executive session.

F. By law, KTC meetings are open to the public; therefore, executive sessions shall be limited to the following situations:

- a. Discussion with legal counsel is necessary with regard to litigation or a matter before any tribunal.
- b. Discussion will involve personnel matters such as qualification, performance, evaluation, discipline and personal family matters.
- c. Discussion is necessary with regard to business negotiations with other parties.

Rule 14. Suspension of rules

A. In order to discuss a matter without formal rules so that time is not wasted and a discussion can be conducted more efficiently, any commissioner may move to temporarily suspend a rule or rules of the KTC.

B. The motion must specify the rule(s) to be suspended and how long such rule(s) shall be suspended.

C. The motion may apply to a particular matter or to all business during any meeting.

D. The motion must be approved by a two-thirds vote.

Rule 15. Point of order

A. Any commissioner may raise a point of order to argue that a motion, procedure or remark appears to be in violation of the rules.

B. The point of order shall be raised immediately after the error is made. The moving party may interrupt a speaker and a vote in progress to raise the point of order.

C. The point of order is not subject to debate. The Chairperson shall immediately rule upon the point of order before any action is taken on the agenda item.

D. Any commissioner may appeal the Chairperson's ruling. The appeal must be seconded. The appeal shall not be amended.

E. If the appeal is made and seconded, the Chairperson shall restate his ruling and the ruling shall then be subject to debate, during which the Chairperson may state his reason for the ruling.

F. Upon conclusion of the debate, a vote shall be taken. The Chairperson's ruling shall be reversed if the appeal is approved.

EXHIBIT A

Rule 16. Effective date; amendment

A. These rules shall become effective upon adoption, or at such time as may be specified by the KTC.

B. These rules, by resolution, may be amended by a majority vote of the commissioners casting a vote.