

RESOLUTION OF THE
NAVAJO NATION COUNCIL

Adopting the Enabling Legislation for the Navajo Nation Water
Rights Commission and for Other Purposes

WHEREAS:

1. Pursuant to 2 N.N.C. Section 102(A), the Navajo Nation Council is the governing body of the Navajo Nation; and
2. Pursuant to Section 1101 of the Navajo Nation Water Code, 22 N.N.C. Section 1101, the Navajo Nation Council declared that preservation of the water resources of the Navajo Nation are essential to provide for a permanent homeland for the Navajo People and to protect the health, the welfare and the economic security of the citizens of the Navajo Nation; and
3. From December 2000 to March 2002, the Government Services Committee and the Resources Committee of the Navajo Nation Council, and their subcommittees, reviewed very serious allegations of wrongdoing by Navajo Nation employees engaged in water rights litigation on behalf of the Navajo Nation. Those allegations included charges that certain employees were working against the interests of the Navajo Nation and that the Navajo Nation's water rights claims were not diligently pursued. The Committees and Subcommittees considered thirty eight (38) allegations; and
4. On April 12, 2002, the Navajo Nation Council accepted reports from the Government Services Committee and Resources Committee of the Navajo Nation Council finding that thirty two (32) of the thirty eight (38) allegations were not substantiated. The reports concluded that there was no basis for the allegation that any employee working on water rights litigation had been working against the interests of the Navajo Nation nor was there any basis to conclude that water rights claims were not diligently pursued; and

5. The Reports of the Government Services Committee and Resources Committee of the Navajo Nation Council (Committees) on Navajo Nation Water Rights, accepted by the Navajo Nation Council on April 12, 2002, concluded as follows:

- A) The great majority of allegations concerning the Nation's Water Rights efforts made in September 2000 are unsubstantiated. While much remains left to accomplish, there have been significant gains made in litigation of Navajo Nation water rights. The most significant of the accomplishments is the obtaining of the decision of the Arizona State Supreme Court In Re the General Adjudication of All Rights to Use Water in the Gila River System and Source, 35 P.3d 68, 76 (2001); and
- B) There must be significant improvements in the level and quality of communication between the Office of the Attorney General, the Office of the President/Vice-President, and the Division of Natural Resources. The limited communications between these offices has prevented the development of necessary policies in the area of water rights litigation, and the enforcement of Navajo Nation water law. The Committees strongly recommend that these offices work together in a much more cooperative manner in the best interests of the Navajo Nation and the Navajo people; and
- C) The Committees also have continued concerns relative to the level of resources devoted by the Navajo Nation to pursuit of its water rights. This concern goes far beyond the provision of legal services by the Office of the Attorney General. The Division of Natural Resources and the Department of Water Resources Management must dedicate significantly more resources to the technical work which is necessary for the development and litigation of Navajo Nation water

rights claims. It is recognized by the Committees that this will require the appropriation of significantly greater funds by the Navajo Nation Council; and

- D) Furthermore, much more must be done by the Navajo Nation Government to communicate with the Navajo people relative to pursuit of Navajo Nation water rights claims in all basins in which the Navajo Nation can make claims. The Committees recognize the vital role which water plays on a daily basis in the lives of each Navajo person and the degree to which the development of the Navajo Nation as a permanent homeland for Navajo people depends on the pursuit and acquisition of both water rights and "wet water" projects throughout the Navajo Nation; and
6. On April 12, 2002, the President of the Navajo Nation presented his recommendations to the Navajo Nation Council, which included the creation of a Water Rights Commission, and agreed with the need identified by the standing committees for additional resources, technical personnel and Navajo attorneys to support the Navajo Nation's effort; and
7. At the Special Session on April 12, 2002, the Navajo Nation Council ordered the Office of the Speaker to present a proposal for a Navajo Nation Water Rights Commission to address the issues raised in the Report; and
8. On April 12, 2002 the Navajo Nation Council reaffirmed the importance of the water rights effort and ordered that the pursuit and protection of the Navajo Nation's water rights be a top priority of the Navajo Nation Government. Securing and protecting the water resources of the Navajo Nation is critical for the development of the permanent homeland for the Navajo People and to sustain Navajo values, customs, and way of life.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Nation Council hereby adopts the Navajo Nation Water Rights Commission enabling legislation as provided in Exhibit "A" attached hereto.
2. The Navajo Nation Council further directs that the attached Exhibit "A" Navajo Nation Water Rights Commission enabling legislation shall not become effective until all of the following factors are jointly addressed by the Office of the President/Vice President, Office of the Speaker, Division of Natural Resources, Office of the Attorney General, and representatives of the Resources Committee of the Navajo Nation Council and Government Services Committee of the Navajo Nation Council, and proposed resolutions are recommended for adoption by the appropriate standing committees of the Navajo Nation Council, and Navajo Nation Council, where appropriate, by no later than June 28, 2002.
 - A. To analyze, evaluate and make recommendations concerning:
 - 1) The creation of a Water Rights Litigation Unit within the Department of Justice and the employment or retention through contract of Navajo attorneys; and
 - 2) The organization, staffing, resources and training of the Division of Natural Resources necessary to provide for technical support to pursue water rights claims of the Navajo Nation; and
 - 3) The coordination of the Water Rights Litigation Unit and the Division of Natural Resources necessary for the development of effective recommendations to the Navajo Water Commission in the development of basin-wide claims and in the prioritization of such claims; and

- 4) The water system and needs of the Navajo Nation, including determination of current levels of system usage and needs projected through the year 2050.

B. To develop resolutions for consideration by appropriate Standing Committees:

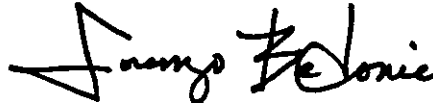
- 1) Adopting the plan of operation for the Navajo Nation Water Rights Commission including membership, organization, and staffing, if any; and
- 2) Approving and Recommending Navajo Nation Water Rights Commission budget requests for FY 2002 supplemental appropriations and FY 2003 annual appropriations; and
- 3) Approving a Water Rights Litigation Fixed Cost Account.

C. To develop all legislation necessary for the implementation of the purposes of the Navajo Nation Water Rights Commission for consideration by the Navajo Nation Council at its 2002 Summer Session.

3. The Navajo Nation Council further directs the Office of Legislative Counsel to designate the title, subchapter and section numbers for the Navajo Nation Water Rights Commission Enabling Legislation as it deems appropriate.

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 57 in favor, 11 opposed and 1 abstained, this 19th day of April 2002.



Lorenzo Bedonie, Speaker Pro Tem
Navajo Nation Council

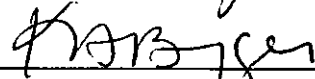
4-24-02

Date

Motion: Edward V. Jim
Second: George Tolth

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby give notice that I will not veto the foregoing legislation, pursuant to 2 N.N.C. Section 1005 (C) (10), on this 30th day of April 2002.



Kelsey A. Begaye, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. Section 1005(C)(10) this _____ day of _____ 2002 for the reason(s) expressed in the attached letter to the Speaker.

Kelsey A. Begaye, President
Navajo Nation

EXHIBIT "A"

Title ____ . NAVAJO NATION CODE
Subchapter ____ . Navajo Nation Water Rights Commission

§ _____ Establishment.

There is hereby established the Navajo Nation Water Rights Commission (herein referred to as the "Commission") in the Executive Branch of the Navajo Nation government.

§ _____ Purpose.

The purpose of the Commission is to ensure that the water rights of the Navajo Nation are vigorously pursued, effectively coordinated, and to enhance the communication between all entities engaged in water rights efforts on behalf of the Navajo Nation.

§ _____ Organization.

The organization of the Navajo Nation Water Rights Commission shall be set forth in the Plan of Operation adopted by the Government Services Committee upon recommendation of the Resources Committee of the Navajo Nation Council.

§ _____ Legislative Oversight.

The Commission shall operate under the legislative oversight of the Resources Committee of the Navajo Nation Council. The Commission shall operate pursuant to a Plan of Operation recommended by the Resources Committee of the Navajo Nation Council and adopted by the Government Services Committee of the Navajo Nation Council.

§ _____ Amendments.

The enabling legislation for the Commission may be amended from time to time by the Navajo Nation Council by majority vote upon the recommendation of the Resources Committee and Government Services Committee of the Navajo Nation Council.

**RESOLUTION OF THE
GOVERNMENT SERVICES COMMITTEE
OF THE NAVAJO NATION COUNCIL**

**Supporting and Recommending the Adoption Of Enabling Legislation
To Create the Navajo Nation Water Rights Commission and For Other Purposes**

WHEREAS:

1. Pursuant to 2 N.N.C. §§341(A) and 343(B)(1), the Government Services Committee was established and continued as a standing committee of the Navajo Nation Council with the authority to recommend to the Navajo Nation Council legislation for the creation of colleges, or other entities of the Navajo Nation and to recommend the amendment or rescission of such legislation; and

2. Pursuant to §1101 of the Navajo Nation Water Code, 22 N.N.C. §1101, the Navajo Nation Council declared that preservation of the water resources of the Navajo Nation are essential to provide for a permanent homeland for the Navajo People and to protect the health, the welfare and the economic security of the citizens of the Navajo Nation; and

3. From December 2000 to March 2002, the Government Services Committee and the Resources Committee of the Navajo Nation Council, and their subcommittees, reviewed very serious allegations of wrongdoing by Navajo Nation employees engaged in water rights litigation on behalf of the Navajo Nation. Those allegations included charges that certain employees were working against the interests of the Navajo Nation and that the Navajo Nation's water rights claims were not diligently pursued. The Committees and Subcommittees considered thirty eight (38) allegations; and

4. On April 12, 2002, the Navajo Nation Council accepted reports from the Government Services Committee and Resources Committee of the Navajo Nation Council finding that thirty-two (32) of the thirty-eight (38) allegations were not substantiated. The reports concluded that there was no basis for the allegation that any employee working on water rights litigation had been working against the interests of the Navajo Nation nor was there any basis to conclude that water rights claims were not diligently pursued; and

5. The Reports of the Government Services Committee and Resources Committee of the Navajo Nation Council (Committees) on Navajo Nation Water Rights, accepted by the Navajo Nation Council on April 12, 2002, concluded as follows:

- A) The great majority of allegations concerning the Nation's water rights efforts made in September 2000 are unsubstantiated. While much remains left to accomplish, there have been significant gains made in litigation of Navajo Nation water rights. The most significant of the accomplishments is the obtaining of the decision of the Arizona Supreme Court In Re the General Adjudication of All Rights to use water in the Gila River System and Source, 35 P.3d 68, 76 (2002); and
- B) There must be significant improvements in the level and quality of communication between the Office of the Attorney General, the Office of the President/Vice-President, and the Division of Natural Resources. The limited communication between these offices has prevented the development of necessary policies in the area of water rights litigation, and the enforcement of Navajo Nation water law. The Committees strongly recommend that these offices work together in a much more cooperative manner in the best interests of the Navajo Nation and the Navajo People; and
- C) The Committees also have continued concerns relative to the level of resources devoted by the Navajo Nation to pursuit to its water rights. This concern goes far beyond the provision of legal services by the Office of the Attorney General. The Division of Natural Resources and the Department of Water Resources Management must dedicate significantly more resources to the technical work, which is necessary for the development and litigation of Navajo Nation water rights claims. It is recognized by the Committees that this will require the appropriation of significantly greater funds by the Navajo Nation Council; and
- D) Furthermore, much more must be done by the Navajo Nation Government to communicate with the Navajo People relative to pursuit of Navajo Nation water rights claims in all basins in which the Navajo Nation can make claims. The Committees recognize the vital role which water plays on a daily basis in the lives of each Navajo person and the degree to which the development of the Navajo Nation as a permanent homeland for Navajo people depends on the pursuit and acquisition of both water rights and "wet water" projects throughout the Navajo Nation; and
6. On April 12, 2002, the President of the Navajo Nation presented his recommendations to the Navajo Nation Council, which included the creation of a Water Rights Commission, and agreed with the need identified by the standing committees for additional resources, technical personnel and Navajo attorneys to support the Navajo Nation's effort; and

7. At the Special Session on April 12, 2002, the Navajo Nation Council ordered the Office of the Speaker to present a proposal for a Navajo Nation Water Rights Commission to address the issues raised in the Report; and

8. On April 12, 2002, the Navajo Nation Council reaffirmed the importance of the water rights effort and ordered that the pursuit and protection of the Navajo Nation's water rights be a top priority of the Navajo Nation Government. Securing and protecting the water resources of the Navajo Nation is critical for the development of the permanent homeland for the Navajo People and to sustain Navajo values, customs and way of life.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Government Services Committee of the Navajo Nation Council hereby supports and recommends that the Navajo Nation Council adopt the Navajo Nation Water Rights Commission enabling legislation as provided in Exhibit "A", attached hereto.

2. The Government Services Committee of the Navajo Nation Council further recommends that the attached Exhibit "A" Navajo Nation Water Rights Commission enabling legislation shall not become effective until all of the following factors are jointly addressed by the Office of the President/Vice-President, Office of the Speaker, Division of Natural Resources, Office of the Attorney General, and representatives of the Resources Committee of the Navajo Nation Council and Government Services Committee of the Navajo Nation Council, and proposed resolutions are recommended for adoption by the appropriate standing committees of the Navajo Nation Council, and Navajo Nation Council, where appropriate, by no later than June 28, 2002.

A. To analyze, evaluate and make recommendations concerning:

- 1) The creation of a Water Rights Litigation Unit within the Department of Justice and the employment or retention through contract of Navajo attorneys; and
- 2) The organization, staffing, resources and training of the Division of Natural Resources necessary to provide for technical support to pursue water rights claims of the Navajo Nation; and
- 3) The coordination of the Water Rights Litigation Unit and the Division of Natural Resources necessary for the development of effective recommendations to the Navajo Water Commission in the development of basin-wide claims and in the prioritization of such claims; and

- 4) The water system and needs of the Navajo Nation, including determination of current levels of system usage and needs projected through the Year 2050.

B. To Develop Resolutions for Consideration By Appropriation Standing Committees:

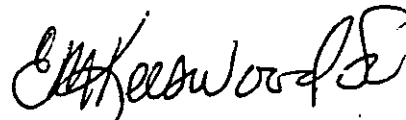
- 1) Adopting the plan of operation for the Navajo Nation Water Rights Commission, including membership, organization, and staffing, if any; and
- 2) Approving and recommending Navajo Nation Water Rights Commission budget requests for FY 2002 supplemental appropriations and FY 2003 annual appropriations; and
- 3) Approving a Water Rights Litigation Fixed Cost Account.

C. To develop all legislation necessary for the implementation of the purpose of the Navajo Nation Water Rights Commission for consideration by the Navajo Nation Council at its 2002 Summer Session.

3. The Government Services Committee of the Navajo Nation Council further recommends that Navajo Nation Council to further direct the Office of Legislative Counsel to designate the title, subchapter and section numbers for the Navajo Nation Water Commission Enabling Legislation as it deems appropriate.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Government Services Committee of the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 6 in favor, 0 opposed and 0 abstained, this 18th day of April 2002.



**Ervin M. Keeswood, Sr., Chairperson
Government Services Committee**

**Motion: Harold Wauneka
Second: Raymond Tsosie**

EXHIBIT "A"

Title ____ . NAVAJO NATION CODE

Subchapter ____ . Navajo Nation Water Rights Commission

§ ____ Establishment.

There is hereby established the Navajo Nation Water Rights Commission (herein referred to as the "Commission") in the Executive Branch of the Navajo Nation government.

§ ____ Purpose.

The purpose of the Commission is to ensure that the water rights of the Navajo Nation are vigorously pursued, effectively coordinated, and to enhance the communication between all entities engaged in water rights efforts on behalf of the Navajo Nation.

§ ____ Organization.

The organization of the Navajo Nation Water Rights Commission shall be set forth in the Plan of Operation adopted by the Government Services Committee upon recommendation of the Resources Committee of the Navajo Nation Council.

§ ____ Legislative Oversight.

The Commission shall operate under the legislative oversight of the Resources Committee of the Navajo Nation Council. The Commission

shall operate pursuant to a Plan of Operation recommended by the Resources Committee of the Navajo Nation Council and adopted by the Government Services Committee of the Navajo Nation Council.

§ _____ Amendments.

The enabling legislation for the Commission may be amended from time to time by the Navajo Nation Council by majority vote upon the recommendation of the Resources Committee and Government Services Committee of the Navajo Nation Council.

RESOLUTION
OF THE RESOURCES COMMITTEE
OF THE NAVAJO NATION COUNCIL

Supporting and Recommending the Adoption of Enabling
Legislation to Create the Navajo Nation Water Rights
Commission and for Other Purposes

WHEREAS:

1. Pursuant to 2 N.N.C. §§ 691 and 693, the Resources Committee was established and continued as a standing committee of the Navajo Nation Council for the purpose of ensuring the optimum utilization of all resources of the Navajo Nation and to protect the rights, interests and freedoms of the Navajo Nation and Navajo people to such resources; and

2. Pursuant to § 1101 of the Navajo Nation Water Code, 22 N.N.C. § 1101, the Navajo Nation Council declared that preservation of the water resources of the Navajo Nation are essential to provide for a permanent homeland for the Navajo People and to protect the health, the welfare and the economic security of the citizens of the Navajo Nation; and

3. From December 2000 to March 2002, the Government Services Committee and the Resources Committee of the Navajo Nation Council, and their subcommittees, reviewed very serious allegations of wrong-doing by Navajo Nation employees engaged in water rights litigation on behalf of the Navajo Nation. Those allegations included charges that certain employees were working against the interests of the Navajo Nation and that the Navajo Nation's water rights claims were not diligently pursued. The Committees and Subcommittees considered thirty-eight (38) allegations; and

4. On April 12, 2002, the Navajo Nation Council accepted reports from the Government Services Committee and Resources Committee of the Navajo Nation Council finding that thirty-two (32) of the 38 allegations were not substantiated. The reports concluded that there was no basis for the allegation that any employee working on water

rights litigation had been working against the interests of the Navajo Nation nor was there any basis to conclude that water rights claims were not diligently pursued; and

5. The Reports of the Government Services Committee and Resources Committee of the Navajo Nation Council (Committees) on Navajo Nation Water Rights, accepted by the Navajo Nation Council on April 12, 2002, concluded as follows:

- A. The great majority of allegations concerning the Nation's Water Rights efforts made in September 2000 are unsubstantiated. While much remains left to accomplish, there have been significant gains made in litigation of Navajo Nation water rights. The most significant of the accomplishments is the obtaining of the decision of the Arizona State Supreme Court In Re the General Adjudication of All Rights to Use Water in the Gila River System and Source, 35 P.3d 68, 76 (2001); and
- B. There must be significant improvements in the level and quality of communication between the Office of the Attorney General, the Office of the President/Vice President, and the Division of Natural Resources. The limited communications between these offices has prevented the development of necessary policies in the area of water rights litigation, and the enforcement of Navajo Nation water law. The Committees strongly recommend that these offices work together in a much more cooperative manner in the best interests of the Navajo Nation and the Navajo people; and
- C. The Committees also have continued concerns relative to the level of resources devoted by the Navajo Nation to pursuit of its water rights. This concern goes far beyond the provision of legal services by the Office of the Attorney General. The Division of Natural Resources and the Department of Water Resources Management must dedicate significantly more resources to the

technical work which is necessary for the development and litigation of Navajo Nation water rights claims. It is recognized by the Committees that this will require the appropriation of significantly greater funds by the Navajo Nation Council; and

- D. Furthermore, much more must be done by the Navajo Nation Government to communicate with the Navajo people relative to pursuit of Navajo Nation water rights claims in all basins in which the Navajo Nation can make claims. The Committees recognize the vital role which water plays on a daily basis in the lives of each Navajo person and the degree to which the development of the Navajo Nation as a permanent homeland for Navajo people depends on the pursuit and acquisition of both water rights and "wet water" projects throughout the Navajo Nation; and

6. On April 12, 2002, the President of the Navajo Nation presented his recommendations to the Navajo Nation Council, which included the creation of a Water Rights Commission, and agreed with the need identified by the standing committees for additional resources, technical personnel and Navajo attorneys to support the Navajo Nation's effort; and

7. At the Special Session on April 12, 2002, the Navajo Nation Council directed the Office of the Speaker to present a proposal for a Navajo Nation Water Rights Commission to address the issues raised in the Report; and

8. On April 12, 2002, the Navajo Nation Council reaffirmed the importance of the water rights effort and directs that the pursuit and protection of the Navajo Nation's water rights be a top priority of the Navajo Nation Government. Securing and protecting the water resources of the Navajo Nation is critical for the development of the permanent homeland for the Navajo People and to sustain Navajo values, customs, and way of life.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Resources Committee of the Navajo Nation Council hereby supports and recommends that the Navajo Nation Council adopt the Navajo Nation Water Rights Commission Enabling Legislation as provided in Exhibit "A" attached hereto.

2. The Resources Committee of the Navajo Nation Council further recommends and directs that the attached Exhibit "A", Navajo Nation Water Rights Committee Enabling Legislation, shall not become effective until all of the following factors are jointly addressed by the Office of the President/Vice President, Office of the Speaker, Division of Natural Resources, Office of the Attorney General, and representatives of the Resources Committee of the Navajo Nation Council and Government Services Committee of the Navajo Nation Council, and proposed resolutions are recommended for adoption by the appropriate standing committees of the Navajo Nation Council, and Navajo Nation Council, where appropriate, by no later than June 28, 2002.

A. To analyze, evaluate and make recommendations concerning:

- 1) The creation of a Water Rights Litigation Unit within the Department of Justice and the employment or retention through contract of Navajo attorneys; and
- 2) The organization, staffing, resources and training of the Division of Natural Resources necessary to provide for technical support and establish strict protocol procedures for the release of confidential and sensitive information to the general public to pursue water rights claims of the Navajo Nation; and
- 3) The coordination of the Water Rights Litigation Unit and the Division of Natural Resources necessary for the development of effective recommendations to the Navajo Water Commission in the development of

basin-wide claims and in the prioritization of such claims; and

- 4) The water system and needs of the Navajo Nation, including determination of current levels of system usage and needs projected through the year 2050.

B. To Develop Resolutions for Consideration by Appropriate Standing Committees:

- 1) Adopting the plan of operation for the Navajo Nation Water Rights Commission including membership, organization, and staffing, if any; and
- 2) Approving and Recommending Navajo Nation Water Rights Commission budget requests for FY 2002 supplemental appropriations and FY 2003 annual appropriations; and
- 3) Approving a Water Rights Litigation Fixed Cost Account.

C. To develop all legislation necessary for the implementation of the purposes of the Navajo Nation Water Rights Commission for consideration by the Navajo Nation Council at its 2002 Summer Session.

3. The Resources Committee of the Navajo Nation Council further recommends that the Navajo Nation Council further direct the Office of Legislative Counsel to designate the title, subchapter and section numbers for the Navajo Nation Water Rights Commission Enabling Legislation as it deems appropriate.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Resources Committee of the Navajo Nation Council at a duly called meeting at Window Rock,

Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 5 in favor, 0 opposed and 0 abstained, this 18th day of April, 2002.

A handwritten signature in black ink, appearing to be 'George Arthur', written over a horizontal line.

George Arthur, Chairperson
Resources Committee

Motion: Robert B. Whitehorse
Second: Jack Colorado

**CORRECTED COPY
For First Reading**

EXHIBIT "A"

Title ____ . NAVAJO NATION CODE

Subchapter ____ . Navajo Nation Water Rights Commission

§ ____ Establishment.

There is hereby established the Navajo Nation Water Rights Commission (herein referred to as the "Commission") in the Executive Branch of the Navajo Nation government.

§ ____ Purpose.

The purpose of the Commission is to ensure that the water rights of the Navajo Nation are vigorously pursued, effectively coordinated, and to enhance the communication between all entities engaged in water rights efforts on behalf of the Navajo Nation.

§ ____ Organization.

The organization of the Navajo Nation Water Rights Commission shall be set forth in the Plan of Operation adopted by the Government Services Committee upon recommendation of the Resources Committee of the Navajo Nation Council.

§ ____ Legislative Oversight.

The Commission shall operate under the legislative oversight of the Resources Committee of the Navajo Nation Council. The Commission

CORRECTED COPY
For First Reading

shall operate pursuant to a Plan of Operation recommended by the Resources Committee of the Navajo Nation Council and adopted by the Government Services Committee of the Navajo Nation Council.

§ _____ Amendments.

The enabling legislation for the Commission may be amended from time to time by the Navajo Nation Council by majority vote upon the recommendation of the Resources Committee and Government Services Committee of the Navajo Nation Council.

**RESOLUTION OF THE
GOVERNMENT SERVICES COMMITTEE
OF THE NAVAJO NATION COUNCIL**

**Recommending To the Navajo Nation Council An Amendment
To 2 N.N.C. §695(B)**

WHEREAS:

1. Pursuant to 2 N.N.C. §§341 and 343(B)(2), the Government Services Committee of the Navajo Nation Council is established and continued as a standing committee of the Navajo Nation Council for the purpose of monitoring and coordinating the activities of all divisions and departments of the Executive Branch of the Navajo Nation; and with the authority to adopt, amend or rescind plans of operation for divisions, departments and programs in the Executive Branch; and
2. Pursuant to 2 N.N.C. §343(B)(3), the Government Services Committee is delegated the power to give final confirmation of appointments to Boards, Commissions and Colleges; and
3. By Resolution CAP-39-02, the Navajo Nation Council established the Navajo Nation Water Rights Commission by adopting the enabling legislation for said Commission. The enabling legislation states that the Commission shall operate under the legislative oversight of the Resources Committee of the Navajo Nation Council; and
4. By Resolution GSCJN-35-02, the Government Services Committee of the Navajo Nation Council upon the recommendation of the Resources Committee of the Navajo Nation Council by Resolution RCJN-85-02 adopted the Navajo Nation Water Rights Commission Plan of Operation; and
5. Pursuant to the Water Rights Commission Plan of Operation, the Government Services Committee confirms the member appointments. However, the Plan of Operation charges the Resources Committee with the responsibility of the removal of Commission members; and
6. At a June 21, 2002 joint Government Services Committee and Resources Committee meeting, while developing the Water Rights Commission's Plan of Operation, the Government Services Committee and the Resources Committee arranged by oral agreement that the Resources Committee would confirm the nominated Water Rights Commission members. This arrangement was based on the responsibilities charged to the Resources Committee in regards to the oversight and removal of Water Rights Commission members; and