



CHAPTER 2

KAYENTA TOWNSHIP KTC ADMINISTRATIVE RULES AND PROCEDURES ORDINANCE

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KTC ADMINISTRATIVE RULES AND PROCEDURES ORDINANCE

Section 2-101 Title

This chapter shall be cited as the KTC Administrative Rules and Procedures Ordinance.

History

KTCMY-28-05 (May 9, 2005)

KTCJN-19-12 (June 11, 2012) (Repealed KTCMY-28-05 and replaced the Administrative Procedures Ordinance in its entirety)

Section 2-102 Definitions

1. "Code" means the Kayenta Township Code of Ordinances.
2. "Commission" or "KTC" means the Kayenta Township Commission.
3. "Preamble" means a statement accompanying the proposed ordinance that includes: (a) the name and address of the Township personnel with whom persons may communicate regarding the ordinance; (b) an explanation of the ordinance, including the reasons for initiating the ordinance; (c) a statement of the ordinance's effective date; and (d) if enacted as an emergency measure, an explanation of the situation justifying the emergency and a statement of the emergency ordinance's effective date.
4. "Regulation" means [LME to Provide]
5. "Resolution" means the formal written expression of opinion or intention made by the Commission after taking a vote.
6. "Rule" means the Commission's statement of general applicability that implements or interprets law or policy as expressed in an ordinance, or describes the procedures or practice requirements of the Commission. A rule can include one prescribing fees of the amendment or repeal of a prior rule.
7. "Township" means the Kayenta Township.

Section 2-103 Scope; Policy; Authority of the Commission

- A. **Scope; Policy.** This ordinance establishes the rules and procedures which implement or interpret the law and policy as expressed in an ordinance or describes the procedures or practice requirements of the Kayenta Township. It also outlines the rules and procedural requirements for holding Commission meetings.
- B. **Authorities.** The authorities of the Commission and its officers are outlined in Sections 1-106 and 1-107 of the Home Rule Ordinance, respectively.

Section 2-104 Procedures for Holding Commission Meetings

- A. Regular Meetings.** The Commission shall meet regularly at least once a month. The Commission by majority vote shall fix the time and place of such meetings.
- B. Special Meetings.** The Chairperson of the Commission may call special meetings as necessary upon request of a majority of the Commissioners.
- C. Emergency Meetings.** The Chairperson of the Commission, upon determining that an emergency exists, may call an emergency meeting on whatever notice is possible, if an emergency affects the general public of the Township. An emergency is defined to include an unexpected occurrence or condition, or the state resulting therefrom, which may require immediate consideration or action by the Commission.
- D. Work Sessions.** The Chairperson of the Commission or the Town Manager may call work sessions meetings as necessary. Resolutions or legislation shall not be adopted at such meetings.
- E. Public Meetings.** All regular and special meetings of the Commission shall be open to the public. All regular and special meetings shall be held in the Commission Chambers of the Kayenta Township, commencing at 5:30 pm, unless changed or cancelled by majority vote of the Commissioners.
- F. Public Hearings.** Public hearings may be scheduled periodically as required by the Commissioners or as required by law to hear the public's views or concerns about a proposed Township action or project.
- G. Notice.** Notice of meetings to the Commissioners notice shall be delivered not less than seventy-two (72) hours before the date of the meeting, either personally or by mail or by other reliable and verifiable means of delivery, including written electronic communication. In addition, public notice in writing shall be required for all regular and special meetings. Notice shall be posted on the entrance to the Kayenta Township office and on a bulletin board within the Kayenta Township office at least forty-eight (48) hours prior to a regular meeting and at least twenty-four (24) hours prior to a special meeting. The notice must include the date, time and place of meeting and the proposed agenda. Notice requirements do not apply to emergency meetings or workshops.
- H. Proposed Agenda and Resolutions.** The proposed agenda for all meetings shall be developed jointly by the Chairperson and Town Manager. The proposed agenda and all proposed resolutions with attached exhibits and supporting documents shall be:
 - 1. Distributed to the Commission at least seventy-two (72) hours prior to the meeting;
and

2. Reviewed by legal counsel and the Finance Manager prior to consideration by the Commission; such review shall indicate the impact, if any, the proposal will have on the Township and contain a recommendation.
- I. Quorum.** A simple majority of the Commissioners constitutes a quorum for the conduct of any meeting.
- J. Voting.** All actions of the Commission shall be by majority vote of the Commissioners present at a meeting. No proxy, mail, facsimile, telephonic, electronic or absentee vote may be cast. The vote on every question shall be recorded in the minutes.
- K. Recordkeeping.**
1. Recording. All regular and special meetings of the Commission and public hearings shall be recorded.
 2. Minutes and Records. The minutes of regular and special meetings shall be prepared no later than seven (7) days after a meeting and distributed to each Commissioner at least seventy-two (72) hours prior to the meeting when such minutes will be adopted. Minutes do not constitute the official record of a meeting until approved by the Commission. Minutes shall not be distributed to others until approved by the Commission. All Township records required to be recorded or transcribed are valid if typewritten, printed, photostated or microfilmed. The minutes of any proceedings of the Commission may be recorded in a bound book or binder book. Any records, attachments or transcribing added to the record book must bear the official Township seal impressed on the front of the document.
 3. Resolutions. All approved resolutions shall be signed by the Commissioner who presided at the meeting when such resolutions were adopted.
 4. Contracts and Agreements. The Commission shall designate the Chairperson, Town Manager or other representative to sign all contracts and other agreements approved by the Commission on behalf of the Township.
- L. Compensation.** Subject to applicable law and the fiduciary duties owed by the Commissioners, the Commissioners shall have the authority to fix their compensation in consultation with the Town Manager. The Commissioners may be paid a fixed sum for attendance and their expenses, if any, for each meeting of the Commissioners, and for committee meetings, workshops, seminars and other meetings. The payment of compensation and reimbursement of expenses shall be based on the "Kayenta Township Commission Policies and Procedures for Reimbursement of Travel Expenses and Stipends" prepared and maintained by the Township, which may be updated from time to time by resolution of the Commissioners.

Section 2-105 Rules of Order and Procedure for Holding Commission Meetings

Rule 1. Purposes

The purposes of these rules of order and procedure are to provide for the orderly, efficient and expeditious meetings of the Commission, protecting the right of each Commissioner to participate in the governance of the Township, and providing access to the public to submit their views and concerns to the Commission.

Rule 2. Chairperson

The Chairperson shall:

1. preside over all Commission meetings in accordance with these rules and procedures;
2. rule on all points of order;
3. not vote unless there is a tie;
4. refrain from making motions or seconds;
5. be on time for meetings;
6. follow the agenda;
7. be familiar with the rules of order and procedure;
8. run the meeting firmly and courteously;
9. maintain order and decorum;
10. require a Commissioner to be recognized before speaking;
11. allow only one person at a time to speak;
12. allow only one main motion on the floor;
13. require motions to be stated affirmatively;
14. allow discussion only after a motion is seconded and restated by the Chairperson;
15. allow the maker of a motion to speak first;
16. allow a Commissioner to speak a second time on a matter only after all other Commissioners have had an opportunity to speak;
17. require Commissioners to vote clearly without explanation;
18. allow interruption of a speaker only by consent or for permitted reasons (e.g., point of order; question of privilege);
19. reject discussion of motions which are not debatable (e.g., previous question, table, adjourn);
20. reject frivolous motions and motions not permitted by the rules;
21. apply time limits uniformly and fairly;
22. rule remarks involving personalities or attack motives by any person as out of order;
23. have the discretion to determine and rule (call of the question) that adequate time has been allowed for the discussion on any item and that debate shall cease;
24. 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;

25. have the discretion to recognize a member of the public to participate in the discussion by the Commissioners on any item;
26. consult legal counsel for advice but not a ruling (as only the chair can rule); and
27. deal firmly with disruptions.

Rule 3. The Order of Agenda Business

The order of agenda business shall be as follows:

1. Call to order
2. Roll call
3. Invocation
4. Recognize guests
5. Review and adopt agenda
6. Adoption of minutes
7. Reports
8. Old business
9. New business
10. Commissioners present announcements
11. Call to the public
12. Adjournment

Rule 4. Adoption of Agenda

1. The Chairperson and the Town Manager shall present the agenda.
2. Any Commissioner may move to adopt the agenda: the motion must be seconded.
3. Any Commissioner may move to add or delete an item; the motion must be seconded.
4. 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.

Rule 5. Reading of Legislation or Resolution

1. 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 Commission, by consensus or vote, decides to waive the reading of all or part of the ordinance or resolution.
2. After the first reading, the Chairperson shall entertain a motion to adopt.
3. 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.
4. The Chairperson shall put the matter to vote without further debate upon completion of the second reading.

Rule 6. Presentation by Sponsor(s)

1. The sponsor(s) shall present (written and/or oral) the agenda item.

2. All questions shall be directed through the Chairperson to the sponsor.
3. Only upon recognition by the Chairperson shall the sponsor address the Commission.

Rule 7. Main Motion

1. After the first reading, the Chairperson shall entertain a motion to adopt. A second to the motion shall make no stipulation on the main motion. A motion and second shall commence the presentation by the sponsor(s).
2. If there is no second, the motion is void.
3. 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 8. Amendment to Main Motion

1. 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.
2. A motion to amend the main motion must be seconded, with no stipulation.
3. 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.
4. Only one motion to amend shall be allowed at any given time.

Rule 9. Withdrawal or Modification of Motion and Withdrawal of a Second

1. 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.
2. If there is any objection to the 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.
3. 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

1. A motion to table shall take precedence over all other motions. The tabling motion shall be seconded and is not subject to debate.
2. A motion to table must include specific directive(s) on when the agenda item will be reconsidered.
3. An agenda item that has been tabled twice shall be removed from the agenda.

4. 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.
5. 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

1. 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.
2. Every Commissioner shall vote in favor, oppose or abstain on each motion. A Commission not voting shall be deemed to have abstained from the motion.
3. Abstentions shall be counted as part of the total number of votes cast and shall be counted for purposes of a quorum.
4. 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.
5. 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 Commission 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.
6. 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

1. 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.
2. 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.
3. 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.
4. 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.
5. A motion for recall of vote shall be made only when no other motion is pending.
6. 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

1. Any Commissioner may move to have the Commission resolve itself into an executive session to discuss any item on the adopted agenda.

2. A motion for an executive session shall take precedence over any main motion, motion to amend and a motion to recall vote.
3. If the motion is approved, the Chairperson shall direct the meeting room be cleared, except for such personnel as the Chairperson may deem necessary.
4. During the discussion in executive session, there shall be no recording and the doors shall remain closed.
5. No official action shall be taken while in executive session.
6. By law, Commission 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 of employment, appointment, compensation, promotion, demotion, discipline or dismissal of an employee or public official, or the investigation or charges and complaints against an employee or public official.
 - c. Discussion regarding the development of security personnel or devices.
 - d. Investigative proceedings regarding allegations of criminal misconduct.
 - e. Discussion is necessary with regard to business negotiations with other parties.

Rule 14. Suspension of Rules

1. 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 Commission.
2. The motion must specify the rule(s) to be suspended and how long such rule(s) shall be suspended.
3. The motion may apply to a particular matter or to all business during any meeting.
4. The motion must be approved by a two-thirds vote.

Rule 15. Point of Order

1. Any Commissioner may raise a point of order to argue that a motion, procedure or remark appears to be in violation of the rules.
2. 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.
3. 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.
4. Any Commissioner may appeal the Chairperson's ruling. The appeal must be seconded. The appeal shall not be amended.
5. 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.
6. Upon conclusion of the debate, a vote shall be taken. The Chairperson's ruling shall be reversed if the appeal is approved.

Section 2-106 Rules and Standards of Conduct for the Commissioners

A. Attendance. An excused absence is one due to the death of a family member, illness of the Commissioner or a member of his or her family, a meeting conflict or a vacation. If reasonably possible, a Commissioner shall notify the Chairperson well in advance of the fact that he or she will be unable to attend a Commission meeting and the reason for his or her absences. The record of the meeting will state the fact that the Commissioner is absent from the meeting and the reason for the absence. The remaining Commissioners may at that point vote to excuse the Commissioner from the meeting. Unexcused absences from three (3) consecutive meetings of the Commission may be cause for removal from office in accordance with Section 2-106(E).

B. Fiduciary Duties. Each Commissioner, by accepting his or her position as a member of the Commission, affirms his or her understanding that he or she sits as such in a fiduciary capacity in relation to the Township, and agrees to conform his or her conduct to the most exacting fiduciary standards, including without limitation the duties to act in the best interest of the Township, to refrain from self-dealing and to maintain the confidentiality of the Township's documents, data, plans, strategies, personnel matters, financial status and reports, and similar confidential or proprietary matters, subject to the requirements of applicable Navajo and federal law. Violations of these standards shall constitute grounds for expulsion from the Commission of Commissioners and civil, or, in some instances, criminal actions in the courts of the Navajo Nation or the United States of America.

1. Commissioners have both collegial responsibilities and individual responsibilities, which are summarized below:

a. Meeting room responsibilities:

To "govern" implies bringing experience and relationships to the Township to promote its best interest. It implies becoming informed, participating, asking questions and applying considered business judgment to matters coming before the Commission as a whole.

Primary consideration should be given to economic considerations. However, Commissioners must appreciate public expectations, and take into consideration law, public policy and ethics. Commissioners may consider the effect of their actions on their constituencies and the best interests of the Township.

b. Individual responsibilities:

Each Commissioner must individually become familiar with the Township's business and environment to be effective. This includes the Township's principal operational, financial and other plans, strategies and objectives; the results of operations and the financial condition of the Township; and its standing within the Navajo Nation governmental structure. Commissioners must be able to make

individual evaluations of executive management performance and to join with other Commissioners to formulate challenges and rewards for management.

Thus, the Township must ensure systems for the timely dissemination of information to the Commission, such as current objectives and plans; financial statements, with appropriate breakdowns; systems of controls; material litigation; and regulatory matters. Commissioners should review minutes and reports of committees in advance of Commission meetings.

2. The baseline standard of the performance of a Commissioner's duties requires that the Commissioner act in good faith and in the manner the Commissioner reasonably believes to be in the best interest of the Township. "Good faith" implies honesty, fair dealing and no personal benefit. A Commissioner's "reasonable belief" is an objective test, based on a rational analysis of the situation after consideration of sufficient and reliable information.
3. The Commissioners act as fiduciaries of the Township, and are subject to traditional fiduciary standards of conduct, primarily the duties of care, loyalty, candor and confidentiality.
 - a. The duty of care requires a time commitment and regular attendance at duly called meetings. It also requires that the Commissioner inform himself or herself of the facts so that decisions are made prudently. The Commissioner has a right to rely on others, where a reasonable person would do so, but must make inquiries if conditions suggest a need for further information.
 - b. The duty of loyalty requires that a Commissioner not involve himself or herself in an apparent or real conflict of interest or appearance of impropriety. The Commissioner must make business opportunities initially available to the Township. Documentation of disclosures of potential conflicts should be preserved in minutes and otherwise, and independent advice should be obtained in appropriate instances.

No Commissioner may knowingly use his office to gain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No Commissioner may make, participate in making or influence a governmental decision in which he or his business has an economic interest. The following actions are required for an official to disclose an economic interest:

- i. The Commissioner shall prepare a written statement describing the matter requiring action and the nature of the potential conflict of interest.
- ii. The Commissioner shall furnish a copy of the statement to the presiding officer of the Commission.
- iii. The presiding officer shall direct the statement to be printed in the minutes.

- iv. The Commissioner shall be excused from any votes, deliberations and other actions on the matter. There is no requirement that a disqualified Commissioner leave the meeting room, unless requested to do so by the other Commissioners in order to have a candid discussion.
 - v. The disqualification and the reasons for it are noted in the minutes.
- c. The duty of candor requires that all relevant information be fairly presented and that the Commission never misleads or misinforms the Township or public.
 - d. The duty of confidentiality requires that a Commissioner keep confidential all Township documents and matters and discussions of and materials presented in Commission meetings, which are not disclosed to the public.

Commissioners may from time to time, become privy to confidential information which shall remain confidential. No Commissioner shall disclose or use, without appropriate authorization by the majority of Commissioners, any information acquired in the course of his or her official duties which has been clearly designated by the majority of Commissioners to him or her as confidential. Such confidential designation is warranted whenever the status of the proceedings, the circumstances under which the information was received or the nature of the information necessitates that its confidentiality is necessary to the proper conduct of governmental business. Commissioners may, during a regular, special or other meeting, move into executive session for the purposes and in the manner described by this Ordinance. No Commissioner or other person in attendance shall divulge the nature of discussions or any information obtained during any such executive session or any information received in any confidential communication whether or not same was obtained during the course of any such meeting.

- 4. The business judgment rule protects Commissioners from liability if a decision turns out bad, where the Commissioner acted on an informed basis, in good faith and in the honest belief that the decision was in the Township's best interest. Commissioners must always comply with applicable law, which, within the Navajo Nation, includes standards imposed under Navajo custom and tradition. If a Commissioner has a strongly held view that a Commission decision is not in conformity with all applicable laws and/or standards or that the disclosures are misleading or false, such Commissioner must first encourage correction action, register a formal dissent for preservation in the Township's records if no corrective action is taken, and consider resigning in appropriate instances.

C. Behavior and Decorum. All Commissioners should:

- 1. Review documents in advance of meetings and be familiar with issues on the agenda.
- 2. Follow parliamentary procedures and honor the role of the Chairperson in conducting meetings and maintaining order. Be familiar with meeting rules and procedures.
- 3. Refer to one another formally during public meetings, using a title and the last name of the individual. Extend the same courtesy to the public.

4. Fully participate in meetings and other public forums.
5. Be respectful of other people's time. Actively Listen. Stay focused and act efficiently during meetings.
6. Demonstrate honesty and integrity in every action and statement and demonstrate respect, kindness, consideration and courtesy to all persons.
7. Practice civility and decorum in discussion and debates: not make any personal comments or make personal attacks against other Commissioners, employees or other individuals.
8. Ask for clarification but avoid debate and argument during meetings or with the public.
9. Participate in scheduled activities to enhance team effectiveness and demonstrate effective problem-solving approaches.
10. Be careful in composing written correspondence, notes, email and voicemail and recognize the relative insecurity of each method.
11. Diligently represent the Township; not misrepresent or make promises on behalf of the Township.
12. Continue respectful behavior in private settings.
13. Leave the day-to-day administrative functions to the Town Manager.
14. Not micro-manage Township activities or staff.
15. Not attend meetings on behalf of the Township unless authorized by the Commission or Chairperson and not attend meetings with Township staff unless requested by the Town Manager.
16. Not disrupt Township staff from conducting their jobs or "direct" Township staff to do or attend to certain things.
17. Treat all staff and other Commissioners as professionals.
18. Never publicly criticize an individual employee or another Commissioner.
19. Check with the Town Manager on outgoing correspondence prior to taking action.
20. Not ask for favors or solicit political support from employees.

D. Discipline. Any Commissioner may be subject to discipline by the remaining Commissioners for disorderly conduct, violation of Commission rules or this Ordinance, or absence without a valid excuse for more than three (3) consecutive meetings. Discipline may be in the form of a public or private reprimand.

E. Resignation and Removal. Any Commissioner may resign at any time by giving written notice to the Chairperson, and such resignation shall be effective on the date specified in the notice. Any one or more of the Commissioners may be removed for cause at any time in accordance with the Navajo Nation Election Code of 1990, 11 N.N.C. § 241.

Section 2-107 Legislation

A. Ordinance Code.

1. All duly enacted ordinances shall be compiled, revised, indexed and arranged as a comprehensive ordinance code. The initial ordinance code shall be adopted by

resolution of the Commission without the publication or readings required for ordinances.

2. The code shall contain the full text of each ordinance.
3. The code shall be available for single copy purchase. The code shall be made available for public review at the Township office.

B. Organization and Format Code.

1. The code shall be organized into chapters and sections.
2. Each code section shall be numbered in two parts, separated by a dash. The figure before the dash shall be the chapter number and figure following the dash shall be the section number.

C. Notice of Proposed Ordinance, Amendment or Repeal; First Reading.

1. Before enacting an ordinance, or the amendment or repeal thereof, the Commission shall authorize the Town Manager to post a notice of the proposed action in least at three public places, such as the Township office, Chapter House, the Post Office or other public places. Notice may also be posted on the Township website. The notice shall include:
 - a. The preamble
 - b. The exact wording of the ordinance.
- B. At the meeting, when the notice is being authorized, the entire proposed ordinance, or the amendment or repeal thereof, shall be read, unless the Commission, by consensus or vote, decides to waive the reading of all or part of the ordinance. This shall constitute the first reading.

D. Public Participation; Written Statements.

1. The Town Manager and Commission may meet formally with any interested party for the purpose of discussing the proposed ordinance or rule. The Town Manager and the Commission may solicit comments, suggested language or other input on the proposed ordinance or rule.
2. For at least thirty days after the public notice of the proposed ordinance making, the Commission shall afford persons the opportunity to submit written statements, arguments, date and views.
3. The Commission, at its discretion, may authorize a public hearing on a proposed ordinance or rule; hearings shall be conducted pursuant to rules promulgated by the Commission.

E. Times and Manner of Enacting an Ordinance; Second Reading.

1. The Commission may not consider a proposed ordinance until the time period for public comment has elapsed.
2. Before submitting an ordinance to the Commission for its consideration, the Town Manager shall prepare a package for review by the Commission. The package shall contain:
 - a. The Preamble.
 - b. The exact words of the ordinance, including to the extent possible or practicable by overstriking the deletion of existing language and underscoring of new language.
 - c. A concise explanatory statement.
 - d. The written submissions.
3. The Commission shall conduct a second reading of the proposed ordinance. The second reading shall be limited to all changes made after the first reading.
4. The Commission shall enact all ordinances by written resolution.

F. Manner of Adopting a Regulation or Rule.

1. The requirements of posting public notice and a time period for comment for enacting an ordinance shall not be required for adopting a rule.
2. The Commission may not consider a proposed rule until the proposed rule has been read twice into the Commission meeting record at a regular or special Commission meeting.
3. The reading of the exact words of the rule shall constitute the first reading, unless the Commission, by consensus or vote, decides to waive the reading of all or part of the rule.
4. The reading of any changes to what was read into the record at the first reading shall constitute the second reading. The second reading of the rule shall be conducted at any subsequent meeting after the first reading.
5. The Commission shall enact all rules by written resolution.

G. Emergency Measure, Amendment or Repeal.

If the Commission makes a finding that an ordinance or rule is necessary as an emergency measure, the ordinance may be enacted, amended or repealed as an emergency measure, without the notice prescribed by Section 2-107(C) and the rule may be adopted, amended or repealed as an emergency measure, without the second reading

prescribed by Section 2-107(F). The Commission may not approve the making, amendment or repeal of an ordinance or rule as an emergency measure if the emergency situation could have been averted by timely compliance with the notice, second reading and public participation provisions of this chapter, unless the Town Manager submits substantial evidence that the ordinance is necessary as an emergency measure to do any of the following:

1. Protect the public health, safety and welfare.
2. Comply with deadlines required for amendments to the Township's governing law or required by Navajo, state or federal programs.
3. Avoid violation of Navajo or federal law or regulation.
4. Avoid an imminent budget reduction.
5. Avoid serious prejudice to the public interest or the interest of the parties concerned.

H. Invalidity of Ordinances or Rules not Made in Accordance with this Chapter.

An ordinance is invalid unless it is made and approved in substantial compliance with sections 2-107(C) through (F), unless otherwise provided by law.

I. Effective Date of Ordinances and Rules.

An ordinance or rule (or any subsequent amendment) becomes effective on the date specified in the resolution or when a certified original and two copies of the resolutions enacting the ordinance or rule is executed by the Chairperson of the Commission and filed in the Township office, unless some other date is required by law or specified in the ordinance or rule.