



CHAPTER 1

KAYENTA TOWNSHIP HOME RULE ORDINANCE

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HOME RULE ORDINANCE

SECTION 1-101 Title

This Chapter shall be cited as the Home Rule Ordinance.

History

The Navajo Nation Council ("Council") approved the "Kayenta Township Pilot Project" pursuant to Resolution CN-86-85 (Nov. 5, 1985), which included authorities for local land use planning and land withdrawals as well as for processing business and home site leases. See 2 N.N.C. §§ 4082, 4084 (1995). This resolution also approved a plan of operation for the pilot project and the appointment of a Kayenta Planning Board to carry out such pilot project.

The Advisory Committee of the Council pursuant to Resolution No. ACN-181-86 (Nov. 13, 1986) approved the withdrawal of 3,606.43 acres, more or less, of Navajo trust lands, to establish the official boundaries of the Township.

The Council pursuant to Resolutions CJA-3-96 (Jan. 19, 1996) and CN-76-96 (Nov. 1, 1996) replaced the appointed Kayenta Planning Board with an elected Kayenta Township Commission and authorized the "Kayenta Tribal Pilot Sales Tax Project." The intent of the local sales tax project was to provide a consistent source of revenue for operation of the Township government. Later, the Council pursuant to Resolution CN-76-96 (Nov. 1, 1996) approved an amendment to the plan of operation of the sales tax project, extending the Township's taxing authority indefinitely.

Finally, the Council pursuant to Resolution CJY-42-03 (July 25, 2003) established the Township as a Home Rule municipality. This resolution was vetoed by the Navajo Nation President on August 8, 2003, but the Council overrode the veto by Resolution CAU-47-03 (Aug. 29, 2003).

KTCMY-27-05 (May 9, 2005). Adopted the Home Rule ordinance.

KTCM-11-13 (March 13, 2013). Amended the ordinance to remove the provisions on "Commission meetings; quorum; parliamentary procedures; open meetings and place them in the Administrative Rules and Procedures Ordinance and to remove the provisions on "Referendum Measures and Initiatives."

SECTION 1-102 Definitions

For purposes of the entire Kayenta Township Code:

- A. "KTC" or "Commission" means the Kayenta Township Commission.
- B. "Township" means the Kayenta Township.

SECTION 1-103 Authority; Scope

- A. The Township, pursuant to 2 N.N.C. §§ 4081-4185, as amended by Navajo Nation Council Resolution CJY-42-03, was established as a home rule municipality on July 25, 2003 to be governed by the KTC, with the KTC having jurisdiction over all that area authorized and designated by Navajo Nation Council Resolution CN-86-85.
- B. Pursuant to 2 N.N.C. §§ 4083(c) and 4084, the KTC has the duty, authority, and responsibility to perform all functions necessary for local self government, consistent with all generally applicable laws and regulations of the federal government and the Navajo Nation.

- C. As acknowledged by Navajo Nation Council Resolution CJA-1-96, the source of home rule governance is the inherent authority of Navajo communities to govern over local matters.
- D. This ordinance is to designate the name of the Township and its metes and bounds, establish and enumerate the fundamental governing authority of the Township and the KTC, prescribe the structure of the government, and provide for making laws by referendum and initiative.

SECTION 1-104 Name

The government, territory and body politic of the Township shall be known as the Kayenta Township.

SECTION 1-105 Boundary

- A. The Township shall be that portion of the community of Kayenta bounded as follows:

The Township boundary survey lies within the area that is encompassed by 36°16'00" north latitude to 36°40'00" north latitude and 110°08'00" west longitude to 110°20'00" west longitude, surrounds the area known as Kayenta, Navajo Nation (AZ), and is more particularly described as follows:

Commence at the Navajo Control system brass cap Kay No. 30, which is located 565.255 feet south and 2631.410 feet east of BIA r/w marker found at north side of Highway 160 at station 1026+56.13 approx. 1/3 mile east of highway junction 160 & 163 in Kayenta;

- Thence run south 59°47'11" west for 2901.270 feet to the true point of beginning, which is a brass cap stamped KCBS NO. 1,
- Thence north 71°57'20" east, 3272.938 feet to KCBS NO. 2,
- Thence north 79°18'00" east, 1645.168 feet to KCBS NO. 3.
- Thence north 47°29'23" east, 3228.262 feet to KCBS NO. 4,
- Thence north 79°06'54" east, 2928.265 feet to KCBS NO. 5.
- Thence north 30°22'32" west, 8971.990 feet to KCBS NO. 6.
- Thence north 84°42'24" west, 4747.702 feet to KCBS NO. 7,
- Thence south 66°09'52" west, 2681.383 feet to KCBS NO. 8,
- Thence south 80°24'49" west, 3356.906 feet to KCBS NO. 9.
- Thence south 82°17'40" west, 4575.705 feet to KCBS NO. 10,
- Thence south 09°24'14" east, 1162.670 feet to KCBS NO. 11,
- Thence south 22°04'37" east, 687.773 feet to KCBS NO. 12.
- Thence north 67°10'05" east, 1254.370 feet to KCBS NO. 13,
- Thence south 13°54'37" east, 1409.019 feet to KCBS NO. 14,
- Thence north 70°54'21" east, 1281.889 feet to KCBS NO. 15,
- Thence north 55°19'05" east, 2002.332 feet to west right of way marker of Highway 163, which is brass cap in concrete, stamped B.I.A. ROADS, which is also KCBS NO. 17,
- Thence south 27°07'03" east along said right of way line for a distance of 2334.738 feet to brass cap in concrete stamped B.I.A. ROADS, which is also KCBS NO. 18,
- Thence south 60°49'52" west, 2858.160 feet to KCBS NO. 19,
- Thence south 12°35'25" east, 3788.928 feet to KCBS NO. 20,
- Thence north 78°41'01" east, 3947.356 feet to KCBS NO. 21,
- Thence south 27°16'46" east, 1751.478 feet to KCBS NO. 22,
- Thence north 63°36'50" east, 251.877 feet to KCBS NO. 23,
- Thence north 61°48'38" east, 811.149 feet to KCBS NO. 24,

Thence north 28°09'11" west, 812.000 feet to KCBS NO. 1.

Said parcel contains 3611.47 acres, more or less.

- B. Pursuant to 2 N.N.C. § 4083(B), as amended, the Township boundary is subject to amendment pursuant to Kayenta Township ordinance and the concurrence by the Kayenta Chapter.

SECTION 1-106 Commission; Authority

- A. The governmental powers of the Township shall be vested in the KTC.
- B. The composition, qualifications, terms, election and other requirements and restrictions on the KTC shall be enumerated in the Kayenta Township Election Ordinance. The roles and responsibilities and rules of order for meetings of the KTC shall be set forth in the Kayenta Township Administrative Rules and Procedures Ordinance.
- C. The KTC, for the general health, safety and welfare of the Township, shall have the following general authorities, including, but not limited to:
 - 1. Adopting, amending or repealing ordinances, resolutions, rules and regulations for the governance of the Township; enforcing the observance of such ordinances, resolutions, rules and regulations; punishing violations thereof by fine or imprisonment or both; and classifying such violations as criminal or civil offenses.
 - 2. Acquiring, maintaining and regulating the use of all lands within the boundaries of the Township, including, but not limited to:
 - a. Issuing home and business site leases and such other leases, permits and authorizations as the KTC may deem necessary;
 - b. Adopting a land use plan and zoning code; and
 - c. Acquiring property by eminent domain.
 - 3. Controlling of all finances of the Township, including but not limited to:
 - a. Acquiring, generating, administering and appropriating money and providing for the payment of debts and expenses.
 - b. Adopting an annual budget;
 - c. Borrowing money and incurring indebtedness on behalf of the Township; causing to be executed and delivered for its purpose, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, hypothecations, and such other evidence of debt and securities;

- d. Opening bank accounts and protecting and investing the Township's assets;
 - e. Entering into agreements, contracts and sub-contracts for funds from the Navajo Nation, other Indian nations and federal, state or county governments;
 - f. Levying taxes; and
 - g. Establishing fees and assessments.
4. Providing the Township with:
 - a. Water facilities, public wells, cisterns, reservoirs and such pumps, pipelines or ditches as are necessary within the Township, or beyond its limits thereto;
 - b. Sewers and drains;
 - c. Electricity lines;
 - d. Streets, sidewalks, bridges, culverts, crossways and streetlights;
 - e. Landfills and trash removal facilities, where and when feasible; and
 - f. Public buildings and facilities.
 5. Entering into contracts and agreements for the provision of goods and services to the Township.
 6. Entering into agreements with chapters, municipalities, townships, Navajo Nation, other Indian Nations, and federal and state governments and their agencies and subdivisions.
 7. Establishing such dispute resolution systems as deemed appropriate to resolve disputes and claims arising from Township legislative, executive or judicial actions, including the establishment of alternative resolution systems, arbitration, courts and administrative procedures; and waiving the sovereign immunity of the Kayenta Township in accordance with the Navajo Sovereign Immunity Act, 1 N.N.C. §551 *et seq.* and the Navajo Nation Arbitration Act, 7 N.N.C. §1101 *et seq.*
 8. Establishing and maintaining systems for the licensing of businesses, professions, and other activities within the Township.
 9. Establishing such offices, departments, boards, committees or commissions and personnel positions as deemed necessary; prescribing the duties and compensation of the Town Manager; adopting personnel policies and procedures to regulate employee hiring, supervision, discipline, termination and work place activities; adopting other policies and procedures that generally affect all employees; and appointing from time

to time officers and agents of the Township whose appointment is not provided for in this Chapter, and removing them, if necessary.

10. Constructing, purchasing or leasing necessary buildings and offices for the benefit of the Township.
11. Prescribing a daily compensation, stipend or salary to be paid the Commissioners and administrative board or committee members for the performance of official duties.
12. Prescribing per diem, stipend or reimbursement for expenses incurred by the Commission on official business, including necessary travel expenses, meals and mileage.

SECTION 1-107 Commission Officers

- A. Officers of the KTC shall consist of the Chairperson, Vice-Chairperson and Secretary elected from, and by, the Commissioners.
- B. The Officers shall have the following duties and such other duties as may be determined by the KTC:
 1. The Chairperson shall preside at all meetings and shall perform all duties incident to the office of the Chairperson.
 2. The Vice-Chairperson shall act in the capacity of Chairperson in the absence of the Chairperson, and shall discharge any other duties designated by the Chairperson.
 3. The Secretary is the recording officer of the KTC and the custodian of its records, and as such, shall keep a journal of KTC proceedings and a record of all ordinances and resolutions adopted. The Secretary shall ensure that an electronic recording is made of all KTC meetings and shall ensure that written minutes are timely prepared and kept of all KTC meetings.
- C. The Officers shall be elected for two years or as soon as newly elected Commissioners are sworn in.
- D. Sections 2-104 and 2-105 of the Administrative Rules and Procedures Ordinance contain the rules of order and procedure for holding Commission meetings and Section 2-106 contains the rules and standards of conduct for the Commission.

SECTION 1-108 Government Structure; Town Manager, Directors; Employees

- A. The KTC shall act only as a policy-making body and provide overall governance in accordance with the Township ordinances and regulations.

- B. The KTC shall, by resolution, establish all offices, departments, boards, commissions, enterprises and authorities, and review and approve the reorganization of such entities from time to time. The KTC shall approve an organizational chart depicting such entities, which chart shall serve as the official structure of the Township government. The organizational chart shall be reviewed, and amended if deemed necessary, during the annual budget process.
- C. The KTC shall review and approve, by resolution, the job descriptions and qualifications for the Town Manager and all Department Directors. The KTC shall, in consultation with the current Town Manager, develop the job description and qualifications for the Town Manager's position. The Town Manager shall, in consultation with the department directors, develop the job descriptions and qualifications of all department directors and employees.
- D. The KTC shall appoint a Town Manager to serve as the chief executive officer of the Township and such appointment shall be made through a written employment agreement prepared by the KTC's legal counsel.
- E. The Town Manager shall have full authority to hire, supervise, discipline and terminate the employment of all Department Directors and employees in a manner prescribed by the Township Personnel Policies and Procedures and to fix their compensation. The department directors shall supervise and control their departments, subject to the general control and direction of the Town Manager and the Township's Personnel Policies and Procedures.

SECTION 1-109 Seal



SECTION 1-110 Severability

For purposes of this entire Code and unless otherwise specified by law, the provisions of this Code or any ordinance therein are severable and if any provision of this Code or ordinance, or its application to any person or circumstance is held invalid by a final unappealable judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code or ordinance or its applicability to any other person or in any other circumstance.

SECTION 1-111 No waiver of Sovereign Immunity

Nothing in the entire Code of this Ordinance is intended, nor shall it be construed, to waive the sovereign immunity of the Kayenta Township or any of its Commissioners, officials, employees or agents. Any waivers of sovereign immunity must be in writing and in accordance with KTC and Navajo laws and procedures.