

RESOLUTION OF THE
NAVAJO NATION COUNCIL
24th NAVAJO NATION COUNCIL - SECOND YEAR, 2020

AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION;
OVERRIDING THE NAVAJO NATION PRESIDENT'S VETO OF NAVAJO NATION
COUNCIL RESOLUTION CAP-28-20

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. All resolutions enacting new law or amending existing laws are subject to veto by the President of the Navajo Nation pursuant to 2 N.N.C. § 1005 (C)(10) and (11) and override by the Navajo Nation Council. 2 N.N.C. § 164 (A)(17).
- B. The Navajo Nation Code provides "[m]atters constituting an emergency shall be limited to the cessation of law enforcement services, disaster relief services, fire protection services or other direct services required as an entitlement under the Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council." 2 N.N.C. §164 (A)(16).
- C. This resolution is offered as an emergency due to the critical need to stop the spread of the novel coronavirus ("COVID-19") within the Navajo Nation. The Navajo Nation has taken strong, proactive measures to reduce the spread of COVID-19 including issuing stay at home orders as well as implementing evening and weekend curfews. Holding meetings through telecommunication methods are another way to prevent further COVID-19 infections within the Navajo Nation. As a sovereign nation, the Navajo Nation possesses the inherent authority to determine how best to preserve the health and safety of its members. The continued spread of COVID-19 is a serious threat to the sovereignty of the Navajo Nation.
- D. Veto legislation passed by the Navajo Nation Council [is] subject to an override of the veto by two-thirds (2/3) vote of the membership of the Navajo Nation Council. 2 N.N.C. § 1005 (C)(11).

SECTION TWO. FINDINGS

- A. The Navajo Nation approved Council Resolution CAP-28-20, "Temporarily Authorizing and Approving Attendance at Farm Boards, Land Boards, and District Grazing Committee Meetings Through Telecommunication Methods," attached as **Exhibit A**.
- B. The Navajo Nation President vetoed CAP-28-20 on May 2, 2020 and provided a memorandum, attached as **Exhibit B**, to support his decision to veto the Council Resolution.

SECTION THREE. OVERRIDE

- A. The Navajo Nation Council hereby overrides the Navajo Nation President's veto of Resolution CAP-28-20.

CERTIFICATION

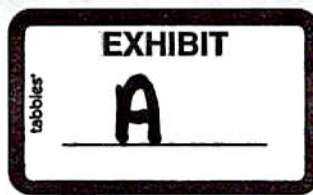
I hereby certify that the foregoing resolution was duly considered by the 24th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 21 in Favor, and 02 Opposed, on this 15th day of May 2020.


Honorable Seth Damon, Speaker
24th Navajo Nation Council

May 19, 2020
DATE

Motion: Honorable Edison J. Wauneka
Second: Honorable Nathaniel Brown

Speaker Seth Damon not voting



RESOLUTION OF THE
NAVAJO NATION COUNCIL
24th NAVAJO NATION COUNCIL - SECOND YEAR, 2020

AN ACTION

RELATING TO AN EMERGENCY FOR THE NAVAJO NATION; TEMPORARILY
AUTHORIZING AND APPROVING ATTENDANCE AT FARM BOARD, LAND BOARD,
AND DISTRICT GRAZING COMMITTEE MEETINGS THROUGH TELECOMMUNICATION
METHODS

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).
- B. Pursuant to 2 N.N.C. §164 (A)(16): "Matters constituting an emergency shall be limited to the cessation of law enforcement services, disaster relief services, fire protection services or other direct services required as an entitlement under the Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council."
- C. Ensuring the health and safety of all residents and employees and officials within the Navajo Nation is an inherent attribute of sovereignty.

SECTION TWO. FINDINGS

- A. The novel coronavirus ("COVID-19") has caused a global pandemic and has severely impacted the Navajo Nation. As of April 15, 2020, the Navajo Nation has reported 921 cases of COVID-19 and 38 virus-related deaths.
- B. The Navajo Nation Commission on Emergency Management, with the concurrence of the President and Vice President of the Navajo Nation, approved Resolution CEM-20-03-11, "Declaring a Public Health State of Emergency for the Navajo Nation due to the Confirmation of the Coronavirus Disease ("COVID-19") in Regional Areas Surrounding the Navajo Nation," dated March 11, 2020. Resolution CEM-20-03-11 is incorporated by reference into this Resolution.

- C. In an effort to reduce the spread of COVID-19 the President of the Navajo Nation extended the previously declared State of Emergency on the Navajo Nation and required government offices remain closed through April 26, 2020 in Executive Order 002-20. Executive Order 002-20 is incorporated by reference into this Resolution.
- D. The Navajo Nation Department of Health has issued a Public Health Emergency Order (2020-003) requiring Navajo Nation residents stay at home to mitigate the risk of spreading COVID-19 and to preserve the health and safety of all individuals residing on the Navajo Nation. Public Health Emergency Order No. 2020-003 is incorporated by reference into this Resolution.
- E. The Navajo Nation Department of Health also issued a Public Health Emergency Order (2020-004) extending the Stay at Home Order and implementing a curfew from 8:00 p.m. through 5:00 a.m. for Navajo Nation residents. Public Health Emergency Order No. 2020-004 is incorporated by reference into this Resolution.
- F. In order to continue to reduce the spread of COVID-19 and to protect community members, employees and officials of the Navajo Nation, the safest and best course of action is to use telecommunication methods such as teleconference calls and videoing instead of in-person attendance at meetings.
- G. Meetings attended by telecommunication methods shall be eligible for stipend reimbursement provided the provisions in Section 3, Paragraphs B and C, of this Resolution are followed.

SECTION THREE. TEMPORARILY AUTHORIZING AND APPROVING FARM BOARDS, LAND BOARDS, AND DISTRICT GRAZING COMMITTEES TO HOLD MEETINGS THROUGH TELECOMMUNICATION METHODS

- A. The Navajo Nation Council hereby authorizes and approves Navajo Nation Farm Boards, Land Boards, and District Grazing Committees to conduct their meetings through telecommunication methods such as teleconference calls and video conferencing.
- B. Navajo Nation Farm Boards, Land Boards, and District Grazing Committee meetings held through telecommunication methods shall be conducted pursuant to procedures instituted by the Chairperson or President of the Board in accordance with the controlling plan of operation or enabling legislation. Additionally, the Chairperson or President of the Board or Committee shall ensure the meetings are recorded and shall ensure a document is prepared indicating roll call was taken and who was in attendance.

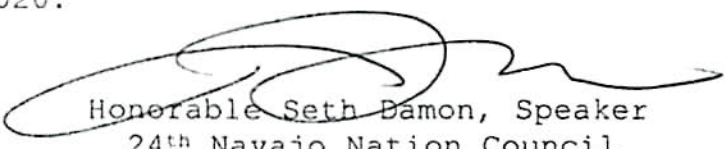
- C. Navajo Nation Farm Board, Land Board, and District Grazing Committee members and officials attending Board and Committee meetings by telecommunication methods shall be eligible for stipend reimbursement provided all the procedural requirements outlined by the Navajo Nation Department of Agriculture and Office of Controller for reimbursement are complied with.

SECTION FOUR. EFFECTIVE DATE; DURATION

- A. This Action shall become effective in accordance with 2 N.N.C. § 221(B).
- B. This Action shall remain effective until the Navajo Nation Department of Agricultural has returned to operation pursuant to the recession of the Declaration of State of Emergency or by other proclamation of the Navajo Nation President.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 24th 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 21 in Favor, and 00 Opposed, on this 17th day of April 2020.


Honorable Seth Damon, Speaker
24th Navajo Nation Council

April 22, 2020
DATE

Motion: Honorable Paul Begay
Second: Honorable Pernell Halona

Speaker Seth Damon not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this _____ day of _____, 2020.

Jonathan Nez, President
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this 2nd day of May, 2020 for the reason(s) expressed in the attached letter to the Speaker.

Jonathan Nez Allyson Rye
Jonathan Nez, President
Navajo Nation

NAVAJO NATION

292

4/17/2020

Navajo Nation Council Special Session

03:24:33 PM

Amd# to Amd#

Consent Agenda

PASSED

MOT Begay, P

Legislation 0086-20, Legislation

SEC Halona, P

0093-20 and Legislation 0094-20

Yeas : 21

Nays : 0

Excused : 0

Not Voting : 2

Yea : 21

Begay, E

Freeland, M

Slater, C

Tso, E

Begay, K

Halona, P

Smith

Walker, T

Begay, P

Henio, J

Stewart, W

Wauneka, E

Brown

James, V

Tso

Yazzie

Charles-Newton

Nez, R

Tso, D

Yellowhair

Daniels

Nay : 0

Excused : 0

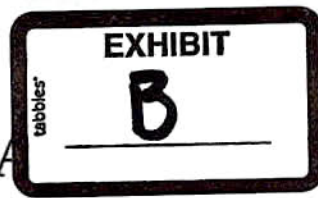
Not Voting : 2

Crotty

Tso, C

Presiding Speaker: Damon

THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

May 2, 2020

Hon. Seth Damon
Office of the Speaker
Post Office Box 3390
Window Rock, AZ 86515

RE: CAP-28-20, *An Action Relating to an Emergency for the Navajo Nation; Temporarily Authorizing and Approving Attendance at Farm Board, Land Board, and District Grazing Committee meetings through telecommunication methods*

Dear Speaker Damon,


Pursuant to the authority vested in the Navajo Nation President, I veto CAP-28-20.

We reiterate our previous message: *"Emergency legislation for temporary suspension or waivers of [our Code] does not meet the requirements of Navajo law through a consent agenda vote. This continued practice by the Navajo Nation Council will only lead to objections and delays while we try to move or carry out government functions during this pandemic crisis. We will continue to urge skillful and well-meaning Delegates to urge restraint from reactionary procedures and follow the proper methods in addressing legislation. We cannot afford to not follow the law. We cannot continue down the slippery slope of temporary suspensions, in reality waivers, and we will not continue affirming such measures."* We cannot say this enough.

We acknowledge the repeated thread from the comments we received on this matter which is, "I strongly oppose approving this resolution because we have unsettled issues with NPL grazing permit re-issuance." Our People have unresolved issues and allowing a telephonic meeting for these boards and committees is a disservice to our People. Without a debate, our People have no information on the need for approving telephone or video conferencing meetings and this method of meeting may shut out our People from discussions that affect their daily lives.

We will not support CAP-28-20.

Sincerely,


Jonathan Nez, President
THE NAVAJO NATION


Myron Lizer, Vice President
THE NAVAJO NATION

**24th Navajo Nation Council
Special Session
Teleconference**

ACTION: Legislation 0120-20

MOTION: Edison J. Wauneka

SECOND: Nathaniel Brown

	<u>Yea</u>	<u>Nay</u>
1. Elmer P. Begay	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Kee Allen Begay, Jr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Paul Begay	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Nathaniel Brown	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Eugenia Charles-Newton	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Amber Kanazbah Crotty	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Herman M. Daniels	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Seth Damon	<input type="checkbox"/>	<input type="checkbox"/>
9. Mark A. Freeland	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Pernell Halona	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Jamie Henio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Vince R. James	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13. Rickie Nez	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Carl R. Slater	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Raymond Smith, Jr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Wilson C. Stewart, Jr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Daniel E. Tso	<input checked="" type="checkbox"/>	<input type="checkbox"/>
18. Charlaine Tso	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Eugene Tso	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20. Otto Tso	<input checked="" type="checkbox"/>	<input type="checkbox"/>
21. Thomas Walker, Jr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
22. Edison J. Wauneka	<input checked="" type="checkbox"/>	<input type="checkbox"/>
23. Edmund Yazzie	<input checked="" type="checkbox"/>	<input type="checkbox"/>
24. Jimmy Yellowhair	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TOTAL:	<u>21</u>	<u>2</u>

CERTIFICATION:


Honorable Speaker Seth Damon

5.15.2020
Date