

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



April 3, 2020

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

RE: CMA-16-20, *An Action Relating to an Emergency; Regarding the COVID-19 within the Territorial Jurisdiction of the Navajo Nation, Ensuring Safe Protection Upon Roads Within the Navajo Nation by Declaring all Navajo Nation-Owned and Maintained Roads Shall be Closed to all Visitors and Tourists*

Dear Speaker Damon,

Pursuant to the authority vested in the Navajo Nation President, I am signing CMA-16-20 into law.

As CMA-16-20 states, the Navajo Nation has inherent sovereign power to limit access to its road when necessary to protect self-government and the health and safety of our members. With the COVID-19 virus rapidly spreading through the Navajo Nation, in some instances to the detriment of our People, this Resolution fits with the Public Health Emergency Order, 2020-003, that was issued on March 20, 2020.

While this Resolution was passed under the Consent Agenda, with no debate to explain the urgency of the legislation, we believe an explanation is necessary. The Navajo Department of Public Safety began implementation of limiting access to the Navajo Nation under the Curfew Order and will continue this role under CMA-16-20. The limited access also fits with the previous Order to close the Nation's parks and recreation areas. The Nation will allow access for necessary and essential travel for such persons as medical personnel and volunteers, essential delivery, and to allow for interstate commerce.

Thank you Speaker Damon and the 24th Navajo Nation Council.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Nez".

Jonathan Nez, President
THE NAVAJO NATION

A handwritten signature in black ink, appearing to read "Myron Lizer".

Myron Lizer, Vice President
THE NAVAJO NATION

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

AN ACTION

RELATING TO AN EMERGENCY; REGARDING THE COVID-19 VIRUS WITHIN THE TERRITORIAL JURISDICTION OF THE NAVAJO NATION, ENSURING SAFE PROTECTION UPON ROADS WITHIN THE NAVAJO NATION BY DECLARING ALL NAVAJO NATION-OWNED AND MAINTAINED ROADS SHALL BE CLOSED TO ALL VISITORS AND TOURISTS

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) "[m]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under 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."

SECTION TWO. FINDINGS

- A. As recognized by the Navajo Treaty of 1868 and Treaty of 1849, the Navajo Nation has the inherent sovereign authority to protect its members through any emergency measure it deems necessary, including restricting travel onto the Navajo Nation by non-Navajo visitors.
- B. The Navajo Nation population comprises around 367,731 members, of which 200,000 live within the territorial jurisdiction of the Navajo Nation, according to the 2010 U.S. Census.
- C. The Navajo Nation comprises 27,000 square miles of land and occupies portions of three States including northeastern Arizona, northwestern New Mexico and southeastern Utah. The geographic area is larger than 10 U.S. States, and includes five sovereign governments, and 11 counties across three states.

- D. The Navajo Nation has over 14,000 miles of roads; of these roughly 6,000 miles are U.S. Bureau of Indian Affairs roads, 1,600 miles are county routes, and 5,000 miles are Navajo Nation owned and maintained. Only 23.4 % of the total roadway network is paved. 2016 Navajo Nation Long Range Transportation Plan.
- E. Given jurisdictional positions and challenges on the different types of roads, in the different counties, different states, and different governments are enormous.
- F. Presently, the Navajo Nation, like the United States and the entire world, are impacted by the spread of the COVID-19.
- G. The Navajo Nation has declared a State of Emergency regarding the outbreak of the COVID-19.
- H. The Navajo Nation (Navajo Nation Council, Speaker, President, Chief Justice, Executive Branch, Legislative Branch, Judicial Branch, chapters, township, enterprises, authorities, educational institutions, and business entities) is very concerned about the health, safety and welfare of the Navajo people and all Navajo Nation residents.
- I. The Navajo Nation has inherent sovereign power to limit access to its roads when necessary to protect self-government and the health and safety of its members. This authority is consistent with the Navajo Nation's inherent authority to control internal relations and matters and to protect the health, safety, and welfare of the residents of the Navajo Nation.
- J. It is in the best interest of the Navajo people, Navajo Nation residents, and visitors that all people are protected and safe from COVID-19, and that COVID-19 is contained effectively.

SECTION THREE. STATE OF EMERGENCY AND DECLARATION; ROAD CLOSURES AND EXCEPTIONS

- A. The Navajo Nation hereby declares that all Navajo Nation-owned and maintained roads shall be closed to all visitors and tourists. The intent of this action is to restrict travel onto the Navajo Nation by all visitors and tourists.
- B. Until this emergency declaration and measures are lifted, the Navajo Nation hereby requests the surrounding federal, state, and country governments and governmental subdivisions to work with applicable Navajo Nation public health, public safety,

and transportation authorities to ensure that visitors and tourists are restricted from traveling onto Navajo Nation-owned and maintained roads. The Navajo Nation Department of Transportation shall assist all law enforcement agencies in identifying roads maintained by the Navajo Nation.

SECTION FOUR. EFFECTIVE DATE

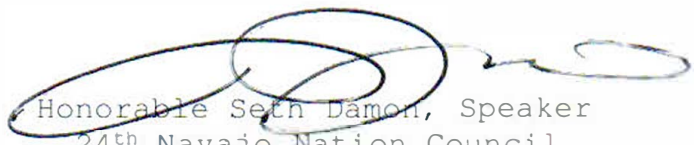
The provisions of this Action shall become effective in accord with 2 N.N.C. § 221(B) and shall remain effective until otherwise determined by act of the Navajo Nation Council.

SECTION FIVE. SAVINGS CLAUSE

Should any provisions of this Action be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, or any other court of competent jurisdiction, those portions of this Act which are not determined invalid shall remain the law of the Navajo Nation.

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 20th day of March 2020.


Honorable Seth Damon, Speaker
24th Navajo Nation Council
3.24.2020
DATE

Motion: Honorable Raymond Smith, Jr.
Second: Honorable Carl R. Slater

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 3rd day of April, 2020.

Jonathan Nez
Jonathan Nez, President
Navajo Nation

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

Jonathan Nez, President
Navajo Nation

24th Navajo Nation Council

Special Session

Date: Friday, March 20, 2020

#12

Consent Agenda: Legislations 0066-20, 0067-20, 0069-20, 0071-20

Motion: Hon. Raymond Smith, Jr. and 0072-20

Second: Hon. Carl Slater

	Delegates	Yea	Nay	Excused
1	Elmer Begay	✓		
2	Kee Allen Begay, Jr.	✓		
3	Paul Begay, Jr.	✓		
4	Nathaniel Brown	✓-T		
5	Eugenia Charles-Newton	✓		
6	Herman Daniels	✓		
7	Seth Damon			
8	Amber Kanazbah Crotty	✓-T		
9	Mark Freeland	✓		
10	Pernell Halona	✓		
11	Jamie Henio	✓-T		
12	Vince James	✓		
13	Rickie Nez	✓		
14	Carl Slater	✓		
15	Raymond Smith, Jr.	✓		
16	Wilson Stewart, Jr.	✓-T		
17	Charlaine Tso			
18	Daniel Tso	✓		
19	Eugene Tso	✓		
20	Otto Tso	✓		
21	Thomas Walker, Jr.	✓		
22	Edison Wauneka	✓		
23	Edmund Yazzie			
24	Jimmy Yellowhair	✓		
Total:		21	0	

T-Telephonic

CERTIFICATION:



Honorable Seth Damon

24th Navajo Nation Council Speaker