

**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0308-20

**DATE:** December 1, 2020

**TITLE OF RESOLUTION:** AN ACTION RELATING TO LAW AND ORDER, BUDGET AND FINANCE, NAABI'KIYATI' COMMITTEES AND THE NAVAJO NATION COUNCIL; APPROVING THE DEPOSIT AND ALLOCATION OF FINES COLLECTED FROM CURFEW VIOLATIONS RELATED TO COVID-19 PUBLIC HEALTH EMERGENCY ORDERS TO THE NAVAJO NATION DIVISION OF PUBLIC SAFETY

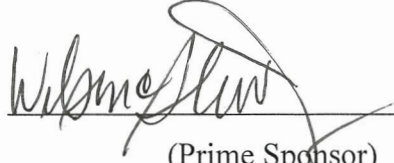
**PURPOSE:** The purpose of this resolution is for the Navajo Nation Council to approve the allocation of COVID-19 curfew-related fines to the Division of Public Safety.

5-DAY BILL HOLD PERIOD: Johnson  
Website Posting Time/Date: 4:51 PM; 12-07-20  
Posting End Date: 12-12-20  
Eligible for Action: 12-13-20

Law & Order Committee  
Thence  
Budget & Finance Committee  
Thence  
Naabik'iyati' Committee  
Thence  
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
24<sup>th</sup> NAVAJO NATION COUNCIL – Second Year, 2020

INTRODUCED BY

  
(Prime Sponsor)

TRACKING NO. 0308-20

AN ACTION

RELATING TO LAW AND ORDER, BUDGET AND FINANCE, NAABI'KIYATI'  
COMMITTEES AND THE NAVAJO NATION COUNCIL; APPROVING THE  
DEPOSIT AND ALLOCATION OF FINES COLLECTED FROM CURFEW  
VIOLATIONS RELATED TO COVID-19 PUBLIC HEALTH EMERGENCY ORDERS  
TO THE NAVAJO NATION DIVISION OF PUBLIC SAFETY

BE IT ENACTED:

**SECTION ONE. AUTHORITY**

- A. Pursuant to 2 N.N.C. § 600(A), the Law and Order Committee is a standing committee of the Navajo Nation Council; and pursuant to 2 N.N.C. § 601(C)(1), it is the oversight committee for the Navajo Nation Division of Public Safety.
- B. Pursuant to 2 N.N.C. § 300(A), the Budget and Finance Committee is a standing committee of the Navajo Nation Council; and pursuant to 2 N.N.C. § 301(B)(2), it has the authority to review and recommend to the Navajo Nation Council the management of all funds of the Navajo Nation. The Budget and Finance Committee also has the authority to approve Fund Management Plans, pursuant to 2 N.N.C. § 301(B)(14).
- C. Pursuant to 2 N.N.C. § 701(A)(3), the Naabi'kiyati' Committee has the authority to recommend resolutions to the Navajo Nation Council on matters within the Committee's jurisdiction. Pursuant to 2 N.N.C. § 164(A)(9), a proposed

1 resolution that requires final action by the Navajo Nation Council shall be  
2 assigned to standing committee(s) having authority over the subject matter at  
3 issue and the Naabi'kiyati' Committee.

4 D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C.  
5 § 102(A).

6 E. Pursuant to 12 N.N.C. § 820(K), all funds received in excess of initial or current  
7 revenue projections shall be deposited into the Navajo Nation's Unreserved,  
8 Undesignated Fund *"unless otherwise designated by the Navajo Nation Council."*  
9

## 10 **SECTION TWO. FINDINGS**

11 A. On March 11, 2020, the Navajo Nation Commission on Emergency Management  
12 declared a Public Health State of Emergency due to COVID-19 on the Navajo  
13 Nation. **Exhibit A.**

14 B. On March 13, 2020, the Navajo Nation President issued Executive Order No.  
15 001-20 declaring a State of Emergency on the Navajo Nation due to the spread of  
16 COVID-19. **Exhibit B.**

17 C. The Navajo Department of Health has issued numerous Public Health Emergency  
18 Orders that have implemented various curfews to slow the spread of COVID-19.  
19 The first of these Orders was issued on March 18, 2020 and the most recent was  
20 issued on November 13, 2020. Public Health Emergency Orders Nos. 2020-001  
21 through 2020-030 are incorporated by reference into this resolution.

22 D. The most recent Order that implemented a curfew is Public Health Emergency  
23 Order No. 2020-028, which establishes a daily curfew from 9:00 p.m. to 5:00 a.m.  
24 (pursuant to Order No. 2020-19, dated August 6, 2020) and establishes weekend  
25 curfews from 9:00 p.m. on Friday, November 6, 2020 to 5:00 a.m. Monday  
26 November 9, 2020, and from 9:00 p.m. on Friday, November 13, 2020 to 5:00  
27 a.m. Monday, November 16, 2020. **Exhibit C.**

28 E. The Navajo Police Department, under the Navajo Division of Public Safety, has  
29 been issuing citations to enforce the various curfews under the Public Health  
30

Emergency Orders, primarily pursuant to 17 N.N.C. §486(A)(1) (criminal nuisance), which carries a maximum fine of \$1000.00.

F. Currently, the fines collected for curfew violations are deposited into the Navajo Nation's General Fund, pursuant to 12 N.N.C. § 820 (K), which specifically provides: "[f]unds received in excess of the initial or current revenue projection shall be deposited in the General Fund Unreserved, Undesignated Fund balance *unless otherwise designated by the Navajo Nation Council.*"

G. The Navajo Division of Public Safety is in dire need of supplemental funding for operational and personnel expenses due to the ongoing COVID-19 crisis.

H. At least three Navajo Nation Chapters support payment of these fines to the Navajo Division of Public Safety. **Exhibit D.**

I. It is in the best interest of the Navajo Nation that all fines collected from COVID-19-related curfew violations be reallocated from the Navajo Nation General Fund to the Navajo Division of Public Safety.

### **SECTION THREE. APPROVAL**

A. Pursuant to 12 N.N.C. § 820 (K), the Navajo Nation Council hereby directs and approves the deposit and allocation of all fines, collected from violations of any and all curfews related to the COVID-19 Public Health Emergency Orders, to the Navajo Division of Public Safety for operational and personnel expenses related to the ongoing COVID-19 public health emergency on the Navajo Nation.

B. Within thirty (30) days of the effective date of this legislation, the Navajo Division of Public Safety shall develop a "COVID-19-Related Curfew Fund Management Plan" and present such plan to the Law and Order Committee. The Law and Order Committee shall then recommend the Fund Management Plan to the Budget and Finance Committee for final approval.

### **SECTION FOUR. EFFECTIVE DATE**

This legislation is effective upon its approval pursuant to 2 N.N.C. §221(B).

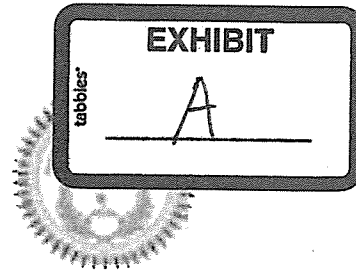
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3 **SECTION FIVE. SAVING CLAUSE**

4       Should any provision of this legislation be determined invalid by the Navajo Nation  
5       Supreme Court, or a District Court of the Navajo Nation without appeal to the Navajo  
6       Nation Supreme Court, those portions of the legislation which are not determined  
7       invalid shall remain the law of the Navajo Nation.  
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# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



CEM-20-03-11

## RESOLUTION OF THE COMMISSION ON EMERGENCY MANAGEMENT

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.

### WHEREAS:

1. Pursuant to 2 N.N.C., § 881 the Navajo Nation Council established the Commission on Emergency Management, authorizing it to assess, verify, recommend and declare states of emergency with the concurrence of the President of the Navajo Nation; and
2. Pursuant to 2 N.N.C., § 883 (A) and (C) the Commission is empowered to coordinate immediate emergency and disaster relief services with Navajo Nation and non-tribal entities in conjunction with the Department of Emergency Management to recommend and deploy appropriate resources regarding natural and man-made emergencies; and
3. Pursuant to 2 N.N.C., § 884 (B), (2) the Commission on Emergency Management may seek assistance from federal, state, other tribal governments, and local and private agencies to address emergency and disaster related situations; and
4. The nature of the Coronavirus Disease ("COVID-19") is such that it has spread and increased globally, as indicated by the Centers for Disease Control & Prevention ("CDC"), the World Health Organization ("WHO"), and other public health organizations within the U.S. and regionally; and
5. In the U.S. the number of positive and presumptive positive cases have grown, with the rise in COVID-19 confirmed cases in Arizona, New Mexico, Utah, Colorado; and
6. No confirmed COVID-19 cases have been verified on the Navajo Nation and area Public Health Services are closely monitoring the situation; and
7. The Navajo Nation, in collaboration with various entities such as the U.S. Public Health Services Area Offices (Albuquerque, Navajo, Phoenix), CDC, state departments of health, Navajo Nation 638 Tribal Health Organizations and various other multi-agency groups, have organized an incident command approach to mitigate COVID-19 transmission on the Navajo Nation; and
8. In partial response to addressing the spread of COVID-19 on the Navajo Nation, a Navajo Department of Health ("NDOH") Command Operations Center has been established with an infrastructure to maintain situational awareness, conduct daily communication briefings among NDOH and key collaborative partners and, disseminate information to the public; and

9. The Navajo Department of Emergency Management (NDEM) Emergency Operation Center (EOC) shall be activated to support the Navajo Department of Health Command Center.
10. Locally, it is acknowledged and understood that the threat of transmission of COVID-19 needs to be mitigated to reduce risk of exposure to the Navajo People and the resultant consequential public health impacts.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The Navajo Nation Commission on Emergency Management hereby declares 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.
2. To address increased concerns of potential public health impacts due to risk and exposure to the COVID-19, especially to our older population, the Navajo Nation must encourage independent responsibility and action by the Navajo People in practicing recommended preemptive measures to minimize, prevent and reduce risk of exposure to and from the COVID-19.
3. The Navajo Nation population receives timely, consistent and correct information needed on the COVID-19 on preventive measures against contracting and spread of the virus, signs, symptoms and contacting local hospitals and clinics for reporting.
4. In declaring the Public Health State of Emergency, all Navajo Nation Branches, programs, departments will comply with and adhere to directives, instructions, and/or policies forthcoming from the Navajo Department of Health as related to addressing COVID-19.
5. The needs of the Navajo Nation are to be addressed in a manner so as to provide the necessary resources required to address said Declared Public Health State of Emergency. This includes, but not limited to, resources of personnel, medical supplies and equipment, monetary funding, and other resources as may be required to protect the health, safety and welfare of citizens of the Navajo Nation.


**CERTIFICATION**

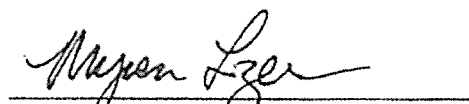
I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Commission on Emergency Management at a duly called meeting at Window Rock, Navajo Nation, Arizona, at which a quorum was present and that same passed by a vote of 4 approved, 0 opposed, and 0 abstained this 11<sup>th</sup> day of March 2020.

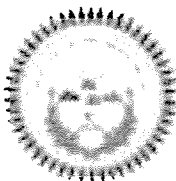
  
Herman Shorty, Chairperson  
Commission on Emergency Management

Motion by: Dicky Bain  
Second by: Ben Bennett

**CONCURRENCE:**

  
Jonathan Nez, President  
THE NAVAJO NATION

  
Myron Lizer, Vice President  
THE NAVAJO NATION



**EXECUTIVE ORDER NO. 001-20**

**DECLARING A STATE OF EMERGENCY DUE TO THE CONFIRMATION OF  
THE COVID-19 VIRUS IN REGIONAL AREAS SURROUNDING THE NAVAJO  
NATION, CLOSING THE NAVAJO NATION GOVERNMENT OFFICES, AND  
SUPPORTING THE CLOSURE OF ALL SCHOOLS AND EDUCATIONAL  
FACILITIES ON THE NAVAJO NATION**

**NAVAJO NATION OFFICE OF THE PRESIDENT AND VICE PRESIDENT  
MARCH 13, 2020**

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**WHEREAS:**

1. The President of the Navajo Nation serves as the Chief Executive Officer for the Executive Branch of the Navajo Nation government with full authority to conduct, supervise, and coordinate personnel and program matters. 2.N.N.C. §1005 (A);
2. The President shall have the enumerated power of issuing an executive order for the purpose of interpreting, implementing or giving administrative effect to statutes of the Navajo Nation in the manner set forth in such statutes. 2.N.N.C. §1005 (C)(14);
3. With the concurrence of the President of the Navajo Nation, the Emergency Management Commission shall have the power to declare a state of emergency affecting the Navajo Nation and to obtain, coordinate and oversee assistance, whether in the form of goods, services, equipment, motor vehicles, or personnel, from all Divisions, Departments and Enterprises of the Navajo Nation for use in addressing the requirements of the People in any declared emergency. 2 N.N.C. § 884(B)(1)(3);
4. The Emergency Management Commission declared an emergency due to the confirmation of the coronavirus disease (COVID-19) in regional areas surrounding the Navajo Nation. 2 N.N.C. § 884(B)(1), *See* Emergency Management Commission resolution CEM 20-03-11;
5. An Executive Order shall have the force of law upon the recipient. 2 N.N.C. § 1005(C)(14).



**THEREFORE:**

I, Jonathan Nez, President of the Navajo Nation and I, Myron Lizer, Vice President of the Navajo Nation, by the authority vested in us, hereby issue the following order:

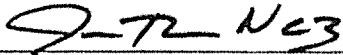
1. With the support of the Emergency Management Commission, CEM-20-03-11, a public health state of emergency is declared affecting the Navajo Nation citizens and residents due to confirmation of the spread of the COVID-19 virus in every state surrounding the Navajo Nation, *see* White House Proclamation, NM Governor Lujan Grisham statement, Utah Governor Herbert Executive Order, Arizona Governor Ducey Executive Order and Declaration of Emergency, as such:
  - a. The Navajo Department of Health Command Operations Center shall be staffed throughout the emergency condition under the direction of the Director, Dr. Jill Jim, Navajo Department of Health; and,
  - b. The Navajo Department of Emergency Management Emergency Operation Center shall be activated to support the Navajo Department of Health Command Center; and,
  - c. All Navajo Nation Branches, Divisions, Departments, programs, offices, and Enterprises shall comply with and adhere to directives, instructions, and/or policies coming from the Navajo Department of Health as related to addressing COVID-19.
2. The Navajo Nation has issued travel restrictions due to the COVID-19 virus which restricted or canceled all off-reservation travel and directed all Navajo Nation employees to return from current off-reservation travel; however, the action of surrounding States by restricting large gatherings and closure of government offices has heightened the concern of the spread of the COVID-19, as such:
  - a. All Navajo Nation government offices shall close to minimize the spread of the COVID-19 virus beginning March 16 to April 3, 2020 and only essential personnel as determined by the Division Director shall report to their respective duty stations – including Navajo Public Safety, Navajo Fire Department, Navajo Emergency Medical Services, Department of Emergency Management, Navajo Division of Finance, Navajo Division of Social Services, and those determined by the Branch Chiefs; and,
  - b. All non-essential Navajo Nation government employees, including non-certified Chapter employees, affected by this Executive Order shall be granted Administrative Leave for the duration of the closure and are expected to refrain from events, gatherings, or other areas where they may contract the COVID-19 virus; and,
  - c. The closure of Navajo Nation government offices may be extended beyond April 3, 2020 on the recommendation of the Navajo Department of Health Command Operations Center and the Navajo Department of Emergency Management Operation Center.

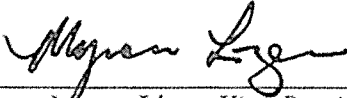
3. The Navajo Nation Board of Education declared an emergency affecting all schools on the Navajo Nation due to the spread of the COVID-19 virus and recommended, among other measures, the closure of all schools and educational facilities on the Navajo Nation to protect our children, their parents, and care givers, NNBEMA-608-2020, as such:
- a. Public Law 100-297 grant schools, Public Law 93-638 contract schools, and Bureau of Education operated schools shall be closed from March 16 to April 3, 2020; and,
  - b. Public schools, including grant schools, private schools, higher education institutions, early childhood programs, including CCDF, Head Start, FACE programs, and all after school programs located on the Navajo Nation shall be closed from March 16 to April 3, 2020; and,
  - c. Off reservation residential halls and dormitories for Navajo students operating under the authority of the Navajo Nation will follow the process and procedure for this host school district; and,
  - d. The Navajo Board of Education may recommend an extension of the closing of the schools and educational facilities beyond April 3, 2020.

The Divisions, Departments and Enterprises are responsible for implementing and ensuring compliance with this order.


The provisions of this order shall be implemented consistent with the laws of the Navajo Nation and in a manner that advances the highest welfare of the People.

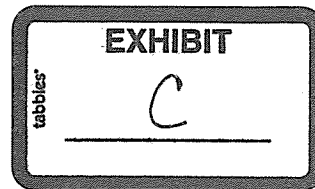
EXECUTED this 13<sup>th</sup> day of March 2020

  
Jonathan Nez, *President*  
THE NAVAJO NATION

  
Myron Lizer, *Vice-President*  
THE NAVAJO NATION

ATTEST:

  
Doreen N. McPaul, *Attorney General*



PUBLIC HEALTH ORDER  
NAVAJO DEPARTMENT OF HEALTH  
NAVAJO OFFICE OF ENVIRONMENTAL HEALTH & PROTECTION PROGRAM

November 4, 2020

Public Health Emergency Order No. 2020-028

**Public Health Emergency Order Implementing a 56-Hour Weekend Curfew for the Next Two Weekends in November and Closing Most Essential Businesses During the Weekend Closures Due to Uncontrolled Community Spread of COVID-19 in 29 Communities on the Navajo Nation**

- I. Paragraphs I – IX from Public Health Emergency Order No. 2020-004 (March 29, 2020) are incorporated herein, addressing the various Navajo Nation (Nation) authorities related to the current COVID-19 Public Health Emergency.
- II. Regular daily curfew hours continue to be from 9:00 P.M. MST to 5:00 A.M. MST pursuant to Public Health Emergency Order No. 19 (August 6, 2020).
- III. The intent and purpose of this Public Health Emergency Order No. 2020-028 is to limit the movement of individuals on the Nation to their local communities for a 56-hour period due to uncontrolled spread of COVID-19 in various communities throughout the Navajo Nation, and to implement a full weekend curfew from November 6, 2020 to November 9, 2020 starting at 9:00 P.M. MST on Friday and ending at 5:00 A.M. MST on Monday, and continuing for the same time periods during the weekend of November 13 – 16, 2020.
- IV. The Navajo Nation is currently experiencing its second wave of COVID-19 cases. The number of new cases have been on an upward trajectory during the past 2 (two) months within and surrounding the Navajo Nation, including record high numbers for the United States reported on Sunday, November 1, 2020. The percent of COVID-19 tests which are positive continue to rise and clusters continue to emerge throughout the Navajo Nation and has resulted uncontrolled spread in 29 communities on the Navajo Nation. **Cluster cases are a direct result of family gatherings and off-Reservation travel and have resulted in an uncontrolled spread.**
- V. **Individuals are advised to STAY ON THE NAVAJO NATION and refrain from off-Reservation travel. Individuals are also advised not to gather with anyone outside your immediate household and stay within your local communities.** Clusters have the potential to lead to even more uncontrolled spread throughout the Navajo Nation, which may overwhelm the health care system on the Navajo Nation if not mitigated immediately.

- VI. To mitigate the risk, individuals are advised to stay home (isolate or quarantine) and self-monitor for the next two (2) weeks. Isolation and quarantine help protect the public by preventing exposure to people who have or may be contagious. Isolation separates people who may be sick from people who are not sick. Quarantine separates and restricts the movement who are exposed to a contagious disease.
- VII. According to the Centers for Disease Control and Prevention, "COVID-19 cases and deaths have been reported in all 50 states, and the situation is constantly changing. Because travel increases your chances of getting infected and spreading COVID-19, **staying home is the best way to protect yourself and others from getting sick.**"
- VIII. According to the Centers for Disease Control and Prevention, "Limiting face-to-face contact with others is the best way to reduce the spread of coronavirus disease 2019 (COVID-19)" and **"the more closely you interact with others and the longer that interaction, the higher the risk of COVID-19 spread."**
- IX. The Nation's roads remain closed to Visitors for the duration of the declared public health emergency, and Visitors are advised to refrain from traveling to the Navajo Nation. Tribal parks will not be accessible to Visitors and Tourists during this time. Visitors and Tourists will be informed when the Navajo Nation can safely welcome Visitors back to the Nation.

**THEREFORE, NOTICE IS GIVEN** that, pursuant to the power and authority set forth in the NDOH enabling legislation (NNC Resolution No. CO-50-14), and in conjunction with the Navajo Nation Public Health State of Emergency Declaration (CEM Resolution No. 20-03-11):

- A. All individuals on the Nation shall comply with the **Weekend Curfews** across the Nation from 9:00 P.M. MST on Friday, November 6, 2020 to 5:00 A.M. MST on Monday, November 9, 2020 and from 9:00 P.M. MST on Friday, November 13, 2020 to 5:00 A.M. MST on Monday, November 16, 2020. All individuals shall remain at home during curfew hours except to access essential services, or in the event of an emergency, or as described below.
  - 1. Individuals are still permitted to cultivate food (i.e. farming) and tend to livestock. However, plan ahead to purchase hay and feed, if needed.
  - 2. Individuals are not required to remain indoors during Weekend Curfews. Outdoor activity is encouraged and individuals may leave their immediate residence or home site area for exercise such as running or hiking, so long as movement is restricted to no more than five (5) miles from one's home.
  - 3. Wood collection and hauling, with an appropriate permit issued by the Navajo Nation Forestry Department, is a permissible activity during the weekend curfew hours, however groups are limited to no more than 5 people, masks are required, maintain social distancing to the greatest extent possible, and use hand sanitizer. Coal collection and hauling is also permissible with the same preventive measures.

4. Refrain from gathering with individuals from outside your immediate household.
5. Practice all individual preventative measures including wearing a mask in public, avoid public gatherings, maintain social (physical) distancing, remain in your vehicle for curbside and drive-through services.
6. Additional Weekend Curfews may follow.
7. The Weekend Curfews does not apply to Essential Employees reporting to or from duty at an Essential Business that is exempted from closure below, provided that the employee must have official identification or a letter of designation from their employer on official letterhead which includes a contact name and number for verification.

**B. Essential Businesses** shall be closed. Hay and other roadside vendors must cease operations for the duration of the Curfew Weekend. This closure and cease operations requirement does not apply to Healthcare Operations, Essential Governmental Functions, or Essential Infrastructure Activities (as those terms are defined below). **This closure requirement does not apply to gas stations, grocery stores, laundromats, and restaurants and food establishments provided they comply with the following requirements:**

1. Operate only between the hours of 7:00 A.M. MST and 3:00 P.M. MST.
2. Ensure that adequate social distancing is practiced.
3. Ensure that high-touch surfaces are regularly disinfected and thoroughly clean retail store areas and employee work areas.
4. Ensure that employees and customers wear masks.
5. Make efforts to ensure that customers have on-site access to handwashing stations, sanitizer, or gloves.
6. Limit the number of customers in any enclosed area.
7. Restaurants and food establishments must operate on a curbside or drive-through basis only.

**NOTICE IS FURTHER GIVEN** that this Order shall not abrogate any disease-reporting requirements (consistent with HIPAA privacy standards).

**NOTICE IS FURTHER GIVEN** that it is greatly advised that the public take the following preventive precautions:

**NOTICE IS FURTHER GIVEN** that the public is advised take the following preventive precautions:

1. Plan and act ahead: buy or get supplies you might need, including medical supplies, food, water, animal feed, firewood or coal, and fuel for your vehicles, during non-curfew hours.
2. Socially distance yourselves. Avoid close contact with people who are sick. Keep at least six feet from others in public.

3. Wash your hands often with soap and water for at least 20 seconds, especially after blowing your nose, coughing, or sneezing, or having been in a public place. If soap and water are not available, use a hand sanitizer that contains at least 60% alcohol.

4. To the extent possible, avoid touching high-touch surfaces in public places – door handles, handrails, etc. Use a barrier such as a tissue or gloves to cover your hands or fingers if you must touch something.

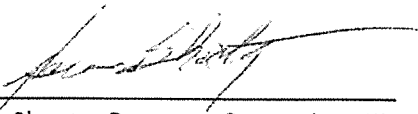
5. Avoid touching your face, nose, eyes, mouth. Cover your mouth and nose with the best-available protective material, including masks, when in public.

6. Clean and disinfect your home and vehicles to remove germs: practice routine cleaning of frequently touched surfaces (for example: tables, doorknobs, light switches, handles, desks, toilets, faucets, sinks, steering wheels, door handles, gearshifts, and cell phones).

7. Get an influenza (flu) vaccination as soon as possible and when safe to do so, and in accordance with the above requirements.


**NOTICE IS FURTHER GIVEN** that this Order shall take effect Friday, November 6, 2020 at 9:00 P.M. MST and shall remain in effect until Monday, November 16, 2020 at 5:00 A.M. MST.

**ADDITIONAL ADVISORIES AND ORDERS WILL FOLLOW AS CONDITIONS WARRANT. SO ORDERED THIS 4<sup>TH</sup> DAY OF NOVEMBER, 2020.**



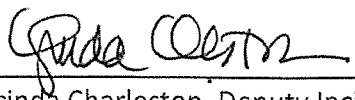
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Herman Shorty, Program Supervisor III  
Navajo Office of Environmental Health &  
Protection Program  
Navajo Department of Health



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Dr. Jill Jim, Executive Director  
Manager  
Navajo Department of Health



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Lucinda Charleston, Deputy Incident  
Manager  
Dikos Ntsaaígíí – 19  
Health Command Center  
Navajo Department of Health

## **Definitions**

**Emergency:** a serious, unexpected, or dangerous situation requiring immediate action, including a medical condition that requires immediate treatment.

**Essential Businesses:** Healthcare Operation, Essential Governmental Functions and Essential Infrastructure (e.g., courts of law, medical providers for urgent care, public utilities, and critical school operations such as nutrition programs). (From Public Health Emergency Order No. 2020-002, March 19, 2020 and expanded through Public Health Emergency Order No. 2020-003, March 20, 2020 to include grocery stores, food banks, convenience stores, hardware stores and other establishments engaged in the retail sale of groceries, non-grocery products, wholesale and products necessary to maintaining the safety, sanitation and essential operation of residences, among other things.)

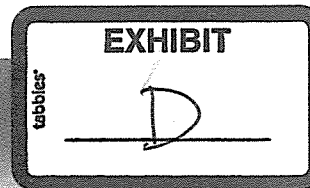
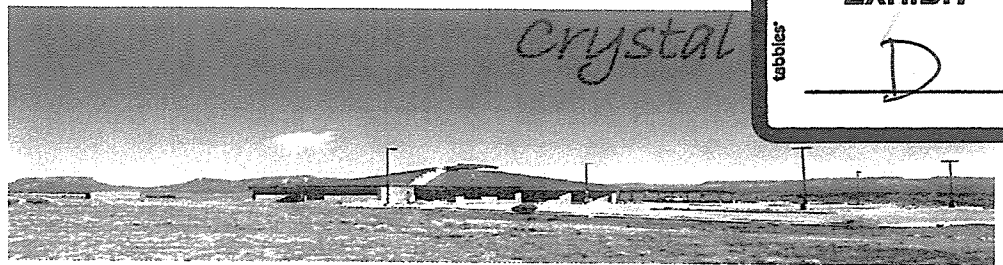
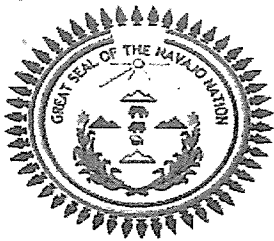
**Essential Employees:** Those employees identified by Essential Businesses deemed to be necessary to the continued operation of those Essential Businesses.

**Essential Governmental Functions:** means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public. (From Public Health Emergency Order No. 2020-002, March 19, 2020).

**Healthcare Operations:** Government or private clinics, hospitals, and programs providing medical diagnosis, treatment, or emergency response. Does not include commercial production, agricultural, retail, or wholesale operations, even if health-related in some way. (From Public Health Emergency Order No. 2020-010, May 14, 2020).

**Social Distancing Requirements:** Limiting proximity of people to 6 feet from any other person. (From Public Health Emergency Order No. 2020-002, March 19, 2020). Also known as Physical Distancing.

**Social Distancing Standards:** Not shaking hands, staying at least six feet away from other people, avoiding crowds, etc. (From Public Health Emergency Order No. 2020-003, March 20, 2020). Also known as Physical Distancing.



PO Box 775, Navajo, New Mexico 87328

(505)777-2800/2801 (505)777-2805

CRY 06-2020-027

### CRYSTAL CHAPTER RESOLUTION

**SUPPORTING AND REQUESTING THE BUDGET & FINANCE COMMITTEE OF THE NAVAJO NATION COUNCIL, LAW & ORDER COMMITTEE OF THE NAVAJO NATION COUNCIL AND THE OFFICE OF CONTROLLER TO REDIRECT THE FUNDS COLLECTED FROM THE CITATIONS OF \$1,000 IMPOSED FOR THE WEEKEND CURFEW DUE TO COVID-19 TO THE NAVAJO DIVISION OF PUBLIC SAFETY FOR OPERATIONAL AND PERSONNEL EXPENSES**

#### WHEREAS:

1. Pursuant to 26 N.N.C. Section 3 (A), the Crystal Chapter is a duly recognized chapter of the Navajo Nation Government, as listed at II N.N.C., Part 1, Section 10; and
2. The Budget and Finance Committee and the Law & Order Committee of the Navajo Nation Council have the authority and oversight for funding of the Navajo Division of Public Safety; and
3. The Navajo Nation President issued an Executive Order 001-20 declaring a State of Emergency due to COVID-19 on March 18, 2020; and
4. In order to reduce the spread of the COVID-19 virus, the Navajo Nation imposed a 57-hour curfew on weekends starting at 8:00 p.m. on Friday to 5:00 a.m. on Monday; and
5. As indicated in the Executive Order, the Navajo Nation Police Department will issue fines of \$1,000 to individuals who disobey the curfew order; and
6. Currently the funds generated from citations are allocated back into the Navajo Nation General Funds, and;
7. The Navajo Nation Police Department is in dire need of funding for operational and personnel expenses due to COVID-19 emergency situation.

#### NOW THEREFORE BE IT RESOLVED:

1. The Crystal Chapter hereby supports and request the Budget & Finance Committee and Law & Order Committee of the Navajo Nation Council and the Office of the Controller to redirect the funds collected from the citations of \$1,000 imposed for the weekend curfew due to COVID-19 to the Navajo Division of Public Safety for operational and personnel expenses.

#### CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Crystal Chapter at a duly called meeting in Crystal (Navajo Nation), New Mexico at which a quorum was present and that same was motioned by Virginia A. Benally and seconded by Betty Roanhorse and adopted with votes of 3 in favor and 0 opposed and 1 abstained on this 9<sup>th</sup> day of June 2020.

Patricia Slim, Chapter President





THE NAVAJO NATION  
FORT DEFIANCE CHAPTER  
P.O. Box 366 • Ft Defiance, Arizona 86504  
Phone: (928) 729-4352 • Fax (928) 729-4353  
Email: [ftdefiance@navajochapters.org](mailto:ftdefiance@navajochapters.org)

Daniel Yazza, *President*  
Aaron Sam, *Vice-President*  
Brenda Wauneka, *Secretary/Treasurer*  
Herman Billie, *Grazing Official*  
Wilson Stewart Jr., *Council Delegate*

JONATHAN NEZ  
Navajo Nation President

MYRON LIZER  
Navajo Nation Vice President

**RESOLUTION OF THE FORT DEFIANCE CHAPTER  
NAVAJO NATION**

FDC-2020-06-05-04

**SUPPORTING AND REQUESTING THE BUDGET & FINANCE COMMITTEE OF THE NAVAJO NATION COUNCIL, LAW & ORDER COMMITTEE OF THE NAVAJO NATION COUNCIL AND THE OFFICE OF CONTROLLER TO REDIRECT THE FUNDS COLLECTED FROM THE CITATIONS OF ONE THOUSAND DOLLARS (\$1000.00) IMPOSED FOR THE WEEKEND CURFEW DUE TO COVID-19 TO THE NAVAJO DIVISION OF PUBLIC SAFETY FOR OPERATIONAL AND PERSONNEL EXPENSES.**

**WHEREAS:**

1. Pursuant to 26 N.N.C. section 3 (A), the Fort Defiance Chapter is a duly recognized chapter of the Navajo Nation Government, as listed at II N.N.C., part 1, section 10; and
2. The Budget & Finance Committee and the Law & Order Committee of the Navajo Nation Council have the authority and oversight on the funding and the Navajo Division of Public Safety; and
3. The Navajo Nation President issued an executive order #001-20, declaring a state of emergency due to COVID-19 on March 18, 2020; and
4. Pursuant to the Public Health Order No. 2020-005 and 2020-011, the Public Health Emergency Order Implemented a 57 hour weekend curfew from 8:00 p.m. on Friday and ending on Monday at 5:00 a.m. to slow the spread of COVID-19; and
5. As indicated in the executive order, the Navajo Nation Police Department will issue fines of one-thousand dollars to individuals that disobey the curfew order; and
6. Currently the funds generated from the citations are allocated back into the Navajo Nation general funds; and
7. The Navajo Nation Police Department is in dire need of funding for operational and, personnel expenses due to the COVID-19 emergency situation.

**NOW, THEREFORE BE IT RESOLVED THAT:**

1. The Fort Defiance Chapter hereby supports and request the Budget & Finance Committee and the Law & Order Committee of the Navajo Nation Council and the Office of the Controller to redirect the funds collected from the citations of one-thousand dollars (\$1000.00) imposed for the weekend crew few due to COVID-19 to the Navajo Division of Public Safety for operational and personnel expenses.

**CERTIFICATION**

We, hereby certify that the foregoing resolution was duly considered by the Fort Defiance Chapter at a duly called meeting in Fort Defiance (Navajo Nation), Arizona at which a quorum was present and that same was passed by a vote of 7 in favor, 0 opposed and 1 abstained on this 5<sup>th</sup> day of June, 2020.

Motion by: Georgina Chischilly  
Daniel Yazza  
Daniel Yazza, President

Seconded by: Timothy Begay



## Red Lake Chapter

**Arval T. McCabe**  
PRESIDENT

**Pauline J. Garnenez**  
VICE PRESIDENT

**Loberta Redhouse**  
SECRETARY/TREASURER

**Florina Howard**  
GRAZING OFFICIAL

**RLC-06-20-10**

### RESOLUTION OF THE RED LAKE CHAPTER #18

**SUPPORTING AND REQUESTING THE BUDGET & FINANCE COMMITTEE OF THE NAVAJO NATION COUNCIL, LAW & ORDER COMMITTEE OF THE NAVAJO NATION COUNCIL AND THE OFFICE OF CONTROLLER TO REDIRECT THE FUNDS COLLECTED FROM THE CITATIONS OF ONE THOUSAND DOLLARS (\$1000.00) IMPOSED FOR THE WEEKEND CURFEW DUE TO COVID-19 TO THE NAVAJO DIVISION OF PUBLIC SAFETY FOR OPERATIONAL AND PERSONNEL EXPENSES.**

#### WHEREAS:

1. Pursuant to 26 N.N.C. section 3 (A), the Red Lake Chapter is a duly recognized chapter of the Navajo Nation Government, as listed at II N.N.C., part 1, section 10; and
2. The Budget & Finance Committee and the Law & Order Committee of the Navajo Nation Council have the authority and oversight on the funding and the Navajo Division of Public Safety; and
3. The Navajo Nation President issued an executive order #001-20, declaring a state of emergency due to COVID-19 on March 18, 2020; and
4. Pursuant to the Public Health Order No. 2020-005 and 2020-011, the Public Health Emergency Order Implemented a 57 hour weekend curfew from 8:00 p.m. on Friday and ending on Monday at 5:00 a.m. to slow the spread of COVID-19; and
5. As indicated in the executive order, the Navajo Nation Police Department will issue fines of one-thousand dollars to individuals that disobey the curfew order; and
6. Currently the funds generated from the citations are allocated back into the Navajo Nation general funds; and
7. The Navajo Nation Police Department is in dire need of funding for operational and, personnel expenses due to the COVID-19 emergency situation.

**NOW, THEREFORE BE IT RESOLVED THAT:**

1. The Red Lake Chapter hereby supports and request the Budget & Finance Committee and the Law & Order Committee of the Navajo Nation Council and the Office of the Controller to redirect the funds collected from the citations of one-thousand dollars (\$1000.00) imposed for the weekend crew fee due to COVID-19 to the Navajo Division of Public Safety for operational and personnel expenses.

**CERTIFICATION**

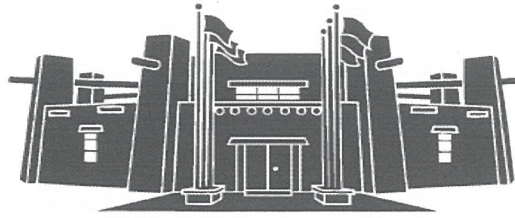
We, hereby certify that the foregoing resolution was duly considered by the Red Lake Chapter at a duly called meeting in Navajo, New Mexico (Navajo Nation), at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed and 1 abstained on this 10<sup>th</sup> day of June, 2020.



Arval McCabe, Chapter President

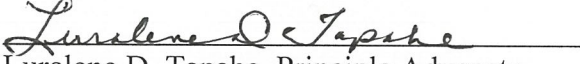
Motion by: Florina Howard

Seconded by: Coberta Redhouse



## MEMORANDUM

**TO :** Honorable Wilson Stewart, Jr., Delegate  
24<sup>th</sup> Navajo Nation Council

**FROM :**   
Luralene D. Tapahe, Principle Advocate  
Office of Legislative Counsel

**DATE :** December 1, 2020

**SUBJECT :** **AN ACTION RELATING TO LAW AND ORDER, BUDGET AND FINANCE, NAABI'KIYATI' COMMITTEES AND THE NAVAJO NATION COUNCIL; APPROVING THE DEPOSIT AND ALLOCATION OF FINES COLLECTED FROM CURFEW VIOLATIONS RELATED TO COVID-19 PUBLIC HEALTH EMERGENCY ORDERS TO THE NAVAJO NATION DIVISION OF PUBLIC SAFETY**

As requested, I have prepared the above referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution drafted is legally sufficient. However, as with any legislation, it can be subject to review by the courts in the event of a proper challenge. Also, please understand that the Speaker is authorized to refer this proposed resolution to other committees than those stated in the title.

You are advised and encouraged to review the proposed resolution to ensure it is drafted to your satisfaction. If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment.

If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahe'he'.

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0308-20\_\_

SPONSOR: Wilson Stewart, Jr.

**TITLE: An Action Relating to Law and Order, Budget and Finance, Naabik'íyáti' Committees and the Navajo Nation Council; Approving the Deposit and Allocation of Fines Collected from Curfew Violations Related to COVID-19 Public Health Emergency Orders to the Navajo Nation Division of Public Safety**

***Date posted: December 7, 2020 at 4:51PM***

**Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)**

**Written comments may be mailed to:**

**Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7586**

**Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.**

**Please note:** This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*



**THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY**

**LEGISLATION NO.: 0308-20**

**SPONSOR: Honorable Wilson C. Stewart, Jr.**

**TITLE: An Action Relating to Law and Order, Budget and Finance, Naabik'iyáti' Committees and the Navajo Nation Council; Approving the Deposit and Allocation of Fines Collected from Curfew Violations Related to COVID-19 Public Health Emergency Orders to the Navajo Nation Division of Public Safety**

**Posted: December 7, 2020 at 4:51 PM**

**5 DAY Comment Period Ended: December 12, 2020**

**Digital Comments received:**

<b>Comments Supporting</b>	<i>None</i>
<b>Comments Opposing</b>	<b>1) Hank Haskie</b>
<b>Comments/Recommendations</b>	<i>None</i>

  
**Legislative Tracking Secretary  
Office of Legislative Services**

12/14/20 8:17 AM

**Date/Time**

## Legislation 0308-20

Hank Haskie <h.haskie@gmail.com>

Sat 12/12, 9:13 AM

Greetings to the Navajo Nation Council:

My name is Henry Haskie. I am a voting member and resident of the Indian Wells Chapter. First, I am a firm believer in freedom afforded by the Constitution of the United States and the Bill of Rights of the U.S. and the Navajo Nation.

This particular legislation is dangerous and opens the doors to the Executive Branch of the Navajo Nation government to initiate fund raising efforts to address the needs of their departments, divisions, programs, projects, and activities. Having work in law enforcement in the military and civilian settings, the role of the public safety was to "Protect and serve..."

This legislation is dangerous because it will require the Navajo Division of Public Safety to focus on funds raising efforts over protecting and serving. Citizens of the Navajo Nation and the United States will be stopped and issued criminal summons (citation) for being a "nuisance" to the public for the sake of putting another dollar in the DPS coffers. This is NOT protection and services. This will be a "legal" form of intimidation to take personal funds of the citizen's wallet for the sake of meeting a law enforcement agency's shortage of funds.

What are the long and short term impact? Navajo Department of Public Safety focusing on \$\$\$ rather than protecting and service. Protection and service is a great need on the Navajo Nation. How will NN start to address the needs? Perhaps develop a Navajo Nation Police Reserve Officers program where qualified individuals serve as police officers with the same qualifying standards, training, and authority as regular police officers? They volunteer their time and service. In today's age, there are many retirees who are yearning to be public servants. Their education, experience, discernment and wisdom are in demand. Why not take advantage of it.

I am very concern about this legislation because it opens the door to expanding on the collection of funds on the roads and at private residents of the Navajo people.

Navajo Nation Council members, I urge you to vote a NO SUPPORT for legislation # 0308-20.

Thank you.

**LAW AND ORDER COMMITTEE  
24<sup>TH</sup> NAVAJO NATION COUNCIL**

**SECOND YEAR 2020**

**COMMITTEE REPORT**

Mr. Speaker,

The **LAW AND ORDER COMMITTEE** to whom has been assigned:

**Legislation 0308-20:** An Action Relating to Law and Order, Budget and Finance, Naabik'iyati' Committees and the Navajo Nation Council; Approving the Deposit and Allocation of Fines Collected from Curfew Violations Related to Covid-19 Public Health Emergency Orders to the Navajo Nation Division of Public Safety – *Sponsor: Honorable Wilson C. Stewart, Jr.*

Has had it under consideration and reports the same with the recommendation that it DO PASS with no amendments

And thereafter referred to Budget and Finance Committee

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Eugenia Charles-Newton', written in a cursive style.

Eugenia Charles-Newton, Chairwoman  
Law and Order Committee  
24<sup>th</sup> Navajo Nation Council

Date: December 21, 2020

Main Motion: Honorable Otto Tso  
Second : Honorable Vince James  
Vote : 3-0-2 (Chairwoman not voting)



**LAW AND ORDER COMMITTEE**  
**Regular Meeting**  
**December 21, 2020**

**Legislation 0308-20:** An Action Relating to Law and Order, Budget and Finance, Naabik'iyati' Committees and the Navajo Nation Council; Approving the Deposit and Allocation of Fines Collected from Curfew Violations Related to Covid-19 Public Health Emergency Orders to the Navajo Nation Division of Public Safety – *Sponsor: Honorable Wilson C. Stewart, Jr.*

**VOTE TALLY SHEET:**

Motion: Otto Tso                      Second: Vince James                      Vote: 3-0-2

Yea: Eugene Tso/Vince James/Otto Tso

Nay: None

Not Voting: Eugenia Charles-Newton

Excused:

Absent: Edmund Yazzie



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Eugenia Charles-Newton, Chairwoman  
Law and Order Committee

---

Angelita Benally, Legislative Advisor  
Office of Legislative Services

24<sup>th</sup> NAVAJO NATION COUNCIL

Third Year 2021

Mr. Speaker:

The **BUDGET & FINANCE COMMITTEE** to whom has been assigned

**NAVAJO LEGISLATIVE BILL # 0308-20:**

An Action Relating to Law and Order, Budget and Finance, Naabik'iyáti' Committees and the Navajo Nation Council; Approving the Deposit and Allocation of Fines Collected from Curfew Violations Related to COVID-19 Public Health Emergency Orders to the Navajo Nation Division of Public Safety *Sponsored by Wilson Stewart Jr., Council Delegate*

has had it under consideration and reports the same with the recommendation that It **Do Pass** without amendment.

And, therefore referred to the **NAABIKIYATI** Committee

Respectfully submitted,

  
\_\_\_\_\_  
Jamie Henio, Chairman

Adopted:   
\_\_\_\_\_  
Legislative Advisor

Not Adopted: \_\_\_\_\_  
Legislative Advisor

**5 JANUARY 2021**

The vote was **4** in favor **1** opposed Yeas: *Jimmy Yellowhair, Raymond Smith, Jr., Amber K. Crotty, Nathaniel Brown* Nays: *Elmer P. Begay*  
Main Motion: *Jimmy Yellowhair*  
Second: *Nathaniel Brown*

## BUDGET AND FINANCE COMMITTEE

January 5, 2021

Regular Meeting

### VOTE TALLY SHEET:

**Legislation No. 0308-20:** An Action Relating to Law and Order, Budget and Finance, Naabik'íyáti' Committees and the Navajo Nation Council; Approving the Deposit and Allocation of Fines Collected from Curfew Violations Related to COVID-19 Public Health Emergency Orders to the Navajo Nation Division of Public Safety *Sponsored by Wilson Stewart Jr., Council Delegate*

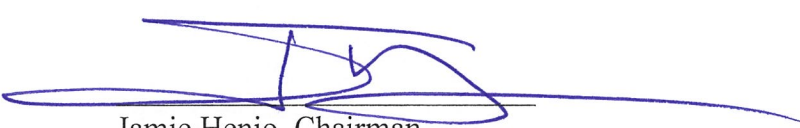
*Motion: Jimmy Yellowhair*

*Second: Nathaniel Brown*

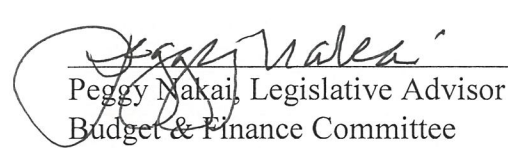
*Vote: 4-1, Chairman not voting*

### Final Vote Tally:

Jamie Henio		
Jimmy Yellowhair	<b>yea</b>	
Raymond Smith Jr.	<b>yea</b>	
Elmer P. Begay		<b>nay</b>
Amber K. Crotty	<b>yea</b>	
Nathaniel Brown	<b>yea</b>	



Jamie Henio, Chairman  
Budget & Finance Committee



Peggy Nakai, Legislative Advisor  
Budget & Finance Committee

# **24<sup>th</sup> NAVAJO NATION COUNCIL NAABIK'ÍYÁTI' COMMITTEE REPORT Third Year 2021**

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

## **NAVAJO LEGISLATIVE BILL #0308-20**

An Action Relating to Law and Order, Budget and Finance, Naabik'íyáti' Committees and the Navajo Nation Council; Approving the Deposit and Allocation of Fines Collected from Curfew Violations Related to COVID-19 Public Health Emergency Orders to the Navajo Nation Division of Public Safety

*Sponsored by: Honorable Wilson C. Stewart, Jr.*

Has had it under consideration and reports the same that the legislation **WAS PASSED AND REFERRED TO THE NAVAJO NATION COUNCIL.**

Respectfully Submitted,

  
*Honorable Seth Damon, Chairman*  
**NAABIK'ÍYÁTI' COMMITTEE**

**14 January 2021**

### **MAIN MOTION**

*Motioned by: Honorable Rickie Nez*

*Seconded by: Honorable Raymond Smith, Jr.*

*Vote: 20 in Favor, 00 Opposed (Chairman Damon Not Voting)*

# NAVAJO NATION

829

1/14/2021

Naa'bik'iyati' Committee Regular Meeting

10:59:06 AM

Amd# to Amd#	Legislation 0308-20: Approving	PASSED
MOT Nez, R	the Deposit and Allocation of	
SEC Smith	Fines Collected from Curfew	
	Violations Related to COVID-19..	

Yeas : 20

Nays : 0

Excused : 1

Not Voting : 2

Yea : 20

Begay, E

Daniels

Slater, C

Tso, O

Begay, K

Freeland, M

Smith

Walker, T

Begay, P

Halona, P

Stewart, W

Wauneka, E

Charles-Newton

Henio, J

Tso, C

Yazzie

Crotty

Nez, R

Tso, D

Yellowhair

Nay : 0

Excused : 1

Brown

Not Voting : 2

Tso, E

James, V

Presiding Speaker: Damon