

THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

November 9, 2019

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

RE: CO-35-19, *Adopting the "Accessible Public Restroom Act;" Establishing the Requirement for All Navajo Nation Government and Public Service Providers to Provide Clearly Indicated Accessible Public Restrooms Amending the Navajo Nation Code, Title 13, Chapter 53; Adding New Sections 4501, 4502, 4503, and 4504*

Dear Speaker Damon,

Pursuant to the authority vested in the Navajo Nation President, I am vetoing CO-35-19.

I appreciate the Navajo Nation Council's attempt to provide a service to our elders, adults, young adults, and children. We understand the need to provide many services, including access to public restrooms; however, I have two concerns with CO-35-19 which could be addressed should the issue be brought forward for review.

First, terms in the Resolution are not clear and could be subject to debate for those who were not privileged to know the background of this matter. "Accessible public restrooms" carry a connotation that could place the Navajo Nation and public service providers in a quandary over how to comply with the new law. While it is unclear from a reading of the Resolution the term "accessible public restroom" may be interpreted to comply with certain standards of accessibility and creates a debate from the beginning.

Second, based on the first concern, the Resolution is an unfunded mandate. To require the Navajo Nation and public service providers to provide accessible public restrooms will create a cost that is not addressed in the Resolution. The Navajo Nation and public service providers will need to expend funds to retrofit current public restrooms to meet the accessibility standards. No consultation was done with the Division of General Services or the Division of Social Services who have information on what will be required to make the changes to comply with an accessibility standard. This information would have been important to the discussion of this matter.

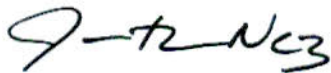
The questions that come with this Resolution is the responsibility of making the changes to accessible public restrooms. The Navajo Nation government buildings, such as Chapters, may fall under the responsibility of the Chapter who may not have the funds available to make changes.

The other question is Navajo Nation buildings considered historic buildings and the increase costs of making changes in the designated buildings.

We believe in working together we can address these issues where there is a clear direction on providing services to our People who do business with the Navajo Nation government or public service providers. Working with the Division of General Services, Division of Social Services, and other Departments and Programs we can craft legislation that serves the needs of our People.

We look forward to working with the Navajo Nation Council on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Nez". The signature is stylized with a large "J" and "N".

Jonathan Nez, President
THE NAVAJO NATION

RESOLUTION OF THE
NAVAJO NATION COUNCIL
24th NAVAJO NATION COUNCIL -- First Year, 2019

AN ACT

RELATING TO THE LAW AND ORDER COMMITTEE, HEALTH, EDUCATION, AND HUMAN SERVICES COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; ADOPTING THE "ACCESSIBLE PUBLIC RESTROOMS ACT"; ESTABLISHING THE REQUIREMENT FOR ALL NAVAJO NATION GOVERNMENT AND PUBLIC SERVICE PROVIDERS TO PROVIDE CLEARLY INDICATED ACCESSIBLE PUBLIC RESTROOMS AMENDING THE NAVAJO NATION CODE, TITLE 13, CHAPTER 53; ADDING NEW SECTIONS 4501, 4502, 4503, and 4504

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Law and Order Committee is a standing committee of the Navajo Nation Council and is empowered with the authority to review and make recommendations to the Navajo Nation Council on amendments to and enactments in the Navajo Nation Code. 2 N.N.C. § 601(B)(14).
- B. The Health, Education and Human Services Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 401(B)(6), has the power to provide legislative oversight on matters involving health, social service, education, general governmental services, and human services.
- C. The Naabik'íyáti' Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 164 (A)(9), reviews proposed legislation which requires final action by the Navajo Nation Council.
- D. The Navajo Nation Council must review and approve enactments or amendments of positive law. 2 N.N.C. § 164(A).

SECTION TWO. FINDINGS

- A. The Navajo Nation Government maintains offices throughout Navajo Nation providing services to community members.
- B. Public Service Providers also maintain offices throughout Navajo Nation providing services to Navajo Nation community members.
- C. A Public Service Provider is a non-governmental entity that delivers services essential to the public interest such as electricity, gas, or transportation.
- D. The Navajo Nation community consists of many citizens who are disabled including elders, adults, young adults, and children.
- E. Navajo Nation community members conduct their personal business and acquire necessary resources from the various governmental and public service provider offices from the Navajo Nation Departments, Programs, Offices, and other important entities.
- F. Navajo Nation community members, including disabled elders, adults, young adults, and children, may need to use the restroom facilities while conducting personal business from Navajo Nation Government and public service provider buildings.
- G. It is within the best interest of the Navajo Nation to adopt the "Accessible Public Restrooms Act" and amend Title 13, establishing Subchapter 53 and sections 4501, 4502, 4503, and 4504 of the Navajo Nation Code to require that all Navajo Nation Government and public service provider buildings that provide direct services to the Navajo Nation community provide clearly indicated accessible public restrooms for the general public.

SECTION THREE. AMENDMENT TO TITLE 13

The Navajo Nation amends Title 13 as follows:

TITLE 13. HEALTH AND WELFARE
SUBCHAPTER 53. ACCESSIBLE PUBLIC RESTROOMS

§ 4501. TITLE

A. This Act shall be known and cited as the "Accessible Public Restrooms Act"

§ 4502. PURPOSE

The Navajo Nation declares that it is in the best interest of the Diné that the Navajo Nation shall provide clearly indicated accessible public restrooms in all governmental and public service provider buildings that provide direct services to the Navajo Nation community to serve the disabled elderly, adult, young adult, and children of the community.

§ 4503. DEFINITIONS

Public Service Provider is a non-governmental entity that delivers services essential to the public interest such as electricity, gas, or transportation.

§ 4504. ACCESSIBLE PUBLIC RESTROOMS

A. The Navajo Nation shall provide accessible public restrooms in all governmental buildings that provide direct services to the Navajo Nation community.

B. The Navajo Nation, through its Department of Health, shall ensure that all governmental buildings and public service provider buildings that provide direct services to the Navajo Nation community provide accessible public restrooms and provide clear indication of the location of these public restrooms.

**SECTION FOUR. APPROVAL AND ACCEPTANCE OF AMENDMENTS to 13 N.N.C.
§§ 4501, 4502, 4503, and 4504**

The Navajo Nation hereby approves the Amendments to 13 N.N.C. §§ 4501, 4502, 4503, and 4504.

SECTION FIVE. DIRECTIVE

Therefore Navajo Nation hereby directs all Navajo Nation Government offices and public service provider offices that provide direct services to the Navajo Nation community to provide clearly indicated accessible public restrooms no later than one year from the date this act is adopted and signed into law. All Navajo Nation Government offices and public service provider offices shall take the necessary steps to comply with this act and shall inform the Department of Health quarterly of their progress towards full compliance.

SECTION SIX. EFFECTIVE DATE

The Navajo Nation Code amendment enacted herein shall be effective pursuant to 2 N.N.C. § 221(B).

SECTION SEVEN. CODIFICATION

The provisions of this Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

SECTION EIGHT. SAVING CLAUSE

Should any provisions of this ordinance 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, those portions of this ordinance 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 18 in Favor, and 00 Opposed, on this 23rd day of October 2019.


Honorable Seth Damon, Speaker
24th Navajo Nation Council

11-01-19

DATE

Motion: Honorable Mark A. Freeland

Second: Honorable Charlaine Tso

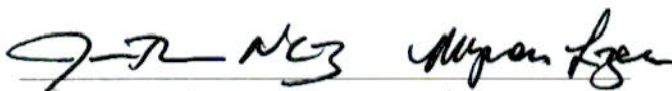
Speaker Seth Damon not voting

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 _____, 2019.

Jonathan Nez, President
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this 10th day of November, 2019 for the reason(s) expressed in the attached letter to the Speaker.


Jonathan Nez, President
Navajo Nation

NAVAJO NATION

182

10/23/2019

NNC 2019 FALL SESSION

10:58:06 AM

Amd# to Amd#

Legislation 0174-19:

PASSED

MOT Freeland, M

Establishing the Requirement for

SEC Tso, C

all Navajo Nation Government

and Public Service Providers...

Yea : 18

Nay : 0

Excused : 4

Not Voting : 1

Yea : 18

Begay, E

Freeland, M

Slater, C

Tso, D

Begay, K

Halona, P

Stewart, W

Wauneka, E

Begay, P

Henio, J

Tso

Yazzie

Brown

James, V

Tso, C

Yellowhair

Charles-Newton

Nez, R

Nay : 0

Excused : 4

Daniels

Smith

Tso, E

Walker, T

Not Voting : 1

Crotty

Presiding Speaker: Damon