

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

AN ACTION RELATING TO NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL;
OVERRIDING THE NAVAJO NATION PRESIDENT'S VETO OF NAVAJO NATION
COUNCIL RESOLUTION CAP-18-20

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. A vetoed resolution shall first be submitted to Naabik'iyáti' Committee before consideration by the Council. 2 N.N.C. § 164(A)(17).
- C. 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. On April 13, 2020, the Navajo Nation Council approved resolution number CAP-18-20 entitled "An Action Relating to an Emergency for the Navajo Nation; Authorizing Navajo Nation Boards and Commissions organized under the Legislative Branch limited approval to conduct meetings through telecommunication methods; Approving a temporary suspension of Title Two provisions requiring board and commission members to be physically present at meetings" in Council Resolution CAP-18-20, attached as **Exhibit A**.
- B. The Navajo Nation President vetoed CAP-18-20 on April 23, 2020 and provided a memorandum, attached as **Exhibit B**, to support his veto decision.
- C. The Navajo Nation Council does not agree with the President's veto of Resolution CAP-18-20 and continues to believe that CAP-18-20 is necessary to operate the government while protecting


employees, officials and the public during the COVID-19 pandemic.

SECTION THREE. OVERRIDE

The Navajo Nation Council hereby overrides the Navajo Nation President's veto of Resolution CAP-18-20, effective upon certification by the Speaker of the Navajo Nation Council.

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 19 in Favor, and 04 Opposed, on this 15th day of May 2020.

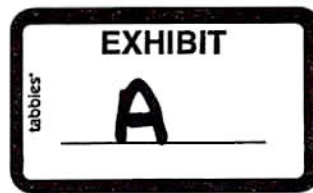

Honorable Seth Damon, Speaker
24th Navajo Nation Council

May 19, 2020
DATE

Motion: Honorable Daniel E. Tso

Second: Honorable Jimmy Yellowhair

Speaker Seth Damon not voting



CAP-18-20

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

AN ACTION

RELATING TO AN EMERGENCY FOR THE NAVAJO NATION; AUTHORIZING NAVAJO NATION BOARDS AND COMMISSIONS ORGANIZED UNDER THE LEGISLATIVE BRANCH LIMITED APPROVAL TO CONDUCT MEETINGS THROUGH TELECOMMUNICATION METHODS; APPROVING A TEMPORARY SUSPENSION OF TITLE TWO PROVISIONS REQUIRING BOARD AND COMMISSION MEMBERS TO BE PHYSICALLY PRESENT AT MEETINGS

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. The Navajo Nation Council shall have all powers to regulate the conduct of its members and have the authority to promulgate rules, regulations and procedures for the conduct of its meetings and that of its committees. 2 N.N.C. §§ 102 (D) and (E).
- C. 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."
- D. Ensuring the health and safety of all residents and employees 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.
- B. 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.

- C. The Navajo Nation Department of Health has issued a Public Health Emergency Order 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.
- D. The Navajo Nation Department of Health also issued a Public Health Emergency Order 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.
- E. In order to continue to reduce the spread of COVID-19 and protect community members and employees 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.
- F. Authorization for conducting meetings through telecommunication methods shall be limited to issues addressing COVID-19 and matters requiring board or commission action within 60 days.

SECTION THREE. AUTHORIZING AND APPROVING LIMITED AUTHORITY FOR ALL BOARDS AND COMMISSIONS UNDER THE LEGISLATIVE BRANCH TO HOLD MEETINGS THROUGH TELECOMMUNICATION METHODS FOR THE NEXT 60 DAYS

- A. The Navajo Nation Council hereby approves and authorizes Navajo Nation Boards and Commissions organized under the Legislative Branch to conduct meetings through telecommunication methods such as teleconference calls and video conferencing.
- B. This authority is expressly limited to issues addressing COVID-19 and matter requiring board or commission action within 60 days.
- C. Navajo Nation Legislative Branch Board and Commission meetings held through telecommunication methods shall be conducted pursuant to procedures instituted by the Chairperson of the respective Board or Commission in accordance with the controlling plan of operation or enabling legislation. Additionally, the Chairperson or President of the Board or Commission shall ensure the meetings are recorded and that votes are taken by roll call.

- D. Quorum requirements shall remain the same and attendance by telecommunication methods shall be eligible for stipend reimbursement.

SECTION FOUR. APPROVING A TEMPORARY SUSPENSION OF TITLE TWO PROVISIONS

The Navajo Nation approves a temporary suspension of any potentially conflicting provisions in Title 2 of the Navajo Nation Code within the Plans of Operation of any Boards or Commissions that would require in-person attendance at meetings.

SECTION FIVE. EFFECTIVE DATE

- A. The provisions of this Action shall become effective when certified by the Speaker of the Navajo Nation Council pursuant to 2 N.N.C. §§ 221 (A) and (C).
- B. The provisions of this Action shall expire sixty (60) days after Speaker's 2 N.N.C. § 221 (A) certification, unless otherwise determined through resolution of the Naabik'iyáti' Committee.

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 23 in Favor, and 00 Opposed, on this 10th day of April 2020.


Honorable Seth Damon, Speaker
24th Navajo Nation Council

April 13, 2020
DATE

Motion: Honorable Daniel E. Tso
Second: Honorable Nathaniel Brown



Speaker Seth Damon not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

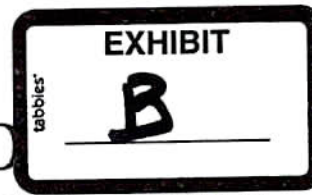
1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this _____ day of _____, 2020.

Jonathan Nez, President
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this 23rd day of April, 2020 for the reason(s) expressed in the attached letter to the Speaker.

 
Jonathan Nez, President
Navajo Nation

THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

April 23, 2020

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

RE: CAP-18-20, *An Action Relating to an Emergency for the Navajo Nation; Authorizing Navajo Nation Boards and Commissions Organized Under the Legislative Branch Limited Approval to Conduct Meetings Through Telecommunication Methods; Approving a Temporary Suspension of Title Two Provisions Requiring Board and Commission Members to be Physically Present at Meetings*

Dear Speaker Damon,

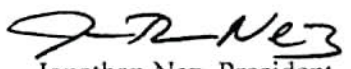
Pursuant to the authority vested in the Navajo Nation President, I veto CAP-18-20.

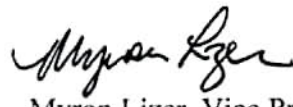
Emergency legislation for temporary suspension or waivers of Title Two does not meet the requirements of Navajo law through a consent agenda vote. This continued practice by the Navajo Nation Council will only lead to objections and delays while we try to move or carry out government functions during 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.

The constant lack of debate leaves no legislative record to support the need for this action. To provide a blanket waiver to boards and commissions to meet telephonically and not be physically present at meetings is overly broad. A debate could have raised such issues as which legislative boards and commission fall in this category, or could the boards or commissions continue to provide direction to and rely on staff, and do the boards and commission necessarily need to meet during the next 60 days. These are only some issues that could have been raised and we are certain astute Delegates would have asked other important questions to be answered. This is the importance of debate and should not be overlooked as an important ingredient of good governance.

For these reasons we cannot support CAP-18-20.

Sincerely,


Jonathan Nez, President
THE NAVAJO NATION


Myron Lizer, Vice President
THE NAVAJO NATION

24th Navajo Nation Council Special Session Teleconference

ACTION: Legislation 0101-20

MOTION: Daniel E. Tso

SECOND: Jimmy Yellowhair

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

CERTIFICATION:

 5/15/2020
Honorable Speaker Seth Damon Date