

# THE NAVAJO NATION

---



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

March 26, 2020

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

RE: CMA-12-20, *An Action Relating to an Emergency for the Navajo Nation Council; Approving Expedited Process for FirstNet and Other Critical Wireless Public Safety Communications to Assist Navajo Nation Operations Undertaken During the Time of the COVID-19 Pandemic*


Dear Speaker Damon,

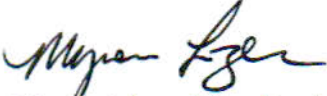
Pursuant to the authority vested in the Navajo Nation President, I am signing CMA-12-20 into law.

I am concerned; however, that companies doing business with the Navajo Nation, who normally follow a standard approval process, will look to take advantage of the Nation's health crisis for their own benefit. During the time of this health crisis we are providing many resources to our People and communication is an important part of the resources and I would like to trust all companies of having the best interest of the Navajo People as their priority. I am signing CMA-12-20 into law with the proviso that the Navajo Land Department follow up with each company who takes advantage of this law as soon as the emergency is lifted.

I appreciate the work of the 24th Navajo Nation Council.

Sincerely,

  
Jonathan Nez, President  
THE NAVAJO NATION

  
Myron Lizer, Vice President  
THE NAVAJO NATION

RESOLUTION OF THE  
NAVAJO NATION COUNCIL  
24<sup>th</sup> NAVAJO NATION COUNCIL - SECOND YEAR, 2020

AN ACTION

RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; APPROVING EXPEDITED PROCESS FOR FIRSTNET AND OTHER CRITICAL WIRELESS PUBLIC SAFETY COMMUNICATIONS TO ASSIST NAVAJO NATION OPERATIONS UNDERTAKEN DURING THE TIME OF THE COVID-19 PANDEMIC

BE IT ENACTED:

**SECTION ONE. AUTHORITY**

- A. The Navajo Nation Council is the governing body of the Navajo Nation pursuant to 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. The Office of the President and Vice President, on March 13, 2020, and the Commission on Emergency Management, through Resolution CEM-20-03-11, declared a public health state of emergency for the entire Navajo Nation due to the COVID-19 pandemic.
- B. On March 16, 2020, the US Department of Homeland Security has identified the need to protect and maintain critical infrastructure in the US, including telecommunications and mobile networks that provide E911, Wireless Emergency Act (WEA) Amber Alerts, critical public safety communications,
- C. AT&T has announced that it intends to begin immediate development of its FirstNet on the Navajo Nation through its regional contractors, Commnet Wireless, and Cellular One beginning in the spring of 2020, which will be part of the first high-speed, nationwide wireless broadband network across



the US dedicated to public safety for Police, Fire, and Emergency responders.

- D. AT&T, Commnet, and Cellular One have expressed the need for temporary relief from the normal regulatory review process in order to expedite the installation of additional wireless network infrastructure for FirstNet, including the enhancement or replacement of towers at existing telecommunication locations.
- E. The Navajo Nation Council finds that Memorandums of Agreement between the Navajo Nation Land Department and the Navajo Nation Telecommunications Regulatory Commission and the critical wireless public safety communications companies will substitute for the normal regulatory approval process.
- F. The Navajo Nation Council finds that an emergency exists which affects the health of the Navajo Nation. The emergency arises due to a pressing public need and it is a matter requiring final action by the Council.

### **SECTION THREE. APPROVAL TEMPORARILY SUSPEND NORMAL REGULATORY APPROVAL PROCESS**

- A. In the interest of public safety, and during this State of Emergency, the Navajo Nation Council deems it necessary to temporarily suspend the Navajo Nation's normal regulatory approval processes, including leasing and permit approval processes for the installation of FirstNet infrastructure at existing telecommunication locations until such time that normal Navajo Nation government operations resume and appropriate processes are in place.
- B. All wireless operators requesting permission to undertake new infrastructure at existing telecommunication locations, including AT&T, Commnet, and Cellular One, shall enter into a Memorandum of Agreement with the Navajo Nation Telecommunications Regulatory Commission and the Navajo Land Department for temporary approvals.

### **SECTION FOUR. EFFECTIVE DATE; DURATION OF ACTION**

- A. The provisions of this action shall become effective pursuant to 2 N.N.C. § 221 (B).
- B. The provisions of this action shall remain effective until the Navajo Nation Land Department has returned to operation pursuant to Navajo Nation President lifting of the 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 24<sup>th</sup> 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 20<sup>th</sup> day of March 2020.

  
Honorable Seth Damon, Speaker  
24<sup>th</sup> Navajo Nation Council

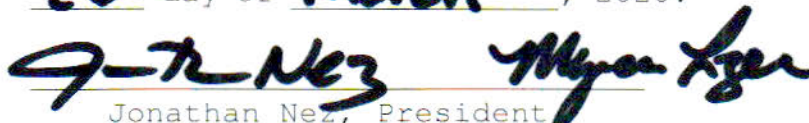
3.23.2020  
DATE

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 26<sup>th</sup> day of March, 2020.

  
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

# 12

## Special Session

Date: Friday, March 20, 2020

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