

THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

January 18, 2022

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

RE: CJA-01-22, *An Action Relating to an Emergency; Authorizing Chapters to Continue to Conduct Official Business through a Quorum of Three (3) Registered Chapter Members; Authorizing Chapter Business to Issues Regarding the Navajo Nation Emergency Declaration, Budget Authorizations, and Additional Topics; Directing the Chapters to Provide the Public with Telephonic And/Or Video-Conferencing Call-In Numbers Allowing the Navajo People to Participate in their Chapter Meetings; and, Re-Enacting Resolution CAP-19-20 Sections Three, Four, Five, Seven, and Nine Authorizations that Assist the Chapters to Provide Services to their Communities in a Safe Manner*

Dear Speaker Damon,

Pursuant to the authority vested in the Navajo Nation President, I am signing CJA-01-22 into law.

The Navajo Nation has endured the coronavirus and its variants for close to two years while our People have stood strong in their battle with this pandemic. As Navajo leaders it is our responsibility to ensure that our People are protected and their needs are met. With the many resolutions passed by the Navajo Nation Council and approved by myself and the Vice President related to protection of the People and funding projects that support the safety of our citizens, we add another resolution to our protective wall. CJA-01-22 allows the Chapters to continue to provide services to their communities while keeping community members and Chapter officials safe. It is now in the hands of the Chapter officials to act in the best interest of their communities.

We, the Vice President and I, will continue to gather resources for our community members to provide them with the protection they need for the COVID-19 Omicron variant and future virus variants that may be coming. We are not free of this deadly virus but we will lead the campaign to stop the spread using every possible means to keep the Navajo Nation safe. We pray for the health and welfare of the Navajo Nation and our leadership. May God bless the Navajo Nation.

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 - FOURTH YEAR, 2022

AN ACTION

RELATING TO AN EMERGENCY; AUTHORIZING CHAPTERS TO CONTINUE TO CONDUCT OFFICIAL BUSINESS THROUGH A QUORUM OF THREE (3) REGISTERED CHAPTER MEMBERS; AUTHORIZING CHAPTER BUSINESS TO ISSUES REGARDING THE NAVAJO NATION EMERGENCY DECLARATION, BUDGET AUTHORIZATIONS, AND ADDITIONAL TOPICS; DIRECTING THE CHAPTERS TO PROVIDE THE PUBLIC WITH TELEPHONIC AND/OR VIDEO-CONFERENCING CALL-IN NUMBERS ALLOWING THE NAVAJO PEOPLE TO PARTICIPATE IN THEIR CHAPTER MEETINGS; AND, RE-ENACTING RESOLUTION CAP-19-20 SECTIONS THREE, FOUR, FIVE, SEVEN, AND NINE AUTHORIZATIONS THAT ASSIST THE CHAPTERS TO PROVIDE SERVICES TO THEIR COMMUNITIES IN A SAFE MANNER

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. All authorities exercised by a Chapter pursuant to 26 N.N.C. § 101 et. al, may be preempted by Navajo Nation Council resolutions. 26 N.N.C. § 103(C).
- 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."

SECTION TWO. FINDINGS

- A. The World Health Organization ("WHO") declared a Public Health Emergency of International Concern related to the outbreak of coronavirus ("COVID-19"), a highly contagious and sometimes fatal respiratory virus, on January 30, 2020; the U.S. Department of Health and Human Services declared a Public Health Emergency related to the COVID-19 outbreak on January

31, 2020; and the WHO declared a global pandemic due to COVID-19 on March 11, 2020.

- B. The Navajo Nation Commission on Emergency Management, with the concurrence of Navajo Nation President Jonathan Nez, declared a Public Health State of Emergency on the Navajo Nation on March 11, 2020, due to the COVID-19 outbreak. See Resolution No. CEM-20-03-11 incorporated herein by reference. The Navajo Nation Department of Health has subsequently issued numerous Public Health Emergency Orders. Public Health Orders 2020-001 through 2021-020 are incorporated herein by reference. These Public Health Emergency Orders are available at www.ndoh.navajo-nsn.gov.
- C. The COVID-19 pandemic has caused large scale infections and loss of life throughout the world, the United States and the Navajo Nation. As of December 15, 2021, the Navajo Nation Health Command Operations Center confirmed 40,615 COVID-19 cases and 1,569 COVID-related deaths on the Navajo Nation.
- D. Due to the spread of COVID-19, the Navajo Nation Council approved CMA-09-20, attached as **Exhibit A**, AN ACTION RELATING TO AN EMERGENCY; TEMPORARILY AUTHORIZING REDUCED CHAPTER MEETING QUORUM REQUIREMENTS DURING THE COVID-19 EMERGENCY, which authorized Chapter meetings to be held with a quorum of three (3) registered Chapter members as opposed to the twenty-five (25) Chapter members required by 26 N.N.C. § 1003(B). This three-quorum authorization was initially effective for sixty (60) days.
- E. On April 13, 2020, the Navajo Nation Council passed Resolution CAP-19-20, attached as **Exhibit B**, AN ACTION RELATING TO AN EMERGENCY; TEMPORARILY SUSPENDING TITLE 26 SECTIONS TO ALLOW CHAPTER MEETINGS TO BE HELD TELEPHONICALLY OR THROUGH VIDEO CONFERENCING; TEMPORARILY SUSPENDING TITLE 26 SECTIONS AND CLARIFYING TITLE 26 SECTIONS TO AUTHORIZE CHAPTERS TO FUNCTION TO MEET THE NEEDS OF THEIR COMMUNITIES DURING THE COVID-19 HEALTH CRISIS UNDER THE THREE-PERSON QUORUM AND THE EXECUTIVE BRANCH CLOSURE OF NAVAJO NATION GOVERNMENT OFFICES AND RELATED ENTITIES, EXECUTIVE ORDER NO. 002-20. The Navajo Nation President vetoed Resolution CAP-19-20 on April 23, 2020. The Navajo Nation Council overrode the veto by Resolution CMY-36-20 on May 19, 2020.
- F. On July 26, 2020, the Navajo Nation Council enacted CJY-64-20 AN ACTION RELATING TO AN EMERGENCY; EXTENDING THE EXPIRATION OF NAVAJO NATION COUNCIL RESOLUTION NO. CAP-19-20. Resolution CJY-64-20, attached as **Exhibit C**, stated: "The Navajo Nation Council hereby extends the expiration of Resolution CAP-19-20

to expire when the public gathering limitation is lifted or changed to allow a minimum Chapter quorum of twenty-five (25) or otherwise determined by the Navajo Nation Council." The Navajo Nation President signed Resolution CJY-64-20 on August 9, 2020.

- G. Due to the downturn in COVID-19 infections and reduced hospitalizations, on June 28, 2021 Navajo Nation Council enacted Resolution No. CJN-36-21, attached as **Exhibit D**, titled "AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; REPEALING RESOLUTIONS RELATED TO OR RESPONDING TO EMERGENCY OR EXTRAORDINARY ENACTMENTS PERTAINING TO COVID-19 MITIGATION AND COVID-19 PANDEMIC OPERATIONAL AND PREPAREDNESS PROCEDURES; AUTHORIZING THE OPENING OF ALL NAVAJO NATION ENTERPRISES AND NAVAJO-OWNED BUSINESSES TO NAVAJO CITIZENS AND NON-NAVAJO TOURISTS AND VISITORS; AUTHORIZING IN-PERSON INSTRUCTION AT SCHOOLS OPERATING WITHIN THE NAVAJO NATION." Resolution No. CJN-36-21 stated that "[w]ithin ninety (90) days of enactment of this legislation, Chapter meeting quorum requirements shall return to a minimum of twenty-five persons unless otherwise authorized under RDCD-127-12." The Navajo Nation President signed the resolution on July 6, 2021. Ninety (90) days after July 6, 2021 was October 4, 2021.
- H. On October 5, 2021, the Navajo Nation Council enacted Resolution No. CS-50-21, attached as **Exhibit E**, titled "AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING CJN-36-21, SECTION SIX, TO EXTEND THE DEADLINE FOR CHAPTERS TO RETURN TO THE TWENTY-FIVE PERSON CHAPTER MEETING QUORUM REQUIREMENT," which amended CJN-36-21 by extending the deadline to return to the twenty-five (25) person Chapter meeting quorum requirement from ninety (90) days to "[w]ithin one hundred eighty (180) days[.]" The Navajo Nation President signed Resolution No. CS-50-21 on October 15, 2021. One hundred eighty (180) days from July 6, 2021 is January 2, 2022.
- I. The Centers for Disease Control and Prevention (CDC) has reported that "[o]n November 24, 2021, a new variant of SARS-CoV-2, B.1.1.529, was reported to the World Health Organization (WHO). This new variant was first detected in specimens collected on November 11, 2021 in Botswana and on November 14, 2021 in South Africa. On November 26, 2021, WHO named the B.1.1.529 Omicron and classified it as a Variant of Concern. On November 30, 2021, the United States designated Omicron as a Variant of Concern, and on December 1, 2021 the first confirmed U.S. case of Omicron was identified." <https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html>

- J. The Centers for Disease Control and Prevention also reports that "[t]he Omicron variant likely will spread more easily than the original SARS-CoV-2 virus and how easily Omicron spreads compared to Delta remains unknown. CDC expects that anyone with Omicron infection can spread the virus to others, even if they are vaccinated or don't have symptoms." <https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html>
- K. The emergence of the new COVID-19 variant Omicron, which the CDC says "likely will spread more easily than the original SARS-CoV-2 virus," signals the need for the Navajo Nation to continue to exercise caution with regard to the number of people gathered for Chapter meetings. Therefore, the Navajo Nation should exercise caution and further extend the deadline for Chapters to return to the twenty-five (25) person Chapter meeting quorum requirement.
- L. However, the need to protect the Navajo people from contracting COVID-19 must be read with the Navajo citizens' rights and responsibilities to be part of their Chapter government. In that regard, it is important that the Chapters provide telephone conference lines or video-conferencing numbers to their citizenry. It is understood that some Chapters have phone line and internet issues; however, most Chapters have the phone lines and internet to provide their citizens call-in telephone numbers or video-conferencing numbers.
- M. Resolution CMA-09-20, the first Navajo Nation Council Resolution which authorized Chapter meetings to be held with a quorum of three (3) registered Chapter members as opposed to the twenty-five (25) Chapter members as stated in 26 N.N.C. § 1003(B) did not authorize the lower-numbered quorum to consider every potential Chapter issue. Resolution CMA-09-20 stated: "The official business authorized to be addressed by a quorum of 3 registered chapter members is limited to chapter business directed related to COVID-19, the Navajo Nation Emergency Declaration, and budget authorizations and approvals." CMA-09-20 SECTION THREE (B).
- N. Resolution CAP-19-20 further authorized the three (3) member quorums to include additional topics with the provision that "[a]dditional topics shall be approved on a case-by-case basis by the Division director of the Division of Community Development in consultation with the Navajo Department of Justice." CAP-19-20 SECTION THREE (D). Again, this is to authorize Chapters to act on matters affecting Chapter residents during the COVID-19 pandemic; however, care must be

taken to approve additional topics to be acted upon by the three (3) member quorums given that the full twenty-five (25) member quorums are suspended only because of the COVID-19 pandemic. The adaptation of using teleconference lines and video-conferencing as a supplement to in-person Chapter meetings has helped to ensure community participation. Furthermore, these supplements help promote transparency at the local level.

- O. Resolution CAP-19-20 contained additional authorizations that helped Chapters provide services to their communities in a safe manner. Resolution CAP-19-20 Sections Three, Four, Five, Seven and Nine are necessary during the continuing COVID-19 pandemic. Therefore, Resolution CAP-19-20 Section Three, TEMPORARILY SUSPENDING TITLE 26 SECTIONS BY AUTHORIZING THE NAVAJO NATION CHAPTER MEETINGS TO BE HELD TELEPHONICALLY OR BY VIDEO CONFERENCING AND OTHER CHAPTER MEETING ISSUES; Section Four, TEMPORARILY ENABLE THE DIVISION OF COMMUNITY DEVELOPMENT AND NAVAJO DEPARTMENT OF JUSTICE TO GUIDE ALL 110 CHAPTERES BY USING THE 2010 MODEL FIVE MANAGEMENT SYSTEM (FMS) AND TO DEVELOP TEMPORARY MODIFICATIONS TO THE MODEL FMA TO HELP CHAPTERS ADDRESS THIS EMERGENCY; Section Five, TEMPORARILY SUSPEND 26 N.N.C. § 103 TO AUTHORIZE ALL NON-GOVERNANCE CERTIFIED CHAPTERS TO EXERCISE CERTAIN AUTHORITIES UNDER SECTION 103; Section Seven, BUDGET POLICIES FOR THE CHAPTER EMERGENCY FUND; and Section Nine, RELIEF EFFORTS COMING FROM DONATIONS should continue during the extension of the three-member Chapter quorum.
- P. The Navajo Nation Council finds that authorizing in-person Chapter meetings with a lesser quorum requirement is a pressing public need meeting the emergency requirements of 2 N.N.C. § 164(A)(16) and teleconferences and/or video-conferencing helps promote community participation and transparency.
- Q. The Navajo Nation Council determines that it is in the best interest for the overall safety of the Navajo People to continue to conduct official business through a quorum of three (3) registered Chapter members and that Chapters use of teleconferencing and/or video-conferencing to maintain and supplement the three-member quorum is in the interest of community participation and transparency.

SECTION THREE. APPROVAL QUORUM OF THREE (3) FOR CHAPTER MEETINGS, LIMITED TOPICS TO BE CONSIDERED BY THE CHAPTERS OPERATING BY THE SMALLER QUORUM, CHAPTER SHALL PROVIDE TELEPHONIC AND/OR VIDEO-CONFERENCING NUMBER

- A. Notwithstanding 26 N.N.C. § 1002(C), the Navajo Nation Council hereby authorizes Chapters to continue to conduct official business through a quorum of three (3) registered Chapter members which may be comprised of Chapter officials only.
- B. The official business authorized to be addressed by a quorum of three (3) registered Chapter members is limited to Chapter business directly related to COVID-19 matters, the Navajo Nation Emergency Declaration, budget authorizations and approvals, and additional topics. Additional topics shall be presented to the Administrative Service Coordinator (ASC) for the ASC's advice and guidance on the additional topics.
- C. Chapters conducting meetings under this authorization to conduct official business through a quorum of three (3) registered Chapter members shall provide the Chapter community with a telephonic and/or video-conferencing number so that the public may participate in their Chapter meetings. The Division Director of the Division of Community Development in consultation with the Navajo Department of Justice is authorized to exempt Chapters from this requirement if it is determined that the Chapter does not have access to telephonic or video-conferencing services.

SECTION FOUR. RE-ENACTING NAVAJO NATION COUNCIL RESOLUTION CAP-19-20 SECTION THREE, TEMPORARILY SUSPENDING TITLE 26 SECTIONS BY AUTHORIZING THE NAVAJO NATION CHAPTER MEETINGS TO BE HELD TELEPHONICALLY OR BY VIDEO CONFERENCING AND OTHER CHAPTER MEETING ISSUES

- A. The Navajo Nation Council temporarily suspends 26 N.N.C. § 1002(C)(1) and other sections expressing or implying a need to hold an in-person Chapter meeting, thereby authorizing Chapter meetings to be held telephonically or by video conferencing.
- B. The Navajo Nation Council recognizes that Chapter meetings may have been held telephonically by a three-member quorum prior to the effective date of this resolution. In such instances, the Navajo Nation Council authorizes that the business items approved at these telephonic, three-member quorum Chapter meetings to be ratified by a subsequent telephonic Chapter meeting operating after the effective date of this resolution.
- C. The Navajo Nation Council hereby acknowledges that the Chapters are to abide by the 48-hour meeting notice pursuant to 26 N.N.C. § 1002(B). The Chapters are to make every effort to notify their community members of the telephonic or video conferencing call-in numbers to allow Chapter membership to

call in to the Chapter meetings. Such notice may be posted on the Chapter website and/or in other locations.

- D. The Navajo Nation Council hereby authorizes Chapter meetings to include budget matters, emergency matters, and additional topics. Additional topics shall be presented to the ASC for the ASC's advice and guidance on the additional topics.
- E. The Navajo Nation Council temporarily authorizes the Chapter President to appoint and confirm any Chapter member as pro tem vice-president and pro tem secretary/treasurer. This authorization temporarily suspends 26 N.N.C. § 1001(B)(1)(d), which states that the Chapter President appoints and the membership approves/confirms. The pro tem vice-president and pro tem secretary-treasurer will be compensated by stipend subject to the Chapter-approved budget.
- F. The Navajo Nation Council temporarily authorizes the vice-president and secretary/treasurer to make the main motion and/or the second to the main motion at a Chapter meeting. This authorization temporarily suspends 26 N.N.C. § 1003(D)(2), which prohibits Chapter officials from making main motions or seconding motions on substantive and administrative matters during a regular Chapter meeting.
- G. The Navajo Nation Council hereby acknowledges that the secretary/treasurer is to record the telephonic Chapter meetings pursuant to 26 N.N.C. § 1001(B)(3)(d). However, if electronic recording of the telephonic Chapter meeting is not possible, then the secretary/treasurer is to write detailed meeting minutes, as is required by 26 N.N.C. § 1001(B)(3)(d).
- H. The Navajo Nation Council hereby acknowledges that Chapter officials are to be compensated for the number of meetings attended by teleconference or video conferencing pursuant to the approved budget. 26 N.N.C. § 1002(C)(1).
- I. The Navajo Nation Council hereby clarifies that Resolution No. CMA-09-20 which authorized a three-member quorum was meant to reduce the statutory quorum requirement of twenty-five (25) registered members and also for Chapters that have reduced their quorum pursuant to the Resources and Development Committee Resolution No. RDCD-127-12. There are governance certified Chapters that operate under an Alternative Form of Government (AFOG) as authorized under the former Transportation and Community Development Committee Resolution No. TCD CAP-36-01. Notwithstanding the three-quorum law, the AFOGs may define their quorum requirements in accordance with their local ordinances.

- J. The Navajo Nation Council hereby clarifies that Resolution No. CMA-09-20 which authorized the three-member quorum was instituted as a temporary measure to address the prohibition against gatherings of more than ten people (Navajo Department of Health Public Health Emergency Order dated March 18, 2020). The August 12, 2021 Public Health Emergency Order No. 2021-019 states that gathering limits of twenty-five (25) or fewer persons remain in effect for in-person meetings and trainings, consistent with Navajo Health Command Operations Center guidelines.

SECTION FIVE. RE-ENACTING NAVAJO NATION COUNCIL RESOLUTION CAP-19-20 SECTION FOUR, TEMPORARILY ENABLING THE DIVISION OF COMMUNITY DEVELOPMENT AND NAVAJO DEPARTMENT OF JUSTICE TO GUIDE ALL 110 CHAPTERS BY USING THE 2010 MODEL FIVE MANAGEMENT SYSTEM (FMS) AND TO DEVELOP TEMPORARY MODIFICATIONS TO THE MODEL FMS TO HELP CHAPTERS ADDRESS THIS EMERGENCY

- A. The Navajo Nation Council acknowledges that 26 N.N.C. § 101(A) requires "all [110] chapters...to adopt and operate under a Five Management System [FMS]." The FMS must be "consistent with applicable Navajo Nation law."
- B. In 2010, the Navajo Nation Attorney General issued AG Opinion 01-10 announcing the creation of a "Model Five Management System" to be used by Chapters that have not adopted their own FMS.
- C. The Navajo Nation Council hereby authorizes the Division of Community Development and the Department of Justice to guide all 110 Chapters using the 2010 Model FMS and to suspend or modify any portion of the Model Five Management System so long as the suspension or modification is reasonably necessary for the Chapter to address the emergency.

SECTION SIX. RE-ENACTING NAVAJO NATION COUNCIL RESOLUTION CAP-19-20 SECTION FIVE, TEMPORARILY SUSPENDING 26 N.N.C. § 103 TO AUTHORIZE ALL NON-GOVERNANCE CERTIFIED CHAPTERS TO EXERCISE CERTAIN AUTHORITIES UNDER SECTION 103

- A. The Navajo Nation Council recognizes that under 26 N.N.C. § 102(B) only governance certified Chapters may exercise the authorities listed in 26 N.N.C. § 103.
- B. The Navajo Nation Council hereby temporarily suspends 26 N.N.C. § 102(B) and authorizes all Chapter Presidents to:

1. Sign temporarily leases of Chapter property in order to accommodate health personnel;
2. Sign contracts for goods or services at or below \$50,000.00. For goods, use the recommended purchase order templates. For services, all Chapters should use the template contracts that can be found on DOJ's website: www.nndoj.org.

SECTION SEVEN. RE-ENACTING NAVAJO NATION COUNCIL RESOLUTION CAP-19-20 SECTION SEVEN, BUDGET POLICIES FOR THE CHAPTER EMERGENCY FUND

- A. The Navajo Nation Council acknowledges that Navajo Nation Council Resolution No. CMA-11-20, signed by President Nez, replenished Chapter emergency accounts.
- B. The Navajo Nation Council acknowledges that on March 11, 2020, the Navajo Nation Commission on Emergency Management, with concurrence by the Navajo Nation President and Vice-President, declared a Public Health State of Emergency.
- C. The Navajo Nation Council acknowledges that as such, all Chapters are now able to access and use their Chapter emergency accounts.
- D. The Navajo Nation Council supports the mandate to require all 110 Chapters to coordinate all emergency relief efforts through the Navajo Nation Health Command Operations Center (HCOC) in order to avoid duplication of services.

SECTION EIGHT. RE-ENACTING NAVAJO NATION COUNCIL RESOLUTION CAP-19-20 SECTION NINE, RELIEF EFFORTS COMING FROM DONATIONS

- A. The Navajo Nation Council acknowledges that the recently approved Navajo Nation Council Resolution No. CMA-08-20 streamlined the process for the Navajo Nation to accept gifts.
- B. The Navajo Nation Council acknowledges that Chapters are entities of delegated authorities. Chapters have not been delegated to accept gifts and, therefore, must follow CMA-08-20.
- C. The Navajo Department of Justice has recently been designated to lead the "Donations Branch" within the Navajo Nation Health Command Operations Center.

D. The Navajo Nation Council directs the Navajo Department of Justice to promptly develop the processes for Chapters to obtain Chapter-specific donations by third parties.

SECTION NINE. EXPIRATION DATE

These provisions of this resolution shall expire when the State of Emergency declared by the Commission on Emergency Management in Resolution No. CEM-20-03-11 is lifted.

SECTION TEN. EFFECTIVE DATE

This Resolution is effective pursuant to 2 N.N.C. § 221(B).

SECTION ELEVEN. SAVING CLAUSE

Should any provision of this legislation be determined invalid by the Navajo Nation Supreme Court, or a District Court of the Navajo Nation without appeal to the Navajo Nation Supreme Court, those portions of the legislation 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 22 in Favor, and 01 Opposed, on this 7th day of January 2022.


Honorable Seth Damon, Speaker
24th Navajo Nation Council

01-10-2022

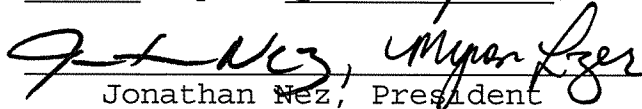
DATE

Motion: Honorable Edmund Yazzie
Second: Honorable Pernell Halona

Speaker Seth Damon not voting

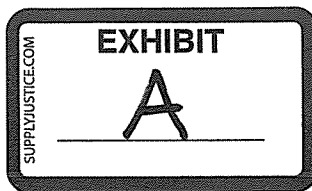
ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this 18th day of January, 2022.


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 _____, 2022 for the reason(s) expressed in the attached letter to the Speaker.

Jonathan Nez, President
Navajo Nation



CMA-09-20

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

AN ACTION
RELATING TO AN EMERGENCY; TEMPORARILY AUTHORIZING REDUCED CHAPTER
MEETING QUORUM REQUIREMENTS DURING THE COVID-19 EMERGENCY

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. All authority exercised by a chapter pursuant to 26 N.N.C. § 101 et al., may be preempted by Navajo Nation Council statutes and/or resolutions. 26 N.N.C. § 103 (A).
- 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."

SECTION TWO. FINDINGS

- A. In light of the Navajo Nation's Emergency Declaration, attached as **Exhibit A**, regarding the outbreak of the COVID-19 Coronavirus, it is imperative that the Navajo Nation Council, as well as Chapter governments, take precautionary measures to mitigate the transmission of COVID-19 to the Navajo public and community members.
- B. COVID-19 which has shown a high mortality rate (49% in critical cases) among elders with preexisting conditions and other at-risk populations is currently spreading throughout the United States
- C. The Center for Disease Control has issued guidance, attached as **Exhibit B**, recommending that organizations cancel or postpone in-person events that consist of ten (10) people or more.

- D. The Navajo Nation Code states that "[a]ll chapter meetings require a quorum of twenty-five (25) registered chapter members to conduct official business. Chapters may amend the quorum requirement . . . pursuant to a chapter ordinance referendum." 26 N.N.C. § 1003 (B).
- E. The Navajo Nation Council finds that authorizing Chapter meetings with a lesser quorum requirement is a pressing public need meeting the emergency requirements of 2 N.N.C. § 164 (A) (16).

SECTION THREE. APPROVAL

- A. Notwithstanding 26 N.N.C. § 1002 (C), the Navajo Nation Council hereby authorizes chapters to conduct official business through a quorum of three (3) registered chapters members, which may be just chapter officials, for the next sixty (60) days.
- B. The official business authorized to be addressed by a quorum of 3 registered chapter members is limited to chapter business directly related to COVID-19, the Navajo Nation Emergency Declaration, and budget authorizations and approvals.

SECTION FOUR. EFFECTIVE DATE

- A. The provisions of this Action shall become effective pursuant to 2 N.N.C. § 221 (B).
- B. The provisions of this Action shall expire sixty (60) days after its effective date, 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 22 in Favor, and 00 Opposed, on this 20th day of March 2020.


Honorable Seth Damon, Speaker
24th Navajo Nation Council

3.23.2020


DATE

Motion: Honorable Raymond Smith, Jr.
Second: Honorable Pernell Halona

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 26th 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

**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**

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 13th day of March 2020


Jonathan Nez, President
THE NAVAJO NATION


Myron Lizer, Vice-President
THE NAVAJO NATION

ATTEST:


Doreen N. McPaul, Attorney General

THE NAVAJO NATION

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.

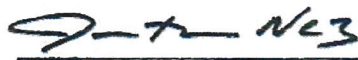
CERTIFICATION

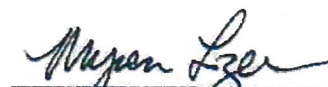
I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Commission on Emergency Management at a duly called meeting at Window Rock, Navajo Nation, Arizona, at which a quorum was present and that same passed by a vote of 4 approved, 0 opposed, and 0 abstained this 11th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

Interim Guidance: Get Your Mass Gatherings or Large Community Events Ready for Coronavirus Disease 2019 (COVID-19)

EXHIBIT

B

Summary of Recent Changes

Revisions were made on 3/16/2020 to reflect the following:

- From the White House: 15 DAYS TO SLOW THE SPREAD During the next 15 days (March 16-20, 2020), individuals and organizations should cancel or postpone in-person events that consist of 10 people or more throughout the U.S. [Read the White House notice.](#)

This interim guidance is based on what is currently known about the Coronavirus Disease 2019 (COVID-19). The Centers for Disease Control and Prevention (CDC) will update this interim guidance as needed and as additional information becomes available.

This interim guidance is intended for organizers and staff responsible for planning mass gatherings or large community events in the United States. **A mass gathering is a planned or spontaneous event with a large number of people in attendance that could strain the planning and response resources of the community hosting the event, such as a concert, festival, conference, or sporting event.** Guidance specific to schools and childcare settings, institutions of higher education, and community- and faith-based organizations can be found on [CDC's website focused on preventing COVID-19 spread in communities.](#)

COVID-19 is an emerging respiratory disease and there is more to learn about its transmission, clinical course, and populations at increased risk of disease and complications (see [How COVID-19 Spreads](#)). Everyone can do their part to help plan, prepare, and respond to this emerging public health threat.

Older adults and persons with severe underlying health conditions are considered to be at increased risk of more serious illness after contracting COVID-19. Priority should be given to ensuring the safety of these groups of people, particularly for any mass gatherings that are expected to have a large number of older adults or persons with underlying conditions.

In This Document

- [Considerations for Cancelling or Postponing a Mass Gathering](#)
- [Steps to Plan, Prepare, and Proceed with a Mass Gathering](#)
- [Follow-up After a COVID-19 Outbreak has Ended](#)
- [Readiness Resources](#)

As the COVID-19 outbreak evolves, CDC strongly encourages event organizers and staff to prepare for the possibility of outbreaks in their communities. Creating an emergency plan for mass gatherings and large community events can help protect you and the health of your event participants and the local community.

CDC has developed recommended actions for preventing the spread of COVID-19 at mass gatherings and large community events. This guidance suggests strategies to

help you plan for and implement ways in which to better protect all involved in a mass gathering.

Organizers should continually assess, based on current conditions, whether to postpone, cancel, or significantly reduce the number of attendees (if possible) for mass gatherings. Listed below are some considerations organizers should keep



3/13/2020

For more information: www.cdc.gov/COVID19

in mind as they make decisions about whether to postpone or cancel an event. If organizers decide to proceed with an event they should consult the “Steps to Plan, Prepare, and Proceed with a Mass Gathering” section of this document.

Considerations for Postponing or Cancelling a Mass Gathering

There are a number of factors to consider when determining the need to postpone or cancel a large gathering. These include:

- ✓ **The overall number of attendees.** Larger gatherings (for example, more than 250 people) offer more opportunities for person-to-person contact and therefore pose greater risk of COVID-19 transmission.
- ✓ **The number of people attending who are at greater risk of more serious illness after contracting COVID-19.** Older adults and persons with severe pre-existing health conditions are thought to be at increased risk.
- ✓ **The density of attendees within a confined area.** Based on what is currently known about the virus, spread from person-to-person happens most frequently among close contacts (within 6 feet).
- ✓ **The potential economic impact to participants, attendees, staff, and the larger community.**
- ✓ **The level of transmission in your local community and the level of transmission in the areas from which your attendees will travel.** To better understand the level of community transmission in your community (and in the communities from which your attendees will be traveling), consult with your local and/or state public health department.
- ✓ **If there are ways in which to significantly reduce the number of attendees.** For example, for sporting events or school concerts, organizers could consider holding the event but significantly reduce the number of audience members.

At a minimal-to-moderate level of community transmission, it is recommended to:

- ✓ Cancel community-wide mass gatherings (for example, >250 people; **the cutoff threshold is at the discretion of community leadership based on the current circumstances the community is facing and the nature of the event**) or move to smaller groupings.
- ✓ Cancel gatherings of more than 10 people for organizations that serve higher-risk populations.

At a substantial level of community transmission, it is recommended to cancel mass gatherings of any size.

Steps to Plan, Prepare, and Proceed with a Mass Gathering

The details of your emergency operations plan should be based on the size and duration of your events, demographics of the participants, complexity of your event operations, and type of on-site services and activities your event may offer.

Review the existing emergency operations plans for your venues

- ✓ **Meet with the emergency operations coordinator or planning team at your venues.** Discuss the emergency operations plans and determine how they may impact aspects of your events, such as personnel, security, services and activities, functions, and resources. Work with the emergency operations coordinator or planning team to prepare for the key prevention strategies outlined in this guidance. Develop a contingency plan that addresses various scenarios described below which you may encounter during a COVID-19 outbreak.
- ✓ **Establish relationships with key community partners and stakeholders.** When forming key relationships for your events, include relevant partners such as the local public health department, community leaders, faith-based organizations, vendors, suppliers, hospitals, hotels, airlines, transportation companies, and law enforcement. Collaborate and coordinate with them on broader planning efforts. Clearly identify each partner's

role, responsibilities, and decision-making authority. Contact your local public health department for a copy of their outbreak response and mitigation plan for your community. Participate in community-wide emergency preparedness activities.

Address key prevention strategies in your emergency operations plan

✓ **Promote the daily practice of everyday preventive actions.** Use health messages and materials developed by credible public health sources such as CDC or your local public health department to encourage your event staff and participants to practice good personal health habits. Consider displaying signs (physical and/or electronic) throughout the event to provide frequent reminders to participants to engage in everyday preventive actions to help prevent the spread of COVID-19. These include:

- Stay home when you are sick, except to get medical care.
- Cover your coughs and sneezes with a tissue, then throw the tissue in the trash.
- Wash your hands often with soap and water for at least 20 seconds, especially after going to the bathroom; before eating; and after blowing your nose, coughing, or sneezing. If soap and water are not available, use hand sanitizer that contains at least 60% alcohol.
- Avoid touching your eyes, nose, and mouth with unwashed hands.
- Clean frequently touched surfaces and objects daily.

Handshakes and “high-fives” are often exchanged at meetings and sporting events, and these can be ways in which COVID-19 can be transmitted from person to person. As a way of decreasing the social pressure to engage in these common behaviors, consider displaying signs (physical and/or electronic) that discourage these actions during the gathering.

Note: Use culturally appropriate messages, materials, and resources.

✓ **Provide COVID-19 prevention supplies to event staff and participants.** Ensure that your events have supplies for event staff and participants, such as hand sanitizer that contains at least 60% alcohol, tissues, trash baskets, disposable facemasks, and cleaners and disinfectants. Clean frequently touched surfaces and objects with detergent and water prior to disinfection, especially surfaces that are visibly dirty.

- Routinely clean and disinfect surfaces and objects that are frequently touched. Clean with the cleaners typically used. Use all cleaning products according to the directions on the label.
- For disinfection most common EPA-registered household disinfectants should be effective.
 - A list of products that are EPA-approved for use against the virus that causes COVID-19 is available here. Follow the manufacturer’s instructions for all cleaning and disinfection products (e.g., concentration, application method and contact time, etc.).
 - Additionally, diluted household bleach solutions can be used if appropriate for the surface. Follow manufacturer’s instructions for application and proper ventilation. Check to ensure the product is not past its expiration date. Never mix household bleach with ammonia or any other cleanser. Unexpired household bleach will be effective against coronaviruses when properly diluted. Prepare a bleach solution by mixing:
 - 5 tablespoons (1/3rd cup) bleach per gallon of water or
 - 4 teaspoons bleach per quart of water
- Additional information on cleaning and disinfection of community facilities can be found on CDC’s website.

Note: Disposable facemasks should be kept on-site and used only if someone (worker or attendee) becomes sick at your

event. Those who become sick should be immediately isolated from staff and participants who are not sick and given a clean disposable facemask to wear.

- ✓ **Plan for staff absences.** Develop and implement flexible attendance and sick-leave policies. Event staff need to stay home when they are sick, or they may need to stay home to care for a sick household member or care for their children in the event of school dismissals. Allow staff to work from home when possible. Identify critical job functions and positions and plan for alternative coverage by cross-training staff (similar to planning for holiday staffing). Provide instructions about how and when to safely return to work.

- ✓ **Implement flexible staff attendance and sick-leave policies (if possible).** Require staff to stay home if they are sick or caring for a sick household member. Notify staff when you plan to implement COVID-19 leave policies.

Note: Direct staff who get sick with COVID-19 symptoms to avoid contact with others and to seek medical advice.

- ✓ **Consider alternatives for event staff and participants who are at increased risk for complications from COVID-19.** Currently, older adults and persons with severe underlying health conditions are considered to be at increased risk for severe illness and complications from COVID-19. Event organizers can consider reassigning duties for higher-risk staff to have minimal contact with other persons. People in higher-risk groups should consult with their healthcare provider about attending large events. Consider providing refunds to event participants who are unable to attend because they are at high risk and/or provide information on alternative viewing options.

- ✓ **Promote messages that discourage people who are sick from attending events.** This could include electronic messages sent to attendees prior to travel to the event as well as messages requesting that people leave events if they begin to have symptoms of COVID-19, which include fever, cough, and shortness of breath. Attendees should be encouraged to seek medical advice promptly by calling ahead to a doctor's office or emergency room to get guidance. See CDC guidance on what to do when sick with COVID-19. *Note: Use culturally appropriate messages, materials, and resources.*

- ✓ **If possible, identify a space that can be used to isolate staff or participants who become ill at the event.** Designate a space for staff and participants who may become sick and cannot leave the event immediately. Work with partners, such as local hospitals, to create a plan for treating staff and participants who do not live nearby. Include a plan for separating and caring for vulnerable populations. If any staff member or participant becomes sick at your event, separate them from others as soon as possible. Establish procedures to help sick staff or participants leave the event as soon as possible. Provide them with clean, disposable facemasks to wear, if available. Work with the local public health department and nearby hospitals to care for those who become sick. If needed, contact emergency services for those who need emergency care. Public transportation, shared rides, and taxis should be avoided for sick persons, and disposable facemasks should be worn by persons who are sick at all times when in a vehicle. Read more about preventing the spread of COVID-19 if someone is sick.


Note: Providing a sick staff member or event participant with a disposable facemask to wear does not replace the need for that person to leave as soon as possible, stay home, and seek medical advice. Wearing a disposable facemask in the workplace or while participating in a large event is not a sufficient infection control measure.

- ✓ **Plan ways to limit in-person contact for staff supporting your events.** Several ways to do this include offering staff the option to telework if they can perform their job duties off-site, using email, and conducting meetings by phone or video conferencing. Reduce the number of staff needed such as staggering shifts for staff who support essential functions and services during events.
- ✓ **Develop flexible refund policies for participants.** Create refund policies that permit participants the flexibility to stay home when they are sick, need to care for sick household members, or are at high risk for complications from COVID-19.
- ✓ **Identify actions to take if you need to postpone or cancel events.** Work closely with local public health officials to assess local capacities in the area. During a COVID-19 outbreak, resource limitations among local healthcare systems and/or law enforcement can influence the decision to postpone or cancel your events. If possible, plan alternative ways for participants to enjoy the events by television, radio, or online.

Communicate about COVID-19

- ✓ **Stay informed about the local COVID-19 situation.** Get up-to-date information about local COVID-19 activity from public health officials. Be aware of temporary school dismissals in your area because these may affect event staff.

Note: Early in the outbreak, local public health officials may recommend schools dismiss temporarily.

- ✓ **Update and distribute timely and accurate emergency communication information.** Identify everyone in your chain of communication (for example, event staff, participants, suppliers, vendors, and key community partners and stakeholders) and establish systems for sharing information with them. Maintain up-to-date contact information for everyone in the chain of communication. Identify platforms, such as a hotline, automated text messaging, and a website to help disseminate information. Update key community partners and stakeholders regularly. Share information about how you and the emergency operations coordinator or planning team for the venues are responding to the outbreak.
- ✓ **Identify and address potential language, cultural, and disability barriers associated with communicating COVID-19 information to event staff and participants.** Information you share should be easily understood by everyone attending the events. Learn more about reaching people of diverse languages and cultures by visiting: Know Your Audience. You also can learn more about communicating to staff in a crisis at: Crisis Communications Plan .

Follow-up After a COVID-19 Outbreak has Ended

Remember, a COVID-19 outbreak could last for a long time. When public health officials determine that the outbreak has ended in your local community, work with them to identify criteria for scaling back COVID-19 prevention actions at your events. Base the criteria on slowing of the outbreak in your local area. If your events were cancelled, work with your venues to reschedule your events.

Evaluate the effectiveness of your emergency operations and communication plans

- ✓ **Meet with the emergency operations coordinator or planning team for your venues to discuss and note lessons learned.** Gather feedback from event staff, participants (if possible), community partners, and stakeholders to improve plans. Identify any gaps in the plans and any needs you may have for additional resources.
- ✓ **Maintain and expand your planning team.** Look for ways to expand community partnerships. Identify agencies or partners needed to help you prepare for infectious disease outbreaks in the future and try to add them to your planning team.
- ✓ **Participate in community-wide emergency preparedness activities.**

COVID-19 Readiness Resources

- Visit www.cdc.gov/COVID19 for the latest information and resources about COVID-19
- COVID 2019 Situation Summary <https://www.cdc.gov/coronavirus/2019-nCoV/summary.html>
- Prevention and Treatment <https://www.cdc.gov/coronavirus/2019-ncov/about/prevention-treatment.html>
- What to Do If You Are Sick <https://www.cdc.gov/coronavirus/2019-ncov/about/steps-when-sick.html>
- Pregnant Women and COVID-19 FAQs <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/pregnancy-faq.html>
- FAQs: Coronavirus Disease-2019 (COVID-19) and Children <https://www.cdc.gov/coronavirus/2019-ncov/specific->

[groups/children-faq.html](https://www.cdc.gov/coronavirus/2019-ncov/community/children-faq.html)

- Handwashing: A Family Activity <https://www.cdc.gov/handwashing/handwashing-family.html>
- Handwashing: Clean Hands Save Lives <http://www.cdc.gov/handwashing>

CDC Interim Guidance for Specific Audiences

- Get Your Household Ready for Coronavirus Disease 2019 (COVID-19) <https://www.cdc.gov/coronavirus/2019-ncov/community/get-your-household-ready-for-COVID-19.html>
- Interim Guidance for Administrators of US Childcare Programs and K-12 Schools to Plan, Prepare, and Respond to Coronavirus Disease 2019 (COVID-2019) <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-for-schools.html>
- Interim Guidance for Administrators of US Institutions of Higher Education (IHE) to Plan, Prepare, and Respond to Coronavirus Disease 2019 (COVID-19) <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-ihe-response.html>
- Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19) <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-business-response.html>
- Interim Guidance for Travelers <https://www.cdc.gov/coronavirus/2019-ncov/travelers/index.html>

CDC Communication Resources

- Interim Guidance: Public Health Communicators Get Your Community Ready for Coronavirus Disease 2019 (COVID-19) <https://www.cdc.gov/coronavirus/2019-ncov/php/public-health-communicators-get-your-community-ready.html>
- Print Resources <https://www.cdc.gov/coronavirus/2019-ncov/communication/factsheets.html>
- Buttons and Badges <https://www.cdc.gov/coronavirus/2019-ncov/communication/buttons-badges.html>

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-09-20, *An Action Relating to an Emergency; Temporarily Authorizing Reduced Chapter Meeting Quorum Requirements During the COVID-19 Emergency*

Dear Speaker Damon,

Pursuant to the authority vested in the Navajo Nation President, I am signing CMA-09-20 into law.

In implementing the preventative measures announced by many agencies, including our own Department of Health and the Health Command Operations Center, regarding social distancing and meetings of no more than 10 people, we must think of our local government operation and the important work they do for their community. To keep our Chapter officials and members safe and to slow the spread of the corona virus it is important we follow all health safety procedures. I remain concerned about the waiver of the Chapter's quorum requirement, but we must also keep our People safe; therefore, I am signing CMA-09-20 into law noting that this will expire in 60 days.

I would add that it would have been prudent to include a provision that all Chapter action taken as a result of this resolution come back to the Chapter's full quorum for ratification once the crisis has past. We must maintain our standard of accountability and transparency. I appreciate the Speaker forwarding this resolution to the Office of the President and Vice President for review as it shows how we can work together for the good of our People.

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

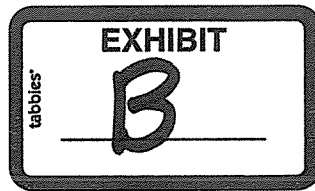
Sincerely,

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



CAP-19-20

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

AN ACTION

RELATING TO AN EMERGENCY; TEMPORARILY SUSPENDING TITLE 26 SECTIONS TO ALLOW CHAPTER MEETINGS TO BE HELD TELEPHONICALLY OR THROUGH VIDEO CONFERENCING; TEMPORARILY SUSPENDING TITLE 26 SECTIONS AND CLARIFYING TITLE 26 SECTIONS TO AUTHORIZE CHAPTERS TO FUNCTION TO MEET THE NEEDS OF THEIR COMMUNITIES DURING THE COVID-19 HEALTH CRISIS UNDER THE THREE-PERSON QUORUM AND THE EXECUTIVE BRANCH CLOSURE OF NAVAJO NATION GOVERNMENT OFFICES AND RELATED ENTITIES, EXECUTIVE ORDER NO. 002-20

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. All authorities exercised by a Chapter pursuant to 26 N.N.C. § 101 *et al*, may be preempted by Navajo Nation Council resolutions. 26 N.N.C. § 103 (C).
- 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."

SECTION TWO. FINDINGS

- A. The Navajo Nation President issued Executive Order 001-20 declaring a state of emergency due to COVID-19 on March 13, 2020.
- B. On March 11, 2020, the Emergency Management Commission declared a state of emergency due to COVID-19. CEM-20-03-11.
- C. The Navajo Nation President issued Executive Order 002-20 on March 31, 2020 extending the Declaration of a State of

Emergency due to the COVID-19 virus on the Navajo Nation and extending the closure of Navajo Nation government offices and related entities.

- D. The Navajo Nation Council passed CMA-09-20 which authorized the Chapters to reduce quorum requirements to three individuals. Authorizing a reduced quorum is a safety measure to prevent the spread of COVID-19; however, it is necessary to allow Chapters to meet telephonically or through video conferencing to further reduce the spread of the COVID-19 virus.
- E. Chapters also need clarification on how to address the statutory meeting requirements, how to handle financial requirements and many other issues that are impacted by the reduced quorum requirement and the closure of Navajo Nation government offices and related entities Order.
- F. The Navajo Nation Council acknowledges that all Chapter actions are subject to audit and any misuse of funds is subject to appropriate actions.
- G. The Navajo Nation Council finds that Chapters must perform particular Chapter functions during the declared State of Emergency to provide disaster relief services to their communities. In addition, Chapter officials must function through Chapter meetings to act upon matters affecting the Chapter residents during the COVID-19 crisis. This resolution is necessary to address a pressing public need and is a matter requiring final action by the Navajo Nation Council.

SECTION THREE. TEMPORARILY SUSPENDING TITLE 26 SECTIONS BY AUTHORIZING THE NAVAJO NATION CHAPTER MEETINGS TO BE HELD TELEPHONICALLY OR BY VIDEO CONFERENCING AND OTHER CHAPTER MEETING ISSUES

- A. The Navajo Nation Council temporarily suspends Title 26 1002 (C) (1) and other sections expressing or implying a need to hold an in-person Chapter meeting thereby authorizing Chapter meetings to be held telephonically or by video conferencing.
- B. The Navajo Nation Council recognizes that Chapter meetings may have been held telephonically by a three-member quorum prior to the effective date of this resolution. In such instances, the Navajo Nation Council authorizes that the business items approved at these telephonic, three-member quorum Chapter meetings be ratified by a subsequent telephonic Chapter meeting operating after the effective date of this resolution.

- C. The Navajo Nation Council hereby acknowledges that the Chapters are to abide by the 48-hour meeting notice pursuant to 26 N.N.C. § 1002 (B). The Chapters are to make every effort to notify their community members of the telephonic or video conferencing call in numbers to allow Chapter membership to call in to the Chapter meetings. Such notice may be posted on the Chapter website and/or in other locations.
- D. The Navajo Nation Council hereby authorizes the Chapter meetings to include budget matters, emergency matters, and additional topics. Additional topics shall be approved on a case-by-case basis by the Division Director of the Division of Community Development in consultation with the Navajo Department of Justice.
- E. The Navajo Nation Council temporarily authorizes the Chapter President to appoint and confirm any Chapter member as pro tem vice-president and pro tem secretary/treasurer. This authorization temporarily suspends 26 N.N.C. § 1001 (B)(1)(d), which states that the Chapter President appoints and the membership approves/confirms. The pro tem vice-president and pro tem secretary-treasurer will be compensated by stipend subject to the Chapter approved budget.
- F. The Navajo Nation Council temporarily authorizes the vice-president and secretary/treasurer to make the main motion and/or the second to the main motion at a Chapter meeting. This authorization temporarily suspends 26 N.N.C. § 1003 (D)(2), which prohibits Chapter officials from making main motions or seconding motions on substantive and administrative matters during a regular Chapter meeting.
- G. The Navajo Nation Council hereby acknowledges that the secretary/treasurer is to record the telephonic Chapter meetings pursuant to 26 N.N.C. § 1001 (B)(3)(d). However, if electronic recording of the telephonic Chapter meeting is not possible, then the secretary/treasurer is to write detailed meeting minutes, as is also required by 26 N.N.C. § 1001 (B)(3)(d).
- H. The Navajo Nation Council hereby acknowledges that Chapter officials are to be compensated for the number of meetings attended by teleconference or video conferencing pursuant to the approved budget. 26 N.N.C. § 1002 (C)(1).
- I. The Navajo Nation Council hereby clarifies that Resolution No. CMA-09-20 which authorized a three-member quorum was meant to reduce the statutory quorum requirement of 25 registered

members and also for Chapters that have reduced their quorum pursuant to the Resources and Development Committee Resolution No. RDCD-127-12. There are governance certified Chapters that operate under an Alternative Form of Government (AFOG) as authorized under the former Transportation and Community Development Committee Resolution No. TCD CAP-36-01. Notwithstanding the three-member quorum law, the AFOGs may define their quorum requirements in accordance with their local ordinance.

- J. The Navajo Nation Council hereby clarifies that Resolution No. CMA-09-20 which authorized the three-member quorum was instituted as a temporary measure to address the prohibition against gatherings of more than ten people (Navajo Department of Health Public Health Emergency Order dated March 18, 2020). There is now a Navajo Department of Health Public Health Emergency Order dated March 29, 2020 lowering the gathering limit to no more than five people.

SECTION FOUR. TEMPORARILY ENABLE THE DIVISION OF COMMUNITY DEVELOPMENT AND NAVAJO DEPARTMENT OF JUSTICE TO GUIDE ALL 110 CHAPTERS BY USING THE 2010 MODEL FIVE MANAGEMENT SYSTEM (FMS) AND TO DEVELOP TEMPORARY MODIFICATIONS TO THE MODEL FMA TO HELP CHAPTERS ADDRESS THIS EMERGENCY

- A. The Navajo Nation Council acknowledges that 26 N.N.C. § 101 (A) requires "all [110] chapters...to adopt and operate under a Five Management System [FMS]." The FMS must be "consistent with applicable Navajo Nation law."
- B. In 2010, the Navajo Nation Attorney General issued AG Opinion 01-10 announcing the creation of a "Model Five Management System" to be used by Chapters that have not adopted their own FMS.
- C. The Navajo Nation Council hereby authorizes the Division of Community Development and the Department of Justice to guide all 110 Chapters using the 2010 Model FMS and to suspend or modify any portion of the Model Five Management System so long as the suspension or modification is reasonably necessary for the Chapter to address this emergency.

SECTION FIVE. TEMPORARILY SUSPEND 26 N.N.C. § 103 TO AUTHORIZE ALL NON-GOVERNANCE CERTIFIED CHAPTERS TO EXERCISE CERTAIN AUTHORITIES UNDER SECTION 103

- A. The Navajo Nation Council recognizes that under 26 N.N.C. § 102 (B) only governance certified Chapters may exercise the authorities listed in 26 N.N.C. § 103.
- B. The Navajo Nation Council hereby temporarily suspends 26 N.N.C. § 102 (B) and authorizes all Chapter Presidents to:
 - 1. Sign temporarily leases of Chapter property in order to accommodate health personnel;
 - 2. Sign contracts for goods or services at or below \$50,000.00. For goods, use the recommended purchase order templates. For services, all Chapters should use the template contracts that can be found on DOJ's website: www.nndoj.org.

SECTION SIX. TEMPORARILY SUSPEND 26 N.N.C. §§ 103 (E) AND 1004 TO ALLOW CHAPTER OFFICIALS TO PERFORM LIMITED ADMINISTRATIVE DUTIES WHILE THE CHAPTER STAFF ARE ON PAID ADMINISTRATIVE LEAVE

- A. The Navajo Nation Council acknowledges that 26 N.N.C. § 103 (E) states that "[e]lected officials are prohibited from direct involvement in the management and operations of the Chapter administration."
- B. The Navajo Nation Council acknowledges that 26 N.N.C. § 1004 briefly outlines the executive functions of the Chapter employees such as implementing the Five Management System. Under subsection B, the Chapter Manager (and Community Service Coordinator) "shall co-sign all chapter checks."
- C. The Navajo Nation Council acknowledges that Chapter employees of non-governance certified Chapters are Navajo Nation Executive Branch employees under the Division of Community Development. Under Executive Orders 001-20 and 002-20, such employees are non-essential and are under mandatory stay-at-home orders.
- D. The Navajo Nation Council acknowledges that certain executive functions exercised by Chapter Officials are necessary to address this Declared State of Emergency.
- E. The Navajo Nation Council hereby temporarily suspends 26 N.N.C. §§ 103 (E) and 1004 and Chapter Officials of non-governance certified Chapters to:
 - 1. Allow two Chapter officials to co-sign all Chapter checks;

2. Allow Chapter officials to procure for emergency goods and services in strict compliance of the priorities provided in section VI (E)(2) of the Model FMS;
 3. Implement a Temporary Emergency Procurement Procedure which shall include: 1) Chapter resolution to use the emergency funds for the proposed contract; 2) Review of the priority businesses listed on the source list to see if products/services are available, if not, then use any available resources; 3) the first vendor available with the products/services may be chosen; 4) The Secretary/Treasurer will verify fund availability and sign off on a memorandum describing the procurement measures taken for each procurement; 5) Chapter President signs the Purchase Order or Contract using the recommended Purchase Order or Contract form.
- F. Notwithstanding the above, if Chapter Staff are willing to perform limited services thereby relieving Chapter Officials from having to perform certain executive functions, the Chapter Staff may perform such duties.

SECTION SEVEN. BUDGET POLICIES FOR THE CHAPTER EMERGENCY FUND

- A. The Navajo Nation Council acknowledges that the Navajo Nation Council Resolution CMA-11-20, signed by President Nez, replenished the Chapter emergency account.
- B. The Navajo Nation Council acknowledges that on March 11, 2020, the Navajo Nation Commission on Emergency Management, with concurrence by the Navajo Nation President and Vice-President, declared a Public Health State of Emergency.
- C. The Navajo Nation Council acknowledges that, as such, all Chapters are now able to access and use the Chapter emergency account.
- D. The Navajo Nation Council supports the mandate to require all 110 Chapters to coordinate all emergency relief efforts through the Navajo Nation Health Command Operations Center (HCOC) in order to avoid duplication of services.

SECTION EIGHT. PUBLIC EMPLOYMENT PROGRAM (PEP)

- A. The Navajo Nation Council acknowledges that all Chapters were authorized to develop their own policies for PEP under the former Transportation and Community Development Committee Resolution TCD-111-00. For Chapters that have not developed

their own policies, the former TCDC resolution provides for a template.

- B. The Navajo Nation Council acknowledges that Chapters shall comply with these policies with temporary allowance for use of the PEP funds to compensate volunteers pursuant to approved projects under the Navajo Nation Chapter Emergency Plan.
- C. The Navajo Nation Council temporarily allows, subject to a properly approved budget, Chapters to use PEP funds for Special Duty Pay in accordance with the Navajo Nation's policy on Special Duty Pay.
- D. The Navajo Nation Council acknowledges that Chapters cannot exceed their PEP budgets and volunteers are not entitled to receive compensation beyond the Chapter budget.

SECTION NINE. RELIEF EFFORTS COMING FROM DONATIONS

- A. The Navajo Nation Council acknowledges that the recently approved Navajo Nation Council Resolution No. CMA-08-20 streamlined the process for the Navajo Nation to accept gifts.
- B. The Navajo Nation Council acknowledges that Chapters are entities of delegated authorities. Chapters have not been delegated to accept gifts and, therefore, must follow CMA-08-20.
- C. The Navajo Department of Justice has recently been designated to lead the "Donations Branch" within the Navajo Nation Health Command Operations Center.
- D. The Navajo Nation Council directs the Navajo Department of Justice to promptly develop the processes for Chapters to obtain Chapter-specific donations by third parties.

SECTION TEN. COMPENSATION OF CHAPTER OFFICIALS ATTENDING AGENCY COUNCIL MEETINGS

- A. The Navajo Nation Council hereby authorizes Chapter Officials to attend Agency Council meetings via teleconference. Attendance via teleconference shall be compensated provided that the Agency Council can verify attendance.

SECTION ELEVEN. EFFECTIVE DATE

- A. The provisions of this Action shall become effective pursuant to 2 N.N.C. § 221 (B).

- B. The provisions of this Action shall expire sixty (60) days after its effective date, unless otherwise determined by resolution of the Navajo Nation Council.

SECTION TWELVE. SAVINGS CLAUSE

Should any provision of the amendments enacted herein 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, the remainder of the amendments 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 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

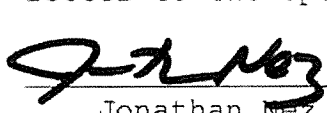

Speaker Seth Damon not voting

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-19-20, *An Action Relating to an Emergency; Temporarily Suspending Title 26 Sections to Allow Chapter Meetings to be Held Telephonically or Through Video Conferencing; Temporarily Suspending Title 26 Sections and Clarifying Title 26 Sections to Authorize Chapters to Function to Meet the Needs of Their Communities During the COVID-19 Health Crisis Under the Three-Person Quorum and the Executive Branch Closure of Navajo Nation Government Offices and Related Entities, Executive Order No. 002-20*

Dear Speaker Damon,

Pursuant to the authority vested in the Navajo Nation President, I veto CAP-19-20.

In a previous resolution, CMA-09-20, we were concerned about keeping our Chapter officials and members safe, slowing the spread of the coronavirus, and that we follow all health safety procedures. We were also concerned about the waiver of the Chapter's quorum requirement. Nonetheless, for the safety of all, CMA-09-20 was signed into law for 60 days to allow a three-member quorum for Chapter meetings. That resolution limited the actions that Chapters could take, however, CAP-19-20 expands the actions beyond the restrictions in CMA-09-20.

Title 26 is Navajo law related to Chapters and was enacted for a specific purpose, the governance of Chapters. Temporarily suspending Title 26 is a plain and simple waiver of the law that we cannot support. During this emergency period where our people's lives are being affected by the coronavirus pandemic we must not continue to circumvent Navajo law when reasonable alternatives are available to continue government operations. Without a debate on this matter, and a rush to action under an ill-advised consent agenda, the alternatives were not deliberated, nor were the Navajo people given an opportunity to be informed about waivers of Navajo law that impacts their government.

In addition to the alternative meeting methods, CAP-19-20 includes additional provisions that allow Chapter officials to carry out certain actions without involving meaningful participation of their Chapter members. This is not transparent governance.

The following matters require thorough discussion, including legal review of Navajo applicable Navajo law:

- amending the form of Chapter government;
- allowing Chapter officials to enter into contracts;

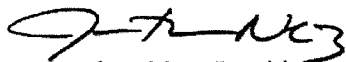
- permitting Chapter officials to carry out the duties of administrative staff;
- giving Chapter officials access to emergency funds;
- authorizing a change in the Public Employment Program;
- implying a direct acceptance of charitable donations, and;
- compensating Chapter officials for attending Agency meeting by teleconference

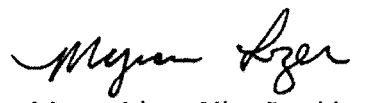
Waiving such important measures without input from Chapter officials or Chapter members could lead to serious consequences. We cannot condone such action to leave out the Navajo people from participating in their chapter government.

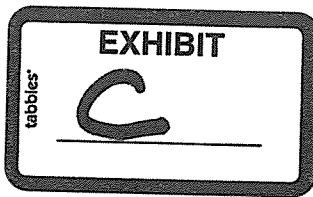
We repeat our previous position that it would have been prudent to include a provision that all Chapter action taken as a result of this resolution come back to the Chapter's full quorum for ratification once the coronavirus public health crisis has past. With the waiver actions in CAP-19-20 a ratification by Chapter members is reasonable and protects the interests of community members. This protective provision is still missing.

For the reasons outlined here CAP-19-20 is hereby vetoed.

Sincerely,


Jonathan Nez, President
THE NAVAJO NATION


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; EXTENDING THE EXPIRATION OF NAVAJO NATION
COUNCIL RESOLUTION NO. CAP-19-20

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing of body of the Navajo Nation. 2 N.N.C. § 102 (A).
- B. All authorities exercised by a Chapter pursuant to 26 N.N.C. § 101 *et al*, may be preempted by Navajo Nation Council resolutions. 26 N.N.C. § 103 (C).
- 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."

SECTION TWO. FINDINGS

- A. The Navajo Nation President issued Executive Order 001-20 declaring a state of emergency due to COVID-19 on March 13, 2020.
- B. On March 11, 2020, the Emergency Management Commission declared a state of emergency due to COVID-19. CEM-20-03-11.
- C. The Navajo Nation President issued Executive Order 002-20 on March 31, 2020 extending the Declaration of a State of Emergency due to the COVID-19 virus on the Navajo Nation and extending the closure of Navajo Nation government offices and related entities. See Executive Order Nos. 001-20, 002-20, 003-20, and 004-20.
- D. The Navajo Department of Health Public has issued Public Health Emergency Orders which have limited public gatherings, imposed

Stay at Home Orders, imposed night curfews, 57-hour weekend curfews and 57-hour weekend curfews with closure of essential business all for the purpose of limiting the spread of COVID-19. See Public Health Emergency Order Nos. 2020-001, 2020-003, 2020-004, 2020-005, 2020-006, 2020-008, 2020-010 and 2020-011.

- E. The Navajo Nation Council passed CAP-19-20 which authorized the Chapters to allow chapter meetings to be held telephonically or through video conferencing; clarified Title 26 sections authorizing chapters to function to meet the needs of their communities during the COVID-19 health crisis under the three-person quorum and the Executive Branch closure of Navajo Nation government offices. Resolution CAP-19-20 will lapse on July 15, 2020. CAP-19-20 and CMY-36-20 overriding the Presidential veto of CAP-19-20 are attached as **Exhibit A**.
- F. The Navajo Nation Council finds that it is necessary to allow Chapters to meet telephonically or through video conferencing to further reduce the spread of the COVID-19 virus. In addition, Chapters must continue to perform particular Chapter functions during the declared State of Emergency to provide disaster relief services to their communities and Chapter officials must function through Chapter meetings to act upon matters affecting the Chapter residents during the COVID-19 crisis. This resolution is necessary to address a pressing public need and is a matter requiring final action by the Navajo Nation Council.

SECTION THREE. EXTENDING EXPIRATION OF CAP-19-20

The Navajo Nation Council hereby extends the expiration of Resolution CAP-19-20 to expire when the public gathering limitation is lifted or changed to allow a minimum Chapter quorum of twenty-five (25) or otherwise determined by the Navajo Nation Council.

SECTION FOUR. EFFECTIVE DATE

The provisions of this Action shall become effective pursuant to 2 N.N.C. § 221 (B).

SECTION FIVE. SAVINGS CLAUSE

Should any provision of the amendments enacted herein 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, the remainder of the amendments 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 23 in Favor, and 00 Opposed, on this 22nd day of July 2020.


Honorable Seth Damon, Speaker
24th Navajo Nation Council

July 27, 2020
DATE

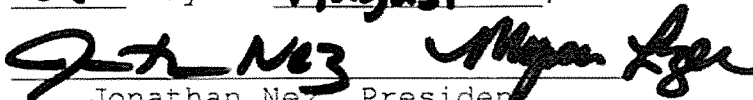
Motion: Honorable Thomas Walker, Jr.

Second: Honorable Mark A. Freeland

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 06 day of August, 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

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



August 6, 2020

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

RE: CJY-64-20, *An Action Relating to an Emergency; Extending the Expiration of Navajo Nation Council Resolution No. CAP-19-20*

Dear Speaker Damon,

Pursuant to the authority vested in the Navajo Nation President, I am approving CJY-64-20.

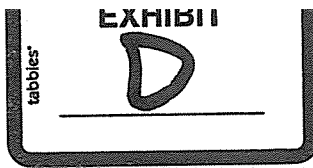
It has been close to six months since the deadly coronavirus attacked the Navajo Nation and in this epidemic time we have worked to insure transparency is provided at all levels of government, even more so at the local level which directly affects the daily lives of community residents. We are moving closer to a time when our government will resume regular operation and we trust our local governments have plans in place on how they plan to open. We expressed our concern that Chapter actions taken under the special operations will go back to a full Chapter quorum for ratification to ensure complete transparency at the community level.

With the approval of this resolution we have two concerns. For the future of Chapter actions, we hope each Chapter has, or will have, meeting procedures and protocols for such matters as meeting announcements, recording methods, voting procedures, and plans for insuring the participation of community members, among other matters. We applaud those Chapters which have put procedures and protocols in place; their concern for the community is admirable. We must follow all health orders and Center for Disease Control guidance to keep us safe, but we must balance that by keeping an open government. Second, as to the emergency nature of the resolution, we are constantly concerned about the use of the emergency legislative procedure and urge Council members to validate the emergency to avoid issues down the road. We cannot express transparency for local government and not follow our own advice.

Sincerely,


Jonathan Nez, President
THE NAVAJO NATION


Myron Lizer, Vice President
THE NAVAJO NATION



RESOLUTION OF THE
NAVAJO NATION COUNCIL
24th NAVAJO NATION COUNCIL - THIRD YEAR, 2021

AN ACTION

RELATING TO AN EMERGENCY FOR THE NAVAJO NATION; REPEALING RESOLUTIONS RELATED TO OR RESPONDING TO EMERGENCY OR EXTRAORDINARY ENACTMENTS PERTAINING TO COVID-19 MITIGATION AND COVID-19 PANDEMIC OPERATIONAL AND PREPAREDNESS PROCEDURES; AUTHORIZING THE OPENING OF ALL NAVAJO NATION ENTERPRISES AND NAVAJO-OWNED BUSINESSES TO NAVAJO CITIZENS AND NON-NAVAJO TOURISTS AND VISITORS; AUTHORIZING IN-PERSON INSTRUCTION AT SCHOOLS OPERATING WITHIN THE NAVAJO NATION

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. The entire Navajo Nation government, as a sovereign entity, provides essential, daily services to the Navajo public, business partners, and consumers and a delay or interruption of the essential services has an impact on the Navajo Nation's ability to operate government programs, generate revenue, and provide other necessary services; making immediate relief necessary by repealing certain enactments of the Navajo Nation Council.
- B. In March 2020, the Navajo Nation saw the COVID-19 Coronavirus begin its spread across Navajo communities; and more than a year later, as of June 24, 2021, COVID-19 has infected 30,974 individuals and caused 1,347 deaths on the Navajo Nation, while disrupting daily life and creating economic havoc.

- C. The Navajo Nation Council and Standing Committees responded to the emergency situation passing a record number of legislative acts to address the pandemic situation and offer relief to constituents and communities.
- D. The Navajo Department of Health and the Health Command Operations Center initiated a system to monitor the effects of the Coronavirus on the Navajo Nation while providing information on how to best prevent the spread of the Coronavirus and to protect the public and employees across the Navajo Nation.
- E. The Navajo Department of Health and the Health Command Operations Center, since March 2020, initiated several lockdowns for the Navajo Nation to prevent the spread of the Coronavirus, mandated mask/face coverings for all persons along with other safety measures to keep the public safe.
- F. In December of 2020, the Center for Disease Control and Prevention (CDC) authorized the emergency use of vaccines to combat the Coronavirus and through the Indian Health Services the vaccine was made available to Navajo citizens with 70% of adults receiving one of three vaccines available.
- G. Over the past several months, numerous factors show that the Navajo Nation is recovering from the devastating effect of the Coronavirus; factors such as, more adults and children receiving the COVID-19 vaccine, reduced hospitalization of COVID-19 positive cases, and more negative test results for COVID-19.
- H. For non-government entities and businesses on the Navajo Nation, the status shifted from Red with high restrictions on businesses to Orange with moderate restrictions and currently in Yellow with moderate-low restrictions on businesses.
- I. The Navajo Nation may experience additional COVID-19 cases with the introduction of new variants; however, the Navajo Nation's status is improving with the safe practices of all citizens and government employees.

SECTION THREE. REPEALING CERTAIN NAVAJO NATION COUNCIL RESOLUTIONS

The Navajo Nation, with its improving health conditions and upgraded safety status, will not require certain restrictions related to or responding to emergency challenges resulting from the COVID-19 pandemic; and repeals the following enactments, included herein by reference:

- A. CMA-08-20, An Action Relating to an Emergency; Approving Minimized Procedures for Accepting Donations During the COVID-19 Emergency Declaration; Temporarily Waiving Certain Provisions of 2 N.N.C. § 1010;
- B. CMA-09-20, An Action Relating to an Emergency; Temporarily Authorizing Reduced Chapter Meeting Quorum Requirements During the COVID-19 Emergency;
- C. NABIJN-26-20, An Action Relating to the Naabik'íyáti' Committee; Extending the Expiration of Navajo Nation Council Resolution No. CMA-09-20;
- D. 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;
- E. CMY-36-20, An Action Relating to Naabik'íyáti' and Navajo Nation Council; Overriding the Navajo Nation President's Veto of Navajo Nation Council Resolution CAP-19-20 [An Action Relating to an Emergency; Temporarily Suspending Title 26 Sections to Allow Chapter Meetings to be Held Telephonically or Through Video Conferencing; Temporarily Suspending Title 26 Sections and Clarifying Title 26 Sections to Authorize Chapters to Function to Meet the Needs of their Communities during the COVID-19 Health Crisis under the Three Person Quorum and the Executive Branch Closure of the Navajo Nation Government Offices and Related Entities, Executive Order No. 002-20];
- F. CJY-64-20, An Action Relating to an Emergency; Extending the Expiration of Navajo Nation Council Resolution No. CAP-19-20;
- G. CJY-66-20, An Action Relating to an Emergency; Approving Meetings Through Telecommunications for Chapter Subcommittees, Community Land Use Plan Planning Committees, Agency, Regional and District Councils, Chapters and Agency Veterans Organizations;
- H. CO-84-20, An Action Relating to an Emergency for the Navajo Nation; Opposing All In-Person Instruction at all Schools Intending to Reopen within the Navajo Nation Amidst COVID-19; Supporting the Navajo Nation Board of Education in Recommending Virtual Learning.

SECTION FOUR. AUTHORIZING THE OPENING OF NAVAJO NATION BUSINESSES AND NAVAJO-OWNED BUSINESSES

All Navajo Nation enterprises and Navajo business owners may hereby open their businesses to Navajo citizens and non-Navajo tourists and visitors; and initiate or resume their business activities in compliance with COVID-19 safety protocols and applicable Public Health Orders.

SECTION FIVE. ALLOWING IN-PERSON INSTRUCTION AT SCHOOLS

All schools operating within the Navajo Nation that offer in-person instruction shall comply with the COVID-19 safety protocols established by the Navajo Board of Education and Department of Diné Education and applicable Public Health Orders.

SECTION SIX. ALLOWING CHAPTER TELECOMMUNICATIONS

- A. Navajo Nation Chapters shall comply with applicable Public Health Emergency Orders.
- B. Within ninety (90) days of enactment of this legislation, Chapter meeting quorum requirements shall return to a minimum of twenty-five persons unless otherwise authorized under RDCD-127-12.
- C. Chapter meetings shall comply with the Navajo Nation Local Governance Act.
- D. The Chapters may continue to use telephonic or other electronic means as a supplement to meet their normal quorum requirement.
- E. The Navajo Nation Council hereby supports the continued use of the Chapter Return to Operations Plan, attached as **Exhibit A**, to guide Chapters in providing services to their communities in a safe manner.

SECTION SEVEN. EFFECTIVE DATE

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

SECTION EIGHT. SAVING CLAUSE

Should any provision of this legislation be determined invalid by the Navajo Nation Supreme Court, or a District Court of the Navajo Nation without appeal to the Navajo Nation Supreme Court, those portions of the legislation 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 23 in Favor, and 00 Opposed, on this 25th day of June 2021.


Honorable Seth Damon, Speaker
24th Navajo Nation Council

06/28/2021


DATE

Motion: Honorable Vince R. James
Second: Honorable Eugenia Charles-Newton

Speaker Seth Damon not voting

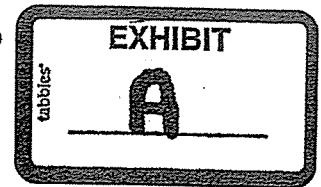
ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this 06 day of July, 2021.


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 _____, 2021 for the reason(s) expressed in the attached letter to the Speaker.

Jonathan Nez, President
Navajo Nation



Chapter Return to Operations Plan

(version 3/19/2021)

I. Introduction

Last year in March 2020, the Covid-19 Pandemic caused a limited governmental closure wherein the government was only providing "essential governmental services." In August 2020, there was a gradual reopening of the government whereby "non-essential governmental services" could resume. In November 2020, the government returned to a limited governmental closure status. In February 2021, the government "reopened" again. All the while, the Chapters have been providing essential governmental services to their communities.

The first Chapter Return to Operations Plan (also referred to as the "Chapter Reopening Plan") was created in August 2020 to assist Chapters in providing "non-essential governmental services" to their communities. This updated Plan continues to be designed to protect every Chapter employee, official, clients, customers, partners, visitors, and the communities that the Chapters serve.

This Plan is also meant to be as flexible as possible in light of ever-changing laws, regulations, and policies that continue to address this COVID-19 virus and pandemic. In other words, this Plan should be interpreted and applied as new developments and guidance are issued by the Navajo Department of Health (NDOH) and/or the Navajo Nation Health Command Operations Center (HCOC). The NDOH webpage for Covid-19 is a great resource for the most updated information for the Navajo Nation: <https://www.ndoh.navajo-nsn.gov/COVID-19>.

II. COVID-19 Guidelines

The COVID-19 virus is transmitted through respiratory droplets. One way to describe respiratory droplets is that it is anything liquid in a person's body (i.e. spit, blood, tears, etc.). Whenever an infected person breathes, speaks, or coughs, droplets are released into the air and can land on another person or object. Personal Protective Equipment (PPE) and Social Distancing can reduce how far the virus can travel. No matter where the virus lands, personal hygiene, cleaning, and disinfection can kill the virus.

Most common symptoms of COVID-19 include fever, tiredness, dry cough, chills, aches and pains, headache, nasal congestion, runny nose, sore throat, loss of taste/smell, nausea/vomiting or diarrhea. By now we know that there are also "asymptomatic carriers" which is a person infected with the virus but is not showing any symptoms. Thus, a person can appear perfectly healthy but they could be carrying the

virus and can still infect others. Therefore, just because a person appears to be healthy, you cannot let your guard down.

The Covid-19 vaccines are extremely helpful but there are a lot of misconceptions. In particular, it is true that a person who is "fully vaccinated" can just as easily get infected with the Covid-19 virus as someone who is not vaccinated. However, the benefit of the vaccines are to help with symptoms. For example, a person receiving Pfizer is "fully vaccinated" when it has been two weeks (14 days) since receiving their second dose.¹ If he or she gets infected, there should be a 96% chance (efficacy rate²) that the person will not have any symptoms or will have mild symptoms. That also means that there is a 4% chance that the person could get very sick. Therefore, even if fully vaccinated, it is very important for Chapters and their communities to continue wearing masks, social distancing, maintaining personal hygiene, and cleaning/disinfecting areas.

A. Social Distancing

1. All persons shall remain six (6) feet apart from the next person. This may require reconfiguring work areas for Chapter staff. This may also include social distancing markers for the Public using tape and signs designating 6-feet of spacing.
2. Additional measures to consider:
 - a. Using Chapter Emergency Funds to install protective measures such as:
 - i. Plexiglas, clear plastic, half-doors, or other barriers providing a six feet distance.
 - ii. Improve the ventilation system of Chapter building(s).
 - b. Implement flexible work schedules for Chapter employees as mentioned in Section IV(D).
3. Social distancing also applies to all public gatherings which are currently limited to ten (10) persons. To be safe, Chapters shall ensure that all ten persons are fully vaccinated. Chapters shall not condone or encourage any other social activities to occur in any Chapter facility until the public gathering restrictions are lifted by the HCOC.

B. Personal Protective Equipment

1. Masks are required within all Chapter facilities. Studies have shown that without face coverings, the virus can easily travel beyond six feet. Therefore, masks are important. All masks should fit properly covering the nose and mouth. A loosely fitted mask, including one that only covers the mouth, will not be protective.

¹ Moderna is also a two dose vaccine and full vaccination is also two weeks from the second dose. The Johnson & Johnson vaccine is a single dose vaccine and full vaccination is also two weeks from receiving their dose.

² Moderna's current efficacy rate is 94% and Johnson & Johnson's is 66%.

2. Face masks.

- a. Non-medical disposable masks *that fit well* are highly recommended.
- b. Properly made and properly fitted masks with a tightly woven fabric or cotton is also recommended. The more layers the better in order to capture the virus but the mask must also be breathable. Doubling up on masks is encouraged in light of the variant Covid-19 virus which is more contagious.
- c. Certain masks are not recommended for Chapter Officials/Staff such as single layer cloth masks; loose fabrics such as neck gaiters; bandanas; and masks with exhalation valves.
- d. Members of the Public are responsible for providing their own face masks. As such, Chapters cannot require the Public to wear the recommended masks. Thus, if a community member comes to the Chapter wearing a mask that is not recommended, Chapters should take extra safety measures when interacting with that person.
- e. When putting on or taking off masks, touch only the ear loops because the virus could be present on the fabric portion.
- f. Single use masks should only be used once. Reusable masks like cloth masks should be laundered after every use.
- g. Face shields shall not replace face masks. In other words, a Chapter Official/Staff wearing a face shield must also wear a recommended face mask.

3. Use of other Personal Protective Equipment (PPE) is discretionary.

C. Personal Hygiene

1. Frequent hand washing with soap and water for at least 20 seconds is required. If soap and water is unavailable, a hand sanitizer containing a minimum of sixty percent (60%) alcohol may be used.
2. Avoid touching your face, nose, eyes, and mouth after touching anything because infected droplets can enter your body through those areas.

D. Cleaning & Disinfection

1. Since droplets can land on surfaces, it is important to clean and disinfect any area that had a risk of exposure. Section VI(H) cites to a resource containing a list of EPA-approved cleaning products that Chapters can use for cleaning and disinfection. If EPA-approved cleaning products are unavailable, the Chapter can use the following concentration of water and bleach:
 - a. 4 teaspoons of bleach per quart of room temperature water; or
 - b. 5 tablespoons (1/3 cup) of bleach per gallon of room temperature water.
2. Avoid touching frequently touched surfaces or use a protective barrier such as a tissue when

touching those surfaces. Wash hands after touching such surfaces. Gloves can also transmit the virus and therefore gloves should also be for single use only. For leather work gloves, these can be washed with soap and water with the same technique as washing one's hands.

3. The person, employee, or official using any area of the Chapter building or Chapter vehicle/equipment shall be responsible for cleaning and disinfecting the area **before and after each use**. This includes tables, doorknobs, light switches, desks, handles, keyboards, computer mouse, toilets, faucets, sinks, steering wheel, door handles, gearshifts, and cell phones. This includes shared workstations which must be cleaned and disinfected between users. This is not meant to be a comprehensive list of items that needs to be cleaned and disinfected.
4. Develop a routine cleaning schedule. Certain areas such as those frequented by the Public (the Lobby), should have a more frequent cleaning schedule.
5. All nonessential amenities and communal areas that the Chapter cannot clean and disinfect on a frequent basis should remain closed to the public.
6. While there is a low risk of exposure for mail, the Chapter should disinfect mail.

III. Communication Guidelines

A. Notices at Chapters help to Communicate with the Community.

1. Chapters shall post signs that provides the contact information for the nearest healthcare facility.
2. A sign shall be posted informing visitors that anyone not wearing a mask will not be permitted to enter the Chapter facility.
3. A sign should also be posted to prohibit loitering, selling, and socializing.
4. It may help to have Chapter Staff keep copies of the latest Navajo Nation Emergency Public Health Order which can be found at: <https://www.ndoh.navajo-nsn.gov/covid-19>

B. Client/Customer Appointments

1. For Chapters and Clients with internet service:
 - a. Chapters should communicate updated information to their community and clients through the official Chapter website, email, or other forms of communication.
 - b. To the extent feasible, all meetings with staff, clients, and others should be conducted by Skype, Zoom, GoToMeeting, video, WebEx, telephone, or any other non-contact means.
 - c. As much as is possible, Chapters should take applications for assistance or services via on-line, e-mail, postal service, fax, or other non-contact means.
2. For Chapters or Clients without internet service:
 - a. Any in-person meeting must be held with all safety measures in place (i.e., personal protective

- equipment, social distancing, personal hygiene, cleaning, and disinfection).
- b. Chapters with long lines of clients should consider scheduling appointments. Drive-thru service is also an option.
- 3. Chapters should continue to utilize the safety measures described in:
 - a. Emergency Navajo Nation Chapter Plan for Chapter Drive-up, Pick-up, and Delivery of Essential Services (March 25, 2020); and the
 - b. Emergency Navajo Nation Chapter Plan for Guidance on Burials, Community Cemeteries, Family Plot Burials and Related Services (April 16, 2020).
- 4. Chapters should provide a drop-box or make other suitable non-contact or limited contact arrangements for clients who lack internet access in order to return any required documents.
- 5. Chapters should consider purchasing Point-of-Sale systems to limit or reduce the exchange of cash.
- 6. Maintain a daily log or sign-in sheet of every visitor, including staff and officials. This may aid with contact tracing.

IV. Guidelines for Chapter Employees and Officials

- A. Every Chapter Employee and Official has a duty to protect themselves and the People whom they serve and therefore every person has a duty to implement these guidelines.
- B. COVID-19 Education and Information.
 - 1. There continues to be a great amount of misinformation and belief based on incorrect information.
 - 2. Chapter Officials and Chapter Employees owe a duty to their community to educate themselves and disseminate correct information about COVID-19 to their community based on reliable sources such as the NDOH, HCOC, or sources cited in Section VI herein.
 - 3. Facebook and other social media platforms are not reliable. Any information from these sources should be verified by reliable sources.
- C. Update contact information for all Chapter Staff and Officials (e.g., cell phone numbers, alternative phone numbers, mailing addresses, and email addresses). This information is necessary to communicate immediately for any important information. Be mindful of confidential information and as a reminder, all staff and officials are bound by the restrictions in the Navajo Nation Privacy and Access to Information Act, 2 N.N.C. §§81 *et. seq.*
- D. Telecommuting (Telework) and/or Flexible Work Schedules.
 - 1. Telecommuting is generally allowing staff to work from home or an alternative work site. This is nothing new as all personnel policies allow working from alternative work sites. However,

telecommuting may not be suitable for some Chapter positions and therefore Chapters are not obligated to create duties in order to allow their employees to telecommute. In fact, some Chapters and/or employees may suffer from infrastructure defects such as the lack of communication/internet services that may make telecommuting not an option.

2. The Chapter Manager/CSC should consult with the Chapter Officials in planning for telecommuting. Factors to consider:
 - a. Unless there is a closure or the Chapter implements an alternative schedule, telecommuting requires one of the following Chapter employees to be present at the Chapter from 8a-12p and 1p-5p, Monday-Friday.
 - i. Community Service Coordinator / Chapter Manager; or
 - ii. Account Maintenance Specialist / Administrative Assistant.
 - b. If Chapter office space is insufficient to allow staff to operate using the six feet distancing requirements and there is no other alternative, the Chapter should implement a combination of staggered work schedules and telecommuting to meet the social distancing requirements.
 - c. Plan for duties that can be done at an alternative work area. An alternative work area may include the employee's home, another office space, or another facility.
3. Telecommuting Policy and Procedures:
 - a. The Employee submits a request to their supervisor.
 - b. The Chapter Manager/CSC approves or denies the request.
 - c. If approved, the Chapter Manager/CSC shall:
 - i. Clearly define duties and define the duration of the telecommuting period;
 - ii. Complete an equipment checklist for any communication devices such as a cell phone, laptop, etc. However, the Chapter is not responsible for providing such equipment. The Chapter is also not responsible for any damage to any personal equipment used by the telecommuting employee.
 - d. If approved, the Telecommuting Employee shall:
 - i. Have the duty to communicate with their supervisor.
 - ii. Sign a Telecommuter's Agreement which may contain additional requirements.
 - e. Telecommuting does not need to be for the entire 40-hour work week. It can be used alongside a "flexible work schedule." In other words, a telecommuting employee may be required to come to the Chapter during certain parts of the work week.
 - f. Telecommuting is a privilege and is subject to termination at any time for any reason.

4. Flexible Work Schedules. Unless the Chapter has developed their own policy, Chapters may use: <http://www.dpm.navajo-nsn.gov/forms/Flexible%20Work%20Schedule.pdf>. Any alternative Chapter facility operation hours shall be clearly communicated to their community.

D. Elective Leave.

1. These Elective Leave Guidelines apply only to Chapter employees with leave benefits.
2. If the Chapter is safe to reopen but the employee believes it is unsafe to return to work. The employee will use their annual leave before approved leave without pay is applied.
3. If the employee refuses to return based on an "underlying health condition," the employee will be required to produce a doctor's statement to their supervisor. Such leave will be applied in the following order: sick leave, annual leave, family medical leave (if applicable), then approved leave without pay.
4. If the employee cannot return to work due to lack of childcare arising from distance learning required by their children's schools (including distance learning option), employees shall provide a written statement to their supervisor. Leave for this reason will be exhausted in the following order: annual leave, then approved leave without pay.

E. COVID-19 Leave

1. COVID-19 leave is only for Chapter employees who have been **deemed essential** by the Chapter Manager or by the Chapter CSC.
2. The Navajo Nation's COVID-19 leave policy applies to the Chapter CSC and AMS. These employees must follow the Navajo Nation's guidelines at: <http://www.dpm.navajo-nsn.gov/memos/Covid%20Leave%20Procedures%20and%20form%2008312020.pdf>
3. All other essential Chapter employees may request COVID-19 leave for:
 - a. Category A – When a family member has tested positive and requires assistance from the employee.
 - b. Category B – When the employee has tested positive for COVID-19.
 - c. Category C – When the employee has been exposed to COVID-19 or is experiencing symptoms of COVID-19.
4. Generally, requests must be submitted in writing except that if the employee is positive or having symptoms, their request shall be done via email.
 - a. For Category A, the employee must describe the assistance needed by the family member and why another person cannot provide that assistance;
 - b. For Categories A & B, the employee will need to submit official medical documentation or a

signed affidavit. Once submitted, the Supervisor must grant COVID-19 leave.

- c. For Category C, exposure means being within six feet of a positive person for more than 15 minutes. Please see Section II for "symptoms."
5. COVID-19 leave ends when the employee can show a negative test result. In any case, the maximum period for COVID-19 leave is 120 hours. Thereafter, the employee will need to use other leave benefits.
6. All documents relating to COVID-19 leave shall be kept confidential.

V. COVID-19 EXPOSURE AT THE CHAPTER

- A. If information is confirmed that a person has tested positive and he/she was within a Chapter facility, the following shall occur:
 1. Close off areas used by the person who is sick;
 2. Open outside doors and windows (use a fan to increase circulation);
 3. Close the facility if necessary;
 4. Wait twenty-four (24) hours before cleaning and disinfecting the closed off area;
 5. Areas not visited by the infected person only needs routine cleaning;
 6. Wear masks and disposable gloves to clean and disinfect;
 7. Vacuuming:
 - a. Do not vacuum while People are present (wait until the room/space is empty);
 - b. Use a vacuum equipped with a high-efficiency particular air (HEPA) filter or bag;
 - c. To clean "soft and porous" materials such as carpets, rugs, or drapes, use the approved list of recommended disinfectants referenced in Section VI(H)..
 - d. While vacuuming, temporarily turn off in-room, window-mounted, or on-wall recirculation HVAC units. However, do not deactivate the central HVAC system.
 8. Once the area has been disinfected, the area can be reopened.
 9. If the area has not been disinfected but it has been seven (7) days since the infected person was in that area, the area can be reopened after routine cleaning and disinfection.
 10. The Chapter may contact the Navajo Nation Facilities Maintenance Department but professional cleaning is generally not be required because the COVID-19 virus is airborne for only a limited time. Thus, it is generally safe for employees (who were not exposed) to return to the Chapter building after a twenty-four (24) hour period to begin cleaning and disinfecting the Chapter facility.

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



July 6, 2021

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

RE: CJN-36-21, *An Action Relating to an Emergency for the Navajo Nation Council; Repealing Resolutions Related to or Responding to Emergency or Extraordinary Enactments Pertaining to COVID-19 Mitigation and COVID-19 Pandemic Operational and Preparedness Procedures; Authorizing the Opening of All Navajo Nation Enterprises and Navajo-Owned Businesses to Navajo Citizens and Non-Navajo Tourists and Visitors; Authorizing In-Person Instruction at Schools Operating Within the Navajo Nation*

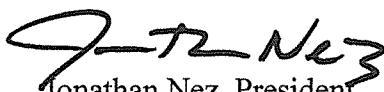
Dear Speaker Damon,


The health of the Navajo Nation has improved significantly over the past several months with more Navajos receiving the COVID-19 vaccines, daily mask wearing and using hand sanitizer, and being aware of our surroundings. Our health experts tell us the number of positive cases is on a downward trend, as well as hospitalizations for patients who have contracted the virus, and the number of deaths due to COVID is slowing. These signs of progress are due to the Navajo People's diligence and dedication to helping combat the pandemic; however, we are not completely free of this deadly virus.

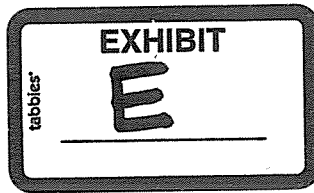
Each of us has a duty to protect not only ourselves but those around us if we are to keep the coronavirus from making another surge; we need to protect ourselves more so with COVID-19 variants now appearing on our Nation. We must rely on the advice of our health experts who keep a daily vigil on the condition of our People. While we cannot truly know the wellbeing of those around us, whether they are visitors, classmates, or community members, we can only care for our own and be cautious around others. Our Public Health Orders are for our own protection.

Thank you to the 24th Navajo Nation Council for taking this step forward in bringing the Navajo Nation one step closer in providing services, education, and helping our business owners. We appreciate Honorable Carl Slater for his vision and insight to address this special need. We previously committed to a gradual reopening of the Navajo Nation with the expert advice of the Health Command Operations Center and Public Health Orders, therefore, we sign CJN-36-21 into law.

Sincerely,


Jonathan Nez, President
THE NAVAJO NATION


Myron Lizer, Vice President
THE NAVAJO NATION



RESOLUTION OF THE
NAVAJO NATION COUNCIL
24th NAVAJO NATION COUNCIL - THIRD YEAR, 2021

AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, NAABIK'ÍYÁTI'
COMMITTEE, AND NAVAJO NATION COUNCIL; AMENDING CJN-36-21, SECTION
SIX, TO EXTEND THE DEADLINE FOR CHAPTERS TO RETURN TO THE TWENTY-
FIVE PERSON CHAPTER MEETING QUORUM REQUIREMENT

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 Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council with the authority and responsibility to hear and act on all resolutions that require final action by the Navajo Nation Council. 2 N.N.C. §§ 164(A)(9) and 700(A).
- C. The Resources and Development Committee is a standing committee of the Navajo Nation Council with oversight authority over chapter activities. 2 N.N.C. §§ 500(A) and (C).

SECTION TWO. FINDINGS

- A. The World Health Organization ("WHO") declared a Public Health Emergency of International Concern related to the outbreak of coronavirus ("COVID-19"), a highly contagious and sometimes fatal respiratory virus, on January 30, 2020; the U.S. Department of Health and Human Services declared a Public Health Emergency related to the COVID-19 outbreak on January 31, 2020; and the WHO declared a global pandemic due to COVID-19 on March 11, 2020.
- B. The Navajo Nation Commission on Emergency Management, with the concurrence of Navajo Nation President Jonathan Nez, declared a Public Health State of Emergency on the Navajo Nation on March 11, 2020, due to the COVID-19 outbreak. See Resolution No. CEM 20-03-11 incorporated herein by reference. The Navajo Nation Department of Health has subsequently issued numerous Public Health Emergency Orders. Public Health Orders 2020-001 through 2021-019 are incorporated herein by reference. These Public Health Emergency Orders are available at www.ndoh.navajo-nsn.gov.

- C. The coronavirus pandemic of 2019 has caused large scale infections and loss of life throughout the world, the United States and the Navajo Nation. As of September 14, 2021, the Navajo Nation Health Command Operations Center has confirmed 33,290 COVID-19 cases and 1,421 COVID-related deaths on the Navajo Nation.
- D. Since the start of the pandemic, the Navajo Nation Council and its Standing Committees responded to the emergency situation passing a record number of legislative acts to address the pandemic situation and offer relief to constituents and communities.
- E. Numerous factors show that the Navajo Nation was starting to recover from the devastating effect of the Coronavirus, including, but not limited to, more adults and children receiving the COVID-19 vaccine, reduced hospitalization of COVID-19 positive cases, and more negative test results for COVID-19.
- F. In response to the recovery, Navajo Nation Council enacted Resolution No. CJN-36-21 titled "AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; REPEALING RESOLUTIONS RELATED TO OR RESPONDING TO EMERGENCY OR EXTRAORDINARY ENACTMENTS' PERTAINING TO COVID-19 MITIGATION AND COVID-19 PANDEMIC OPERATIONAL AND PREPAREDNESS PROCEDURES; AUTHORIZING THE OPENING OF NAVAJO-OWNED BUSINESSES TO NAVAJO CITIZENS AND NON-NAVAJO TOURISTS AND VISITORS; AUTHORIZING IN-PERSON INSTRUCTION AT SCHOOLS OPERATING WITHIN THE NAVAJO NATION", attached as **Exhibit A**, which included that "[w]ithin ninety (90) days of enactment of this legislation [CJN-36-21], Chapter meeting quorum requirements shall return to a minimum of twenty-five persons unless otherwise authorized under RDCD-127-12." CJN-36-21, Section Six (B).
- G. COVID-19 variants have, however, emerged since the enactment of CJN-36-21 that threaten to continue and even increase the pandemic's assault on the Navajo People and the Navajo Nation may experience additional variant-based COVID-19 exposures and cases in the coming months.
- H. The Navajo Nation Council determines that it is in the best interest for the overall safety of the Navajo People to extend the deadline established by Navajo Nation Council Resolution No. CJN-36-21 for Chapters to return to the Chapter meeting twenty-five member quorum requirement.

SECTION THREE. AMENDING CJN-36-21, SECTION SIX

The Navajo Nation hereby amends CJN-36-21, Section Six, as follows:

SECTION SIX. ALLOWING CHAPTER TELECOMMUNICATIONS

- A. Navajo Nation Chapters shall comply with applicable Public Health Emergency Orders.
- B. Within ~~ninety (90)~~ one hundred eighty (180) days of enactment of this legislation, unless otherwise extended through resolution of the Naabik'íyáti' Committee, Chapter meeting quorum requirements shall return to a minimum of twenty-five persons unless otherwise authorized under RDCD-127-12.
- C. Chapter meetings shall comply with the Navajo Nation Local Governance Act.
- D. The Chapters may continue to use telephonic or other electronic means as a supplement to meet their ~~normal~~ quorum requirement.
- E. The Navajo Nation Council hereby support the continued use of the Chapter Return to Operations Plan, attached as Exhibit A, to guide Chapters in providing services to their communities in a safe manner.

SECTION FOUR. EFFECTIVE DATE

This Resolution is effective upon its approval pursuant to 2 N.N.C. §§ 1005(C)(10) - (12).

SECTION FIVE. SAVING CLAUSE

Should any provision of this legislation be determined invalid by the Navajo Nation Supreme Court, or a District Court of the Navajo Nation without appeal to the Navajo Nation Supreme Court, those portions of the legislation 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 02 Opposed, on this 30th day of September 2021.


Honorable Seth Damon, Speaker
24th Navajo Nation Council

Oct 5, 2021

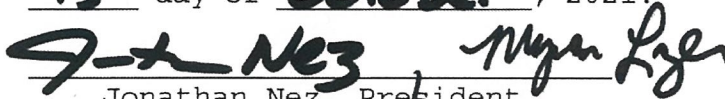
DATE

Motion: Honorable Daniel E. Tso
Second: Honorable Wilson C. Stewart, Jr.

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 15 day of October, 2021.


Jonathan Nez, President
Navajo Nation

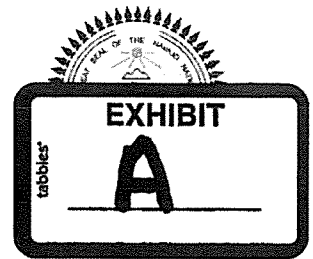
2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this _____ day of _____, 2021 for the reason(s) expressed in the attached letter to the Speaker.

Jonathan Nez, President
Navajo Nation

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

July 6, 2021



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

RE: CJN-36-21, *An Action Relating to an Emergency for the Navajo Nation Council; Repealing Resolutions Related to or Responding to Emergency or Extraordinary Enactments Pertaining to COVID-19 Mitigation and COVID-19 Pandemic Operational and Preparedness Procedures; Authorizing the Opening of All Navajo Nation Enterprises and Navajo-Owned Businesses to Navajo Citizens and Non-Navajo Tourists and Visitors; Authorizing In-Person Instruction at Schools Operating Within the Navajo Nation*

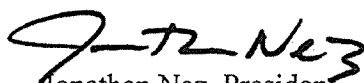
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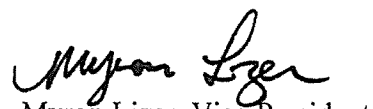
The health of the Navajo Nation has improved significantly over the past several months with more Navajos receiving the COVID-19 vaccines, daily mask wearing and using hand sanitizer, and being aware of our surroundings. Our health experts tell us the number of positive cases is on a downward trend, as well as hospitalizations for patients who have contracted the virus, and the number of deaths due to COVID is slowing. These signs of progress are due to the Navajo People's diligence and dedication to helping combat the pandemic; however, we are not completely free of this deadly virus.

Each of us has a duty to protect not only ourselves but those around us if we are to keep the coronavirus from making another surge; we need to protect ourselves more so with COVID-19 variants now appearing on our Nation. We must rely on the advice of our health experts who keep a daily vigil on the condition of our People. While we cannot truly know the wellbeing of those around us, whether they are visitors, classmates, or community members, we can only care for our own and be cautious around others. Our Public Health Orders are for our own protection.

Thank you to the 24th Navajo Nation Council for taking this step forward in bringing the Navajo Nation one step closer in providing services, education, and helping our business owners. We appreciate Honorable Carl Slater for his vision and insight to address this special need. We previously committed to a gradual reopening of the Navajo Nation with the expert advice of the Health Command Operations Center and Public Health Orders, therefore, we sign CJN-36-21 into law.

Sincerely,


Jonathan Nez, President
THE NAVAJO NATION


Myron Lizer, Vice President
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RESOLUTION OF THE
NAVAJO NATION COUNCIL
24th NAVAJO NATION COUNCIL - THIRD YEAR, 2021

AN ACTION

RELATING TO AN EMERGENCY FOR THE NAVAJO NATION; REPEALING RESOLUTIONS RELATED TO OR RESPONDING TO EMERGENCY OR EXTRAORDINARY ENACTMENTS PERTAINING TO COVID-19 MITIGATION AND COVID-19 PANDEMIC OPERATIONAL AND PREPAREDNESS PROCEDURES; AUTHORIZING THE OPENING OF ALL NAVAJO NATION ENTERPRISES AND NAVAJO-OWNED BUSINESSES TO NAVAJO CITIZENS AND NON-NAVAJO TOURISTS AND VISITORS; AUTHORIZING IN-PERSON INSTRUCTION AT SCHOOLS OPERATING WITHIN THE NAVAJO NATION

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. The entire Navajo Nation government, as a sovereign entity, provides essential, daily services to the Navajo public, business partners, and consumers and a delay or interruption of the essential services has an impact on the Navajo Nation's ability to operate government programs, generate revenue, and provide other necessary services; making immediate relief necessary by repealing certain enactments of the Navajo Nation Council.
- B. In March 2020, the Navajo Nation saw the COVID-19 Coronavirus begin its spread across Navajo communities; and more than a year later, as of June 24, 2021, COVID-19 has infected 30,974 individuals and caused 1,347 deaths on the Navajo Nation, while disrupting daily life and creating economic havoc.

- C. The Navajo Nation Council and Standing Committees responded to the emergency situation passing a record number of legislative acts to address the pandemic situation and offer relief to constituents and communities.
- D. The Navajo Department of Health and the Health Command Operations Center initiated a system to monitor the effects of the Coronavirus on the Navajo Nation while providing information on how to best prevent the spread of the Coronavirus and to protect the public and employees across the Navajo Nation.
- E. The Navajo Department of Health and the Health Command Operations Center, since March 2020, initiated several lockdowns for the Navajo Nation to prevent the spread of the Coronavirus, mandated mask/face coverings for all persons along with other safety measures to keep the public safe.
- F. In December of 2020, the Center for Disease Control and Prevention (CDC) authorized the emergency use of vaccines to combat the Coronavirus and through the Indian Health Services the vaccine was made available to Navajo citizens with 70% of adults receiving one of three vaccines available.
- G. Over the past several months, numerous factors show that the Navajo Nation is recovering from the devastating effect of the Coronavirus; factors such as, more adults and children receiving the COVID-19 vaccine, reduced hospitalization of COVID-19 positive cases, and more negative test results for COVID-19.
- H. For non-government entities and businesses on the Navajo Nation, the status shifted from Red with high restrictions on businesses to Orange with moderate restrictions and currently in Yellow with moderate-low restrictions on businesses.
- I. The Navajo Nation may experience additional COVID-19 cases with the introduction of new variants; however, the Navajo Nation's status is improving with the safe practices of all citizens and government employees.

SECTION THREE. REPEALING CERTAIN NAVAJO NATION COUNCIL RESOLUTIONS

The Navajo Nation, with its improving health conditions and upgraded safety status, will not require certain restrictions related to or responding to emergency challenges resulting from the COVID-19 pandemic; and repeals the following enactments, included herein by reference:

- A. CMA-08-20, An Action Relating to an Emergency; Approving Minimized Procedures for Accepting Donations During the COVID-19 Emergency Declaration; Temporarily Waiving Certain Provisions of 2 N.N.C. § 1010;
- B. CMA-09-20, An Action Relating to an Emergency; Temporarily Authorizing Reduced Chapter Meeting Quorum Requirements During the COVID-19 Emergency;
- C. NABIJN-26-20, An Action Relating to the Naabik'íyáti' Committee; Extending the Expiration of Navajo Nation Council Resolution No. CMA-09-20;
- D. 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;
- E. CMY-36-20, An Action Relating to Naabik'íyáti' and Navajo Nation Council; Overriding the Navajo Nation President's Veto of Navajo Nation Council Resolution CAP-19-20 [An Action Relating to an Emergency; Temporarily Suspending Title 26 Sections to Allow Chapter Meetings to be Held Telephonically or Through Video Conferencing; Temporarily Suspending Title 26 Sections and Clarifying Title 26 Sections to Authorize Chapters to Function to Meet the Needs of their Communities during the COVID-19 Health Crisis under the Three Person Quorum and the Executive Branch Closure of the Navajo Nation Government Offices and Related Entities, Executive Order No. 002-20];
- F. CJY-64-20, An Action Relating to an Emergency; Extending the Expiration of Navajo Nation Council Resolution No. CAP-19-20;
- G. CJY-66-20, An Action Relating to an Emergency; Approving Meetings Through Telecommunications for Chapter Subcommittees, Community Land Use Plan Planning Committees, Agency, Regional and District Councils, Chapters and Agency Veterans Organizations;
- H. CO-84-20, An Action Relating to an Emergency for the Navajo Nation; Opposing All In-Person Instruction at all Schools Intending to Reopen within the Navajo Nation Amidst COVID-19; Supporting the Navajo Nation Board of Education in Recommending Virtual Learning.

SECTION FOUR. AUTHORIZING THE OPENING OF NAVAJO NATION ENTERPRISES AND NAVAJO-OWNED BUSINESSES

All Navajo Nation enterprises and Navajo business owners may hereby open their businesses to Navajo citizens and non-Navajo tourists and visitors; and initiate or resume their business activities in compliance with COVID-19 safety protocols and applicable Public Health Orders.

SECTION FIVE. ALLOWING IN-PERSON INSTRUCTION AT SCHOOLS

All schools operating within the Navajo Nation that offer in-person instruction shall comply with the COVID-19 safety protocols established by the Navajo Board of Education and Department of Diné Education and applicable Public Health Orders.

SECTION SIX. ALLOWING CHAPTER TELECOMMUNICATIONS

- A. Navajo Nation Chapters shall comply with applicable Public Health Emergency Orders.
- B. Within ninety (90) days of enactment of this legislation, Chapter meeting quorum requirements shall return to a minimum of twenty-five persons unless otherwise authorized under RDCD-127-12.
- C. Chapter meetings shall comply with the Navajo Nation Local Governance Act.
- D. The Chapters may continue to use telephonic or other electronic means as a supplement to meet their normal quorum requirement.
- E. The Navajo Nation Council hereby supports the continued use of the Chapter Return to Operations Plan, attached as Exhibit A, to guide Chapters in providing services to their communities in a safe manner.

SECTION SEVEN. EFFECTIVE DATE

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

SECTION EIGHT. SAVING CLAUSE

Should any provision of this legislation be determined invalid by the Navajo Nation Supreme Court, or a District Court of the Navajo Nation without appeal to the Navajo Nation Supreme Court, those portions of the legislation 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 23 in Favor, and 00 Opposed, on this 25th day of June 2021.


Honorable Seth Damon, Speaker
24th Navajo Nation Council

06/28/2021

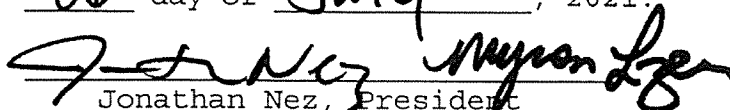
DATE

Motion: Honorable Vince R. James
Second: Honorable Eugenia Charles-Newton

Speaker Seth Damon not voting

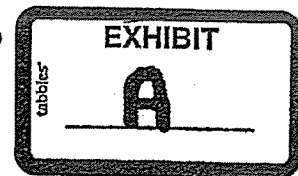
ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this 06 day of July, 2021.


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 _____, 2021 for the reason(s) expressed in the attached letter to the Speaker.

Jonathan Nez, President
Navajo Nation



Chapter Return to Operations Plan

(version 3/19/2021)

I. Introduction

Last year in March 2020, the Covid-19 Pandemic caused a limited governmental closure wherein the government was only providing "essential governmental services." In August 2020, there was a gradual reopening of the government whereby "non-essential governmental services" could resume. In November 2020, the government returned to a limited governmental closure status. In February 2021, the government "reopened" again. All the while, the Chapters have been providing essential governmental services to their communities.

The first Chapter Return to Operations Plan (also referred to as the "Chapter Reopening Plan") was created in August 2020 to assist Chapters in providing "non-essential governmental services" to their communities. This updated Plan continues to be designed to protect every Chapter employee, official, clients, customers, partners, visitors, and the communities that the Chapters serve.

This Plan is also meant to be as flexible as possible in light of ever-changing laws, regulations, and policies that continue to address this COVID-19 virus and pandemic. In other words, this Plan should be interpreted and applied as new developments and guidance are issued by the Navajo Department of Health (NDOH) and/or the Navajo Nation Health Command Operations Center (HCOC). The NDOH webpage for Covid-19 is a great resource for the most updated information for the Navajo Nation: <https://www.ndoh.navajo-nsn.gov/COVID-19>

II. COVID-19 Guidelines

The COVID-19 virus is transmitted through respiratory droplets. One way to describe respiratory droplets is that it is anything liquid in a person's body (i.e. spit, blood, tears, etc.). Whenever an infected person breathes, speaks, or coughs, droplets are released into the air and can land on another person or object. Personal Protective Equipment (PPE) and Social Distancing can reduce how far the virus can travel. No matter where the virus lands, personal hygiene, cleaning, and disinfection can kill the virus.

Most common symptoms of COVID-19 include fever, tiredness, dry cough, chills, aches and pains, headache, nasal congestion, runny nose, sore throat, loss of taste/smell, nausea/vomiting or diarrhea. By now we know that there are also "asymptomatic carriers" which is a person infected with the virus but is not showing any symptoms. Thus, a person can appear perfectly healthy but they could be carrying the

virus and can still infect others. Therefore, just because a person appears to be healthy, you cannot let your guard down.

The Covid-19 vaccines are extremely helpful but there are a lot of misconceptions. In particular, it is true that a person who is "fully vaccinated" can just as easily get infected with the Covid-19 virus as someone who is not vaccinated. However, the benefit of the vaccines are to help with symptoms. For example, a person receiving Pfizer is "fully vaccinated" when it has been two weeks (14 days) since receiving their second dose.¹ If he or she gets infected, there should be a 96% chance (efficacy rate²) that the person will not have any symptoms or will have mild symptoms. That also means that there is a 4% chance that the person could get very sick. Therefore, even if fully vaccinated, it is very important for Chapters and their communities to continue wearing masks, social distancing, maintaining personal hygiene, and cleaning/disinfecting areas.

A. Social Distancing

1. All persons shall remain six (6) feet apart from the next person. This may require reconfiguring work areas for Chapter staff. This may also include social distancing markers for the Public using tape and signs designating 6-feet of spacing.
2. Additional measures to consider:
 - a. Using Chapter Emergency Funds to install protective measures such as:
 - i. Plexiglas, clear plastic, half-doors, or other barriers providing a six feet distance.
 - ii. Improve the ventilation system of Chapter building(s).
 - b. Implement flexible work schedules for Chapter employees as mentioned in Section IV(D).
3. Social distancing also applies to all public gatherings which are currently limited to ten (10) persons. To be safe, Chapters shall ensure that all ten persons are fully vaccinated. Chapters shall not condone or encourage any other social activities to occur in any Chapter facility until the public gathering restrictions are lifted by the HCOC.

B. Personal Protective Equipment

1. Masks are required within all Chapter facilities. Studies have shown that without face coverings, the virus can easily travel beyond six feet. Therefore, masks are important. All masks should fit properly covering the nose and mouth. A loosely fitted mask, including one that only covers the mouth, will not be protective.

¹ Moderna is also a two dose vaccine and full vaccination is also two weeks from the second dose. The Johnson & Johnson vaccine is a single dose vaccine and fully vaccination is also two weeks from receiving their dose.

² Moderna's current efficacy rate is 94% and Johnson & Johnson's is 66%.

2. Face masks.

- a. Non-medical disposable masks *that fit well* are highly recommended.
- b. Properly made and properly fitted masks with a tightly woven fabric or cotton is also recommended. The more layers the better in order to capture the virus but the mask must also be breathable. Doubling up on masks is encouraged in light of the variant Covid-19 virus which is more contagious.
- c. Certain masks are not recommended for Chapter Officials/Staff such as single layer cloth masks; loose fabrics such as neck gaiters; bandanas; and masks with exhalation valves.
- d. Members of the Public are responsible for providing their own face masks. As such, Chapters cannot require the Public to wear the recommended masks. Thus, if a community member comes to the Chapter wearing a mask that is not recommended, Chapters should take extra safety measures when interacting with that person.
- e. When putting on or taking off masks, touch only the ear loops because the virus could be present on the fabric portion.
- f. Single use masks should only be used once. Reusable masks like cloth masks should be laundered after every use.
- g. Face shields shall not replace face masks. In other words, a Chapter Official/Staff wearing a face shield must also wear a recommended face mask.

3. Use of other Personal Protective Equipment (PPE) is discretionary.

C. Personal Hygiene

1. Frequent hand washing with soap and water for at least 20 seconds is required. If soap and water is unavailable, a hand sanitizer containing a minimum of sixty percent (60%) alcohol may be used.
2. Avoid touching your face, nose, eyes, and mouth after touching anything because infected droplets can enter your body through those areas.

D. Cleaning & Disinfection

1. Since droplets can land on surfaces, it is important to clean and disinfect any area that had a risk of exposure. Section VI(H) cites to a resource containing a list of EPA-approved cleaning products that Chapters can use for cleaning and disinfection. If EPA-approved cleaning products are unavailable, the Chapter can use the following concentration of water and bleach:
 - a. 4 teaspoons of bleach per quart of room temperature water; or
 - b. 5 tablespoons (1/3 cup) of bleach per gallon of room temperature water.
2. Avoid touching frequently touched surfaces or use a protective barrier such as a tissue when

touching those surfaces. Wash hands after touching such surfaces. Gloves can also transmit the virus and therefore gloves should also be for single use only. For leather work gloves, these can be washed with soap and water with the same technique as washing one's hands.

3. The person, employee, or official using any area of the Chapter building or Chapter vehicle/equipment shall be responsible for cleaning and disinfecting the area **before and after each use**. This includes tables, doorknobs, light switches, desks, handles, keyboards, computer mouse, toilets, faucets, sinks, steering wheel, door handles, gearshifts, and cell phones. This includes shared workstations which must be cleaned and disinfected between users. This is not meant to be a comprehensive list of items that needs to be cleaned and disinfected.
4. Develop a routine cleaning schedule. Certain areas such as those frequented by the Public (the Lobby), should have a more frequent cleaning schedule.
5. All nonessential amenities and communal areas that the Chapter cannot clean and disinfect on a frequent basis should remain closed to the public.
6. While there is a low risk of exposure for mail, the Chapter should disinfect mail.

III. Communication Guidelines

- A. Notices at Chapters help to Communicate with the Community.
 1. Chapters shall post signs that provides the contact information for the nearest healthcare facility.
 2. A sign shall be posted informing visitors that anyone not wearing a mask will not be permitted to enter the Chapter facility.
 3. A sign should also be posted to prohibit loitering, selling, and socializing.
 4. It may help to have Chapter Staff keep copies of the latest Navajo Nation Emergency Public Health Order which can be found at: <https://www.ndoh.navajo-nsn.gov/covid-19>.
- B. Client/Customer Appointments
 1. For Chapters and Clients with internet service:
 - a. Chapters should communicate updated information to their community and clients through the official Chapter website, email, or other forms of communication.
 - b. To the extent feasible, all meetings with staff, clients, and others should be conducted by Skype, Zoom, GoToMeeting, video, WebEx, telephone, or any other non-contact means.
 - c. As much as is possible, Chapters should take applications for assistance or services via on-line, e-mail, postal service, fax, or other non-contact means.
 2. For Chapters or Clients without internet service:
 - a. Any in-person meeting must be held with all safety measures in place (i.e., personal protective

- equipment, social distancing, personal hygiene, cleaning, and disinfection).
- b. Chapters with long lines of clients should consider scheduling appointments. Drive-thru service is also an option.
- 3. Chapters should continue to utilize the safety measures described in:
 - a. Emergency Navajo Nation Chapter Plan for Chapter Drive-up, Pick-up, and Delivery of Essential Services (March 25, 2020); and the
 - b. Emergency Navajo Nation Chapter Plan for Guidance on Burials, Community Cemeteries, Family Plot Burials and Related Services (April 16, 2020).
- 4. Chapters should provide a drop-box or make other suitable non-contact or limited contact arrangements for clients who lack internet access in order to return any required documents.
- 5. Chapters should consider purchasing Point-of-Sale systems to limit or reduce the exchange of cash.
- 6. Maintain a daily log or sign-in sheet of every visitor, including staff and officials. This may aid with contact tracing.

IV. Guidelines for Chapter Employees and Officials

- A. Every Chapter Employee and Official has a duty to protect themselves and the People whom they serve and therefore every person has a duty to implement these guidelines.
- B. COVID-19 Education and Information.
 - 1. There continues to be a great amount of misinformation and belief based on incorrect information.
 - 2. Chapter Officials and Chapter Employees owe a duty to their community to educate themselves and disseminate correct information about COVID-19 to their community based on reliable sources such as the NDOH, HCOC, or sources cited in Section VI herein.
 - 3. Facebook and other social media platforms are not reliable. Any information from these sources should be verified by reliable sources.
- C. Update contact information for all Chapter Staff and Officials (e.g., cell phone numbers, alternative phone numbers, mailing addresses, and email addresses). This information is necessary to communicate immediately for any important information. Be mindful of confidential information and as a reminder, all staff and officials are bound by the restrictions in the Navajo Nation Privacy and Access to Information Act, 2 N.N.C. §§81 *et. seq.*
- D. Telecommuting (Telework) and/or Flexible Work Schedules.
 - 1. Telecommuting is generally allowing staff to work from home or an alternative work site. This is nothing new as all personnel policies allow working from alternative work sites. However,

telecommuting may not be suitable for some Chapter positions and therefore Chapters are not obligated to create duties in order to allow their employees to telecommute. In fact, some Chapters and/or employees may suffer from infrastructure defects such as the lack of communication/internet services that may make telecommuting not an option.

2. The Chapter Manager/CSC should consult with the Chapter Officials in planning for telecommuting. Factors to consider:
 - a. Unless there is a closure or the Chapter implements an alternative schedule, telecommuting requires one of the following Chapter employees to be present at the Chapter from 8a-12p and 1p-5p, Monday-Friday.
 - i. Community Service Coordinator / Chapter Manager; or
 - ii. Account Maintenance Specialist / Administrative Assistant.
 - b. If Chapter office space is insufficient to allow staff to operate using the six feet distancing requirements and there is no other alternative, the Chapter should implement a combination of staggered work schedules and telecommuting to meet the social distancing requirements.
 - c. Plan for duties that can be done at an alternative work area. An alternative work area may include the employee's home, another office space, or another facility.
3. Telecommuting Policy and Procedures:
 - a. The Employee submits a request to their supervisor.
 - b. The Chapter Manager/CSC approves or denies the request.
 - c. If approved, the Chapter Manager/CSC shall:
 - i. Clearly define duties and define the duration of the telecommuting period;
 - ii. Complete an equipment checklist for any communication devices such as a cell phone, laptop, etc. However, the Chapter is not responsible for providing such equipment. The Chapter is also not responsible for any damage to any personal equipment used by the telecommuting employee.
 - d. If approved, the Telecommuting Employee shall:
 - i. Have the duty to communicate with their supervisor.
 - ii. Sign a Telecommuter's Agreement which may contain additional requirements.
 - e. Telecommuting does not need to be for the entire 40-hour work week. It can be used alongside a "flexible work schedule." In other words, a telecommuting employee may be required to come to the Chapter during certain parts of the work week.
 - f. Telecommuting is a privilege and is subject to termination at any time for any reason.

4. Flexible Work Schedules. Unless the Chapter has developed their own policy, Chapters may use: <http://www.dpm.navajo-nsn.gov/forms/Flexible%20Work%20Schedule.pdf>. Any alternative Chapter facility operation hours shall be clearly communicated to their community.

D. Elective Leave.

1. These Elective Leave Guidelines apply only to Chapter employees with leave benefits.
2. If the Chapter is safe to reopen but the employee believes it is unsafe to return to work. The employee will use their annual leave before approved leave without pay is applied.
3. If the employee refuses to return based on an "underlying health condition," the employee will be required to produce a doctor's statement to their supervisor. Such leave will be applied in the following order: sick leave, annual leave, family medical leave (if applicable), then approved leave without pay.
4. If the employee cannot return to work due to lack of childcare arising from distance learning required by their children's schools (including distance learning option), employees shall provide a written statement to their supervisor. Leave for this reason will be exhausted in the following order: annual leave, then approved leave without pay.

E. COVID-19 Leave

1. COVID-19 leave is only for Chapter employees who have been **deemed essential** by the Chapter Manager or by the Chapter CSC.
2. The Navajo Nation's COVID-19 leave policy applies to the Chapter CSC and AMS. These employees must follow the Navajo Nation's guidelines at: <http://www.dpm.navajo-nsn.gov/memos/Covid%20Leave%20Procedures%20and%20form%2008312020.pdf>
3. All other essential Chapter employees may request COVID-19 leave for:
 - a. Category A – When a family member has tested positive and requires assistance from the employee.
 - b. Category B – When the employee has tested positive for COVID-19.
 - c. Category C – When the employee has been exposed to COVID-19 or is experiencing symptoms of COVID-19.
4. Generally, requests must be submitted in writing except that if the employee is positive or having symptoms, their request shall be done via email.
 - a. For Category A, the employee must describe the assistance needed by the family member and why another person cannot provide that assistance;
 - b. For Categories A & B, the employee will need to submit official medical documentation or a

signed affidavit. Once submitted, the Supervisor must grant COVID-19 leave.

- c. For Category C, exposure means being within six feet of a positive person for more than 15 minutes. Please see Section II for "symptoms."
5. COVID-19 leave ends when the employee can show a negative test result. In any case, the maximum period for COVID-19 leave is 120 hours. Thereafter, the employee will need to use other leave benefits.
6. All documents relating to COVID-19 leave shall be kept confidential.

V. COVID-19 EXPOSURE AT THE CHAPTER

- A. If information is confirmed that a person has tested positive and he/she was within a Chapter facility, the following shall occur:
 1. Close off areas used by the person who is sick;
 2. Open outside doors and windows (use a fan to increase circulation);
 3. Close the facility if necessary;
 4. Wait twenty-four (24) hours before cleaning and disinfecting the closed off area;
 5. Areas not visited by the infected person only needs routine cleaning;
 6. Wear masks and disposable gloves to clean and disinfect;
 7. Vacuuming:
 - a. Do not vacuum while People are present (wait until the room/space is empty);
 - b. Use a vacuum equipped with a high-efficiency particulate air (HEPA) filter or bag;
 - c. To clean "soft and porous" materials such as carpets, rugs, or drapes, use the approved list of recommended disinfectants referenced in Section VI(H)..
 - d. While vacuuming, temporarily turn off in-room, window-mounted, or on-wall recirculation HVAC units. However, do not deactivate the central HVAC system.
 8. Once the area has been disinfected, the area can be reopened.
 9. If the area has not been disinfected but it has been seven (7) days since the infected person was in that area, the area can be reopened after routine cleaning and disinfection.
 10. The Chapter may contact the Navajo Nation Facilities Maintenance Department but professional cleaning is generally not be required because the COVID-19 virus is airborne for only a limited time. Thus, it is generally safe for employees (who were not exposed) to return to the Chapter building after a twenty-four (24) hour period to begin cleaning and disinfecting the Chapter facility.

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



October 15, 2021

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

RE: CS-50-21, *An Action Relating to Resources and Development Committee, Naabik'iyati' Committee and Navajo Nation Council; Amending CJN-36-21, Section Six, to extend the deadline for Chapters to return to the twenty-five person Chapter Meeting Quorum Requirement*

Dear Speaker Damon,

For the past 20 months our Navajo People have stayed strong in the fight against the coronavirus. Our vaccination rate is one of the highest in the nation but we must remain cautious and be aware of our surroundings. Our Chapters have maintained services as best they could during this pandemic and we must support their continued efforts. We appreciate the Navajo Chapter Officials for stepping up to be the support for their communities; we know it is difficult to keep moving forward and we are here to support the Chapters along the way.

Thank you to Delegate Carl Slater for his awareness in extending a deadline for the Chapters but more important, helping ensure the safety and protection of our community leaders. Working together we can keep our communities a safe place for our elders, our working families, and our students.

We sign CS-50-21 into law.

Sincerely,

A handwritten signature in black ink, appearing to read "J-Nez" followed by a stylized flourish.

Jonathan Nez, President
THE NAVAJO NATION

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

Myron Lizer, Vice President
THE NAVAJO NATION

NAVAJO NATION

941

1/7/2022

Navajo Nation Council Special Session

02:53:20 PM

Amd# to Amd#	Legislation 0268-21: Authorizing	PASSED
MOT Yazzie	Chapters to Continue to Conduct	
SEC Halona, P	Official Business Through a	
	Quorum of Three (3) Registered..	

Yeas : 22

Nays : 1

Excused : 0

Not Voting : 0

Yea : 22

Begay, E	Freeland, M	Smith	Tso, E
Begay, K	Halona, P	Stewart, W	Walker, T
Begay, P	Henio, J	Tso	Wauneka, E
Brown	James, V	Tso, C	Yazzie
Crotty	Nez, R	Tso, D	Yellowhair
Daniels	Slater, C		

Nay : 1

Charles-Newton

Excused : 0

Not Voting : 0

Presiding Speaker: Damon