

# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



May 2, 2020

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

RE: CAP-28-20, *An Action Relating to an Emergency for the Navajo Nation; Temporarily Authorizing and Approving Attendance at Farm Board, Land Board, and District Grazing Committee meetings through telecommunication methods*

Dear Speaker Damon,

Pursuant to the authority vested in the Navajo Nation President, I veto CAP-28-20.

We reiterate our previous message: *"Emergency legislation for temporary suspension or waivers of [our Code] does not meet the requirements of Navajo law through a consent agenda vote. This continued practice by the Navajo Nation Council will only lead to objections and delays while we try to move or carry out government functions during this pandemic crisis. We will continue to urge skillful and well-meaning Delegates to urge restraint from reactionary procedures and follow the proper methods in addressing legislation. We cannot afford to not follow the law. We cannot continue down the slippery slope of temporary suspensions, in reality waivers, and we will not continue affirming such measures."* We cannot say this enough.

We acknowledge the repeated thread from the comments we received on this matter which is, "I strongly oppose approving this resolution because we have unsettled issues with NPL grazing permit re-issuance." Our People have unresolved issues and allowing a telephonic meeting for these boards and committees is a disservice to our People. Without a debate, our People have no information on the need for approving telephone or video conferencing meetings and this method of meeting may shut out our People from discussions that affect their daily lives.

We will not support CAP-28-20.

Sincerely,

  
Jonathan Nez, President  
THE NAVAJO NATION

  
Myron Lizer, Vice President  
THE NAVAJO NATION

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

AN ACTION

RELATING TO AN EMERGENCY FOR THE NAVAJO NATION; TEMPORARILY  
AUTHORIZING AND APPROVING ATTENDANCE AT FARM BOARD, LAND BOARD,  
AND DISTRICT GRAZING COMMITTEE MEETINGS THROUGH TELECOMMUNICATION  
METHODS

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): "Matters constituting an emergency shall be limited to the cessation of law enforcement services, disaster relief services, fire protection services or other direct services required as an entitlement under the 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."
- C. Ensuring the health and safety of all residents and employees and officials within the Navajo Nation is an inherent attribute of sovereignty.

**SECTION TWO. FINDINGS**

- A. The novel coronavirus ("COVID-19") has caused a global pandemic and has severely impacted the Navajo Nation. As of April 15, 2020, the Navajo Nation has reported 921 cases of COVID-19 and 38 virus-related deaths.
- B. The Navajo Nation Commission on Emergency Management, with the concurrence of the President and Vice President of the Navajo Nation, approved Resolution CEM-20-03-11, "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," dated March 11, 2020. Resolution CEM-20-03-11 is incorporated by reference into this Resolution.



- C. In an effort to reduce the spread of COVID-19 the President of the Navajo Nation extended the previously declared State of Emergency on the Navajo Nation and required government offices remain closed through April 26, 2020 in Executive Order 002-20. Executive Order 002-20 is incorporated by reference into this Resolution.
- D. The Navajo Nation Department of Health has issued a Public Health Emergency Order (2020-003) requiring Navajo Nation residents stay at home to mitigate the risk of spreading COVID-19 and to preserve the health and safety of all individuals residing on the Navajo Nation. Public Health Emergency Order No. 2020-003 is incorporated by reference into this Resolution.
- E. The Navajo Nation Department of Health also issued a Public Health Emergency Order (2020-004) extending the Stay at Home Order and implementing a curfew from 8:00 p.m. through 5:00 a.m. for Navajo Nation residents. Public Health Emergency Order No. 2020-004 is incorporated by reference into this Resolution.
- F. In order to continue to reduce the spread of COVID-19 and to protect community members, employees and officials of the Navajo Nation, the safest and best course of action is to use telecommunication methods such as teleconference calls and videoing instead of in-person attendance at meetings.
- G. Meetings attended by telecommunication methods shall be eligible for stipend reimbursement provided the provisions in Section 3, Paragraphs B and C, of this Resolution are followed.

**SECTION THREE. TEMPORARILY AUTHORIZING AND APPROVING FARM BOARDS, LAND BOARDS, AND DISTRICT GRAZING COMMITTEES TO HOLD MEETINGS THROUGH TELECOMMUNICATION METHODS**

- A. The Navajo Nation Council hereby authorizes and approves Navajo Nation Farm Boards, Land Boards, and District Grazing Committees to conduct their meetings through telecommunication methods such as teleconference calls and video conferencing.
- B. Navajo Nation Farm Boards, Land Boards, and District Grazing Committee meetings held through telecommunication methods shall be conducted pursuant to procedures instituted by the Chairperson or President of the Board in accordance with the controlling plan of operation or enabling legislation. Additionally, the Chairperson or President of the Board or Committee shall ensure the meetings are recorded and shall ensure a document is prepared indicating roll call was taken and who was in attendance.


- C. Navajo Nation Farm Board, Land Board, and District Grazing Committee members and officials attending Board and Committee meetings by telecommunication methods shall be eligible for stipend reimbursement provided all the procedural requirements outlined by the Navajo Nation Department of Agriculture and Office of Controller for reimbursement are complied with.

**SECTION FOUR. EFFECTIVE DATE; DURATION**

- A. This Action shall become effective in accordance with 2 N.N.C. § 221(B).
- B. This Action shall remain effective until the Navajo Nation Department of Agricultural has returned to operation pursuant to the recession of the Declaration of State of Emergency or by other proclamation of the Navajo Nation President.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the 24<sup>th</sup> Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 21 in Favor, and 00 Opposed, on this 17<sup>th</sup> day of April 2020.

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

April 22, 2020  
DATE

Motion: Honorable Paul Begay  
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 \_\_\_\_\_ 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 2nd day of May, 2020 for the reason(s) expressed in the attached letter to the Speaker.

   
Jonathan Nez, President  
Navajo Nation

# NAVAJO NATION

292

4/17/2020

Navajo Nation Council Special Session

03:24:33 PM

Amd# to Amd#	Consent Agenda	PASSED
MOT Begay, P	Legislation 0086-20, Legislation	
SEC Halona, P	0093-20 and Legislation 0094-20	

Yeas : 21

Nays : 0

Excused : 0

Not Voting : 2

Yea : 21

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

Nay : 0

Excused : 0

Not Voting : 2

Crotty	Tso, C
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Presiding Speaker: Damon