

# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

August 10, 2020

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

RE: 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*

Dear Speaker Damon,

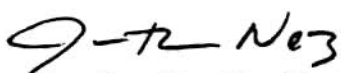
Pursuant to the authority vested in the Navajo Nation President, I am approving CJY-66-20.

As we mentioned in CJY-64-20, we believe that transparency must be provided at all levels of government and while we deal with the coronavirus we must be more diligent to provide access to decisions made by all committees, subcommittees, and councils within the Navajo Nation. We trust all committees and councils have procedures and protocols in place to allow notification to the public of meetings, participation from the public, to hear the needs of the community, and to ensure accountability. We are at a point to know our technological capabilities and how to accommodate access to public meetings. Following the health guidelines, we can ensure safe participation in meetings for members and the public. This ensures transparency at all times.

As an added note, with the technology available perhaps it is time to reconsider the quorum requirements for Chapter meetings and other local community meetings. The change to lower the quorum to three officials could now revert to a larger quorum as more community members have access to meetings via technology. We suggest the Council consider such change.

With the emergency nature of the resolution, we continue to be concerned about the use of the emergency legislative procedure and urge Council members to validate the nature of the emergency to avoid issues down the road. Emergency legislation is not a method to address an issue for the sake of expediency. We will continue to raise the issue of following the purpose of emergency legislation and how it fits with the law.

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; APPROVING MEETINGS THROUGH  
TELECOMMUNICATIONS FOR CHAPTER SUBCOMMITTEES, COMMUNITY LAND USE  
PLANNING COMMITTEES, AGENCY, REGIONAL AND DISTRICT COUNCILS,  
CHAPTERS AND AGENCY VETERANS ORGANIZATIONS

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. 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."
- C. This matter constitutes an emergency for the Navajo Nation because despite the novel coronavirus ("COVID-19") pandemic, Chapter subcommittees, Community Land Use Planning Committees, and Agency, Regional and District Councils of the Navajo Nation must continue to conduct business while maintaining the appropriate physical distancing. The ability to continue governmental operations is an inherent attribute of the Navajo Nation's sovereignty.

SECTION TWO. FINDINGS

- A. COVID-19 is a dangerous and extremely contagious respiratory virus. The virus is pandemic and has reached the Navajo Nation. COVID-19 is spreading at an alarming rate within the Navajo Nation; as of July 15, 2020, the Navajo Nation has reported 8,370 cases of COVID-19 and 406 related deaths.
- B. The World Health Organization declared a Public Health Emergency of International Concern on January 30, 2020; the United States Department of Health and Human Services declared



a Public Health Emergency related to the COVID-19 outbreak on January 31, 2020; and the World Health Organization officially declared a pandemic due to COVID-19 on March 11, 2020.

- C. On March 11, 2020, the Navajo Nation Commission on Emergency Management, with the concurrence of the Navajo Nation President and Vice President, declared a Public Health State of Emergency on the Navajo Nation due to the presence of COVID-19 in areas surrounding the Navajo Nation. Resolution No. CEM 20-03-11. The President and Commission have issued other Public Health Emergency Orders: including: Order No. 2020-001 dated March 18, 2020 (declaring the outbreak of COVID-19 and limiting mass gatherings); Order No. 2020-002 dated March 19, 2020 (quarantining the Chilchinbeto Community); Order No. 2020-003 dated March 20, 2020 (ordering individuals living on the Navajo Nation to stay home and shelter in place except for essential activities, prohibiting visitors to the Navajo Nation, and closing all businesses on the Navajo Nation except essential businesses); Order No. 2020-004 dated March 29, 2020 (implementing a daily curfew from 8:00 p.m. to 5:00 a.m. for all Navajo Nation residents, extending the shelter in place order, and further limiting public gatherings); Order No. 2020-005 dated April 5, 2020 (implementing a 57-hour weekend curfew on April 10-13); Order No. 2020-006 dated April 16, 2020 (extending the weekend curfew for April 17-20 and April 24-27, and closing Navajo Nation essential businesses during curfew hours); Order No. 2020-007 (requiring face masks in public); and Order No. 2020-008 dated April 29, 2020 (extending the weekend curfew to May 11 ). The Navajo Nation Office of the President and Vice President issued Executive Order 002-20 on March 31, 2020 (closing all Navajo Nation offices except essential personnel through April 21); and Executive Order 003-20 on April 21, 2020 (extending the closure order to May 17, 2020).
- D. There likely will be other orders issued as the risks of the spread of COVID-19 continues.
- E. The Chapter subcommittees, Community Land Use Planning Committees, and Agency, Regional and District Councils, Chapters and Agency Veterans Organizations should be authorized to meet telephonically to effectively address issues including how to prepare for and manage resources under the Navajo Nation CARES Fund. Supporting resolution of the Commission on Navajo Government Development is attached as **Exhibit A**.

- F. It is in the best interests of the Navajo Nation that Chapter subcommittees, Community Land Use Planning Committees, and Agency, Regional and District Councils, Chapters and Agency Veterans Organizations be allowed, or otherwise ordered to conduct all meetings through telecommunications methods.

**SECTION THREE. APPROVING MEETINGS BY TELECOMMUNICATIONS METHODS FOR CHAPTER SUBCOMMITTEES, COMMUNITY LAND USE PLANNING COMMITTEES, AND AGENCY, REGIONAL AND DISTRICT COUNCILS, CHAPTERS AND AGENCY VETERANS ORGANIZATIONS**

- A. Until the COVID-19 Declaration of Emergency is lifted, or unless the Navajo Nation Council determines otherwise, the Navajo Nation hereby approves telecommunications methods for the conduct of meetings for Chapter subcommittees, Community Land Use Planning Committees, and Agency, Regional and District Councils, Chapters and Agency Veterans Organizations
- B. The Navajo Nation 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. The Navajo Nation Council hereby further acknowledges that the Chapter are to abide by 26 N.N.C § 1001 (B)(1)(m) which require chapter officials to "[w]ork closely with council members, chapter elected officials, committees and other concerned groups or agencies." The chapter officials, therefore, are reminded of the 26 N.N.C. § 1001 (B)(1)(m) requirements.
- C. The stipends that are provided for in-person meetings with regard to Chapter subcommittees, Community Land Use Planning Committees, and Agency, Regional and District Councils and Veterans Agency meetings are to apply to teleconference meetings.

**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 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 22 in Favor, and 00 Opposed, on this 30<sup>th</sup> day of July 2020.

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

8/7/2020  
DATE

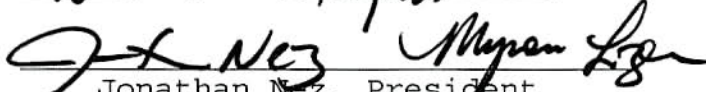
Motion: Honorable Eugene Tso  
Second: Honorable Pernell Halona

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 10<sup>th</sup> 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.

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Jonathan Nez, President  
Navajo Nation



**RESOLUTION OF THE  
COMMISSION ON NAVAJO GOVERNMENT DEVELOPMENT**

AN ACTION TO RECOMMEND TO THE 24<sup>TH</sup> NAVAJO NATION COUNCIL TO ALLOW FOR NAVAJO NATION CHAPTERS' SUBCOMMITTEES, COMMUNITY LAND USE PLANNING COMMITTEES, AND TO INCLUDE AGENCIES, DISTRICTS, AND REGIONAL COUNCILS TO TELEPHONICALLY CONDUCT MEETINGS FOR THE PURPOSE OF PLANNING FOR THE CARES ACT FUNDING PROJECTS AS LONG AS CAP-19-20 IS IN EFFECT.

**WHEREAS:**

1. Pursuant to CD-68-89, the Navajo Nation Council established the Commission on Navajo Government Development (Commission) and the Office of the Navajo Government Development (ONGD) with the quasi-independent authority to accomplish the Navajo Nation Council's project of instituting reforms necessary to ensure an accountable and responsible government; and
2. Pursuant to 2 N.N.C § 971 (A), The Commission shall review, "goals and objectives of the central government as it relates to Chapters, and local communities and the relationship of Chapters and local communities and the relationship of Chapters and local communities to the central government."; and
3. The Navajo Nation President issued Executive Order 001-20 declaring a state of emergency on the Navajo Nation due to the COVID-19 pandemic on March 13, 2020; and
4. 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 pandemic and ordered the closure of Navajo Nation government offices and related entities; and
5. The 24<sup>th</sup> Navajo Nation Council passed Resolution No. CAP-19-20 on April 10, 2020 to allow for Chapters to conduct meetings telephonically along with other chapter functions in order to meet the needs of Chapter communities during the COVID-19 health crisis. CAP-19-20 was vetoed but ultimately reaffirmed by Council override on May 15, 2020 through Resolution No. CMY-36-20; and
6. The Navajo Nation Council passed the Navajo Nation CARES fund act on May 25, 2020 through Resolution No. CMY-44-20 which manages federal aid money awarded to the Navajo Nation in order to address the COVID-19 health emergency on the Navajo Nation; and
7. The Commission recognizes that the funding governed by the Navajo Nation CARES Fund act must be carefully managed in a timely manner and will involve the assistance and participation of Chapters and local communities; and

8. Chapters rely on their community resources such as Community Land Use Planning Committees and other subcommittees to effectively address issues at the local level; and
9. Chapters collaborate with their peers who organize as districts and agencies to address issues at the local and regional levels; and
10. The Commission recognizes that Chapter subcommittees, agencies, and districts must be authorized to meet telephonically to effectively prepare for and manage resources under the Navajo Nation CARES fund act.

**NOW THEREFORE IT BE RESOLVED THAT:**

1. The Commission on Navajo Government Development hereby recommends that the 24<sup>th</sup> Navajo Nation Council allow for Navajo Nation Chapters' subcommittees, community land use planning committees, Chapter agencies, Chapter districts, and regional councils to telephonically conduct meetings for the purpose of planning for the cares act funding projects as long as CAP-19-20 is in effect.

**CERTIFICATION**

I, hereby certify that the foregoing resolution was duly considered by the Commission on Navajo Government Development at a duly called meeting (teleconference) in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that same was passed by a vote of 8 in favor, 0 opposed, and 1 abstained, this 19<sup>th</sup> day of June 2020.



Shawnevan Dale, Pro Tem Chairperson  
Commission on Navajo Government Development

Motion: Kenneth Maryboy

Second: Crystal Jane Cree



# NAVAJO NATION

421

7/30/2020

Navajo Nation Council Special Session

02:41:23 PM

Amd# to Amd#	Legislation 0163-20: Approving	PASSED
MOT Tso, E	Meetings Through Telecommunica-	
SEC Halona, P	tions for Chapter Subcommittees,	
	CLUPC, Agency, Regional...	

Yeas : 22

Nays : 0

Excused : 1

Not Voting : 0

Yea : 22

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

Nay : 0

Excused : 1

Yazzie

Not Voting : 0

Presiding Speaker: Damon