

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-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*

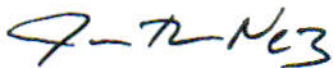
Dear Speaker Damon,

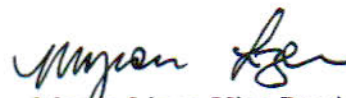
Pursuant to the authority vested in the Navajo Nation President, I am signing CMA-08-20 into law.

With the state of emergency for public health purposes it is a blessing that our Navajo Nation enterprises step up to help our people, their relatives, with a donation. We could anticipate more donations coming to the Navajo Nation to help those in need. To make sure these donations are timely accepted and put to good use I agree there should be steps taken at this time to address the process. This is an unprecedented time for the Navajo Nation and in normal circumstance I would be concerned about the waiver by the Navajo Nation Council of the authority of the Office of the President and Vice President; however, I must keep in mind the needs of our People. For this reason, I am signing CMA-08-20 into law with its limited application during this emergency period.

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

Sincerely,


Jonathan Nez, President
THE NAVAJO NATION


Myron Lizer, Vice President
THE NAVAJO NATION

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

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

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).
- B. The Navajo Nation Council has the authority to direct where additional revenues are deposited. Pursuant to 12 N.N.C. § 820 (K), "[f]unds received in excess of the initial or current revenue projection shall be deposited into the General Fund Unreserved, Undesignated Fund balance unless otherwise designated by the Navajo Nation Council."
- C. The President of the Navajo Nation shall, for and on behalf of the Navajo Nation, accept or decline gifts of property, provided, that any such acceptance or refusal of a gift of an estimated value in excess of one thousand dollars (\$1,000) shall be with the concurrence of the Naabik'iyáti' Committee [formerly Government Services Committee]. 2 N.N.C. § 1010.
- D. 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 virus, as well as the emergency services required to mitigate its effects, there is a great need to expedite access to all available resources, financial and otherwise, to address the

health and safety of the Navajo people and their communities during the pandemic emergency.

- B. Under 2 N.N.C. § 1010, the Navajo Nation cannot spend donated funds or use donated property with an estimated value in excess of one thousand dollars (\$1,000) until the donation has been accepted by the President and concurred to by the Naabik'íyáti' Committee.
- C. Temporarily shortening the times and steps necessary for the Nation to accept a monetary or property donation is a reasonable approach to providing the Nation expedited access to resources, financial and otherwise, to address the health and safety of the Navajo people and their communities during the pandemic emergency.

SECTION THREE. TEMPORARILY WAIVING 2 N.N.C. § 1010

The Navajo Nation hereby temporarily replaces 2 N.N.C. § 1010's reference to the Naabik'íyáti' Committee with Speaker of the Navajo Nation Council and temporarily waives 2 N.N.C. § 1010's requirement that the Naabik'íyáti' Committee concur with the President's acceptance or refusal of a gift of an estimated value in excess of one thousand dollars (\$1,000)

SECTION FOUR. APPROVING TEMPORARY PROCEDURES TO ACCEPT DONATIONS

- A. The Navajo Nation Council hereby authorizes the Speaker to act alone, without resolution, on behalf of the Naabik'íyáti' Committee to concur with the President's acceptance or refusal of a gift to the Navajo Nation with an estimated value in excess of one thousand dollars (\$1,000) pursuant to 2 N.N.C. § 1010.
- B. The Controller is hereby required to notify the President and Speaker of any financial donation made by a donor who owes money to the Navajo Nation; if the donor is in arrears as to the money owed to the Nation, the Controller shall apply the donated funds to clear the arrears before depositing the donated funds into the General Fund Unreserved, Undesignated Fund balance pursuant to 12 N.N.C. § 820 (K).

SECTION FIVE. EFFECTIVE DATE

The provisions of this Action shall become effective in accord with 2 N.N.C. § 221 (B) and shall expire when the Declaration of Emergency is lifted.

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

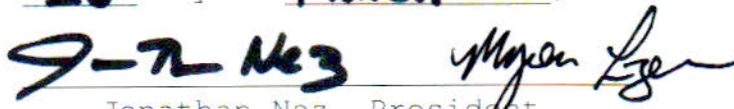
DATE

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

24th Navajo Nation Council

#05

Special Session

Date: Friday, March 20, 2020Consent: Legislation 0062-20, 0064-20, 0065-20, 0060-20 + 0061-20Motion: Hon. Raymond Smith, Jr.Second: Hon. Pernell Halona

	Delegates	Yea	Nay	Excused
1	Elmer Begay	✓		
2	Kee Allen Begay, Jr.	✓		
3	Paul Begay, Jr.	✓		
4	Nathaniel Brown	✓-T		
5	Eugenia Charles-Newton	✓-T		
6	Herman Daniels	✓		
7	Seth Damon			
8	Amber Kanazbah Crotty	✓-T		
9	Mark Freeland	✓		
10	Pernell Halona	✓		
11	Jamie Henio			
12	Vince James	✓		
13	Rickie Nez	✓		
14	Carl Slater	✓		
15	Raymond Smith, Jr.	✓		
16	Wilson Stewart, Jr.	✓-T		
17	Charlaine Tso	✓		
18	Daniel Tso	✓		
19	Eugene Tso	✓		
20	Otto Tso	✓		
21	Thomas Walker, Jr.	✓		
22	Edison Wauneka	✓		
23	Edmund Yazzie	✓-T		
24	Jimmy Yellowhair	✓		
Total:		22	0	

T-Telephonic

CERTIFICATION:


Honorable Seth Damon

24th Navajo Nation Council Speaker