24th NAVAJO NATION COUNCIL
LEGISLATION SPONSORSHIP WITHDRAWAL

I, Thomas Walker Jr., Primary Sponsor of proposed legislation hereby withdraw my sponsorship of the proposed legislation. The legislation tracking number is 0134-20.

If there are any co-sponsors, they may re-sponsor the same bill by beginning a new legislation.

SPONSOR SIGNATURE: Thomas Walker, Jr.

DATE: June 25, 2020

Office of Legislative Services • Post Office Box 3390 • Window Rock, AZ 86515
(928) 871-6380 / 7254 • Fax (928) 871-7259

LEGISLATIVE SUMMARY SHEET

Tracking No. 0134-20

DATE: June 15, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL; OVERRIDING THE NAVAJO NATION PRESIDENT'S VETO OF NAVAJO NATION COUNCIL RESOLUTION CAP-30-20

PURPOSE OF RESOLUTION: This resolution, if approved, overrides the Navajo Nation President's veto of Navajo Nation Council Resolution CAP-30-20.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: 4:55pm 06-15-20
Posting End Date: 06-20-20
Eligible for Action: 06-21-20

Naabik'íyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL -- Second Year, 2020

INTRODUCED BY

_____

(Sponsor)

TRACKING NO. 0134-20

AN ACTION

RELATING TO NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL; OVERRIDING THE NAVAJO NATION PRESIDENT'S VETO OF NAVAJO NATION COUNCIL RESOLUTION CAP-30-20

BE IT ENACTED:

Section One. Authority

A. All resolutions enacting new law or amending existing laws are subject to veto by the President of the Navajo Nation pursuant to 2 N.N.C. § 1005(C)(10) and (11) and override by the Navajo Nation Council. 2 N.N.C. § 164(A)(17).

B. A vetoed resolution shall first be submitted to Naabik'íyáti' Committee before consideration by the Council. 2 N.N.C. § 164 (A)(17).

C. Veto legislation passed by the Navajo Nation Council [is] subject to an override of the veto by two-thirds (2/3) vote of the membership of the Navajo Nation Council. 2 N.N.C. § 1005(C)(11).

Section Two. Findings

A. The Navajo Nation Council on April 20, 2020 approved resolution number CAP-30-20 entitled "An Action Relating to an Emergency; Requiring Businesses on the Navajo Nation to require wearing of masks or face covering while in the place of business." .

B. The Navajo Nation President vetoed CAP-30-20 on April May 2, 2020. Attached as Exhibit A is his memorandum supporting his decision to veto the resolution of the Council.

C. Resolution CAP-30-20 contains a typographical error. At Section Four, paragraph D, the reference to "16 N.N.C. § 1601 *et seq*." should be "2 N.N.C. § 1601 *et seq*."

Section Three. Override

The Navajo Nation Council hereby overrides the Navajo Nation President's veto of Resolution CAP-30-20.

Section Four. Directive to Office of Legislative Services

The Office of Legislative Services, as an administrative matter, shall correct the typographical error appearing in CAP-30-20 as identified in findings herein.

THE NAVAJO NATION

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-30-20, *An Action Relating to an Emergency; Requiring Businesses on the Navajo Nation to require wearing of masks or face covering while in the place of business*

Dear Speaker Damon,

Pursuant to the authority vested in the Navajo Nation President, I veto CAP-30-20.

Our Navajo Nation essential personnel are working day and night to protect our People. The Health Command Operations Center issued Public Health Emergency Order No. 2020-007, Mandating Use of Masks in Public Due to COVID-19, on April 17, 2020. This order requires all persons who are 2 years old and older to wear masks while in public. This order, combined with other Public Health Orders, cover every person on the Navajo Nation and every business on the Navajo Nation. All Public Health Orders are coordinated with our health providers, law enforcement, and our Nation's prosecutors.

We appreciate the support of the Navajo Nation Council to protect our People but we must also ensure our laws are passed appropriately. Resolutions are law once signed by the President so the resolutions must be clear and concise. A resolution that contains one flaw could impact the entire resolution. So we cannot approve CAP-30-20 with reference to the incorrect statute concerning civil enforcement provisions.

For these reasons we cannot support CAP-30-20.

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; REQUIRING BUSINESSES ON THE NAVAJO NATION TO REQUIRE WEARING OF MASKS OR FACE COVERING WHILE IN THE PLACE OF BUSINESS

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."

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. The March 11, 2020, the Emergency Management Commission declared a state of emergency due to COVID-19. CEM-20-03-11.

C. On April 10, 2020, the Navajo Nation Office of Environmental Health & Protection Program, Navajo Department of Health, announced new operational procedures for retail food stores and convenience stores. Navajo Department of Health, Navajo Nation Office of Environmental Health & Protection Program announce new Amendment to Exemption to Limitation Clarify and Setting Limitation, Administrative Order, April 8, 2020, attached as **Exhibit A**.

D. On April 17, 2020, the Navajo Department of Health issued Public Health Emergency Order 2020-007, requiring all individuals on the Navajo Nation to wear masks in public. Attached as **Exhibit B**.

E. "Current information suggests that the two main routes of transmission of the COVID-19 virus are respiratory droplets and contact. Respiratory droplets are generated when an infected person coughs or sneezes. Any person who is in close contact (within 1 m) with someone who has respiratory symptoms (coughing, sneezing) is at risk of being exposed to potentially infective respiratory droplets. Droplets may also land on surfaces where the virus could remain viable; thus, the immediate environment of an infected individual can serve as a source of transmission (contact transmission)." Advice on the use of masks in the context of COVID-19, World Health Organization, April 6, 2020.

F. "CDC [Center for Disease Control] continues to study the spread and effects of the novel coronavirus across the United States. We now know from recent studies that a significant portion of individuals with coronavirus lack symptoms ("asymptomatic") and that even those who eventually develop symptoms ("pre-symptomatic") can transmit the virus to others before showing symptoms. This means that the virus can spread between people interacting in close proximity—for example, speaking, coughing, or sneezing—even if those people are not exhibiting symptoms. In light of this new evidence, CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies) especially in areas of significant community-based transmission." Centers for Disease Control, https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html

G. New York Governor Andrew Cuomo recently issued an executive order requiring New York City residents to wear a mask where social distancing is not possible such as in stores and crowded sidewalks. This executive order was in response to the need to prevent the spread of COVID-19. New York Times https://www.nytimes.com/2020/04/15/nyregion/coronavirus-face-masks-andrew-cuomo.html

H. The Navajo Nation Council finds that in the interest of safety and health of business employees and business patrons, the businesses on the Navajo Nation should require patrons and business employees to wear facial coverings or masks while in the business.

I. This resolution is necessary to address a pressing public need during this State of Emergency.

SECTION THREE. BUSINESSES ON THE NAVAJO NATION ARE TO REQUIRE PATRONS AND BUSINESS EMPLOYEES TO WEAR FACIAL COVERINGS OR MASKS WHILE IN THE BUSINESS

The Navajo Nation Council hereby requires businesses on the Navajo Nation to require patrons and employees to wear masks or face coverings while in the place of business.

SECTION FOUR. NAVAJO NATION COUNCIL REQUESTS AMENDMENTS TO NAVAJO DEPARTMENT OF HEALTH, NAVAJO NATION OFFICE OF ENVIRONMENTAL HEALTH & PROTECTION PROGRAM ANNOUNCE NEW AMENDMENT TO EXEMPTION TO LIMITATION CLARIFY AND SETTING LIMITATION, ADMINISTRATIVE ORDER, APRIL 8, 2020

The Navajo Nation requests amendments to Navajo Department of Health, Navajo Nation Office of Environmental Health & Protection Program announce new Amendment to Exemption to Limitation Clarify and Setting Limitation, Administrative Order, April 8, 2020, attached as **Exhibit A**. Amendments shall include:

A. Add all convenience stores and gas stations operating on the Navajo Nation to this Administrative Order;

B. Add the requirement that all staff and patrons of the retail food establishments, convenience stores and gas stations are to wear commercial or homemade masks while in the establishments;

C. Add the requirement that all construction workers are to wear commercial or homemade masks while on construction sites.

D. Add a civil enforcement provision whereby the retail food establishments, convenience stores and gas stations are penalized for non-compliance with the requirement for patrons and employees to wear face coverings or masks. 16 N.N.C. §§ 1601 *et seq.*

SECTION FIVE. 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 when the Commission on Emergency Management lifts the State of Emergency unless otherwise determined by resolution of the Navajo Nation Council.

SECTION SIX. DIRECTIVE

Within five (5) days of enactment of this Action, the Navajo Nation Occupational Safety and Health Administration and Office of Navajo Labor Relations shall provide a report to the Naabik'iyáti' Committee concerning their enforcement of this Action and Public Health Orders against businesses operating on the Navajo Nation, including, but not limited to retail stores, laundromats, gas stations, grocery stores and construction sites.

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 April 2020.

Honorable Seth Damon, Speaker
24th Navajo Nation Council

Apr. 23, 2020
DATE

Motion: Honorable Charlaine Tso
Second: Honorable Vince James

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

SUPPLYJUSTICE.COM
EXHIBIT
A

Navajo Department of Health

Media Contact
Eli Leslie, Public Information Officer
Byron Shorty, Public Information Officer

FOR IMMEDIATE RELEASE
APRIL 10, 2020
(928) 871-6362 | Office

Navajo Nation Office of Environmental Health & Protection Program announce new Amendment to Exemption to Limitation Clarify and Setting Limitation

WINDOW ROCK, Ariz. – The Navajo Nation Health Command Operations Center (HCOC) along with the Navajo Office of Environmental Health & Protection Program announces on Friday, April 10, 2020, new amendments to the Exemption to Limitation Order by Clarifying and Setting Limitation of Operations for Major Retail Food Stores, Convenience Stores, and all Drive-Through Food Service Establishments Serving within the Navajo Nation.

Retail Food Stores and Convenience Stores must adhere to the new operational procedures listed below:

1. Operating Hours shall cease at 5:00 PM on Saturday, April 11, 2020, and April 12, 2020 exception of those that close in the duration of the Weekend Curfew or in observance of Easter Sunday.
2. Monitoring of entry of customers to maintain occupancy limits.
3. Ensure that if customers are waiting outside of the Retail Food Store, Convenience Stores, they must do so in compliance with social distancing protocols including the requirement the maintain distance of at least six-feet from other individuals, avoid person-to-person contact.
4. Ensure that if customers are waiting in-line for checkout register, they must do so in compliance with social distancing protocols including the requirement the maintain a distance of at least six-feet from other individuals.
5. Only one shopper per family, with the exception of an accompanying caregiver.

Establishments providing drive-through services (Drive-Thru) must adhere to the new operational procedures listed below:

1. Operating hours during the Weekend Curfew shall cease at 5:00 P.M. on Saturday April 11, 2020, and Sunday April 12, 2020, with the exception of those that choose to close in duration of Weekend Curfew or in observance of Easter Sunday.

2. Continue to ensure that if customers are waiting in-line that they remain in their vehicles, they must do in compliance with social distancing protocols and avoid person-to-person contact.

3. If there are carport or car stall services, customers, are to occupy every other carport or stall in compliance with social distancing protocols, remain in their vehicles and avoid person-to-person contact.

The HCOC advises all citizens of the Navajo Nation to abide by Navajo Nation Public Health Orders prohibiting all social gatherings, following the established daily curfew from 8:00 PM to 5:00 AM, and the 57-hour weekend curfew from April 10 to April 13 during the COVID-19 public health emergency.

The HCOC remains open to coordinate the Nation's response to COVID-19. For more information, visit https://www.ndoh.navajo-nsn.gov/COVID-19 or call the HCOC Hotline at (928) 871-7014.

# # #

Dr. Jill Jim
Executive Director
Navajo Department of Health

David Nez
Incident Commander
Health Command Operations Center

IN THE MATTER OF: Amending the Exemption to Limitation Order by Clarifying and Setting Limitation of Operations for Major Retail Food Store Establishments.

Bashas' Family of Stores
Chandler, Arizona

City Market
The Kroger Co., West Region
Denver, Colorado

Lowe's
Pay and Save Inc.
Littlefield, Texas

ADMINISTRATIVE ORDER

AMENDMENT EXEMPTION TO LIMITATION CLARIFY and SETTING LIMITATION

Comes now before the Navajo Office of Environmental Health & Protection Program, Navajo Department of Health, duly designated and herein the (Regulatory Authority), information from several major retail food store establishments, herein (RFS), operating within the Navajo Nation requesting clarification of the phrase *"Essential Businesses should limit operation . . [.]"* as stipulated in the Public Health Emergency Order NO. 2020-005, herein (Order).

For clarification purposes, it must be emphasized and understood that the intent of the Order is to further restricting the movement of individuals on the Nation for a 57-hour period of the full weekend curfew starting Friday April 10, 2020 at 8:00 P.M. to Monday April 13, 2020 5:00 A.M, herein (Weekend Curfew). Therefore, all provisions of said Order are to be interpreted to effectuate this intent. Upon thorough consideration and consultation, the Regulatory Authority hereby renders the following:

NOTICE IS HEREBY GIVEN that the above named Retail Food Store Establishments are hereby Amend the Granted Exemption of Limitation and herein sets new Limitations and Operational Procedures.

NOTICE IS FURTHER GIVEN that said exemption shall be as follows:

Establishments	Location	Adjusted Numbers
Bashas'	Chinle, AZ	50
Bashas'	Crownpoint, NM	50
Bashas'	Dilkon, AZ	30
Bashas'	Kayenta, AZ	50
Bashas'	Pinion, AZ	50
Bashas'	Sanders, AZ	30
Bashas'	Tuba City, AZ	50
Bashas'	Window Rock, AZ	50
Lowe's	Burnside, AZ	30
Lowe's	Window Rock, AZ	50
City Market	Shiprock, NM	50

NOTICE IS FURTHER GIVEN that the operating hours during the Weekend Curfew shall be 7 A.M. to 3 P.M. on Saturday April 11, 2020 and Sunday April 12, 2020 with the exception of those that chose to close in observance of Easter Sunday.

NOTICE IS FURTHER GIVEN that current operating hours may commence starting business day Monday April 13, 2020 baring any extension issuance.

NOTICE IS FURTHER GIVEN that the following operational procedures shall be implemented for the Weekend Curfew and shall continue from Monday April 13, 2020 in the pendency of this Order, they are but not limited to:

1. Monitoring of entry of customers to maintaining occupancy limits.
2. Ensure that if customers are waiting outside of the Retail Food Store, they must do so in compliance with social distancing protocols including the requirement the maintain a distance of at least six-feet from other individuals, avoid person-to-person contact.
3. Ensure that if customers are waiting in-line for checkout register, they must do so in compliance with social distancing protocols including the requirement the maintain a distance of at least six-feet from other individuals.
4. Only one shopper per family, with the exception of an accompanying caregiver.

NOTICE IS FURTHER GIVEN that continued enhanced daily sanitation practices, including cleaning commonly used areas cashier stations, self-checkouts, credit card terminals, food service counters and shelves, and plexiglass partitions at cash registers to promote physical distancing

NOTICE IS FURTHER GIVEN that this Administrative Order of Exemption to Limitation shall take effect immediately and shall remain in effect until rescinded by the Regulatory Authority.

ADDITIONAL ADVISORIES AND ORDERS WILL FOLLOW AS CONDITIONS WARRANT. SO ORDERED THIS 8th DAY OF APRIL 2020.

Herman Shorty, Program Supervisor III
Navajo Office of Environmental Health &
Protection Program
Navajo Department of Health

4. Ensure that if customers are waiting in line for checkout register, they must do so in compliance with social distancing protocols including the requirement the maintain a distance of at least six-feet from other individuals.

5. Only one shopper per family, with the exception of an accompanying caregiver.

NOTICE IS FURTHER GIVEN that continued enhanced daily sanitation practices, including cleaning commonly used areas cashier stations, self-checkouts, credit card terminals, food service counters and shelves, and if applicable plexiglass partitions at cash registers to promote physical distancing

NOTICE IS FURTHER GIVEN that this Administrative Order of Exemption to Limitation Order by Clarifying and Setting Limitation of Operations shall take effect immediately and shall remain in effect until rescinded by the Regulatory Authority.

ADDITIONAL ADVISORIES AND ORDERS WILL FOLLOW AS CONDITIONS WARRANT. SO ORDERED THIS 8th DAY OF APRIL 2020.

Herman Shorty, Program Supervisor III
Navajo Office of Environmental Health & Protection Program
Navajo Department of Health

Navajo Office of Environmental Health & Protection Program
P.O. Box 1390, Window Rock, Arizona 86515

IN THE MATTER OF: Granting the Exemption to Limitation Order by Clarifying and Setting Limitation of Operations for all Convenience Stores Establishments Operating within Jurisdiction of the Navajo Nation.

All Convenience Stores Operating within Jurisdiction of the Navajo Nation	ADMINISTRATIVE ORDER **EXEMPTION TO LIMITATION CLARIFY and SETTING LIMITATION**

Comes now before the Navajo Office of Environmental Health & Protection Program, Navajo Department of Health, duly designated and herein the (Regulatory Authority), Information from several major convenience stores establishments, herein (C-Stores), operating within the Navajo Nation requesting clarification of the phrase ***"Essential Businesses should limit operation . . [.]"*** as stipulated in the Public Health Emergency Order N0. 2020-005, herein (Order).

For clarification purposes, it must be emphasized and understood that the intent of the Order is to further restricting the movement of individuals on the Nation for a 57-hour period of the full weekend curfew starting Friday April 10, 2020 at 8:00 P.M. to Monday April 13, 2020 5:00 A.M, herein (Weekend Curfew). Therefore, all provisions of said Order are to be interpreted to effectuate this intent. Upon thorough consideration and consultation, the Regulatory Authority hereby renders the following:

NOTICE IS HEREBY GIVEN that all convenience stores establishments or similar operations operating within Jurisdiction of the Navajo Nation are hereby Limited to the following Operational Procedures during the 57-hour Weekend Curfew and herein sets new Limitations and Operational Procedures.

NOTICE IS FURTHER GIVEN that operating hours during the Weekend Curfew shall cease at 5 P.M. on Saturday April 11, 2020 and Sunday April 12, 2020 with the exception of those that choose to close in the duration of Weekend Curfew or in observance of Easter Sunday.

NOTICE IS FURTHER GIVEN that current operating hours may recommence starting business day of Monday April 13, 2020 baring any extension issuance.

NOTICE IS FURTHER GIVEN that the following operational procedures shall be implemented for the Weekend Curfew and shall continue from Monday April 13, 2020 in the pendency of this Order, they are but not limited to:

1. Allowable customer shall be reduced to 5 in the C-Store at any one time.
2. Monitoring of entry of customers to maintaining occupancy limits.
3. Ensure that if customers are waiting outside of the C-Store, they must do so in compliance with social distancing protocols including the requirement the maintain a distance of at least six-feet from other individuals, avoid person-to-person contact.

NOTICE IS FURTHER GIVEN that the following operational procedures shall continue from Monday April 13, 2020 in the pendency of this Order, they are but not limited to:

1. If there are carports or car stall services, customers are to occupy every other carport or stall in compliance with social distancing protocols, remain in their vehicle and avoid person-to-person contact.

NOTICE IS FURTHER GIVEN that this Administrative Order of Exemption to Limitation Order by Clarifying and Setting Limitation of Operations shall take effect immediately and shall remain in effect until rescinded by the Regulatory Authority.

ADDITIONAL ADVISORIES AND ORDERS WILL FOLLOW AS CONDITIONS WARRANT. SO ORDERED THIS 8th DAY OF APRIL 2020.

Herman Shorty, Program Supervisor III
Navajo Office of Environmental Health & Protection Program
Navajo Department of Health

Navajo Office of Environmental Health & Protection Program
P.O. Box 1390, Window Rock, Arizona 86515

IN THE MATTER OF: Granting the Exemption to Limitation Order by Clarifying and Setting Limitation of Operations for all Drive-Through Food Service Establishments.

All Drive-Through Food Service Establishments Serving Within Navajo Nation

Burger King
McDonalds
Sonic's
Kentucky Fried Chicken
Churches Chicken
Taco Bell
That's A Burger
Pizzerias

ADMINISTRATIVE ORDER

EXEMPTION TO LIMITATION CLARIFY and SETTING LIMITATION

Comes now before the Navajo Office of Environmental Health & Protection Program, Navajo Department of Health, duly designated and herein the (Regulatory Authority), information from several major food service establishments providing drive-through service, herein ("Drive-Through"), operating within the Navajo Nation are requesting clarification of the phrase ***"Essential Businesses** should limit operation . . [.]"* as stipulated in the Public Health Emergency Order N0. 2020-005, herein (Order).

For clarification purposes, it must be emphasized and understood that the intent of the Order is to further restricting the movement of individuals on the Nation for a 57-hour period of the full weekend curfew starting Friday April 10, 2020 at 8:00 P.M. to Monday April 13, 2020 5:00 A.M, herein ("Weekend Curfew"). Therefore, all provisions of said Order are to be interpreted to effectuate this intent. Upon thorough consideration and consultation, the Regulatory Authority hereby renders the following:

NOTICE IS HEREBY GIVEN that the above referenced Drive-Through Food Service Establishments or similar operations are hereby Limited to the following Operational Procedures during the 57-hour Weekend Curfew:

1. Operating hours during the Weekend Curfew shall cease at 5 P.M. on Saturday April 11, 2020 and Sunday April 12, 2020 with the exception of those that choose to close in the duration of Weekend Curfew or in observance of Easter Sunday.
2. Continue to ensure that if customers are waiting in-line that they remain in their vehicles, they must do so in compliance with social distancing protocols and avoid person-to-person contact.
3. If there are carport or car stall services, customers are to occupy every other carport or stall in compliance with social distancing protocols, remain in their vehicles and avoid person-to-person contact.

NOTICE IS FURTHER GIVEN that current operating hours may recommence starting business day of Monday April 13, 2020 baring any extension issuance.

EXHIBIT
B
SUPPLYJUSTICE.COM

PUBLIC HEALTH ORDER
NAVAJO DEPARTMENT OF HEALTH
NAVAJO OFFICE OF ENVIRONMENTAL HEALTH & PROTECTION PROGRAM

April 17, 2020

Public Health Emergency Order No. 2020-007

Public Health Emergency Order Mandating Use of Masks in Public Due to COVID-19

I. Paragraphs I – IX from Public Health Emergency Order No. 2020-004 are incorporated herein, addressing the various Navajo Nation (Nation) authorities related to the current COVID-19 Public Health Emergency.

II. The intent and purpose of this Public Health Emergency Order No. 2020-007 is to prevent community spread of COVID-19 on the Nation.

THEREFORE, NOTICE IS GIVEN that, pursuant to the power and authority set forth in the NDOH enabling legislation (NNC Resolution No. CO-50-14), taken together with the plans of operation for NDOH, the Navajo Division of Public Health Services (NDPHS), and the Navajo Office of Environmental Health and Protection Program (NOEHPP), in conjunction with the Navajo Nation Public Health State of Emergency Declaration (CEM Resolution No. 20-03-11) and all Navajo Nation Public Health Emergency Orders and Executive Orders related to COVID-19:

A. All individuals two (2) years of age and older on the Nation shall wear **masks** while in **public**, as those terms are defined herein.

B. Definitions:

1. **Mask**: a covering designed to filter one's breathing through both the nose and mouth. A mask must snugly cover the face around the nose and mouth to prevent the wearer from breathing unfiltered air. May be a commercially-made face mask, or a homemade cloth face covering such as those found on the Centers for Disease Control and Prevention (CDC) website: https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html

2. **Public**: any area outside your home where you could come within 6 feet of someone who is not from your household.

NOTICE IS FURTHER GIVEN that the public must take the following preventive precautions:

1. <u>All persons on the Navajo Nation should leave their residence or home site areas only if necessary</u>.

2. Socially distance yourselves. Avoid close contact with people who are sick. Keep at least six feet from others and wear a mask in public.

3. Wash your hands often with soap and water for at least 20 seconds, especially after blowing your nose, coughing, or sneezing, or having been in a public place. If soap and water are not available, use a hand sanitizer that contains at least 60% alcohol.

4. To the extent possible, avoid touching high-touch surfaces in public places – elevator buttons, door handles, handrails, etc. Wear gloves or use a barrier such as a tissue or your sleeve to cover your hands or fingers if you must touch something.

5. Avoid touching your face, nose, eyes, mouth. Cover your mouth and nose with the best-available protective material, including masks, when in public.

6. Clean and disinfect your home and vehicles to remove germs: practice routine cleaning of frequently touched surfaces (for example: tables, doorknobs, light switches, handles, desks, toilets, faucets, sinks, steering wheels, door handles, gearshifts, and cell phones).

7. Avoid all public gatherings and unnecessary travel.

NOTICE IS FURTHER GIVEN that this Order shall take effect Friday, April 17, 2020 at 8:00 P.M MDT, and shall remain in effect until otherwise ended by a subsequent Public Health Emergency Order.

ADDITIONAL ADVISORIES AND ORDERS WILL FOLLOW AS CONDITIONS WARRANT. SO ORDERED THIS 17th DAY OF APRIL, 2020.

Herman Shorty, Program Supervisor III
Navajo Office of Environmental Health & Protection Program
Navajo Department of Health

Dr. Jill Jim, Executive Director
Navajo Department of Health

David Nez, Incident Manager
Dikos Ntsaaígíí – 19
Health Command Center
Navajo Department of Health

NAVAJO NATION

308

4/20/2020

Navajo Nation Council Spring Session

02:14:54 PM

Amd# to Amd#	Legislation 0098-20: Requiring Businesses on the Navajo Nation to Require Wearing Masks or Face Covering While in the Place of..	PASSED
MOT Tso, C		
SEC James, V		

Yeas : 22 **Nays : 0** **Excused : 0** **Not Voting : 1**

Yea : 22

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

Nay : 0

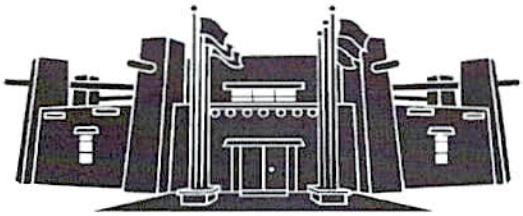
Excused : 0

Not Voting : 1

Slater, C

Presiding Speaker: Damon

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576



Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

To : Hon. Thomas Walker, Delegate
Navajo Nation Council

From : Ron Haven, Attorney
Office of Legislative Counsel

Date : June 15, 2020

Re : AN ACTION RELATING TO NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL; OVERRIDING THE NAVAJO NATION PRESIDENT'S VETO OF NAVAJO NATION COUNCIL RESOLUTION CAP-30-20

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. As to format, the resolution as drafted is legally sufficient. Regarding substance, as with any legislation, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want.

If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahéhee'.

OLC # 20-210-1

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0134-20__ SPONSOR: Thomas Walker, Jr.

TITLE: An Action Relating to Naabik'íyáti' and Navajo Nation Council; Overriding the Navajo Nation President's Veto of Navajo Nation Council Resolution CAP-30-20

Date posted: June 15, 2020 at 4:55PM

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THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0134-20

SPONSOR: Honorable Thomas Walker, Jr.

TITLE: An Action Relating to Naabik'íyáti' and Navajo Nation Council; Overriding the Navajo Nation President's Veto of Navajo Nation Council Resolution CAP-30-20

Posted: June 15, 2020 at 4:55 PM

5 DAY Comment Period Ended: June 20, 2020

Digital Comments received:

Comments Supporting	***None***
Comments Opposing	***None***
Inconclusive Comments	***None***

Legislative Tracking Secretary
Office of Legislative Services

06/21/20
Date/Time