

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0163-20__

SPONSOR: Wilson C. Stewart, Jr.

TITLE: An Action Relating To An Emergency; Approving Meetings Through Telecommunications For Chapter Subcommittees, Community Land Use Plan Planning Committees, Agency, Regional And District Councils

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0163-20

DATE: July 21, 2020

TITLE OF RESOLUTION: PROPOSED NAVAJO NATION COUNCIL RESOLUTION;
AN ACTION RELATING TO AN EMERGENCY; APPROVING MEETINGS THROUGH
TELECOMMUNICATIONS FOR CHAPTER SUBCOMMITTEES, COMMUNITY LAND
USE PLANNING COMMITTEES, AGENCY, REGIONAL AND DISTRICT COUNCILS

PURPOSE: The purpose of this legislation is to approve telecommunications methods for the conduct of meetings for Chapter subcommittees, Community Land Use Planning Committees, and Agency, Regional and District Councils until the COVID-19 Declaration of Emergency is lifted, or unless the Navajo Nation Council determines otherwise.

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.

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24th NAVAJO NATION COUNCIL – Second Year, 2020
3

4 INTRODUCED BY

5 
6
7 (Prime Sponsor)

8
9 TRACKING NO. 0163-20

10
11 AN ACTION

12 RELATING TO AN EMERGENCY; APPROVING MEETINGS THROUGH
13 TELECOMMUNICATIONS FOR CHAPTER SUBCOMMITTEES, COMMUNITY
14 LAND USE PLANNING COMMITTEES, AGENCY, REGIONAL AND DISTRICT
15 COUNCILS
16

17 BE IT ENACTED:
18

19 **Section One. Authority**

20 A. The Navajo Nation Council is the governing of body of the Navajo Nation.
21 2 N.N.C. § 102(A).

22 B. Pursuant to 2 N.N.C. §164 (A)(16) “[m]atters constituting an emergency shall
23 be limited to the cessation of law enforcement services, and disaster relief
24 services, fire protection services or other direct services required as an
25 entitlement under Navajo Nation or Federal law, or which directly threaten the
26 sovereignty of the Navajo Nation. Such an emergency matter must arise due to
27 the pressing public need for such resolution(s) and must be a matter requiring
28 final action by the Council.”

29 C. This matter constitutes an emergency for the Navajo Nation because despite the
30 novel coronavirus (“COVID-19”) pandemic, Chapter subcommittees,

1 Community Land Use Planning Committees, and Agency, Regional and District
2 Councils of the Navajo Nation must continue to conduct business while
3 maintaining the appropriate physical distancing. The ability to continue
4 governmental operations is an inherent attribute of the Navajo Nation's
5 sovereignty.

6
7 **Section Two. Findings**

- 8 A. COVID-19 is a dangerous and extremely contagious respiratory virus. The
9 virus is pandemic and has reached the Navajo Nation. COVID-19 is
10 spreading at an alarming rate within the Navajo Nation; as of July 15, 2020,
11 the Navajo Nation has reported 8,370 cases of COVID-19 and 406 related
12 deaths.
- 13 B. The World Health Organization declared a Public Health Emergency of
14 International Concern on January 30, 2020; the United States Department of
15 Health and Human Services declared a Public Health Emergency related to
16 the COVID-19 outbreak on January 31, 2020; and the World Health
17 Organization officially declared a pandemic due to COVID-19 on March 11,
18 2020.
- 19 C. On March 11, 2020, the Navajo Nation Commission on Emergency
20 Management, with the concurrence of the Navajo Nation President and Vice
21 President, declared a Public Health State of Emergency on the Navajo
22 Nation due to the presence of COVID-19 in areas surrounding the Navajo
23 Nation. Resolution No. CEM 20-03-11. The President and Commission have
24 issued other Public Health Emergency Orders: including: Order No. 2020-
25 001 dated March 18, 2020 (declaring the outbreak of COVID-19 and
26 limiting mass gatherings); Order No. 2020-002 dated March 19, 2020
27 (quarantining the Chilchinbeto Community); Order No. 2020-003 dated
28 March 20, 2020 (ordering individuals living on the Navajo Nation to stay
29 home and shelter in place except for essential activities, prohibiting visitors
30 to the Navajo Nation, and closing all businesses on the Navajo Nation

1 except essential businesses); Order No. 2020-004 dated March 29, 2020
2 (implementing a daily curfew from 8:00 p.m. to 5:00 a.m. for all Navajo
3 Nation residents, extending the shelter in place order, and further limiting
4 public gatherings); Order No. 2020-005 dated April 5, 2020 (implementing a
5 57-hour weekend curfew on April 10-13); Order No. 2020-006 dated April
6 16, 2020 (extending the weekend curfew for April 17-20 and April 24-27,
7 and closing Navajo Nation essential businesses during curfew hours); Order
8 No. 2020-007 (requiring face masks in public); and Order No. 2020-008
9 dated April 29, 2020 (extending the weekend curfew to May 11). The
10 Navajo Nation Office of the President and Vice President issued Executive
11 Order 002-20 on March 31, 2020 (closing all Navajo Nation offices except
12 essential personnel through April 21); and Executive Order 003-20 on April
13 21, 2020 (extending the closure order to May 17, 2020).

14 D. There likely will be other orders issued as the risk of the spread of COVID-19
15 continues.

16 E. The Chapter subcommittees, Community Land Use Planning Committees, and
17 Agency, Regional and District Councils should be authorized to meet
18 telephonically to effectively address issues including how to prepare for and
19 manage resources under the Navajo Nation CARES Fund. Supporting
20 resolution of the Commission on Navajo Government Development is attached
21 as **Exhibit A**.

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

26
27 **Section Three. Approving Meetings By Telecommunications Methods for**
28 **Chapter subcommittees, Community Land Use Planning Committees, and**
29 **Agency, Regional and District Councils**
30

1 Until the COVID-19 Declaration of Emergency is lifted, or unless the Navajo
2 Nation Council determines otherwise, the Navajo Nation hereby approves
3 telecommunications methods for the conduct of meetings for Chapter
4 subcommittees, Community Land Use Planning Committees, and Agency,
5 Regional and District Councils.

6
7 **Section Four. Effective Date**

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

10
11 **Section Five. Savings Clause**

12 Should any provision of the amendments enacted herein be determined invalid by
13 the Navajo Nation Supreme Court or the District Courts of the Navajo Nation,
14 without appeal to the Navajo Nation Supreme Court, the remainder of the
15 amendments shall remain the law of the Navajo Nation.