LEGISLATION NO: _0077-20__                    SPONSOR: Jamie Henio

TITLE:  An Action Relating To An Emergency For The Navajo Nation; Authorizing Navajo Nation Boards And Commissions Organized Under The Legislative Branch limited Approval To Conduct Meetings Through Telecommunication Methods; Approving A Temporary Suspension Of Title Two Provisions Requiring Board And Commission Members To Be Physically Present At Meeting

Date posted: April 09, 2020 at 4:45 PM

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DATE: April 8, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION; AUTHORIZING NAVAJO NATION BOARDS AND COMMISSIONS ORGANIZED UNDER THE LEGISLATIVE BRANCH LIMITED APPROVAL TO CONDUCT MEETINGS THROUGH TELECOMMUNICATION METHODS; APPROVING A TEMPORARY SUSPENSION OF TITLE TWO PROVISIONS REQUIRING BOARD AND COMMISSION MEMBERS TO BE PHYSICALLY PRESENT AT MEETINGS

PURPOSE: The purpose of this legislation is to approve a limited authorization for boards and commissions within the legislative branch to attend meetings through telecommunication methods.

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.
PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL – Second Year, 2020

INTRODUCED BY

[Signature]
(Prime Sponsor)

TRACKING NO. 0077-20

AN ACTION
RELATING TO AN EMERGENCY FOR THE NAVAJO NATION;
AUTHORIZING NAVAJO NATION BOARDS AND COMMISSIONS
ORGANIZED UNDER THE LEGISLATIVE BRANCH LIMITED APPROVAL
TO CONDUCT MEETINGS THROUGH TELECOMMUNICATION METHODS;
APPROVING A TEMPORARY SUSPENSION OF TITLE TWO PROVISIONS
REQUIRING BOARD AND COMMISSION MEMBERS TO BE PHYSICALLY
PRESENT AT MEETINGS

BE IT ENACTED:

SECTION 1. 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 shall have all powers to regulate the conduct of its members and have the authority to promulgate rules, regulations and procedures for the conduct of its meetings and that of its committees. 2 N.N.C. §§ 102 (D) and (E).
C. 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.”

D. Ensuring the health and safety of all residents and employees within the Navajo Nation is an inherent attribute of sovereignty.

SECTION 2. FINDINGS

A. The novel coronavirus ("COVID-19") has caused a global pandemic and has severely impacted the Navajo Nation.

B. 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.

C. The Navajo Nation Department of Health has issued a Public Health Emergency Order 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.

D. The Navajo Nation Department of Health also issued a Public Health Emergency Order 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.

E. In order to continue to reduce the spread of COVID-19 and protect community members and employees 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.

F. Authorization for conducting meeting through telecommunication methods shall be limited to issues addressing COVID-19 and matters requiring board or commission action within 60 days.

SECTION 3. AUTHORIZING AND APPROVING LIMITED AUTHORITY FOR ALL BOARDS AND COMMISSIONS UNDER THE LEGISLATIVE BRANCH TO
HOLD MEETINGS THROUGH TELECOMMUNICATION METHODS FOR
THE NEXT 60 DAYS

A. The Navajo Nation Council hereby approves and authorizes Navajo Nation Boards
and Commissions organized under the Legislative Branch to conduct meetings
through telecommunication methods such as teleconference calls and video
conferencing.

B. This authority is expressly limited to issues addressing COVID-19 and matter requiring
board or commission action within 60 days.

C. Navajo Nation Legislative Branch Board and Commission meetings held through
telecommunication methods shall be conducted pursuant to procedures instituted by
the Chairperson of the respective Board or Commission in accordance with the
controlling plan of operation or enabling legislation. Additionally, the Chairperson or
President of the Board or Commission shall ensure the meetings are recorded and that
votes are taken by roll call.

D. Quorum requirements shall remain the same and attendance by telecommunication
methods shall be eligible for stipend reimbursement.

SECTION 4. APPROVING A TEMPORARY SUSPENSION OF TITLE TWO
PROVISIONS

The Navajo Nation approves a temporary suspension of any potentially conflicting provisions
in Title 2 of the Navajo Nation Code within the Plans of Operation of any Boards or
Commissions that would require in-person attendance at meetings.

SECTION 5. EFFECTIVE DATE

A. The provisions of this Action shall become effective when certified by the Speaker of
the Navajo Nation Council pursuant to 2 N.N.C. §§ 221 (A) and (C).

B. The provisions of this Action shall expire sixty (60) days after Speaker’s 2 N.N.C. §
221 (A) certification, unless otherwise determined through resolution of the
Naabik'íyáti' Committee.