TITLE: An Action Relating to an Emergency; Approving Meetings Through Telecommunications for All Governing Bodies of the Navajo Nation

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DATE: July 21, 2020

TITLE OF RESOLUTION: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACTION RELATING TO AN EMERGENCY; APPROVING MEETINGS THROUGH TELECOMMUNICATIONS FOR ALL GOVERNING BODIES OF THE NAVAJO NATION

PURPOSE: The purpose of this legislation is to approve telecommunications methods for the conduct of meetings for all public governing bodies of the Navajo Nation until the COVID-19 Declaration of Emergency is lifted, or unless the Navajo Nation Council determines otherwise. All inconsistent resolutions on telecommunication meetings will be superseded by this action. However, resolutions certified pursuant to 2 N.N.C. sec. 281(A) shall remain in effect pursuant to terms authorized.

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

(Prime Sponsor)

TRACKING NO. 0162-20

AN ACTION
RELATING TO AN EMERGENCY; APPROVING MEETINGS THROUGH TELECOMMUNICATIONS FOR ALL GOVERNING BODIES OF THE NAVAJO NATION

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) “[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, governing bodies of the Navajo Nation must continue to conduct business while maintain the appropriate
physical distancing. The ability to continue governmental operations is an inherent attribute of the Navajo Nation’s sovereignty.

Section Two. Findings

A. There exists a number of governing bodies within the Navajo Nation, including the Navajo Nation Council and its standing committees, chapters of the Navajo Nation, boards and commissions.

B. 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.


D. 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).

E. There likely will be other orders issued as the risks of the spread of COVID-19
continues.

F. The Navajo Nation Council has approved a number of resolutions permitting
certain governing bodies of the Navajo Nation to meet through
telecommunications methods. Some of these resolutions have expired or near
their expiration date. See, e.g., CAP-18-20 and CMY-35-20 (Legislative
Branch Boards and Commissions teleconferencing), CAP-19-20 and CMY-36-20
(Chapters teleconferencing), CAP-26-20 and CJN-50-20 (Dine College and
Navajo Technical University teleconferencing).

G. It is in the best interests of the Navajo Nation that all governing bodies of the
Navajo Nation be allowed, or otherwise ordered, to conduct all meetings
through telecommunications methods.

Section Three. Approving Meetings By Telecommunications Methods

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 all public governing
bodies of the Navajo Nation. These public governing bodies shall include those identified in the Navajo Nation Sovereign Immunity Act at 1 N.N.C. §552 and others specifically identified by the Navajo Nation Council.

B. All inconsistent resolutions on telecommunication meetings are superseded by this action. However, resolutions certified pursuant to 2 N.N.C. sec. 281(A) shall remain in effect pursuant to terms authorized.

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.