LEGISLATION NO: _0066-20_____ SPONSOR: Kee Allen Begay, Jr.

TITLE: An Action Relating to an Emergency for the Navajo Nation Council; Approving expedited process for FirstNet and other critical wireless public safety communications to assist Navajo Nation operations undertaken during the time of the COVID-19 pandemic

Date posted: March 20, 2020 at 3:55pm

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DATE: March 20, 2020

TITLE OF RESOLUTION: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; APPROVING EXPEDITED PROCESS FOR FIRSTNET AND OTHER CRITICAL WIRELESS PUBLIC SAFETY COMMUNICATIONS TO ASSIST NAVAJO NATION OPERATIONS UNDERTAKEN DURING THE TIME OF THE COVID-19 PANDEMIC

PURPOSE: The purpose of this legislation is to approve a temporarily suspend the Navajo Nation's normal regulatory approval processes, including leasing and permit approval processes for the installation of FirstNet infrastructure at existing telecommunication locations until such time that normal Navajo Nation government operations resume and appropriate processes are in place. Also, all wireless operators requesting permission to undertake new infrastructure at existing telecommunication locations shall enter into a Memorandum of Agreement with the Navajo Nation Telecommunications Regulatory Commission and the Navajo Land Department for temporary approvals.

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]

Primary Sponsor

TRACKING NO. 00160-20

AN ACTION
RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL;
APPROVING EXPEDITED PROCESS FOR FIRSTNET AND OTHER CRITICAL
WIRELESS PUBLIC SAFETY COMMUNICATIONS TO ASSIST NAVAJO NATION
OPERATIONS UNDERTAKEN DURING THE TIME OF THE COVID-19 PANDEMIC

BE IT ENACTED:

Section One. Authorities
A. The Navajo Nation Council is the governing body of the Navajo Nation pursuant to
   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.”

Section Two. Findings
A. The Office of the President and Vice President, on March 13, 2020, and the
Commission on Emergency Management, through Resolution CEM-20-03-11,
declared a public health state of emergency for the entire Navajo Nation due to the
COVID-19 pandemic.

B. On March 16, 2020, the US Department of Homeland Security has identified the need
to protect and maintain critical infrastructure in the US, including telecommunications
and mobile networks that provide E911, Wireless Emergency Act (WEA) Amber
Alerts, critical public safety communications.

C. AT&T has announced that it intends to begin immediate development of its FirstNet
on the Navajo Nation through its regional contractors, Commnet Wireless, and
Cellular One beginning in the spring of 2020, which will be part of the first high-
speed, nationwide wireless broadband network across the US dedicated to public
safety for Police, Fire, and Emergency responders.

D. AT&T, Commnet, and Cellular One have expressed the need for temporary relief from
the normal regulatory review process in order to expedite the installation of additional
wireless network infrastructure for FirstNet, including the enhancement or
replacement of towers at existing telecommunication locations.

E. The Navajo Nation Council finds that Memorandums of Agreement between the
Navajo Nation Land Department and the Navajo Nation Telecommunications
Regulatory Commission and the critical wireless public safety communications
companies will substitute for the normal regulatory approval process.

F. The Navajo Nation Council finds that an emergency exists which affects the health of
the Navajo Nation. The emergency arises due to a pressing public need and it is a
matter requiring final action by the Council.

Section Three. Approval Temporarily Suspend Normal Regulatory Approval
Process

A. In the interest of public safety, and during this State of Emergency, the Navajo Nation
Council deems it necessary to temporarily suspend the Navajo Nation's normal
regulatory approval processes, including leasing and permit approval processes for the
installation of FirstNet infrastructure at existing telecommunication locations until such time that normal Navajo Nation government operations resume and appropriate processes are in place.

B. All wireless operators requesting permission to undertake new infrastructure at existing telecommunication locations, including AT&T, Commnet, and Cellular One, shall enter into a Memorandum of Agreement with the Navajo Nation Telecommunications Regulatory Commission and the Navajo Land Department for temporary approvals.

Section Five. Effective Date; Duration of Action

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 (B).

B. The provisions of this action shall remain effective until the Navajo Nation Land Department has returned to operation pursuant to Navajo Nation President lifting of the State of Emergency or by other proclamation of the Navajo Nation President.