TITLE: An Action Relating to an Emergency; Amending CMA-04-20 to extend the authorization for Navajo Nation Council and Standing Committees to conduct meetings and worksessions through telecommunication methods and for Council Delegates to attend Navajo Nation Council and Standing Committees meetings, Subcommittee meetings and worksessions through teleconferencing

Date posted: May 27, 2020 at 3:05PM

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Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
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DATE: May 27, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY; AMENDING CMA-04-20 TO EXTEND THE AUTHORIZATION FOR NAVAJO NATION COUNCIL AND STANDING COMMITTEES TO CONDUCT MEETINGS AND WORKSESSIONS THROUGH TELECOMMUNICATION METHODS AND FOR COUNCIL DELEGATES TO ATTEND NAVAJO NATION COUNCIL AND STANDING COMMITTEES MEETINGS, SUBCOMMITTEE MEETINGS AND WORKSESSIONS THROUGH TELECONFERENCING

PURPOSE: This resolution, if approved, will extend the expiration date of CMA-04-20.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.
PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL – Second Year, 2020

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0125-20

AN ACTION
RELATING TO AN EMERGENCY; AMENDING CMA-04-20 TO EXTEND THE AUTHORIZATION FOR NAVAJO NATION COUNCIL AND STANDING COMMITTEES TO CONDUCT MEETINGS AND WORKSESSIONS THROUGH TELECOMMUNICATION METHODS AND FOR COUNCIL DELEGATES TO ATTEND NAVAJO NATION COUNCIL AND STANDING COMMITTEES MEETINGS, SUBCOMMITTEE MEETINGS AND WORKSESSIONS THROUGH TELECONFERENCEING

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. 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. It is vital to the sovereignty of the Navajo Nation that its governing body be able to meet during the COVID-19 pandemic to protect the continuation of direct services to the Navajo people.

SECTION TWO. FINDINGS

A. 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 May 25, 2020, the Navajo Nation has reported 4,794 cases of COVID-19 and 157 related deaths.


C. 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 is attached as Exhibit 1. 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).

D. On March 5, 2020, in an effort to mitigate the transmission of COVID-19, the Speaker of the Navajo Nation Council advised the Legislative Branch to consider attending meetings/events/training by using telecommunication methods such as teleconference calls and videoing instead of in-person attendance. Exhibit 2.

E. On March 12, 2020, the Speaker implemented travel restrictions on Legislative Branch employees and required Legislative Branch programs to develop Remote Work Plans for their departments. Exhibit 3.

F. On March 16, 2020, the Navajo Nation Council passed Resolution No. CMA-04-20, attached as Exhibit 4, authorizing the Navajo Nation Council Delegates to attend Council Sessions and Standing Committees, including subcommittee meetings, telephonically for sixty days.

G. On March 18, 2020, the Speaker issued a memorandum, attached as Exhibit 5, closed public access to Legislative Branch offices and initiated remote working procedures for all employees.

H. On May 13, 2020, the Speaker issued a memorandum, attached as Exhibit 6, continuing the closure of the Legislative Branch until further notice.

I. To prevent and reduce the transmission of COVID-19, the Navajo Nation Council finds that it is in the best interest of the Navajo public and Navajo Nation officials and employees to continue to temporarily allow Navajo Nation Council Delegates to conduct and attend Council and Standing Committee meetings and subcommittee
meetings using telecommunication methods, such as teleconference calls and video conferencing, in certain situations.

SECTION THREE. AMENDING CMA-04-20
The Navajo Nation Council hereby amends Section Five, Paragraph B, of CMA-04-20, Exhibit 4, as follows:

B. The provisions of the Act shall expire sixty (60) days after Speaker's 2 N.N.C. § 221 – (A) certification when the Navajo Nation Commission on Emergency Management rescinds its March 11, 2020, declaration of the Public Health State of Emergency, unless otherwise determined through resolution of the Naabik'íyáti' Committee.

SECTION FOUR. EFFECTIVE DATE
The provisions of this Act shall become effective when certified by the Speaker of the Navajo Nation Council pursuant to 2 N.N.C. § 221 (A).