

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



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

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0066-20

DATE: March 20, 2020

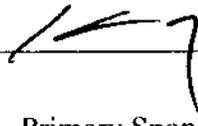
TITLE OF RESOLUTION: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; APPROVING EXPEDITED PROCESS FOR FIRSTNET AND OTHER CRITICAL WIRELESS PUBLIC SAFETY COMMUNICATIONS TO ASSIST NAVAJO NATION OPERATIONS UNDERTAKEN DURING THE TIME OF THE COVID-19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



Primary Sponsor

TRACKING NO. 0066-20

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

- 1 A. The Office of the President and Vice President, on March 13, 2020, and the
2 Commission on Emergency Management, through Resolution CEM-20-03-11,
3 declared a public health state of emergency for the entire Navajo Nation due to the
4 COVID-19 pandemic.
- 5 B. On March 16, 2020, the US Department of Homeland Security has identified the need
6 to protect and maintain critical infrastructure in the US, including telecommunications
7 and mobile networks that provide E911, Wireless Emergency Act (WEA) Amber
8 Alerts, critical public safety communications.
- 9 C. AT&T has announced that it intends to begin immediate development of its FirstNet
10 on the Navajo Nation through its regional contractors, Commnet Wireless, and
11 Cellular One beginning in the spring of 2020, which will be part of the first high-
12 speed, nationwide wireless broadband network across the US dedicated to public
13 safety for Police, Fire, and Emergency responders.
- 14 D. AT&T, Commnet, and Cellular One have expressed the need for temporary relief from
15 the normal regulatory review process in order to expedite the installation of additional
16 wireless network infrastructure for FirstNet, including the enhancement or
17 replacement of towers at existing telecommunication locations.
- 18 E. The Navajo Nation Council finds that Memorandums of Agreement between the
19 Navajo Nation Land Department and the Navajo Nation Telecommunications
20 Regulatory Commission and the critical wireless public safety communications
21 companies will substitute for the normal regulatory approval process.
- 22 F. The Navajo Nation Council finds that an emergency exists which affects the health of
23 the Navajo Nation. The emergency arises due to a pressing public need and it is a
24 matter requiring final action by the Council.
- 25

26 **Section Three. Approval Temporarily Suspend Normal Regulatory Approval**
27 **Process**

- 28 A. In the interest of public safety, and during this State of Emergency, the Navajo Nation
29 Council deems it necessary to temporarily suspend the Navajo Nation's normal
30 regulatory approval processes, including leasing and permit approval processes for the

1 installation of FirstNet infrastructure at existing telecommunication locations until
2 such time that normal Navajo Nation government operations resume and appropriate
3 processes are in place.

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

9
10 **Section Five. Effective Date; Duration of Action**

- 11 A. The provisions of this action shall become effective when certified by the Speaker
12 of the Navajo Nation Council pursuant to 2 N.N.C. § 221 (B).
13 B. The provisions of this action shall remain effective until the Navajo Nation Land
14 Department has returned to operation pursuant to Navajo Nation President lifting of
15 the State of Emergency or by other proclamation of the Navajo Nation President.