

THE NAVAJO NATION
LEGISLATIVE BRANCH
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LEGISLATION NO: _0157-20__

SPONSOR: Elmer P. Begay

TITLE: An Action Relating to an Emergency; Extending the Expiration of Navajo Nation Council Resolution No. CAP-19-20

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0157-20

DATE: July 13, 2020

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION;
AN ACTION RELATING TO AN EMERGENCY; EXTENDING THE EXPIRATION OF
NAVAJO NATION COUNCIL RESOLUTION NO. CAP-19-20

PURPOSE: The purpose of this legislation is to extend the expiration date of Navajo Council Resolution No. CAP-19-20. The Navajo Nation Council Resolution CAP-19-20 authorized chapter meetings to be held telephonically or through video conferencing; clarified Title 26 sections authorizing chapters to function to meet the needs of their communities during the COVID-19 health crisis under the three-person quorum and the Executive Branch closure of Navajo Nation government offices.

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. 0157-20

AN ACTION
RELATING TO AN EMERGENCY; EXTENDING THE EXPIRATION OF NAVAJO
NATION COUNCIL RESOLUTION NO. CAP-19-20

BE IT ENACTED:

Section One. Authority

- A. The Navajo Nation Council is the governing of body of the Navajo Nation. 2 N.N.C. § 102(A).
- B. All authorities exercised by a Chapter pursuant to 26 N.N.C. § 101 *et al*, may be preempted by Navajo Nation Council resolutions. 26 N.N.C. § 103 (C).
- 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.”

1 **Section Two. Findings**

- 2 A. The Navajo Nation President issued Executive Order 001-20 declaring a state of
3 emergency due to COVID-19 on March 13, 2020.
- 4 B. On March 11, 2020, the Emergency Management Commission declared a state
5 of emergency due to COVID-19. CEM-20-03-11.
- 6 C. The Navajo Nation President issued Executive Order 002-20 on March 31, 2020
7 extending the Declaration of a State of Emergency due to the COVID-19 virus
8 on the Navajo Nation and extending the closure of Navajo Nation government
9 offices and related entities. See Executive Order Nos. 001-20, 002-20, 003-20,
10 and 004-20.
- 11 D. The Navajo Department of Health Public has issued Public Health Emergency
12 Orders which have limited public gatherings, imposed Stay at Home Orders,
13 imposed night curfews, 57-hour weekend curfews and 57-hour weekend curfews
14 with closure of essential business all for the purpose of limiting the spread of
15 COVID-19. See Public Health Emergency Order Nos. 2020-001, 2020-003,
16 2020-004, 2020-005, 2020-006, 2020-008, 2020-010 and 2020-011.
- 17 E. The Navajo Nation Council passed CAP-19-20 which authorized the Chapters
18 to allow chapter meetings to be held telephonically or through video
19 conferencing; clarified Title 26 sections authorizing chapters to function to meet
20 the needs of their communities during the COVID-19 health crisis under the
21 three-person quorum and the Executive Branch closure of Navajo Nation
22 government offices. Resolution CAP-19-20 will lapse on July 15, 2020. CAP-
23 19-20 and CMY-36-20 overriding the Presidential veto of CAP-19-20 are
24 attached as **Exhibit A**.
- 25 F. The Navajo Nation Council finds that it is necessary to allow Chapters to meet
26 telephonically or through video conferencing to further reduce the spread of the
27 COVID-19 virus. In addition, Chapters must continue to perform particular
28 Chapter functions during the declared State of Emergency to provide disaster
29 relief services to their communities and Chapter officials must function through
30 Chapter meetings to act upon matters affecting the Chapter residents during the

1 COVID-19 crisis. This resolution is necessary to address a pressing public need
2 and is a matter requiring final action by the Navajo Nation Council.
3

4 **Section Three. Extending Expiration of CAP-19-20**

5 The Navajo Nation Council hereby extends the expiration of Resolution CAP-
6 19-20 to expire when the public gathering limitation is lifted or changed to
7 allow a minimum Chapter quorum of twenty-five (25) or otherwise determined
8 by the Navajo Nation Council.
9

10 **Section Four. Effective Date**

11 The provisions of this Action shall become effective pursuant to 2 N.N.C. § 221 (B).
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13 **Section Five. Savings Clause**

14 Should any provision of the amendments enacted herein be determined invalid by the
15 Navajo Nation Supreme Court or the District Courts of the Navajo Nation, without
16 appeal to the Navajo Nation Supreme Court, the remainder of the amendments shall
17 remain the law of the Navajo Nation.
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