

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0162-20\_\_

SPONSOR: Jamie Henio

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

**Date posted: July 22, 2020 at 4:48PM**

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**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0162-20

**DATE:** July 21, 2020

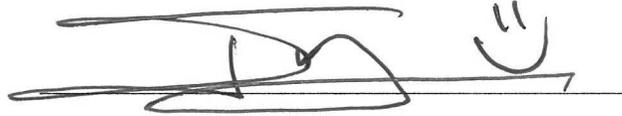
**TITLE OF RESOLUTION:** PROPOSED NAVAJO NATION COUNCIL RESOLUTION;  
AN ACTION RELATING TO AN EMERGENCY; APPROVING MEETINGS THROUGH  
TELECOMMUNICATIONS FOR ALL GOVERNING BODIES OF THE NAVAJO NATION

**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 All inconsistent resolutions on telecommunication meetings will be superseded by this action.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.

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
2 24<sup>th</sup> NAVAJO NATION COUNCIL – Second Year, 2020

3  
4 INTRODUCED BY

5 

6  
7 (Prime Sponsor)

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9 TRACKING NO. 0162-20

10  
11 AN ACTION

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

15  
16 BE IT ENACTED:

17  
18 **Section One. Authority**

- 19 A. The Navajo Nation Council is the governing of body of the Navajo Nation.  
20 2 N.N.C. § 102(A).
- 21 B. Pursuant to 2 N.N.C. §164 (A)(16) “[m]atters constituting an emergency shall  
22 be limited to the cessation of law enforcement services, and disaster relief  
23 services, fire protection services or other direct services required as an  
24 entitlement under Navajo Nation or Federal law, or which directly threaten the  
25 sovereignty of the Navajo Nation. Such an emergency matter must arise due to  
26 the pressing public need for such resolution(s) and must be a matter requiring  
27 final action by the Council.”
- 28 C. This matter constitutes an emergency for the Navajo Nation because despite the  
29 novel coronavirus (“COVID-19”) pandemic, governing bodies of the Navajo  
30 Nation must continue to conduct business while maintain the appropriate

1 physical distancing. The ability to continue governmental operations is an  
2 inherent attribute of the Navajo Nation's sovereignty.

3  
4 **Section Two. Findings**

- 5 A. There exists a number of governing bodies within the Navajo Nation, including the  
6 Navajo Nation Council and its standing committees, chapters of the Navajo Nation,  
7 boards and commissions.
- 8 B. COVID-19 is a dangerous and extremely contagious respiratory virus. The  
9 virus is pandemic and has reached the Navajo Nation. COVID-19 is  
10 spreading at an alarming rate within the Navajo Nation; as of July 15, 2020,  
11 the Navajo Nation has reported 8,370 cases of COVID-19 and 406 related  
12 deaths.
- 13 C. The World Health Organization declared a Public Health Emergency of  
14 International Concern on January 30, 2020; the United States Department of  
15 Health and Human Services declared a Public Health Emergency related to  
16 the COVID-19 outbreak on January 31, 2020; and the World Health  
17 Organization officially declared a pandemic due to COVID-19 on March 11,  
18 2020.
- 19 D. On March 11, 2020, the Navajo Nation Commission on Emergency  
20 Management, with the concurrence of the Navajo Nation President and Vice  
21 President, declared a Public Health State of Emergency on the Navajo  
22 Nation due to the presence of COVID-19 in areas surrounding the Navajo  
23 Nation. Resolution No. CEM 20-03-11. The President and Commission have  
24 issued other Public Health Emergency Orders: including: Order No. 2020-  
25 001 dated March 18, 2020 (declaring the outbreak of COVID-19 and  
26 limiting mass gatherings); Order No. 2020-002 dated March 19, 2020  
27 (quarantining the Chilchinbeto Community); Order No. 2020-003 dated  
28 March 20, 2020 (ordering individuals living on the Navajo Nation to stay  
29 home and shelter in place except for essential activities, prohibiting visitors  
30 to the Navajo Nation, and closing all businesses on the Navajo Nation

1 except essential businesses); Order No. 2020-004 dated March 29, 2020  
2 (implementing a daily curfew from 8:00 p.m. to 5:00 a.m. for all Navajo  
3 Nation residents, extending the shelter in place order, and further limiting  
4 public gatherings); Order No. 2020-005 dated April 5, 2020 (implementing a  
5 57-hour weekend curfew on April 10-13); Order No. 2020-006 dated April  
6 16, 2020 (extending the weekend curfew for April 17-20 and April 24-27,  
7 and closing Navajo Nation essential businesses during curfew hours); Order  
8 No. 2020-007 (requiring face masks in public); and Order No. 2020-008  
9 dated April 29, 2020 (extending the weekend curfew to May 11 ). The  
10 Navajo Nation Office of the President and Vice President issued Executive  
11 Order 002-20 on March 31, 2020 (closing all Navajo Nation offices except  
12 essential personnel through April 21); and Executive Order 003-20 on April  
13 21, 2020 (extending the closure order to May 17, 2020).

- 14 E. There likely will be other orders issued as the risks of the spread of COVID-19  
15 continues.
- 16 F. The Navajo Nation Council has approved a number of resolutions permitting  
17 certain governing bodies of the Navajo Nation to meet through  
18 telecommunications methods. Some of these resolutions have expired or near  
19 their expiration date. See, *e.g.*, CAP-18-20 and CMY-35-20 (Legislative  
20 Branch Boards and Commissions teleconferencing), CAP-19-20 and CMY-36-  
21 20 (Chapters teleconferencing), CAP-26-20 and CJN-50-20 (Dine College and  
22 Navajo Technical University teleconferencing).
- 23 G. It is in the best interests of the Navajo Nation that all governing bodies of the  
24 Navajo Nation be allowed, or otherwise ordered, to conduct all meetings  
25 through telecommunications methods.

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27 **Section Three. Approving Meetings By Telecommunications Methods**

- 28 A. Until the COVID-19 Declaration of Emergency is lifted, or unless the Navajo  
29 Nation Council determines otherwise, the Navajo Nation hereby approves  
30 telecommunications methods for the conduct of meetings for all public governing

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

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

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8 **Section Four. Effective Date**

9 The provisions of this Action shall become effective pursuant to 2 N.N.C. § 221  
10 (B).

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12 **Section Five. Savings Clause**

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