

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0076-21_

SPONSOR: Paul Begay

TITLE: An Action Relating to Health, Education and Human Services, Resources and Development, Naabik'iyáti' Committees, and the Navajo Nation Council; Approving the Reopening of the Lake Powell Navajo Tribal Park, Monument Valley Navajo Tribal Park, Monument Valley Welcome Center, Little Colorado River Navajo Tribal Park, Four Corners Monument and Tséyi' Diné Heritage Area at Orange Status Notwithstanding Public Health Emergency Order No. 2021-005; and Supporting Implementation of the Division of Economic Development's Business Reopening Plan for Businesses Operating Within the Above-Mentioned Navajo Nation Parks and Recreation Sites at Orange Status Notwithstanding Public Health Emergency Order No. 2021-005

Date posted: April 20, 2021 at 11:40AM

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LEGISLATIVE SUMMARY SHEET
Tracking No. 0076-21

DATE: April 19, 2021

TITLE OF RESOLUTION: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; APPROVING THE REOPENING OF THE LAKE POWELL NAVAJO TRIBAL PARK, MONUMENT VALLEY NAVAJO TRIBAL PARK, MONUMENT VALLEY WELCOME CENTER, LITTLE COLORADO RIVER NAVAJO TRIBAL PARK, FOUR CORNERS MONUMENT AND TSÉYI' DINÉ HERITAGE AREA AT ORANGE STATUS NOTWITHSTANDING PUBLIC HEALTH EMERGENCY ORDER NO. 2021-005; AND SUPPORTING IMPLEMENTATION OF THE DIVISION OF ECONOMIC DEVELOPMENT'S BUSINESS REOPENING PLAN FOR BUSINESSES OPERATING WITHIN THE ABOVE-MENTIONED NAVAJO NATION PARKS AND RECREATION SITES AT ORANGE STATUS NOTWITHSTANDING PUBLIC HEALTH EMERGENCY ORDER NO. 2021-005

PURPOSE: If approved by the Navajo Nation Council, this legislation would approve the reopening of the Lake Powell Navajo Tribal Park, Monument Valley Navajo Tribal Park, Monument Valley Welcome Center, Little Colorado River Navajo Tribal Park, Four Corners Monument, Tséyi' Diné Heritage Area at the Orange Status notwithstanding Public Health Emergency Order 20-21-005. It would also support and approve implementation of the Division of Economic Development's Business Reopening Plans at Orange Status for businesses operating within the Lake Powell Navajo Tribal Park, Monument Valley Navajo Tribal Park, Monument Valley Welcome Center, Little Colorado River Navajo Tribal Park, Four Corners Monument, Tséyi' Diné Heritage Area notwithstanding Health Emergency Order 2021-005.

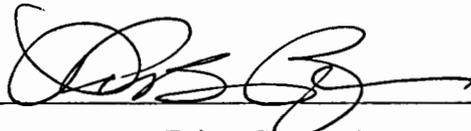
This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD V8rednase
Website Posting Time/Date
Posting End Date: April 25, 2021
Eligible for Action: April 26, 2021

Health Education & Human Services Committee
Thence
Resources & Development Committee
Thence
Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION **Naabik'iyáti'** Committee
2 24th NAVAJO NATION COUNCIL – Third Year, 2021 Thence
3 Navajo Nation Council

4 INTRODUCED BY

5 
6 _____
7 (Prime Sponsor)

8 TRACKING NO. 0076-21

9 AN ACTION

10 RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES
11 AND DEVELOPMENT, NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO
12 NATION COUNCIL; APPROVING THE REOPENING OF THE LAKE POWELL
13 NAVAJO TRIBAL PARK, MONUMENT VALLEY NAVAJO TRIBAL PARK,
14 MONUMENT VALLEY WELCOME CENTER, LITTLE COLORADO RIVER
15 NAVAJO TRIBAL PARK, FOUR CORNERS MONUMENT AND TSÉYI' DINÉ
16 HERITAGE AREA AT ORANGE STATUS NOTWITHSTANDING PUBLIC
17 HEALTH EMERGENCY ORDER NO. 2021-005; AND SUPPORTING THE
18 CONTINUED IMPLEMENTATION OF THE DIVISION OF ECONOMIC
19 DEVELOPMENT'S BUSINESS REOPENING PLAN FOR BUSINESSES
20 OPERATING WITHIN THE ABOVE-MENTIONED NAVAJO NATION PARKS
21 AND RECREATION SITES AT ORANGE STATUS NOTWITHSTANDING
22 PUBLIC HEALTH EMERGENCY ORDER NO. 2021-005

23 BE IT ENACTED:

24 SECTION ONE. AUTHORITY

25 A. The Health, Education and Human Services committee is a standing committee of the
26 Navajo Nation Council. 2 N.N.C. §400(A). The committee provides “legislative
27 oversight on matters involving health,” and oversees “Navajo Nation efforts in
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29
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1 implementing and ensuring compliance with employment and labor laws and policies
2 of the Navajo Nation.” 2 N.N.C. § 400 (C)(1) and § 400 (C)(3). Also, the committee
3 has authority to review and recommend “[r]esolutions relating to ... health,
4 environmental health, ... employment and labor.” 2 N.N.C. § 401(B)(6)(a).

5 B. The Resources and Development Committee is a standing committee of the Navajo
6 Nation Council. 2 N.N.C. § 500(A). The committee has oversight authority over
7 matters such as water, land, economic and community development, commerce and
8 trade. *See*, 2 N.N.C. § 500 (C). The committee also has oversight authority over the
9 Division of Natural Resources, Parks and Recreation Department. 2 N.N.C. §
10 501(C)(1).

11 C. The Naabik’iyáti’ Committee is a standing committee of the Navajo Nation Council.
12 2 N.N.C. §700(A). The committee, among other responsibilities, has authority over
13 proposed resolutions requiring “final action by the Navajo Nation Council.”
14 2 N.N.C. § 164(A)(9).

15 D. Pursuant to 2 N.N.C. §102(A), the Navajo Nation Council is the “governing body of
16 the Navajo Nation.”

17 18 **SECTION TWO. FINDINGS**

19 A. “The Navajo Parks and Recreation Department is responsible for the management
20 and operation of established tribal parks, monuments, recreation areas, the planning
21 and development of visitor services, facilities and accommodations therein, and
22 recommends the establishment of new parks.” *See* RDCJY-031-19, Exhibit 1.

23 B. The World Health Organization (WHO) declared a Public Health Emergency of
24 International Concern related to the outbreak of coronavirus (COVID-19), a highly
25 contagious and sometimes fatal respiratory virus on January 30, 2020; the U.S.
26 Department of Health and Human Services declared a Public Health Emergency
27 related to the COVID-19 outbreak on January 31, 2020; and the WHO declared a
28 global pandemic due to COVID-19 on March 11, 2020.

29 C. The Navajo Nation Commission on Emergency Management, with the concurrence of
30 Navajo Nation President Jonathan Nez, declared a Public Health State of Emergency

1 on the Navajo Nation on March 11, 2020 due to COVID-19. Resolution No. CEM
2 20-03-11. The Navajo Nation Department of Health subsequently issued numerous
3 Public Health Emergency Orders to contain the spread of the COVID-19 virus.

4 D. Public Health Emergency Order No. 2021-005, attached as **Exhibit A**, at page 1
5 paragraph III, states that “The Navajo Nation is experiencing a gradual downward
6 trajectory of new cases, with a slowed infection rate and no sustained rebound.”

7 E. Public Health Emergency Order No. 2021-005, at page 2 paragraph B, states that “Per
8 the Plan’s ‘reopening status schedule,’ the Navajo Health Command and Operations
9 Center (“NHCOC”), having evaluated the current state of the Navajo Nation per the
10 gating criteria and public health considerations provided in the Plan, declares the
11 Nation to be in Orange status. All businesses shall be bound to the conditions and
12 requirements of Orange status. The NHCOC will announce any future status changes
13 by Public Health Emergency Order.”

14 F. Public Health Emergency Order No. 2021-005, at page 3 paragraph C, states “Orange
15 status is defined as: 25% of maximum occupancy allowed for most businesses.
16 Restaurants and Dining facilities: drive-thru and curbside permissible. Restaurants
17 with permanent outdoor dining may provide outdoor dining at 25% of maximum
18 capacity, as long as social distancing between tables is enforced; Restaurants without
19 permanent outdoor dining are allowed up to 10 outdoor tables (max 4 persons per
20 table), as long as social distancing between tables is enforced. Personal Care and
21 Services: service by appointment only and allow time for cleaning between
22 appointments. Marinas and parks: appointment only. Casinos and video poker:
23 Navajo casinos are allowed to open to Navajo Nation residents and employees only.
24 Not Allowed in Orange Phase: youth programs, museums, flea markets, roadside
25 markets, gyms, recreation facilities, movie theaters.”

26 G. The opening of the Navajo Nation at Orange status through Public Health Emergency
27 Order does not apply to all businesses. On page 1 paragraph VI, the Order states that
28 “Tribal parks will not be accessible to Visitors and Tourists during this time.” In
29 addition on page 2 paragraph C states “Marinas and parks: appointment only.”

30 H. Nation parks including Lake Powell Navajo Tribal Park, Monument Valley Navajo

1 Tribal Park, Monument Valley Welcome Center, Little Colorado River Navajo Tribal
2 Park, Four Corners Monument, Tséyi' Diné Heritage Area are not included in the
3 Orange status 25% of maximum occupancy as defined in Public Health Emergency
4 Order No. 2021-005 and otherwise may open by "appointment only."

5 I. Navajo Nation residents who derive their income from selling their arts and crafts and
6 services at the Lake Powell Navajo Tribal Park, Monument Valley Navajo Tribal
7 Park, Monument Valley Welcome Center, Little Colorado River Navajo Tribal Park,
8 Four Corners Monument, Tséyi' Diné Heritage Area have felt the adverse economic
9 effects of the closure of these Navajo Nation parks. Given that the "Navajo Nation is
10 experiencing a gradual downward trajectory of new cases, with a slowed infection
11 rate and no sustained rebound," these vendors should be allowed to resume their
12 livelihood generated from sales at the Navajo parks.

13 J. Public Health Emergency Order 2021-05 states: "All businesses will be required to
14 submit a COVID-19 Reopening Plan to the Navajo Nation Division of Economic
15 Development before reopening in Orange Status. Reopening plans can be emailed
16 to: navajoeconomy@navajo-nsn.gov "

17 K. The Navajo Nation Reopening website <navajoreopening.navajo-nsn.gov> states that
18 such policies and procedures must:

- 19 1. Ensure physical distance between personnel, customers, and any member of
20 the public at the place of business is maximized, and that keeping six-feet
21 between persons is possible at all times.
 - 22 2. Address requests of personnel who are members of a vulnerable population
23 for special accommodations.
 - 24 3. Provide that the entity or organization will carry sufficient and appropriate
25 PPE based on industry best practices.
 - 26 4. Provide that the entity or organization will carry sufficient disinfectant
27 products.
 - 28 5. Require hygiene practices such as cleaning frequently-touched surfaces and
29 handwashing.
- 30

- 1 6. Provide for conducting regular employee COVID-19 screenings, such as
2 temperature checks, checklist or diagnostic testing.
- 3 7. Provide for on-going safety training and education on COVID-19.
- 4 8. Provide standards for how to respond to suspected and confirmed cases of
5 COVID-19 among employees. The policies and procedures shall further
6 provide contact information for the nearest healthcare facility, and such
7 information posted conspicuously at the place of business (e.g., informational
8 poster). The place of business shall contact the healthcare facility immediately
9 in the event of a suspected or confirmed case of COVID-19 to consult about
10 next steps. Places of business shall report suspected or confirmed cases to
11 NHCOC by calling (928) 871-7014.

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13 **SECTION THREE. APPROVING THE REOPENING OF THE LAKE POWELL**
14 **NAVAJO TRIBAL PARK, MONUMENT VALLEY NAVAJO TRIBAL PARK,**
15 **MONUMENT VALLEY WELCOME CENTER, LITTLE COLORADO RIVER**
16 **NAVAJO TRIBAL PARK, FOUR CORNERS MONUMENT AND TSÉYI' DINÉ**
17 **HERITAGE AREA AT ORANGE STATUS NOTWITHSTANDING PUBLIC**
18 **HEALTH EMERGENCY ORDER NO. 2021-005**

19 The Navajo Nation Council hereby approves the reopening of the Lake Powell
20 Navajo Tribal Park, Monument Valley Navajo Tribal Park, Monument Valley
21 Welcome Center, Little Colorado River Navajo Tribal Park, Four Corners Monument,
22 Tséyi' Diné Heritage Area at the Orange Status notwithstanding Public Health
23 Emergency Order 20-21-005.

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25 **SECTION FOUR. SUPPORTING AND APPROVING THE CONTINUED**
26 **IMPLEMENTATION OF THE DIVISION OF ECONOMIC DEVELOPMENT'S**
27 **BUSINESS REOPENING PLANS AT ORANGE STATUS FOR BUSINESSES**
28 **OPERATING WITHIN THE LAKE POWELL NAVAJO TRIBAL PARK,**
29 **MONUMENT VALLEY NAVAJO TRIBAL PARK, MONUMENT VALLEY**
30 **WELCOME CENTER, LITTLE COLORADO RIVER NAVAJO TRIBAL PARK,**

1 **FOUR CORNERS MONUMENT, TSÉYI' DINÉ HERITAGE AREA**
2 **NOTWITHSTANDING PUBLIC HEALTH EMERGENCY ORDER 2021-005**

3 The Navajo Nation Council hereby supports and approves the continued
4 implementation of the Division of Economic Development's Business Reopening
5 Plans at Orange Status for businesses operating within the Lake Powell Navajo Tribal
6 Park, Monument Valley Navajo Tribal Park, Monument Valley Welcome Center,
7 Little Colorado River Navajo Tribal Park, Four Corners Monument, Tséyi' Diné
8 Heritage Area notwithstanding Public Health Emergency Order 2021-005.
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10 **SECTION FIVE. EFFECTIVE DATE**

11 This action of the Navajo Nation Council herein shall be effective pursuant to 2
12 N.N.C. § 221(B). Further, the "President's authority to sign into law or veto legislation
13 shall be deemed waived if not exercised within ten calendar days after certification of the
14 legislation by the Speaker or Speaker Pro Tem and the legislation shall be deemed
15 enacted and become effective pursuant to 2 N.N.C. §221." 2 N.N.C. § 1005(C)(12).
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17 **SECTION SIX. SAVINGS CLAUSE**

18 Should any provision of this action be determined invalid by the Navajo Nation
19 Supreme Court, or the District Courts of the Navajo Nation without appeal to the Navajo
20 Nation Supreme Court, those provisions not determined invalid shall remain the law of
21 the Nation.
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