

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0103-21_

SPONSOR: Thomas Walker, Jr.

TITLE: An Action Relating to the Health, Education and Human Services, Resources and Development, and Naabik'iváti' Committees, and the Navajo Nation Council; Rescinding CMA-09-20 and CAP-19-20 Not Withstanding the Current Public Health Emergency Orders and Supporting the Continued Use of Telephonic Chapter Meetings and the Chapter Return to Operations Plan

Date posted: June 24, 2021 at 4:50PM

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**Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586**

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0103-21

DATE: June 22, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, AND NAABIK'IYATI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; RESCINDING CMA-09-20 AND CAP-19-20 NOT WITHSTANDING THE CURRENT PUBLIC HEALTH EMERGENCY ORDERS AND SUPPORTING THE CONTINUED USE OF TELEPHONIC CHAPTER MEETINGS AND THE CHAPTER RETURN TO OPERATIONS PLAN

PURPOSE: This resolution, if approved, will rescind N.N.C. Resolutions CMA-09-20 and CAP-19-20 to allow Chapter chapters to return to almost normal Chapter meetings and quorum requirements, but still allow Chapter members to use telecommunication attendance methods.

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.

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: _____
Posting End Date: 06-29-21
Eligible for Action: 06-30-21

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

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24th NAVAJO NATION COUNCIL – Third Year, 2021

3
4 INTRODUCED BY

5 
6

7 (Prime Sponsor)

8
9 TRACKING NO. 0103-21

10
11 AN ACTION

12 RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES,
13 RESOURCES AND DEVELOPMENT, AND NAABIK'IYATI'
14 COMMITTEES, AND THE NAVAJO NATION COUNCIL; RESCINDING
15 CMA-09-20 AND CAP-19-20 NOT WITHSTANDING THE CURRENT
16 PUBLIC HEALTH EMERGENCY ORDERS AND SUPPORTING THE
17 CONTINUED USE OF TELEPHONIC CHAPTER MEETINGS AND THE
18 CHAPTER RETURN TO OPERATIONS PLAN

19
20 BE IT ENACTED:

21
22 SECTION ONE. AUTHORITY

- 23 A. The Health, Education and Human Services is a standing committee of the Navajo
24 Nation Council. 2 N.N.C. §400(A). The Committee reviews legislations relating to
25 health and environmental health. 2 N.N.C. §401(B)(6)(a).
- 26 B. The Resources and Development Committee is a standing committee of the Navajo
27 Nation Council. 2 N.N.C. §500(A). The Committee has oversight over chapter
28 activities. 2 N.N.C. §500(C).
- 29 C. The Naabik'iyati' Committee is a standing committee of the Navajo Nation Council.
30 2 N.N.C. §700(A). The Committee, among other responsibilities, has authority over

1 proposed resolutions requiring “final action by the Navajo Nation Council.” 2
2 N.N.C. §164(A)(9).

3 D. The Navajo Nation Council is the governing of body of the Navajo Nation. 2 N.N.C.
4 § 102(A).

5
6 **SECTION TWO. FINDINGS**

7 A. On March 11, 2020, the Navajo Nation Commission on Emergency Management, with
8 concurrence of Navajo Nation President Jonathan Nez, declared a Public Health State
9 of Emergency for the Navajo Nation in response to the COVID-19 Pandemic. CEM-
10 20-03-11.

11 B. On March 13, 2020, Navajo Nation President Jonathan issued Executive Order 001-
12 20 which closed governmental offices including Chapter buildings.

13 C. On March 18, 2020, the Navajo Department of Health issued the first Public Health
14 Emergency Order which, amongst other things, limited gatherings to ten persons.

15 D. Under 26 N.N.C. § 1003(B), the minimum quorum requirement for Chapter meetings
16 is twenty-five registered chapter members. Under Resources and Development
17 Committee Resolution No. RDCD-127-12, some Chapters have been authorized to
18 lower their quorum requirement but the lowest authorized quorum is fifteen registered
19 chapter members.

20 E. In response to Executive Orders and Pubic Health Emergency Orders, the Navajo
21 Nation Council passed CMA-09-20 which authorized the Chapters to reduce quorum
22 requirements to three individuals so long as chapters limited action items to budget
23 matters, emergency matters, and COVID-19-related matters.

24 F. The Navajo Nation Council also passed CAP-19-20 (CMA-36-20 overrode the veto to
25 make CAP-19-20 effective on May 15, 2020) which had a series of temporary law
26 suspensions and authorizations such as allowing Chapters to meet telephonically and
27 to empower the Division of Community Development to make reasonable temporary
28 changes to the standard Five Management System to help Chapters function during
29 the COVID-19 Pandemic. Under CJY-64-20, CAP-19-20 was extended indefinitely.
30

- 1 G. On August 17, 2020, Navajo Nation President Jonathan Nez issued Executive Order
2 009-20 which reopened the Navajo Nation Governmental Offices and services to the
3 public. In preparation, the Navajo Nation Department of Justice issued a reopening
4 plan for Chapters titled “Chapter Return to Operations Plan”, attached as **Exhibit A**.
- 5 H. On November 13, 2020, Navajo Nation President Jonathan Nez issued Executive
6 Order 010-20 which, amongst other things, closed governmental offices again.
7 Subsequent Executive Orders were issued and the closures remained in place until
8 February 5, 2021 when Executive Order 004-2021 reopened the government.
- 9 I. On April 22, 2021, Public Health Emergency Order No. 2021-010 expanded
10 gatherings to fifteen or fewer persons. On May 21, 2021, Public Health Emergency
11 Order 2021-011 indicated that the “Navajo Nation is experiencing a plateau of low
12 cases, with a slowed infection rate and no sustained rebound.”
- 13 J. On June 18, 2021, Public Health Emergency Order No. 2021-012 expanded gatherings
14 to twenty-five or fewer persons.
- 15 K. The expanded gathering limit allows Chapters to meet with 25 persons and therefore
16 there is no longer a need for the three-person quorum reduction. Furthermore, as
17 Chapters adapt to the “new normal” of conducting Chapter meetings by teleconference
18 or other electronic means, any Chapter will be able to hold an in-person Chapter
19 meeting of up to twenty-five persons and allow additional attendees to attend the
20 meeting by telephone or other electronic means.
- 21 L. The current and future Public Health Emergency Orders and the Chapter Return to
22 Operations Plan provides adequate guidance for Chapters to conduct meetings and
23 services in a safe manner.
- 24 M. Accordingly, there is no longer a need for the temporary authorizations and
25 suspensions provided in CMA-09-20 and CAP-19-20.

26
27 **SECTION THREE. RESCINDING CMA-09-20 AND CAP-19-20 NOT**
28 **WITHSTANDING THE CURRENT PUBLIC HEALTH EMERGENCY ORDERS**
29 **AND SUPPORTING THE CONTINUED USE OF TELEPHONIC CHAPTER**
30 **MEETINGS AND THE CHAPTER RETURN TO OPERATIONS PLAN**

1 A. The Navajo Nation Council hereby rescinds CMA-09-20 and CAP-19-20 and
2 notwithstanding any Public Health Emergency orders, Chapter meeting quorum
3 requirements shall return to a minimum of twenty-five persons unless otherwise
4 authorized under TDCD-127-12.

5 B. The Chapters may continue to use telephonic or other electronic means as a
6 supplement to meet their normal quorum requirement.

7 C. The Navajo Nation Council hereby supports the continued use of the “Chapter
8 Return to Operations Plan”, **Exhibit A**, to guide Chapters in providing services to
9 their communities in a safe manner.

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11 **SECTION FOUR. EFFECTIVE DATE**

12 This Resolution is effective upon its approval pursuant to 2 N.N.C. § 221(B) and the
13 President’s budget line-item veto authority set forth in 2 N.N.C. § 164 (A)(17) pursuant
14 to Resolution No. CS-68-20 and CJY-62-20.

15
16 **SECTION FIVE. SAVING CLAUSE**

17 Should any provision of this legislation be determined invalid by the Navajo Nation
18 Supreme Court, or a District Court of the Navajo Nation without appeal to the Navajo
19 Nation Supreme Court, those portions of the legislation which are not determined invalid
20 shall remain the law of the Navajo Nation.