LEGISLATION NO: _0103-21_  SPONSOR: Thomas Walker, Jr.

TITLE: An Action Relating to the Health, Education and Human Services, Resources and Development, and Naabik’íyáti’ 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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DATE: June 22, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYATI' 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.
PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL – Third Year, 2021

INTRODUCED BY

[Signature]

(Prime Sponsor)

TRACKING NO. 0103-21

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

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Health, Education and Human Services is a standing committee of the Navajo
Nation Council. 2 N.N.C. §400(A). The Committee reviews legislations relating to
health and environmental health. 2 N.N.C. §401(B)(6)(a).

B. The Resources and Development Committee is a standing committee of the Navajo
Nation Council. 2 N.N.C. §500(A). The Committee has oversight over chapter
activities. 2 N.N.C. §500(C).

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

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

SECTION TWO. FINDINGS


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

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

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

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

F. The Navajo Nation Council also passed CAP-19-20 (CMA-36-20 overrode the veto to make CAP-19-20 effective on May 15, 2020) which had a series of temporary law suspensions and authorizations such as allowing Chapters to meet telephonically and to empower the Division of Community Development to make reasonable temporary changes to the standard Five Management System to help Chapters function during the COVID-19 Pandemic. Under CJY-64-20, CAP-19-20 was extended indefinitely.
G. On August 17, 2020, Navajo Nation President Jonathan Nez issued Executive Order 009-20 which reopened the Navajo Nation Governmental Offices and services to the public. In preparation, the Navajo Nation Department of Justice issued a reopening plan for Chapters titled “Chapter Return to Operations Plan”, attached as Exhibit A.

H. On November 13, 2020, Navajo Nation President Jonathan Nez issued Executive Order 010-20 which, amongst other things, closed governmental offices again. Subsequent Executive Orders were issued and the closures remained in place until February 5, 2021 when Executive Order 004-2021 reopened the government.

I. On April 22, 2021, Public Health Emergency Order No. 2021-010 expanded gatherings to fifteen or fewer persons. On May 21, 2021, Public Health Emergency Order 2021-011 indicated that the “Navajo Nation is experiencing a plateau of low cases, with a slowed infection rate and no sustained rebound.”

J. On June 18, 2021, Public Health Emergency Order No. 2021-012 expanded gatherings to twenty-five or fewer persons.

K. The expanded gathering limit allows Chapters to meet with 25 persons and therefore there is no longer a need for the three-person quorum reduction. Furthermore, as Chapters adapt to the “new normal” of conducting Chapter meetings by teleconference or other electronic means, any Chapter will be able to hold an in-person Chapter meeting of up to twenty-five persons and allow additional attendees to attend the meeting by telephone or other electronic means.

L. The current and future Public Health Emergency Orders and the Chapter Return to Operations Plan provides adequate guidance for Chapters to conduct meetings and services in a safe manner.

M. Accordingly, there is no longer a need for the temporary authorizations and suspensions provided in CMA-09-20 and CAP-19-20.

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

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

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

SECTION FOUR. EFFECTIVE DATE

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

SECTION FIVE. SAVING CLAUSE

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