

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0104-21_

SPONSOR: Carl R. Slater

TITLE: An Action Relating to an Emergency for the Navajo Nation Council; Repealing Resolutions Related to or Responding to Emergency or Extraordinary Enactments Pertaining to COVID-19 Mitigation and COVID-19 Pandemic Operational and Preparedness Procedures; Authorizing the Opening of Navajo-Owned Businesses to Navajo Citizens and Non-Navajo Tourists and Visitors; Authorizing In-Person Instruction at Schools Operating Within the Navajo Nation

Date posted: June 25, 2021 at 1:16PM

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LEGISLATIVE SUMMARY SHEET
Tracking No. 0104-21

DATE: June24, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; REPEALING RESOLUTIONS RELATED TO OR RESPONDING TO EMERGENCY OR EXTRAORDINARY ENACTMENTS PERTAINING TO COVID-19 MITIGATION AND COVID-19 PANDEMIC OPERATIONAL AND PREPAREDNESS PROCEDURES; AUTHORIZING THE OPENING OF NAVAJO-OWNED BUSINESSES TO NAVAJO CITIZENS AND NON-NAVAJO TOURISTS AND VISITORS; AUTHORIZING IN-PERSON INSTRUCTION AT SCHOOLS OPERATING WITHIN THE NAVAJO NATION

PURPOSE: This resolution, if approved, will repeal the following COVID-19 related legislations:

CMA-08-20, An Action Relating to an Emergency; Approving Minimized Procedures for Accepting Donations During the COVID-19 Emergency Declaration; Temporarily Waiving Certain Provisions of 2 N.N.C. §1010;

CMA-09-20, An Action Relating to an Emergency; Temporarily Authorizing Reduced Chapter Meeting Quorum Requirements During the COVID-19 Emergency;

NABIJN-26-20, An Action Relating to the Naabik'iyáti' Committee; Extending the Expiration of Navajo Nation Council Resolution No. CMA-09-20;

CMA-12-20, An Action Relating to an Emergency for the Navajo Nation Council; Approving Expedited Process for FirstNet and Other Critical Wireless Public Safety Communications to Assist Navajo Nation Operations Undertaken During the Time of the COVID-19 Pandemic;

CMA-16-20, An Action Relating to an Emergency; Regarding the COVID-19 within the Territorial Jurisdiction of the Navajo Nation, Ensuring Safe Protection Upon Roads Within the Navajo Nation by Declaring all Navajo Nation-Owned and Maintained Roads Shall Be Closed to all Visitors and Tourists;

CMY-36-20, An Action Relating to Naabik'iyat' and Navajo Nation Council; Overriding the Navajo Nation President's Veto of Navajo Nation Council Resolution CAP-19-20 [An Action Relating to an Emergency; Temporarily Suspending Title 26 Sections to Allow Chapter Meetings to be Held Telephonically or Through Video Conferencing; Temporarily Suspending Title 26 Sections and Clarifying Title 26 Sections to Authorize 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 the Navajo Nation Government Offices and Related Entities, Executive Order No. 002-20];

CJY-64-20, An Action Relating to an Emergency; Extending the Expiration of Navajo Nation Council Resolution No. CAP-19-20;

CJY-65-20, An Action Relating to an Emergency; Approving Meetings Through Telecommunications for All Governing Bodies of the Navajo Nation;

CJY-66-20, An Action Relating to an Emergency; Approving Meetings Through Telecommunications for Chapter Subcommittees, Community Land Use Plan Planning Committees, Agency, Regional and District Councils, Chapters and Agency Veterans Organizations; and

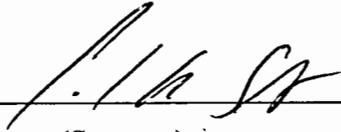
CO-84-20, An Action Relating to an Emergency for the Navajo Nation; Opposing All In-Person Instruction at all Schools Intending to Reopen within the Navajo Nation Amidst Covid-19; Supporting the Navajo Nation Board of Education in Recommending Virtual Learning.

The resolution, if approved, will also authorize the opening of Navajo-owned businesses to tourists and visitors subject to COVID-19 safety protocols and applicable Public Health Orders; and allow in-person instruction at schools subject to COVID-19 safety protocols and applicable Public Health Orders.

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



(Sponsor)

TRACKING NO. 0104-21

AN ACTION

RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL;
REPEALING RESOLUTIONS RELATED TO OR RESPONDING TO
EMERGENCY OR EXTRAORDINARY ENACTMENTS
PERTAINING TO COVID-19 MITIGATION AND COVID-19 PANDEMIC
OPERATIONAL AND PREPAREDNESS PROCEDURES; AUTHORIZING THE
OPENING OF NAVAJO-OWNED BUSINESSES TO NAVAJO CITIZENS AND
NON-NAVAJO TOURISTS AND VISITORS; AUTHORIZING IN-PERSON
INSTRUCTION AT SCHOOLS OPERATING WITHIN THE NAVAJO NATION

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation, pursuant to 2 N.N.C. § 102 (A).
- B. 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 entire Navajo Nation government, as a sovereign entity, provides essential, daily
3 services to the Navajo public, business partners, and consumers and a delay or
4 interruption of the essential services has an impact on the Navajo Nation's ability to
5 operate government programs, generate revenue, and provide other necessary services;
6 making immediate relief necessary by repealing certain enactments of the Navajo
7 Nation Council.
- 8 B. In March 2020, the Navajo Nation saw the COVID-19 Coronavirus begin its spread
9 across Navajo communities; and more than a year later, as of June 24, 2021, COVID-
10 19 has infected 30,974 individuals and caused 1,347 deaths on the Navajo Nation, while
11 disrupting daily life and creating economic havoc.
- 12 C. The Navajo Nation Council and Standing Committees responded to the emergency
13 situation passing a record number of legislative acts to address the pandemic situation
14 and offer relief to constituents and communities.
- 15 D. The Navajo Department of Health and the Health Command Operations Center
16 initiated a system to monitor the effects of the Coronavirus on the Navajo Nation while
17 providing information on how to best prevent the spread of the Coronavirus and to
18 protect the public and employees across the Navajo Nation.
- 19 E. The Navajo Department of Health and the Health Command Operations Center, since
20 March 2020, initiated several lockdowns for the Navajo Nation to prevent the spread
21 of the Coronavirus, mandated mask/face coverings for all persons along with other
22 safety measures to keep the public safe.
- 23 F. In December of 2020, the Center for Disease Control and Prevention (CDC) authorized
24 the emergency use of vaccines to combat the Coronavirus and through the Indian
25 Health Services the vaccine was made available to Navajo citizens with 70% of adults
26 receiving one of three vaccines available.
- 27 G. Over the past several months, numerous factors show that the Navajo Nation is
28 recovering from the devastating effect of the Coronavirus; factors such as, more adults
29 and children receiving the COVID-19 vaccine, reduced hospitalization of COVID-19
30 positive cases, and more negative test results for COVID-19.

1 H. For non-government entities and businesses on the Navajo Nation, the status shifted
2 from Red with high restrictions on businesses to Orange with moderate restrictions and
3 currently in Yellow with moderate-low restrictions on businesses.

4 I. The Navajo Nation may experience additional COVID-19 cases with the introduction
5 of new variants; however, the Navajo Nation's status is improving with the safe
6 practices of all citizens and government employees.

7
8 **SECTION THREE. REPEALING CERTAIN NAVAJO NATION COUNCIL**
9 **RESOLUTIONS**

10 The Navajo Nation, with its improving health conditions and upgraded safety status, will
11 not require certain restrictions related to or responding to emergency challenges resulting
12 from the COVID-19 pandemic; and repeals the following enactments, included herein by
13 reference:

14 A. CMA-08-20, An Action Relating to an Emergency; Approving Minimized Procedures
15 for Accepting Donations During the COVID-19 Emergency Declaration; Temporarily
16 Waiving Certain Provisions of 2 N.N.C. §1010;

17 B. CMA-09-20, An Action Relating to an Emergency; Temporarily Authorizing Reduced
18 Chapter Meeting Quorum Requirements During the COVID-19 Emergency;

19 C. NABIJN-26-20; An Action Relating to the Naabik'íyáti' Committee; Extending the
20 Expiration of Navajo Nation Council Resolution No. CMA-09-20;

21 D. CMA-12-20, An Action Relating to an Emergency for the Navajo Nation Council;
22 Approving Expedited Process for FirstNet and Other Critical Wireless Public Safety
23 Communications to Assist Navajo Nation Operations Undertaken During the Time of
24 the COVID-19 Pandemic;

25 E. CMA-16-20, An Action Relating to an Emergency; Regarding the COVID-19 within
26 the Territorial Jurisdiction of the Navajo Nation, Ensuring Safe Protection Upon Roads
27 Within the Navajo Nation by Declaring all Navajo Nation-Owned and Maintained
28 Roads Shall Be Closed to all Visitors and Tourists;

29 F. CMY-36-20, An Action Relating to Naabik'íyat' and Navajo Nation Council;
30 Overriding the Navajo Nation President's Veto of Navajo Nation Council Resolution

1 CAP-19-20 [An Action Relating to an Emergency; Temporarily Suspending Title 26
2 Sections to Allow Chapter Meetings to be Held Telephonically or Through Video
3 Conferencing; Temporarily Suspending Title 26 Sections and Clarifying Title 26
4 Sections to Authorize Chapters to Function to Meet the Needs of their Communities
5 during the COVID-19 Health Crisis under the Three Person Quorum and the Executive
6 Branch Closure of the Navajo Nation Government Offices and Related Entities,
7 Executive Order No. 002-20];

8 G. CJY-64-20, An Action Relating to an Emergency; Extending the Expiration of Navajo
9 Nation Council Resolution No. CAP-19-20;

10 H. CJY-65-20, An Action Relating to an Emergency; Approving Meetings Through
11 Telecommunications for All Governing Bodies of the Navajo Nation;

12 I. CJY-66-20, An Action Relating to an Emergency; Approving Meetings Through
13 Telecommunications for Chapter Subcommittees, Community Land Use Plan Planning
14 Committees, Agency, Regional and District Councils, Chapters and Agency Veterans
15 Organizations; and

16 J. CO-84-20, An Action Relating to an Emergency for the Navajo Nation; Opposing All
17 In-Person Instruction at all Schools Intending to Reopen within the Navajo Nation
18 Amidst Covid-19; Supporting the Navajo Nation Board of Education in
19 Recommending Virtual Learning.

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21 **SECTION FOUR. AUTHORIZING THE OPENING OF NAVAJO-OWNED**
22 **BUSINESSES**

23 Navajo business owners may hereby open their businesses to Navajo citizens and non-
24 Navajo tourists and visitors; and initiate or resume their business activities in compliance
25 with COVID-19 safety protocols and applicable Public Health Orders.

26
27 **SECTION FIVE. ALLOWING IN-PERSON INSTRUCTION AT SCHOOLS**

28 All schools operating within the Navajo Nation that offer in-person instruction shall
29 comply with the COVID-19 safety protocols established by the Navajo Board of Education
30 and Department of Diné Education and applicable Public Health Orders.

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SECTION SIX. EFFECTIVE DATE

This Resolution is effective upon its approval pursuant to 2 N.N.C. § 221(B).

SECTION SIX. 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.