

THE NAVAJO NATION
LEGISLATIVE BRANCH
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LEGISLATION NO: _0268-21_

SPONSOR: Herman M. Daniels

TITLE: An Action Relating to an Emergency; Authorizing Chapters to Continue to Conduct Official Business Through a Quorum of Three (3) Registered Chapter Members; Limiting Chapter Business to COVID-19 Matters, the Navajo Nation Emergency Declaration, Budget Authorizations, and Additional Topics Approved on a Case-By-Case Basis by the Division Director of the Division of Community Development in Consultation with the Navajo Department of Justice; Directing the Chapters to Provide the Public with a Telephonic and/or Video-Conferencing Call-in Numbers Allowing the Navajo People to Participate in their Chapter Meetings; and Re-enacting Resolution CAP-19-20 Sections Three, Four, Five, Seven, and Nine Authorizations That Assist the Chapter to Provide Services to their Communities in a Safe Manner

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LEGISLATIVE SUMMARY SHEET
Tracking No. 0268-21

DATE: December 20, 2021

TITLE OF RESOLUTION: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACTION RELATING TO AN EMERGENCY; AUTHORIZING CHAPTERS TO CONTINUE TO CONDUCT OFFICIAL BUSINESS THROUGH A QUORUM OF THREE (3) REGISTERED CHAPTER MEMBERS; LIMITING CHAPTER BUSINESS TO COVID-19 MATTERS, THE NAVAJO NATION EMERGENCY DECLARATION, BUDGET AUTHORIZATIONS, AND ADDITIONAL TOPICS APPROVED ON A CASE-BY-CASE BASIS BY THE DIVISION DIRECTOR OF THE DIVISION OF COMMUNITY DEVELOPMENT IN CONSULTATION WITH THE NAVAJO DEPARTMENT OF JUSTICE; DIRECTING THE CHAPTERS TO PROVIDE THE PUBLIC WITH A TELEPHONIC AND/OR VIDEO-CONFERENCING CALL-IN NUMBERS ALLOWING THE NAVAJO PEOPLE TO PARTICIPATE IN THEIR CHAPTER MEETINGS; AND, RE-ENACTING RESOLUTION CAP-19-20 SECTIONS THREE, FOUR, FIVE, SEVEN, AND NINE AUTHORIZATIONS THAT ASSIST THE CHAPTER TO PROVIDE SERVICES TO THEIR COMMUNITIES IN A SAFE MANNER

PURPOSE: The purpose of this legislation to authorize the Chapters to continue to conduct official business through a quorum of three (3) registered Chapter members which may be just Chapter officials; official business is to be limited to Chapter business directly related to Covid-19 matters, the Navajo Nation Emergency Declaration, budget authorizations and approvals, and additional topics; Chapters are to provide the Chapter public with a telephonic and/or video-conferencing number so that the public may participate in their Chapter meeting; and, re-enacting resolution CAP-19-20 Sections three, four, five, seven, and nine authorizations that assist the chapter to provide services to their communities in a safe manner.

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.

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

INTRODUCED BY



(Sponsor)

TRACKING NO. 0268-21

AN ACTION

RELATING TO AN EMERGENCY; AUTHORIZING CHAPTERS TO CONTINUE TO CONDUCT OFFICIAL BUSINESS THROUGH A QUORUM OF THREE (3) REGISTERED CHAPTER MEMBERS; LIMITING CHAPTER BUSINESS TO COVID-19 MATTERS, THE NAVAJO NATION EMERGENCY DECLARATION, BUDGET AUTHORIZATIONS, AND ADDITIONAL TOPICS APPROVED ON A CASE-BY-CASE BASIS BY THE DIVISION DIRECTOR OF THE DIVISION OF COMMUNITY DEVELOPMENT IN CONSULTATION WITH THE NAVAJO DEPARTMENT OF JUSTICE; DIRECTING THE CHAPTERS TO PROVIDE THE PUBLIC WITH A TELEPHONIC AND/OR VIDEO-CONFERENCING CALL-IN NUMBERS ALLOWING THE NAVAJO PEOPLE TO PARTICIPATE IN THEIR CHAPTER MEETINGS; AND, RE-ENACTING RESOLUTION CAP-19-20 SECTIONS THREE, FOUR, FIVE, SEVEN, AND NINE AUTHORIZATIONS THAT ASSIST THE CHAPTER TO PROVIDE SERVICES TO THEIR COMMUNITIES IN A SAFE MANNER

BE IT ENACTED:

SECTION ONE. AUTHORITY

- 1 A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §
2 102 (A).
- 3 B. All authorities exercised by a Chapter pursuant to 26 N.N.C. §101 *et. al*, may be
4 preempted by Navajo Nation Council resolutions. 26 N.N.C. §103 (C).
- 5 C. Pursuant to 2 N.N.C. §164 (A)(16) “[m]atters constituting an emergency shall be
6 limited to the cessation of law enforcement services, and disaster relief services, fire
7 protection services or other direct services required as an entitlement under Navajo
8 Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation.
9 Such an emergency matter must arise due to the pressing public need for such
10 resolution(s) and must be a matter requiring final action by the Council.”

11
12 **SECTION TWO. FINDINGS**

- 13 A. The World Health Organization (“WHO”) declared a Public Health Emergency of
14 International Concern related to the outbreak of coronavirus (“COVID-19”), a highly
15 contagious and sometimes fatal respiratory virus, on January 30, 2020; the U.S.
16 Department of Health and Human Services declared a Public Health Emergency related
17 to the COVID-19 outbreak on January 31, 2020; and the WHO declared a global
18 pandemic due to COVID-19 on March 11, 2020.
- 19 B. The Navajo Nation Commission on Emergency Management, with the concurrence of
20 Navajo Nation President Jonathan Nez, declared a Public Health State of Emergency
21 on the Navajo Nation on March 11, 2020, due to the COVID-19 outbreak. *See*
22 Resolution No. CEM 20-03-11 incorporated herein by reference. The Navajo Nation
23 Department of Health has subsequently issued numerous Public Health Emergency
24 Orders. Public Health Orders 2020-001 through 2021-020 are incorporated herein by
25 reference. These Public Health Emergency Orders are available at [www.ndoh.navajo-](http://www.ndoh.navajonnsn.gov)
26 [nsn.gov](http://www.ndoh.navajonnsn.gov).
- 27 C. The Covid-19 pandemic has caused large scale infections and loss of life throughout
28 the world, the United States and the Navajo Nation. As of December 15, 2021, the
29 Navajo Nation Health Command Operations Center has confirmed 40,615 COVID-19
30 cases and 1,569 COVID-related deaths on the Navajo Nation.

- 1 D. Due to the spread of Covid-19, the Navajo Nation Council approved CMA-09-20,
2 attached as **Exhibit A**, AN ACTION RELATING TO AN EMERGENCY;
3 TEMPORARILY AUTHORIZING REDUCED CHAPTER MEETING QUORUM
4 REQUIREMENTS DURING THE COVID-19 EMERGENCY, which authorized
5 Chapter meetings to be held with a quorum of three (3) registered Chapter members as
6 opposed to the twenty-five (25) Chapter members required by 26 N.N.C. §1003 (B).
7 This three-quorum authorization was initially effective for sixty (60) days.
- 8 E. On April 13, 2020, the Navajo Nation Council passed Resolution CAP-19-20, attached
9 as **Exhibit B**, AN ACTION RELATING TO AN EMERGENCY; TEMPORARILY
10 SUSPENDING TITLE 26 SECTIONS TO ALLOW CHAPTER MEETINGS TO BE
11 HELD TELEPHONICALLY OR THROUGH VIDEO CONFERENCING;
12 TEMPORARILY SUSPENDING TITLE 26 SECTIONS AND CLARIFYING TITLE
13 26 SECTIONS TO AUTHORIZE CHAPTERS TO FUNCTION TO MEET THE
14 NEEDS OF THEIR COMMUNITIES DURING THE COVID-19 HEALTH CRISIS
15 UNDER THE THREE-PERSON QUORUM AND THE EXECUTIVE BRANCH
16 CLOSURE OF NAVAJO NATION GOVERNMENT OFFICES AND RELATED
17 ENTITIES, EXECUTIVE ORDER NO. 002-20. The Navajo Nation President vetoed
18 Resolution CAP-19-20 on April 23, 2020. The Navajo Nation Council overrode the
19 veto by Resolution CMY-36-20 on May 19, 2020.
- 20 F. On July 26, 2020, the Navajo Nation Council enacted CJY-64-20 AN ACTION
21 RELATING TO AN EMERGENCY; EXTENDING THE EXPIRATION OF
22 NAVAJO NATION COUNCIL RESOLUTION NO. CAP-19-20. Resolution CJY-64-
23 20, attached as **Exhibit C**, stated: “The Navajo Nation Council hereby extends the
24 expiration of Resolution CAP-19-20 to expire when the public gathering limitation is
25 lifted or changed to allow a minimum Chapter quorum of twenty-five (25) or otherwise
26 determined by the Navajo Nation Council.” The Navajo Nation President signed
27 Resolution CJY-64-10 on August 9, 2020.
- 28 G. Due to the downturn in Covid-19 infections and reduced hospitalizations, on June 28,
29 2021 Navajo Nation Council enacted Resolution No. CJN-36-21, attached as **Exhibit**
30 **D**, titled “AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO

1 NATION COUNCIL; REPEALING RESOLUTIONS RELATED TO OR
2 RESPONDING TO EMERGENCY OR EXTRAORDINARY ENACTMENTS
3 PERTAINING TO COVID-19 MITIGATION AND COVID-19 PANDEMIC
4 OPERATIONAL AND PREPAREDNESS PROCEDURES; AUTHORIZING THE
5 OPENING OF ALL NAVAJO NATION ENTERPRISES AND NAVAJO-OWNED
6 BUSINESSES TO NAVAJO CITIZENS AND NON-NAVAJO TOURISTS AND
7 VISITORS; AUTHORIZING IN-PERSON INSTRUCTION AT SCHOOLS
8 OPERATING WITHIN THE NAVAJO NATION.” Resolution No. CJN-36-21 stated
9 that “[w]ithin ninety (90) days of enactment of this legislation, Chapter meeting
10 quorum requirements shall return to a minimum of twenty-five persons unless
11 otherwise authorized under RDCD-127-12.” The Navajo Nation President signed the
12 resolution on July 6, 2021. Ninety (90) days after July 6, 2021 was October 4, 2021.

13 H. On October 5, 2021, the Navajo Nation Council enacted Resolution No. CS-50-21,
14 attached as **Exhibit E**, titled “AN ACTION RELATING TO RESOURCES AND
15 DEVELOPMENT COMMITTEE, NAABIK’ÍYÁTI’ COMMITTEE AND NAVAJO
16 NATION COUNCIL; AMENDING CJN-36-21, SECTION SIX, TO EXTEND THE
17 DEADLINE FOR CHAPTERS TO RETURN TO THE TWENTY-FIVE PERSON
18 CHAPTER MEETING QUORUM REQUIREMENT,” which amended CJN-36-21 by
19 extending the deadline to return to the twenty-five (25) person Chapter meeting quorum
20 requirement from ninety (90) days to “[w]ithin one hundred eighty (180) days[.]” The
21 Navajo Nation President signed Resolution No. CS-50-21 on October 15, 2021. One
22 hundred eighty (180) days from July 6, 2021 is January 2, 2022.

23 I. The Centers for Disease Control and Prevention (CDC) has reported that “[o]n
24 November 24, 2021, a new variant of SARS-CoV-2, B.1.1.529, was reported to the
25 World Health Organization (WHO). This new variant was first detected in specimens
26 collected on November 11, 2021 in Botswana and on November 14, 2021 in South
27 Africa. On November 26, 2021, WHO named the B.1.1.529 Omicron and classified it
28 as a Variant of Concern. On November 30, 2021, the United States designated Omicron
29 as a Variant of Concern, and on December 1, 2021 the first confirmed U.S. case of
30

1 Omicron was identified.” [https://www.cdc.gov/coronavirus/2019-](https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html)
2 [ncov/variants/omicron-variant.html](https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html)

3 J. The Centers for Disease Control and Prevention also reports that “[t]he Omicron
4 variant likely will spread more easily than the original SARS-CoV-2 virus and how
5 easily Omicron spreads compared to Delta remains unknown. CDC expects that
6 anyone with Omicron infection can spread the virus to others, even if they are
7 vaccinated or don’t have symptoms.” [https://www.cdc.gov/coronavirus/2019-](https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html)
8 [ncov/variants/omicron-variant.html](https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html)

9 K. The immergence of the new Covid-19 variant Omicron, which the CDC says “likely
10 will spread more easily than the original SARS-CoV-2 virus,” signals the need for the
11 Navajo Nation to continue to exercise caution with regard to the number of people
12 gathered for Chapter meetings. Therefore, the Navajo Nation should exercise caution
13 and further extend the deadline for Chapters to return to the twenty-five (25) person
14 Chapter meeting quorum requirement.

15 L. However, the need to protect the Navajo people from contracting Covid-19 must be
16 read with the Navajo citizens’ rights and responsibilities to be part of their Chapter
17 government. In that regard, it is important that the Chapters provide telephone
18 conference lines or video-conferencing numbers to their citizenry. It is understood that
19 some Chapters have phone line and internet issues; however, most Chapters have the
20 phone lines and internet to provide their citizens call-in telephone numbers or video-
21 conferencing numbers.

22 M. Resolution CMA-09-20, the first Navajo Nation Council Resolution which authorized
23 Chapter meetings to be held with a quorum of three (3) registered Chapter members as
24 opposed to the twenty-five (25) Chapter members as stated in 26 N.N.C. §1003 (B) did
25 not authorize the lower-numbered quorum to consider every potential Chapter issue.
26 Resolution CMA-09-20 stated: “The official business authorized to be addressed by a
27 quorum of 3 registered chapter members is limited to chapter business directed related
28 to COVID-19, the Navajo Nation Emergency Declaration, and budget authorizations
29 and approvals.” CMA-09-20 SECTION THREE (B).

1 N. Resolution CAP-19-20 further authorized the three (3) member quorums to include
2 additional topics with the provision that “[a]dditional topics shall be approved on a
3 case-by-case basis by the Division director of the Division of Community Development
4 in consultation with the Navajo Department of Justice.” CAP-19-20 SECTION
5 THREE (D). Again, this is to authorize Chapters to act on matters affecting Chapter
6 residents during the Covid-19 pandemic; however, care must be taken to approve
7 additional topics to be acted upon by the three (3) member quorums given that the full
8 twenty-five (25) member quorums are suspended only because of the Covid-19
9 pandemic. The adaptation of using teleconference lines and video-conferencing as a
10 supplement to in-person Chapter meetings has helped to ensure community
11 participation. Furthermore, these supplements help promote transparency at the local
12 level.

13 O. Resolution CAP-19-20 contained additional authorizations that helped Chapters
14 provide services to their communities in a safe manner. Resolution CAP-19-20
15 Sections Three, Four, Five, Seven and Nine are necessary during the continuing Covid-
16 19 pandemic. Therefore, Resolution CAP-19-20 Section Three, TEMPORARILY
17 SUSPENDING TITLE 26 SECTIONS BY AUTHORIZING THE NAVAJO NATION
18 CHAPTER MEETINGS TO BE HELD TELEPHONICALLY OR BY VIDEO
19 CONFERENCING AND OTHER CHAPTER MEETING ISSUES; Section Four,
20 TEMPORARILY ENABLE THE DIVISION OF COMMUNITY DEVELOPMENT
21 AND NAVAJO DEPARTMENT OF JUSTICE TO GUIDE ALL 110 CHAPTERES
22 BY USING THE 2010 MODEL FIVE MANAGEMENT SYSTEM (FMS) AND TO
23 DEVELOP TEMPORARY MODIFICATIONS TO THE MODEL FMA TO HELP
24 CHAPTERS ADDRESS THIS EMERGENCY; Section Five, TEMPORARILY
25 SUSPEND 26 N.N.C. § 103 TO AUTHORIZE ALL NON-GOVERNANCE
26 CERTIFIED CHAPTERS TO EXERCISE CERTAIN AUTHORITIES UNDER
27 SECTION 103; Section Seven, BUDGET POLICIES FOR THE CHAPTER
28 EMERGENCY FUND; and Section Nine, RELIEF EFFORTS COMING FROM
29 DONATIONS should continue during the extension of the three-member Chapter
30 quorum.

1 P. The Navajo Nation Council finds that authorizing in-person Chapter meetings with a
2 lesser quorum requirement is a pressing public need meeting the emergency
3 requirements of 2 N.N.C. §164 (A)(16) and teleconferences and/or video-conferencing
4 helps promote community participation and transparency.

5 Q. The Navajo Nation Council determines that it is in the best interest for the overall safety
6 of the Navajo People to continue to conduct official business through a quorum of three
7 (3) registered Chapter members and that Chapters use of teleconferencing and/or video-
8 conferencing to maintain and supplement the three-member quorum is in the interest
9 of community participation and transparency.

10
11 **SECTION THREE. APPROVAL QUORUM OF THREE (3) FOR CHAPTER**
12 **MEETINGS, LIMITED TOPICS TO BE CONSIDERED BY THE CHAPTERS**
13 **OPERATING BY THE SMALLER QUORUM, CHAPTER SHALL PROVIDE**
14 **TELEPHONIC AND/OR VIDEO-CONFERENCING NUMBER**

15 A. Notwithstanding 26 N.N.C. §1002 (C), the Navajo Nation Council hereby authorizes
16 Chapters to continue to conduct official business through a quorum of three (3)
17 registered Chapter members which may be comprised of Chapter officials only.

18 B. The official business authorized to be addressed by a quorum of three (3) registered
19 Chapter members is limited to Chapter business directly related to Covid-19 matters,
20 the Navajo Nation Emergency Declaration, budget authorizations and approvals, and
21 additional topics. Additional topics shall be approved on a case-by-case basis by the
22 Division Director of the Division of Community Development in consultation with the
23 Navajo Department of Justice.

24 C. Chapters conducting meetings under this authorization to conduct official business
25 through a quorum of three (3) registered Chapter members shall provide the Chapter
26 community with a telephonic and/or video-conferencing number so that the public may
27 participate in their Chapter meetings. The Division Director of the Division of
28 Community Development in consultation with the Navajo Department of Justice is
29 authorized to exempt Chapters from this requirement if it is determined that the Chapter
30 does not have access to telephonic or video-conferencing services.

1 **SECTION FOUR. RE-ENACTING NAVAJO NATION COUNCIL RESOLUTION**
2 **CAP-19-20 SECTION THREE, TEMPORARILY SUSPENDING TITLE 26**
3 **SECTIONS BY AUTHORIZING THE NAVAJO NATION CHAPTER MEETINGS**
4 **TO BE HELD TELEPHONICALLY OR BY VIDEO CONFERENCING AND**
5 **OTHER CHAPTER MEETING ISSUES**

- 6 A. The Navajo Nation Council temporarily suspends 26 N.N.C. §1002 (C) (1) and other
7 sections expressing or implying a need to hold an in-person Chapter meeting, thereby
8 authorizing Chapter meetings to be held telephonically or by video conferencing.
- 9 B. The Navajo Nation Council recognizes that Chapter meetings may have been held
10 telephonically by a three-member quorum prior to the effective date of this resolution.
11 In such instances, the Navajo Nation Council authorizes that the business items approved
12 at these telephonic, three-member quorum Chapter meetings to be ratified by a
13 subsequent telephonic Chapter meeting operating after the effective date of this
14 resolution.
- 15 C. The Navajo Nation Council hereby acknowledges that the Chapters are to abide by the
16 48-hour meeting notice pursuant to 26 N.N.C. §1002 (B). The Chapters are to make
17 every effort to notify their community members of the telephonic or video conferencing
18 call-in numbers to allow Chapter membership to call in to the Chapter meetings. Such
19 notice may be posted on the Chapter website and/or in other locations.
- 20 D. The Navajo Nation Council hereby authorizes Chapter meetings to include budget
21 matters, emergency matters, and additional topics. Additional topics shall be approved
22 on a case-by-case basis by the Division Director of the Division of Community
23 Development in consultation with the Navajo Department of Justice.
- 24 E. The Navajo Nation Council temporarily authorizes the Chapter President to appoint and
25 confirm any Chapter member as pro tem vice-president and pro tem secretary/treasurer.
26 This authorization temporarily suspends 26 N.N.C. § 1001(B)(1)(d), which states that the
27 Chapter President appoints and the membership approves/confirms. The pro tem vice-
28 president and pro tem secretary-treasurer will be compensated by stipend subject to the
29 Chapter-approved budget.
30

- 1 F. The Navajo Nation Council temporarily authorizes the vice-president and
2 secretary/treasurer to make the main motion and/or the second to the main motion at a
3 Chapter meeting. This authorization temporarily suspends 26 N.N.C. § 1003(D)(2),
4 which prohibits Chapter officials from making main motions or seconding motions on
5 substantive and administrative matters during a regular Chapter meeting.
- 6 G. The Navajo Nation Council hereby acknowledges that the secretary/treasurer is to record
7 the telephonic Chapter meetings pursuant to 26 N.N.C. § 1001(B)(3)(d). However, if
8 electronic recording of the telephonic Chapter meeting is not possible, then the
9 secretary/treasurer is to write detailed meeting minutes, as is required by 26 N.N.C. §
10 1001(B)(3)(d).
- 11 H. The Navajo Nation Council hereby acknowledges that Chapter officials are to be
12 compensated for the number of meetings attended by teleconference or video
13 conferencing pursuant to the approved budget. 26 N.N.C. § 1002(C)(1).
- 14 I. The Navajo Nation Council hereby clarifies that Resolution No. CMA-09-20 which
15 authorized a three-member quorum was meant to reduce the statutory quorum
16 requirement of 25 registered members and also for Chapters that have reduced their
17 quorum pursuant to the Resources and Development Committee Resolution No. RDCD-
18 127-12. There are governance certified Chapters that operate under an Alternative Form
19 of Government (AFOG) as authorized under the former Transportation and Community
20 Development Committee Resolution No. TCDCAP-36-01. Notwithstanding the three-
21 quorum law, the AFOGs may define their quorum requirements in accordance with their
22 local ordinances.
- 23 J. The Navajo Nation Council hereby clarifies that Resolution No. CMA-09-20 which
24 authorized the three-member quorum was instituted as a temporary measure to address
25 the prohibition against gatherings of more than ten people (Navajo Department of Health
26 Public Health Emergency Order dated March 18, 2020). The August 12, 2021 Public
27 Health Emergency Order No. 2021-019 states that gathering limits of 25 or fewer persons
28 remain in effect for in-person meetings and trainings, consistent with Navajo Health
29 Command Operations Center guidelines.
- 30

1 **SECTION FIVE. RE-ENACTING NAVAJO NATION COUNCIL RESOLUTION**
2 **CAP-19-20 SECTION FOUR, TEMPORARILY ENABLING THE DIVISION OF**
3 **COMMUNITY DEVELOPMENT AND NAVAJO DEPARTMENT OF JUSTICE TO**
4 **GUIDE ALL 110 CHAPTERS BY USING THE 2010 MODEL FIVE MANAGEMENT**
5 **SYSTEM (FMS) AND TO DEVELOP TEMPORARY MODIFICATIONS TO THE**
6 **MODEL FMS TO HELP CHAPTERS ADDRESS THIS EMERGENCY**

- 7 A. The Navajo Nation Council acknowledges that 26 N.N.C. § 101(A) requires “all [110]
8 chapters...to adopt and operate under a Five Management System [FMS].” The FMS
9 must be “consistent with applicable Navajo Nation law.”
- 10 B. In 2010, the Navajo Nation Attorney General issued AG Opinion 01-10 announcing the
11 creation of a “Model Five Management System” to be used by Chapters that have not
12 adopted their own FMS.
- 13 C. The Navajo Nation Council hereby authorizes the Division of Community Development
14 and the Department of Justice to guide all 110 Chapters using the 2010 Model FMS and
15 to suspend or modify any portion of the Model Five Management System so long as the
16 suspension or modification is reasonably necessary for the Chapter to address the
17 emergency.

18
19 **SECTION SIX. RE-ENACTING NAVAJO NATION COUNCIL RESOLUTION**
20 **CAP-19-20 SECTION FIVE, TEMPORARILY SUSPENDING 26 N.N.C. § 103 TO**
21 **AUTHORIZE ALL NON-GOVERNANCE CERTIFIED CHAPTERS TO EXERCISE**
22 **CERTAIN AUTHORITIES UNDER SECTION 103**

- 23 A. The Navajo Nation Council recognizes that under 26 N.N.C. § 102(B) only governance
24 certified Chapters may exercise the authorities listed in 26 N.N.C. § 103.
- 25 B. The Navajo Nation Council hereby temporarily suspends 26 N.N.C. § 102(B) and
26 authorizes all Chapter Presidents to:
- 27 1. Sign temporarily leases of Chapter property in order to accommodate health
28 personnel;

- 1 2. Sign contracts for goods or services at or below \$50,000.00. For goods, use the
2 recommended purchase order templates. For services, all Chapters should use the
3 template contracts that can be found on DOJ’s website: www.nndoj.org.
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5 **SECTION SEVEN. RE-ENACTING NAVAJO NATION COUNCIL RESOLUTION**
6 **CAP-19-20 SECTION SEVEN, BUDGET POLICIES FOR THE CHAPTER**
7 **EMERGENCY FUND**

- 8 A. The Navajo Nation Council acknowledges that Navajo Nation Council Resolution
9 CMA-11-20, signed by President Nez, replenished Chapter emergency accounts.
10 B. The Navajo Nation Council acknowledges that on March 11, 2020, the Navajo Nation
11 Commission on Emergency Management, with concurrence by the Navajo Nation
12 President and Vice-President, declared a Public Health State of Emergency.
13 C. The Navajo Nation Council acknowledges that as such, all Chapters are now able to
14 access and use their Chapter emergency accounts.
15 D. The Navajo Nation Council supports the mandate to require all 110 Chapters to
16 coordinate all emergency relief efforts through the Navajo Nation Health Command
17 Operations Center (HCOC) in order to avoid duplication of services.
18

19 **SECTION EIGHT. RE-ENACTING NAVAJO NATION COUNCIL RESOLUTION**
20 **CAP-19-20 SECTION NINE, RELIEF EFFORTS COMING FROM DONATIONS**

- 21 A. The Navajo Nation Council acknowledges that the recently approved Navajo Nation
22 Council Resolution No. CMA-08-20 streamlined the process for the Navajo Nation
23 to accept gifts.
24 B. The Navajo Nation Council acknowledges that Chapters are entities of delegated
25 authorities. Chapters have not been delegated to accept gifts and, therefore, must
26 follow CMA-08-20.
27 C. The Navajo Department of Justice has recently been designated to lead the
28 “Donations Branch” within the Navajo Nation Health Command Operations Center.
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D. The Navajo Nation Council directs the Navajo Department of Justice to promptly develop the processes for Chapters to obtain Chapter-specific donations by third parties.

SECTION NINE. EXPIRATION DATE

These provisions of this resolution shall expire in 180 calendar days after the effective date of this resolution.

SECTION TEN. EFFECTIVE DATE

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

SECTION ELEVEN. 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.