

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0202-23_

SPONSOR: Vince R. James

TITLE: An Act Relating to the Law and Order Committee, Resources and Development Committee, Naabik'iyáti' Committee, and the Navajo Nation Council; Amending Title 26 of the Navajo Nation Code to Allow for Virtual Attendance at Chapter Meetings

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0202-23

DATE: August 9, 2023

TITLE OF RESOLUTION: AN ACT RELATING TO THE LAW AND ORDER COMMITTEE, RESOURCES AND DEVELOPMENT COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE, AND THE NAVAJO NATION COUNCIL; AMENDING TITLE 26 OF THE NAVAJO NATION CODE TO ALLOW FOR VIRTUAL ATTENDANCE AT CHAPTER MEETINGS

PURPOSE: The purpose of this legislation is to amend Title 26 of the Navajo Nation Code to allow chapter officials and chapter members to attend chapter meetings through virtual methods, including audio and/or video conferencing.

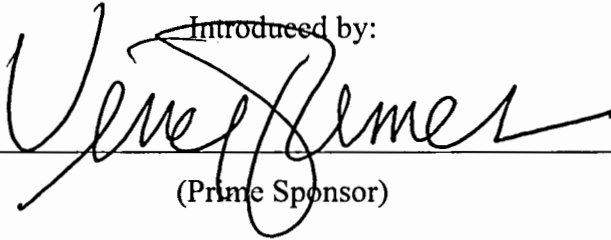
This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each Council Delegate to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD 8/16
Website Posting Time/Date _____
Posting End Date: 08-16-23
Eligible for Action: 08-17-23

Law & Order Committee
Thence
Resources & Development Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 25th NAVAJO NATION COUNCIL - First Year, 2023

3 Introduced by:

4 
5 _____
6 (Prime Sponsor)

7
8 Tracking No. 0202-23

9
10 AN ACT

11 RELATING TO THE LAW AND ORDER COMMITTEE, RESOURCES AND
12 DEVELOPMENT COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE, AND THE
13 NAVAJO NATION COUNCIL; AMENDING TITLE 26 OF THE NAVAJO NATION
14 CODE TO ALLOW FOR VIRTUAL ATTENDANCE AT CHAPTER MEETINGS

15
16 BE IT ENACTED:

17
18 SECTION ONE. AUTHORITY

- 19 A. The Law and Order Committee is a Standing Committee of the Navajo Nation Council
20 with the responsibility to review and make recommendations to the Navajo Nation
21 Council on proposed amendments to and enactments to the Navajo Nation Code. 2
22 N.N.C. §§ 600 (A) and 601 (B) (14).
- 23 B. The Resources and Development Committee is a Standing Committee of the Navajo
24 Nation Council with oversight authority over Navajo Nation Chapters. 2 N.N.C. §§
25 500 (B) and 501 (C) (1).
- 26 C. The Naabik'iyáti' Committee is a Standing Committee of the Navajo Nation Council
27 with the responsibility to review legislation requiring final action by the Navajo
28 Nation Council. 2 N.N.C. § 164 (A) (9); 2 N.N.C. § 701 (A) (3).
- 29 D. The Navajo Nation Council is the governing body of the Navajo Nation with the
30 authority to review and approve amendments to Navajo Nation laws. 2 N.N.C. §§ 102

1 (A) and 164 (A).

2 E. The Local Governance Act, 26 N.N.C. §§ 1, *et seq.*, “may be amended by the Navajo
3 Nation Council subject to approval of a majority of all chapters of the Navajo Nation;
4 or this Act may be amended by referendum vote of a majority of all chapters as set
5 forth in 11 N.N.C., Navajo Nation Election Code.”

6
7 **SECTION TWO. FINDINGS**

8 A. “The purpose of the Local Governance Act [Act] is to recognize governance at the
9 local level. Through adoption of this Act, the Navajo Nation Council delegates to
10 chapters governmental authority with respect to local matters consistent with Navajo
11 law, including custom and tradition.” 26 N.N.C. § 1 (B)(1).

12 B. “Enactment of the Local Governance Act allows Chapters to make decisions over
13 local matters. This authority, in the long run, will improve community decision
14 making, allow communities to excel and flourish, enable Navajo leaders to lead
15 towards a prosperous future, and improve the strength and sovereignty of the Navajo
16 Nation. Through adoption of this Act, Chapters are compelled to govern with
17 responsibility and accountability to the local citizens.” 26 N.N.C. § 1 (B)(2).

18 C. The Local Governance Act “may be amended by the Navajo Nation Council subject
19 to approval of a majority of *all* chapters of the Navajo Nation;” 26 N.N.C. § 1 (E).

20 D. In 2020, the Navajo Nation was forced to quickly enact emergency measures to
21 mitigate the deadly spread of the Coronavirus pandemic which has caused 84,206
22 positive COVID-19 cases and 2,162 COVID-19 related deaths, to date, on the Navajo
23 Nation. These emergency measures included the enactment of the March 11, 2020
24 Public Health State of Emergency for the Navajo Nation and underlying Public Health
25 Orders including, but not limited to, employees working from home, the shutting down
26 of government offices and non-essential business, public gathering limits, mask
27 mandates, closing borders to visitors and enacting curfews.

28 E. To ensure that the Navajo Nation’s 110 Chapters could continue to operate and respond
29 to the Coronavirus pandemic in their communities without violating Public Health
30 Orders, including stay-at-home orders and public gathering limits, the Navajo Nation

1 Council enacted numerous resolutions, including CAP-19-20, CJY-66-0, CJY-65-20,
2 CJN-36-20, CJA-01-22, etc., which temporarily allowed chapter members to attend
3 and participate at Chapter meetings, including, Chapter Subcommittees and
4 Community Land Use Plan Planning meetings, meetings using virtual
5 telecommunication methods, such as teleconference calls and video conferencing.

6 F. In 2021 and 2022, the Navajo Nation slowly began to open up government offices.
7 Meeting and conducting the business of the Nation was done in person with certain
8 limitations and safeguards in place, especially after the COVID-19 vaccine became
9 available. During this time period, many chapters moved to hybrid-style meetings,
10 allowing virtual attendance by chapter members, delegates, presenters, government
11 officials and the public.

12 G. Chapters and chapter members were provided a unique opportunity to use virtual
13 meetings, which moved to hybrid in-person and virtual meetings, to continue the
14 necessary and important work of their chapters and communities. The use of virtual
15 meetings was not only effective, but provided more opportunities for Chapter
16 members to participate, as well as to provide enhanced transparency to the public.

17 H. On June 15, 2023, Dr. Buu Nygren, President of the Navajo Nation and the
18 Commission on Emergency Management issued CEM-23-06-15, deactivating the
19 March 11, 2020 Public Health State of Emergency for the Navajo Nation and returning
20 government operations to pre-COVID-19 status.

21 I. Many Chapters and Chapter members have shown support for a permanent change to
22 Title 26 of the Navajo Nation Code to allow chapter members to attend and participate
23 at chapter meetings through virtual methods, including audio and/or video
24 teleconferencing.

25
26 **SECTION THREE. AMENDING TITLE 2 OF THE NAVAJO NATION CODE**

27 The Navajo Nation hereby amends Title 26 of the Navajo Nation Code, as follows:
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29
30 **TITLE 26. NAVAJO NATION LOCAL GOVERNANCE ACT**

1 **Chapter 1. Navajo Nation Chapters**
2 **Subchapter 1. Generally**

3 * * * *

4 **§ 2. Definitions**

5 * * * *

6 5. "Attendance" means to be present either in person or through virtual methods.

7 * * * *

8 35. "Virtual" or "virtually" means remote access through an audio or video conferencing
9 platform. Chapter meetings may be held virtually, or a combination of virtual and in-
10 person. Any reference to chapter meeting throughout this Act includes the
11 authorization to hold virtual or a combination of virtual and in-person meetings.

12
13 36. "Virtual Attendance" means that a person is not physically present at a meeting, but is
14 still able to participate in the meeting, in a manner similar to those physically present,
15 by means of an audio and/or video conferencing platform.

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18 **Chapter 2. Chapter Government**

19 **Subchapter 5. Navajo Nation Chapters, Officials and Administration--Generally**

20 * * * *

21 **§ 1002. Meetings; meeting notice requirement; compensation of Chapter officials**

22 * * * *

23 C. Compensation of Chapter officials.

24 * * * *

25 2. A Chapter meeting claim form signed only by the claimant shall be attached
26 to each of the regularly scheduled Chapter meeting reports filed by the
27 Chapter secretary/treasurer with the Chapter Government Development
28 Department, Division of Community Development, or if applicable, by the
29 Chapter Administration.

30 * * * *

1 c. No Chapter official shall be compensated for a Chapter meeting unless he
2 or she was in official attendance, either in person or virtually, at that
3 meeting; and

4 * * * *

5
6 **§ 1003. Order of business**

7 * * * *

8 B. All Chapter meetings require a quorum of twenty-five (25) registered Chapter
9 members to be in attendance, either in person or virtually, to conduct official
10 Chapter business. Chapters, whether governance-certified or not, may amend the
11 quorum requirement, based upon models and procedural regulations adopted by
12 the Resources and Development Committee of the Navajo Nation Council.
13 Adoption of an amended quorum requirement requires approval by Chapter ballot
14 measure in accordance with 11 N.N.C. §§ 401-408.

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18 **SECTION FOUR. EFFECTIVE DATE**

19 A. The provisions of this Act shall become effective in accordance with 2 N.N.C. § 221
20 (B) and 26 N.N.C. § 1 (E), which establishes that Title 26 amendments passed by the
21 Navajo Nation Council and signed by the President of the Navajo Nation shall not be
22 effective at any chapter until approved by a majority of *all* 110 chapters of the Navajo
23 Nation.

24 B. Within one hundred eighty (180) days from the date the President signs this legislation
25 or the Navajo Nation Council overrides a Presidential veto of this legislation, Navajo
26 Nation Chapters shall submit a paper-copy of their chapter resolution approving or
27 disapproving these Title 26 amendments to the Chief Legislative Counsel, Office of
28 Legislative Counsel, Office of Legislative Services, in Window Rock, Navajo Nation
29 (Arizona).

30 C. The end date for the submission of chapter resolutions shall be either:

- 1 A. 180 days from the date the Navajo Nation President signs this legislation pursuant
2 to 2 N.N.C. § 221 (B);
- 3 B. If the President does not act within ten (10) days after the Speaker's certification of
4 this legislation pursuant to 2 N.N.C. § 1005 (C), (10) (12), 180 days from the date
5 the President's ten days expire; or
- 6 C. 180 days from the date that the Navajo Nation Council overrides a Presidential
7 Veto of this legislation pursuant to 2 N.N.C. § 1005 (C), (11).

8

9 **SECTION FIVE. CODIFICATION**

10 The provisions of this resolution that amend or adopt new sections of the Navajo Nation
11 Code shall be codified by the Office of Legislative Counsel. The Office of Legislative
12 Counsel shall incorporate such amended provisions in the next codification of the Navajo
13 Nation Code.

14

15 **SECTION SIX. SAVING CLAUSE**

16 If any portion of this Act is determined invalid by the Navajo Nation Supreme Court or by
17 a District Court of the Navajo Nation, without appeal to the Navajo Nation Supreme
18 Court, the remainder of this Act shall remain the law of the Navajo Nation.

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