THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: 0260-26 **SPONSOR: Carl R. Slater**

TITLE: **An Action Relating to An Emergency for the Navajo Nation Council; Approving the Arizona Mutual Aid Compact; Approving a Limited Waiver of Sovereign Immunity of the Navajo Nation for the Arizona Mutual Aid Compact**

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LEGISLATIVE SUMMARY SHEET
Tracking No. 0260-26

DATE: November 5, 2026

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; APPROVING THE ARIZONA MUTUAL AID COMPACT; APPROVING A LIMITED WAIVER OF SOVEREIGN IMMUNITY OF THE NAVAJO NATION FOR THE ARIZONA MUTUAL AID COMPACT

PURPOSE: This resolution, if approved, would approve the Arizona Mutual Aid Compact between the State of Arizona and the Navajo Nation, approve a limited waiver of sovereign immunity for the Compact, and authorize the President of the Navajo Nation to execute the Compact on behalf of the Navajo Nation.

FINAL AUTHORITY: Navajo Nation Council

VOTE REQUIRED: 2/3 Vote of the Full Membership

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

25th NAVAJO NATION COUNCIL – Fourth Year, 2026

Introduced by:

(Prime Sponsor)

Tracking No. 0260-26

AN ACTION

RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; APPROVING THE ARIZONA MUTUAL AID COMPACT; APPROVING A LIMITED WAIVER OF SOVEREIGN IMMUNITY OF THE NAVAJO NATION FOR THE ARIZONA MUTUAL AID COMPACT

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A). As such, the Council may consider proposed action regarding an emergency matter. 2 N.N.C. § 164(A)(16).

B. The Navajo Nation Code provides, "[c]ontracts shall not waive the sovereign immunity of the Navajo Nation or its entities unless approved by two-thirds (2/3) vote of the full membership of the Navajo Nation Council." 2 N.N.C. § 223(C).

C. "[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." 2 N.N.C. § 164(A)(16).

SECTION TWO. FINDINGS

A. Severe storms and flooding have damaged homes and roads, displaced families, and disrupted access to essential services in Navajo Nation communities in Arizona. Flooding in Chinle, Dennehotso, Kayenta, Rock Point, and other affected communities demonstrates the immediate need for additional personnel, equipment, and coordinated disaster relief.

B. The effects of these disasters continue after floodwaters recede. Damaged roads and unsafe access routes hinder the delivery of emergency supplies and the ability of responders to reach affected residents. Families whose homes are damaged or inaccessible require continued assistance while emergency access and essential services are restored.

C. The Arizona Mutual Aid Compact, attached as **Exhibit A**, is an intergovernmental agreement between the State of Arizona and the Navajo Nation that provides a means to supplement the Navajo Nation's emergency response capacity. Participation does not guarantee the availability of requested resources or state or federal reimbursement. Requests for assistance must therefore be based on identified needs and available funding.

D. The Arizona Mutual Aid Compact ("Compact") establishes a framework for participating governments to request and provide assistance during emergencies. Participation will support the Navajo Nation's access to additional disaster-response resources through coordination with the Arizona Department of Emergency and Military Affairs and other participating governments.

E. New Mexico has mobilized state emergency personnel and resources in response to flooding in northwestern New Mexico. Assistance delivered in New Mexico does not, by itself, address the separate needs of Navajo Nation communities in Arizona. The Navajo Nation must have an effective means to request and coordinate additional resources for its affected Arizona communities

F. The interruption of the disaster relief services leaves affected residents exposed to continuing hazards and creates a pressing public need for immediate action. Delaying

approval of the Compact would prolong the identified gap in disaster relief while affected communities continue to require emergency assistance.

G. Final action by the Navajo Nation Council is required because participation in the Compact requires approval of a limited waiver of sovereign immunity. Approval of the Compact and the limited waiver will allow the Nation to complete execution and promptly pursue the additional assistance needed for its Arizona communities.

H. Based on the cessation of disaster relief services and the pressing need to restore those services, this legislation constitutes an emergency matter requiring final action by the Navajo Nation Council pursuant to 2 N.N.C. § 164(A)(16).

SECTION THREE. APPROVAL

A. The Navajo Nation hereby approves the Mutual Aid Compact, attached as **Exhibit A**, between the Navajo Nation and the State of Arizona.

B. Notwithstanding the Navajo Nation Sovereign Immunity Act, 1 N.N.C. §§ 551-555, the Navajo Nation Council hereby approves a limited waiver of sovereign immunity to enter into the Mutual Aid Compact, attached as **Exhibit A**.

C. The Navajo Nation hereby authorizes the President of the Navajo Nation, the Division Director of the Division of Public Safety, and the Navajo Nation Attorney General to execute the Mutual Aid Compact, attached as **Exhibit A**, and any and all other documents necessary or appropriate to effectuate the intent and purpose of this resolution.

SECTION FOUR. WAIVERS

The Navajo Nation hereby waives 2 N.N.C. § 164(A) solely to the extent that intergovernmental agreements must be reviewed by the appropriate standing committee(s).

SECTION FIVE. EFFECTIVE DATE

This Action shall become effective in accordance with 2 N.N.C. §§ 164(A)(17) and 221(B).