

# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



May 2, 2020

Hon. Seth Damon  
Office of the Speaker  
Post Office Box 3390  
Window Rock, AZ 86515

RE: CAP-26-20, *An Action Relating to an Emergency for the Navajo Nation; Approving Dine College and Navajo Technical University to conduct meetings through telecommunication methods; Approving a waiver of provisions requiring a physical presence at Board of Regents meetings*

Dear Speaker Damon,

Pursuant to the authority vested in the Navajo Nation President, I veto CAP-26-20.

In a similar, previous Resolution we said, "While the intent of the Resolution is admirable [we] do not find a clear reason for the emergency nature of waiving the provision of physical presence for a meeting of the Board of Regents. Perhaps if there was a debate on the legislation I would see the importance and reasoning behind the request." We find that we are traveling down the same road with CAP-26-20, watching the *no debate* scenery, and hitting the same *no emergency justification* pot hole. And as we have said before, the constant lack of debate leaves no legislative record to support the need for this action.

With this resolution there is no support from Diné College or Navajo Technical University so we have no input on the need for continuing meetings over the next 60 days. Each entity has capable leadership and staff to make plans during this time. Additionally, Navajo Technical University is currently authorized to meet in a special meeting to address exigent circumstances. These issues may have come up in a debate along with other issues of transparency in Board decisions and discussions on plans to re-open schools for our students.

We cannot support CAP-26-20 but there are available options for Diné College and Navajo Technical University under the Public Health Emergency Orders as they relate to essential business. We encourage a review of the Orders.

Sincerely,

  
Jonathan Nez, President  
THE NAVAJO NATION

  
Myron Lizer, Vice President  
THE NAVAJO NATION

RESOLUTION OF THE  
NAVAJO NATION COUNCIL  
24<sup>th</sup> NAVAJO NATION COUNCIL - SECOND YEAR, 2020

AN ACTION

RELATING TO AN EMERGENCY FOR THE NAVAJO NATION; APPROVING DINE COLLEGE AND NAVAJO TECHNICAL UNIVERSITY TO CONDUCT MEETINGS THROUGH TELECOMMUNICATION METHODS; APPROVING A WAIVER OF PROVISIONS REQUIRING A PHYSICAL PRESENCE AT BOARD OF REGENTS MEETINGS

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).
- B. The Navajo Nation shall have all powers to regulate the conduct of its members and have the authority to promulgate rules, regulations and procedures for the conduct of its meetings and that of its committees. 2 N.N.C. §§ 102 (D) and (E).
- C. Pursuant to 2 N.N.C. §164 (A)(16): "Matters constituting an emergency shall be limited to the cessation of law enforcement services, disaster relief services, fire protection services or other direct services required as an entitlement under the 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."
- D. Ensuring the health and safety of all residents and employees within the Navajo Nation is an inherent attribute of sovereignty.

**SECTION TWO. FINDINGS**

- A. The novel coronavirus ("COVID-19") has caused a global pandemic and has severely impacted the Navajo Nation.
- B. In an effort to reduce the spread of COVID-19 the President of the Navajo Nation extended the previously declared State of Emergency on the Navajo Nation and required government offices remain closed through April 26, 2020 in Executive Order 002-20.



- C. The Navajo Nation Department of Health has issued a Public Health Emergency Orders requiring Navajo Nation residents stay at home to mitigate the risk of spreading COVID-19 and to preserve the health and safety of all individuals residing on the Navajo Nation. Public Health Emergency Order No. 2020-003.
- D. The Navajo Nation Department of Health also issued a Public Health Emergency Order extending the Stay at Home Order and implementing a curfew from 8:00 p.m. through 5:00 a.m. for Navajo Nation residents. Public Health Emergency Order No. 2020-004.
- E. In order to continue to reduce the spread of COVID-19 and protect community members and employees of the Navajo Nation, the safest and best course of action is to use telecommunication methods such as teleconference calls and videoing instead of in-person attendance at meetings.

**SECTION THREE. APPROVING DINE COLLEGE AND NAVAJO TECHNICAL UNIVERSITY TO CONDUCT MEETINGS THROUGH TELECOMMUNICATION METHODS**

- A. The Navajo Nation Council hereby approves the Board of Regents for Navajo Technical University and Diné College to conduct meetings through telecommunication methods.
- B. Board of Regents meetings held through telecommunication methods shall be conducted pursuant to procedures instituted by the Chairperson of the respective Board in accordance with the controlling plan of operation or enabling legislation. Additionally, the President or Chairperson of the Board shall ensure the meetings are recorded and that votes are taken by roll call.

**SECTION FOUR. APPROVING A WAIVER OF 10 N.N.C. § 2008 REQUIRING A PHYSICAL PRESENCE AT MEETINGS**

Navajo Nation waives 10 N.N.C. § 2008 but only to the extent that section 2008 of Title 10 of the Navajo Nation Code requires a physical presence at a meeting to constitute a quorum. The Board of Regents meetings requirement that five members are required to constitute a quorum shall remain.

**SECTION FIVE. APPROVING A WAIVER OF 15 N.N.C. § 1207 (D) REQUIRING IN PERSON ATTENDANCE AT BOARD MEETINGS**

The Navajo Nation waives 15 N.N.C. § 1207 (D) to the extent that it requires in-person attendance at Board meetings. The Board of

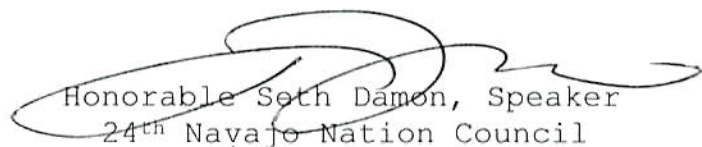
Regents meeting requirement that four members are required to constitute a quorum shall remain.

**SECTION SIX. EFFECTIVE DATE**

The provisions of this Action are effective in accordance with 2 N.N.C. § 221 (B). The authorization to hold meeting through telecommunication methods shall expire sixty (60) days after this resolution is signed by the President of the Navajo Nation.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the 24<sup>th</sup> Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 21 in Favor, and 00 Opposed, on this 17<sup>th</sup> day of April 2020.

  
Honorable Seth Damon, Speaker  
24<sup>th</sup> Navajo Nation Council

April 22, 2020  
DATE

Motion: Honorable Paul Begay

Second: Honorable Pernell Halona

Speaker Seth Damon not voting



ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Jonathan Nez, President  
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this 2nd day of May, 2020 for the reason(s) expressed in the attached letter to the Speaker.

   
Jonathan Nez, President  
Navajo Nation

NAVAJO NATION

292

4/17/2020

Navajo Nation Council Special Session

03:24:33 PM

	Amd# to Amd#	Consent Agenda	PASSED
MOT Begay, P		Legislation 0086-20, Legislation	
SEC Halona, P		0093-20 and Legislation 0094-20	

**Yeas : 21                  Nays : 0                  Excused : 0                  Not Voting : 2**

**Yea : 21**

Begay, E	Freeland, M	Slater, C	Tso, E
Begay, K	Halona, P	Smith	Walker, T
Begay, P	Henio, J	Stewart, W	Wauneka, E
Brown	James, V	Tso	Yazzie
Charles-Newton	Nez, R	Tso, D	Yellowhair
Daniels			

**Nay : 0**

**Excused : 0**

**Not Voting : 2**

Crotty	Tso, C
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**Presiding Speaker: Damon**