



## The Navajo Nation Office of the President and Vice President

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### FOR IMMEDIATE RELEASE

July 12, 2020

## Nez-Lizer approve resolutions canceling fairs, opposing Family Dollar liquor license applications, allocating Navajo-Hopi legal services funds, and more

**WINDOW ROCK, Ariz.** — On Sunday, Navajo Nation President Jonathan Nez and Vice President Myron Lizer approved four separate resolutions that were previously voted on and approved by the 24<sup>th</sup> Navajo Nation Council during a special session held on July 1, 2020.

The four resolutions approved include:

- CJY-54-20: Cancelling the Navajo Nation Fair, the Fourth of July celebration, the Northern Navajo Nation Fair, and all the other fairs, rodeos and roping events held on the Navajo Nation during 2020.
- CJY-55-20: Opposing liquor license application filed by Family Dollar Store in the community of St. Michaels, Ariz. located within the territorial jurisdiction of the Navajo Nation.
- CJY-51-20: Approving supplemental funding from the Unreserved, Undesignated Fund Balance in the amount of \$55,530 for the Navajo-Hopi Legal Services Program to fund the shortfall of two professional staff positions through the end of FY2020.
- CJY-52-20: Establishing the Navajo Nation COVID-19 Response Donation Fund to house financial donations made to the Navajo Nation to assist in the fight against COVID-19 on the Navajo Nation; Waiving Navajo Nation Code set-aside provisions.

In their message regarding the cancellation of all fairs, rodeos, and roping events, President Nez and Vice President Lizer highlighted the progress that the Navajo Nation has made in flattening the curve when it comes to COVID-19 cases, which they attribute to the proactive measures that have been taken including requiring masks to worn, implementing weekend lockdowns and daily curfew, prohibiting large gatherings, and issuing a stay-at-home order.

“We must continue to listen to our health care experts and do everything we can to keep our Navajo people healthy. Cancelling local events on the Navajo Nation will help reduce the spread of this deadly virus. The surrounding states are also cancelling large events, such as New Mexico cancelling the annual Balloon Fiesta, and the Executive Branch took the initiative to cancel our

Fourth of July celebration. The message in CJY-54-20 will go out to all Navajo citizens that not only are large events cancelled but also smaller rodeo and roping events,” stated President Nez.

On Sunday, the state of New Mexico reported 262 new COVID-19 cases bringing their total to 15,028. In Arizona, officials reported 2,237 new cases since Saturday, which brings the state’s overall total to 122,467 positive cases. In comparison, the Navajo Nation reported 45 new cases COVID-19 cases on Sunday.

Under Public Health Emergency Order No. 2020-003 and No. 2020-004, Navajo Nation residents must avoid crowds, limit gatherings to household members, and restrict their travel. The Public Health Emergency Orders work with CJY-54-20 to also restrict local pow wows, fundraising bingo games, roadside sales, and other small gatherings.

On June 23, President Nez and Vice President Lizer issued a letter to the Arizona State Liquor Board and the Apache County Board of Supervisors strongly opposing Family Dollar’s notice of application to sell alcohol in their store located on fee land in the community of St. Michaels, Ariz. In April, they also wrote to the Coconino County Board of Supervisors requesting their support to oppose another application for liquor license by the Family Dollar store located in Tuba City, Ariz.

“Resolution CJY-55-20 reaffirms the position that we have already taken to say that the selling of alcohol in these communities poses a direct threat to the health and well-being of thousands of our Navajo people. Consumption of alcohol has contributed to increased incidence of domestic violence and other criminal activity, motor vehicle fatalities, and deaths caused by exposure to extreme weather conditions. We cannot stand by and allow this liquor license application to go unchallenged. We sincerely appreciate the Navajo Nation Council’s position on opposing the liquor license application by Family Dollar,” stated President Nez and Vice President Lizer.

The leaders strongly encourage individuals who reside within a one-mile radius of the Family Dollar store in St. Michaels to file a “Protest if Liquor License Application,” which can be found online at <https://azliquor.gov/assets/documents/board/FY2019/ProtestInstructions.pdf>.

In approving \$55,530 for the Navajo-Hopi Legal Services Program, President Nez and Vice President Lizer stated that the funds will help to continue providing legal help to those who are fighting their way through the complicated relocation benefit process.

“Previously, we supported the appropriation to the Navajo Department of Justice’s Water Rights Unit and believe we must support our continuing fight to protect our sovereignty and legal services for our People. Our Administration continues to work toward revitalizing the lands known as the Former Bennett Freeze Area and put in place the Navajo Thaw Project. Through the Navajo Thaw Project, we work with the area chapters on project development,” they wrote.

With the establishment of the Navajo Nation COVID-19 Response Donation Fund through CJY-52-20, President Nez and Vice President Lizer stated that it will add another important layer of service for the Navajo people during the COVID-19 pandemic.

“With initial donations coming from our Navajo Nation Enterprises the response from across the country and world-wide has been a blessing. We appreciate the individuals, religious groups, businesses, and organizations who have made generous donations to our Navajo People. The Donation Section will continue to receive donations and will work with the Department of Emergency Management in distribution. The previous donations of food items, bottled water, masks, and hand sanitizer have been distributed across the Navajo Nation,” they stated.

President Nez and Vice President Lizer thank the 24<sup>th</sup> Navajo Nation Council for their consideration and support of the resolutions.

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# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

July 12, 2020

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

RE: CJY-51-20, *An Action Relating to Law and Order, Budget and Finance Committee, Naabik'iyati' Committee and the Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the amount of \$55,530.00 (fifty-five thousand, five hundred thirty dollars) for the Navajo-Hopi Legal Services Program to fund the Shortfall of two professional staff positions through the end of FY2020; waiving 12 N.N.C. §§ 820 (E) and 820 (F) of the Appropriations Act*

Dear Speaker Damon,

Pursuant to the authority vested in the Navajo Nation President, I am signing CJY-51-20 into law.

We appreciate the Navajo Nation Council's support of the Navajo-Hopi Legal Services Program (NHLSP). This funding ensures the NHLSP will continue to provide legal help to those who are fighting their way through the complicated relocation benefit process. Previously we supported the appropriation to the Navajo Department of Justice's Water Rights Unit and believe we must support our continuing fight to protect our sovereignty and legal services for our People. For this limited purpose we will approve an appropriation from the Unreserved, Undesignated Fund Balance but are mindful that this appropriation approval will be kept to this single purpose.

Our Administration continues to work toward revitalizing the lands known as the Former Bennett Freeze Area and put in place the Navajo Thaw Project. Through the Navajo Thaw Project we work with the area Chapters on project development. However, there continues to be threats to the funding to services that support those affected by relocation. We will work with the Navajo Nation Council to call attention to federal reduction in funding for the Office of Navajo Hopi Indian Relocation (ONHIR). Working together we can bring attention to this egregious proposal to reduce \$15 million from the ONHIR budget. We know well that ONHIR's purpose is not complete as there are many more of our People who need services and assistance due to relocation.

Thank you for supporting the Navajo-Hopi Legal Services Program.

Sincerely,

Handwritten signature of Jonathan Nez in black ink.

Jonathan Nez, President  
THE NAVAJO NATION

Handwritten signature of Myron Lizer in black ink.

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 LAW AND ORDER COMMITTEE, BUDGET AND FINANCE COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$55,530.00 (FIFTY-FIVE THOUSAND, FIVE HUNDRED THIRTY DOLLARS) FOR THE NAVAJO-HOPI LEGAL SERVICES PROGRAM TO FUND THE SHORTFALL OF TWO PROFESSIONAL STAFF POSITIONS THROUGH THE END OF FY2020; WAIVING 12 N.N.C. §§ 820 (E) AND 820 (F) OF THE APPROPRIATIONS ACT

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Law and Order Committee has oversight authority over the Navajo Nation Department of Justice and the Navajo-Hopi Legal Services Program. 2 N.N.C. § 601 (C)(1).
- B. The Budget and Finance Committee is empowered to review and recommend to the Navajo Nation Council the management of all funds. 2 N.N.C. § 301 (B)(2).
- C. The Navajo Nation Council established the Naabik'iyáti' Committee as a Navajo Nation standing committee providing that any and as such proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naabik'iyáti' Committee. 2 N.N.C. §§ 164 (A)(9) and 700 (A).
- D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).
- E. The Navajo Nation Council has the authority to approve supplemental appropriations. 12 N.N.C. § 820 (L).
- F. The Title 12 Finance Act Supplemental Appropriation requirements include:
  - 1. All requests for annual operating funds and supplemental funds shall be submitted to the Office of Management and Budget for budget impact analysis. 12 N.N.C. § 820 (M).
  - 2. When the Controller identifies additional sources of revenues above and beyond the initial or current revenue

- projections, supplemental appropriations may be approved by the Navajo Nation Council. 12 N.N.C. § 820 (L).
3. Supplemental Appropriations made from non-recurring revenues shall only be made for non-recurring operations or purposes, as set forth at § 820 (F). The Controller of the Navajo Nation shall be responsible for designation recurring and non-recurring revenues. 12 N.N.C. § 820 (L).
  4. The Nation shall budget all recurring operating expenses, including capital maintenance, from recurring revenues. Long term debt shall not be used to finance recurring operating expenses. 12 N.N.C. §820 (E).
  5. The Navajo Nation Code provides, "[t]he Nation shall restrict non-recurring revenues to budget non-recurring expenditures. In addition, non-recurring revenues will be budgeted only after an examination by the Controller to determine whether or not the revenues are subsidizing an imbalance between recurring revenues and expenditures, and expenditures may be authorized only if a long-term (three-five year) forecast shows that the operating deficit will not continue. Otherwise, non-recurring revenues will be added to the Unreserved, Undesignated Fund balance. This provision may be amended or waived by a two-thirds vote of the full Navajo Nation Council." 12 N.N.C. § 820 (F).

## SECTION TWO. FINDINGS

- A. This request for supplemental funding request seeks a supplemental appropriation from the Unreserved, Undesignated Fund Balance in the amount of Fifty-Five Thousand, Five Hundred Thirty dollars (\$55,530.00) to assist the Navajo-Hopi Legal Services Program's shortfall to fund two professional staff through the end of FY 2020. The supplemental funding proposal and budget documents are attached as **Exhibit A**.
- B. The Navajo-Hopi Legal Services Program ("NHLSP") of the Navajo Nation Department of Justice oversees the following tasks: 1) oversee and handle the review and filing of federal appeals of denials of relocation benefit applications; 2) represent NHLSP clients when cases are remanded back to the Office of Navajo and Hopi Indian Relocation (ONHIR) by either the U.S. District Court of Arizona or the U.S. 9th Circuit Court of Appeals; 3) advise and assist the Navajo-Hopi Land Commission with other Settlement Act matters; 4) provide assistance to certified eligible Navajo clients with obtaining their relocation benefits from ONHIR and with post-relocation matters; 5)

participate in the re-development and rehabilitation of the former Bennett Freeze Area; and 6) child support cases.

- C. If the NHLSP does not fully fund the two professional staff positions, the NHLSP will have to furlough these two positions, which are critical to perform the previously mentioned tasks, and these tasks will have to be referred to outside counsel, which will result in a greater cost to the Navajo Nation, and will hinder the diligent pursuit and protection of the NHLSP's clients claims that are at issue in the U.S. District Court of Arizona or in the U.S. 9<sup>th</sup> Circuit Court of Appeals.
- D. The Executive Branch has completed its Section 164A Review, which is attached as **Exhibit B**.
- E. The Office of Budget and Management issued a memorandum, dated March 6, 2020, which satisfies the budget impact analysis required by 12 N.N.C. 820 (M), and is included in **Exhibit B**.
- F. The Office of the Controller issued a memorandum, dated March 12, 2020, which satisfies the requirements provided in 12 N.N.C. § 820 (L), and is included in **Exhibit B**.

**SECTION THREE. WAIVING 12 N.N.C. §§ 820 (E) AND 820 (F) REGARDING MATCHING RECURRING REVENUES WITH RECURRING EXPENSES (12 N.N.C. § 820(E)) AND LIMITING THE APPROPRIATION OF FUNDS FROM THE UNRESERVED, UNDESIGNATED FUND TO NON-RECURRING EXPENDITURES (12 N.N.C. § 820(F))**

The Navajo Nation Council hereby waives 12 N.N.C. §§ 820 (E) and 820 (F) to allow UUFB funds to be used for recurring expenditures.

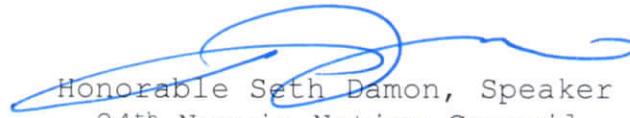
**SECTION FOUR. APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$55,530.00 (FIFTY-FIVE THOUSAND, FIVE HUNDRED THIRTY DOLLARS) FOR THE NAVAJO-HOPI LEGAL SERVICES PROGRAM TO FUND THE SHORTFALL OF TWO PROFESSIONAL STAFF POSITIONS THROUGH THE END OF FY 2020**

- A. This supplemental appropriation of \$55,530 (Fifty-Five Thousand, Five Hundred Thirty Dollars) shall be from that amount of funds that exceeds the minimum fund balance of the Unreserved, Undesignated Fund Balance as indicated in the documents in **Exhibit A**.
- B. The Navajo Nation hereby approves the supplemental appropriation from the Unreserved, Undesignated Fund Balance to the Navajo-Hopi Legal Services Program, Business Unit

104002, to fund the shortfall of two professional staff positions through the end of FY2020.

**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 1<sup>st</sup> day of July 2020.

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

July 2, 2020  
DATE

Motion: Honorable Raymond Smith, Jr.  
Second: Honorable Mark A. Freeland

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 12 day of July, 2020.

J-Nez Myran Lizer  
Jonathan Nez, President  
Navajo Nation

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

\_\_\_\_\_  
Jonathan Nez, President  
Navajo Nation

3. I, hereby, exercise line-item veto pursuant to the 2010 Certified Initiative, over the supplemental appropriations approved herein by the Navajo Nation Council; on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Jonathan Nez, President  
Navajo Nation

# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



July 12, 2020

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

RE: CJY-52-20, *An Action Relating to relating to Budget and Finance and Naabik'iyáti' Committees, and the Navajo Nation Council; Establishing the Navajo Nation COVID-19 Response Donation Fund to house financial donation made to the Navajo Nation to assist in the fight against COVID-19 on the Navajo Nation; Waiving Navajo Nation Code set-aside provisions*

Dear Speaker Damon,

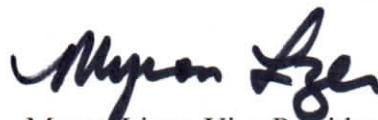
Pursuant to the authority vested in the Navajo Nation President, I am signing CJY-52-20 into law.

As a follow-up to CMA-08-20 we appreciate the Navajo Council's consideration and vote on establishing the COVID-19 Response Donation Fund. With initial donations coming from our Navajo Nation Enterprises the response from across the country and world-wide has been a blessing. We appreciate the individuals, religious groups, businesses, and organizations who have made generous donations to our Navajo People. The Donation Section in the Navajo Attorney General's office will continue to receive donations and will work with the Department of Emergency Management in distribution. The previous donations of food items, bottled water, masks, and hand sanitizer have been distributed across the Navajo Nation. Now with the establishment of the Fund we can add another level of service to our People. Thank you to all those who support the Navajo Nation and may God continue to bless you.

Thank you Speaker Damon and thank you 24<sup>th</sup> Navajo Nation Council.

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 BUDGET AND FINANCE AND NAABÍK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; ESTABLISHING THE NAVAJO NATION COVID-19 RESPONSE DONATION FUND TO HOUSE FINANCIAL DONATIONS MADE TO THE NAVAJO NATION TO ASSIST IN THE FIGHT AGAINST COVID-19 ON THE NAVAJO NATION; WAIVING NAVAJO NATION CODE SET-ASIDE PROVISIONS**

**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 Naabík'íyáti' Committee is a standing committee of the Navajo Nation Council with the responsibility to hear proposed resolution(s) that require final action by the Navajo Nation Council. 2 N.N.C. § 164 (A) (9).
- C. The Budget and Finance Committee is a standing committee of the Navajo Nation Council with the enumerated power to "[t]o the extent permitted by federal or Navajo Nation laws and regulations, the Committee shall appropriate, allocate, cancel, re-appropriate and review the use of the Navajo Nation funds received including but not limited to all grants, contracts, gifts and other funds from all sources." 2 N.N.C. § 301 (B) (3).
- D. The Budget and Finance Committee also has the enumerated power "[t]o approve Fund Management Plans pursuant to the recommendations of the appropriate oversight committee and affected Division or Branch." 2 N.N.C. § 301 (B) (14).
- E. The Navajo Nation Appropriations Act states that "[f]unds received in excess of the initial or current revenue projection shall be deposited into the General Fund unless otherwise designated by the Navajo Nation Council." 12 N.N.C. § 820 (K).

**SECTION TWO. FINDINGS**

- A. COVID-19 is a dangerous and extremely contagious respiratory virus. The virus is pandemic and has reached the Navajo Nation. COVID-19 is spreading at an alarming rate within the Navajo

Nation; as of May 13, 2020, the Navajo Nation has reported 488 cases of COVID-19 and 20 related deaths.

- B. The World Health Organization declared a Public Health Emergency of International Concern on January 30, 2020; the United States Department of Health and Human Services declared a Public Health Emergency related to the COVID-19 outbreak on January 31, 2020; and the World Health Organization officially declared a pandemic due to COVID-19 on March 11, 2020.
- C. On March 11, 2020, the Navajo Nation Commission on Emergency Management, with the concurrence of the Navajo Nation President and Vice President, declared a Public Health State of Emergency on the Navajo Nation due to the presence of COVID-19 in areas surrounding the Navajo Nation. Resolution No. CEM 20-03-11. The President and Commission have issued other Public Health Emergency Orders: including: Order No. 2020-001 dated March 18, 2020 (declaring the outbreak of COVID-19 and limiting mass gatherings); Order No. 2020-002 dated March 19, 2020 (quarantining the Chilchimbeto Community); Order No. 2020-003 dated March 20, 2020 (ordering individuals living on the Navajo Nation to stay home and shelter in place except for essential activities, prohibiting visitors to the Navajo Nation, and closing all businesses on the Navajo Nation except essential businesses); Order No. 2020-004 dated March 29, 2020 (implementing a daily curfew from 8:00 p.m. to 5:00 a.m. for all Navajo Nation residents, extending the shelter in place order, and further limiting public gatherings); Order No. 2020-005 dated April 5, 2020 (implementing a 57-hour weekend curfew on April 10-13, 2020); Order No. 2020-006 dated April 16, 2020 (extending the weekend curfew for April 17-20 and April 24-27, and closing Navajo Nation essential businesses during curfew hours); Order No. 2020-007 (requiring face masks in public); and Order No. 2020-008 dated April 29, 2020 (extending the weekend curfew to May 11, 2020). The Navajo Nation Office of the President and Vice President issued Executive Order 002-20 on March 31, 2020 (closing all Navajo Nation offices except essential personnel through April 21, 2020); and Executive Order 003-20 on April 21, 2020 (extending the closure order to May 17, 2020).
- D. After the Public Health State of Emergency was declared on the Navajo Nation, the Health Command Center (subsequently merged into the Unified Command Group) started receiving financial and property donations from individuals, businesses, non-profits, agencies, and enterprises to support the Nation's COVID-19 response efforts.

- E. To ensure that the Navajo Nation could promptly apply the donated funds and property to the COVID-19 response efforts, on March 20, 2020, the Navajo Nation Council approved Resolution No. CMA-08-20, attached as **Exhibit A**, minimizing the procedures for accepting donations during the COVID-19 emergency declaration. The President signed CMA-08-20 into law on March 26, 2020.
- F. When the Nation accepts a donation, it also accepts the obligation to expend or use the donation for the purposes for which it was donated. The Navajo Nation Office of the Attorney General was designated to lead the "Donations Branch" within the Navajo Nation Health Command Operations Center and charged with maintaining the integrity of the COVID-19 response donation process.
- G. To ensure that all financial donations received for the COVID-19 response efforts are expended only for COVID-19 response related efforts and can be accounted for and audited, the Navajo Nation finds it in the best interests of the Navajo Nation to establish the COVID-19 Response Donation Fund within the Navajo Nation Department of Emergency Management.

### **SECTION THREE. ESTABLISHING THE COVID-19 RESPONSE DONATION FUND**

- A. The Navajo Nation hereby establishes the COVID-19 Response Donation Fund within the Navajo Nation Department of Emergency Management.
- B. The Navajo Nation Council hereby designates that all financial donations received by the Navajo Nation for its COVID-19 relief efforts that are not restricted by the donor for a specific purpose shall be deposited in the COVID-19 Response Donation Fund.
- C. The Navajo Nation Council hereby designates that financial donations restricted by the donor for a specific purpose shall be deposited in the account(s) of the donor specified department or program or the account(s) of the department or program with the responsibility to accomplish the donor specified purpose.
- D. The COVID-19 Response Donation Fund shall only be expended for COVID-19 relief efforts, including, but not limited to preparedness, emergency response, and recovery, that mitigate the harmful effects of the pandemic virus as prioritized by the Department of Emergency Management.

- E. Notwithstanding the Budget Instruction Manual, COVID-19 Response Donation Funds shall be budgeted through an Executive Branch internal review and approval process that ensures the expeditious expenditure of such funds for their intended purpose, i.e., COVID-19 relief efforts.
- F. COVID-19 Response Donation Fund funds shall not lapse pursuant to 12 N.N.C. § 820 (N).
- G. The COVID-19 Response Donation Fund shall expire when all donations have been expended.

#### **SECTION FOUR. WAIVING NAVAJO NATION CODE SET-ASIDE PROVISIONS**

The Navajo Nation waives any and all provisions of the Navajo Nation Code that would extract a set-aside from financial donations made to the Nation for its COVID-19 relief efforts, including but not limited to the provisions in the Navajo Nation Permanent Fund, 12 N.N.C. §§901 *et seq.*; Navajo Nation Veterans Trust Fund, 12 N.N.C. §§ 1171 *et seq.*; Capital Outlay Match Funding Special Revenue Fund, 12 N.N.C. §§2001 *et seq.*; Navajo Nation Water Rights Claim Fund, 12 N.N.C. §§ 2101 *et seq.*; Diné Higher Education Grant Fund, 12 N.N.C. §§2301 *et seq.*; and Land Acquisition Fund, 16 N.N.C. §§201 *et seq.*

#### **SECTION FIVE. ADMINISTRATION AND MANAGEMENT OF THE COVID-19 RESPONSE DONATION FUND**

- A. The COVID-19 Donation Fund shall be managed and administered pursuant to a Fund Management Plan (FMP) developed by the Navajo Nation Department of Emergency Management, with the assistance of the Office of the Controller, and recommended by the Health Education and Human Services Committee and approved by the Budget and Finance Committee.
- B. The COVID-19 Donation Fund FMP shall, at a minimum, include the following provisions:
  - 1. Expenditures shall only be for COVID-19 relief efforts, including, but not limited to preparedness, emergency response, and recovery, that mitigate the harmful effects of the pandemic virus as prioritized by the Department of Emergency Management; such expenditures shall be made through an Executive Branch budgeting and approval process.
  - 2. The Office of the Attorney General and Office of the Controller shall report donations received to the Naabik'iyáti' Committee at the end of each Fiscal Year

- Quarter; and shall report any individual financial donation exceeding one hundred thousand dollars (\$100,000) to the Speaker of the Navajo Nation within ten (10) days of receiving the donation.
3. The Department of Emergency Management shall report all COVID-19 Response Donation Fund expenditures to the Naabik'iyáti' Committee at the end of each Fiscal Year Quarter.

**SECTION SIX. AUDIT REQUIREMENTS**

The COVID-19 Response Donation Fund shall be audited each year by the Nation's independent auditors.

**SECTION SEVEN. EFFECTIVE DATE**

This Action shall become effective in accord with 2 N.N.C. § 221(B).

**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 22 in Favor, and 00 Opposed, on this 1<sup>st</sup> day of July 2020.

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

July 2, 2020  
DATE

Motion: Honorable Pernell Halona  
Second: Honorable Raymond Smith, Jr.

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 12 day of July, 2020.

Jonathan Nez Myron Lizer  
Jonathan Nez, President  
Navajo Nation

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

\_\_\_\_\_  
Jonathan Nez, President  
Navajo Nation

# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

July 12, 2020

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

RE: CJY-54-20, *An Action Relating to the Resources and Development Committee, the Health, Education and Human Services Committee, the Naabik'iyáti' Committee and the Navajo Nation Council; Cancelling the Navajo Nation Fair, the Fourth of July Celebration, the Northern Navajo Nation Fair, and all the other fairs, rodeos and ropings held on the Navajo Nation during 2020*

Dear Speaker Damon,

Pursuant to the authority vested in the Navajo Nation President, I am signing CJY-54-20 into law.

The rising number of COVID-19 cases in surrounding States earlier this year caused the Navajo Nation to respond with our own emergency orders to protect our People. We are now in the same situation with a rise in COVID-19 cases in surrounding States; however, because Navajo leaders worked hard to protect our People we do not have the situation faced by the surrounding States. Our public health team continually monitors our COVID cases and the public health orders limiting large gatherings, a stay-at-home order, and curfews are helping keep our People safe. Working together we must do everything we can to keep ourselves healthy. Cancelling large and smaller local events on the Navajo Nation will help reduce the spread of this deadly virus. We must not back down on our message of wearing masks, washing our hands, and social distancing.

The surrounding States are also cancelling large events, such as New Mexico cancelling the annual Balloon Fiesta, and our Navajo Divisions took the initiative to cancel our Fourth of July Celebration. The message in CJY-54-20 will go out to all Navajo citizens that not only are large events cancelled but also smaller rodeo and roping events. Under Public Health Emergency Order No. 2020-003 and No. 2020-004 Navajo residents must avoid crowds, limit gatherings to household members, and restrict their travel. The Public Health Emergency Orders work with CJY-54-20 to also restrict local pow wows, fundraising bingo games, roadside sales, and other small gatherings. We must keep ourselves safe.

Sincerely,

A handwritten signature in black ink that reads "Jonathan Nez".

Jonathan Nez, President  
THE NAVAJO NATION

A handwritten signature in black ink that reads "Myron Lizer".

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 THE RESOURCES AND DEVELOPMENT COMMITTEE, THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE, THE NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; CANCELLING THE NAVAJO NATION FAIR, THE FOURTH OF JULY CELEBRATION, THE NORTHERN NAVAJO NATION FAIR, AND ALL THE OTHER FAIRS, RODEOS AND ROPINGS HELD ON THE NAVAJO NATION DURING 2020**

**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 Council established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee. Proposed resolutions requiring the final authority of the Navajo Nation Council are to be assigned to the Naabik'íyáti' Committee. 2 N.N.C. § 164 (A)(9).
- C. The Health, Education, and Human Services Committee is a Navajo Nation Council standing committee established to review and make recommendations regarding health. 2 N.N.C. § 401 (B)(6) (a).
- D. The Resources and Development Committee is the oversight committee of the Navajo Department of Agriculture which plans and puts on the Fourth of July Celebration and the Navajo Nation Fair, RDCJY-032-19; and the Resources and Development Committee, through RDCAU-81-12, by amending the Northern Navajo Fair Board Plan of Operation, "establish[ed], creat[ed], and confirm[ed] the existence of the Northern Navajo Nation Fair Board ... as an entity of the Navajo Nation and the Northern Navajo Nation Agency Council."

**SECTION TWO. FINDINGS**

- A. The Navajo Nation Commission on Emergency Management, with the concurrence of the President and Vice President of the Navajo Nation, approved Resolution CEM-20-03-11, "Declaring a Public Health State of Emergency for the Navajo Nation due to the Confirmation of the Coronavirus Disease ("COVID-19") in

Regional Areas Surrounding the Navajo Nation," dated March 11, 2020.

- B. The Navajo Nation President issued Executive Order 003-20 on April 21, 2020 extending the Declaration of a State of Emergency due to the COVID-19 virus on the Navajo Nation and extending the closure of Navajo Nation government offices and related entities.
- C. The Navajo Nation has taken strong, proactive measures to reduce the spread of COVID-19 including issuing stay at home orders as well as implementing evening and weekend curfews. Public Health Emergency Orders No. 2020-003 (issuing a Stay at Home order) and 2020-004 (extending the Stay at Home order and implementing a curfew).
- D. Public Health Emergency Order No. 2020-004 also stated that "[a]ll indoor and outdoor public gatherings are limited to no more than 5 people[.]
- E. "The Navajo Department of Health recognized that "[e]very individual has a responsibility to themselves, to their families and relatives, and to their communities to act in accordance with this Public Health Emergency Order No. 2020-004." See Public Health Emergency Order 2020-004, Paragraph VII.
- F. The Navajo Department of Health extended the weekend curfew in effect on the Navajo Nation and ordered the closure of certain essential businesses on the Navajo Nation. See Public Health Emergency Order Nos. 2020-005, 2020-006, and 2020-008.
- G. The Fourth of July Celebration which takes place during and around July Fourth of each year and the Navajo Nation Fair held in September both take place in Window Rock, Arizona and both have high attendance over multiple days.
- H. There are other Navajo fairs including the Kayenta 4<sup>th</sup> of July Rodeo, Eastern Navajo Fair (Crownpoint) held in July, the Ramah Navajo Fair and Rodeo (Pine Hill) held in August, Naatsis'áán E'eaniih Day Celebration (Navajo Mountain) held in August, Southwest Navajo Fair and Rodeo (Dilkon) held in August, Central Agency Fair (Chinle) held in August, Utah Navajo Fair and Rodeo (Bluff) held in September, Northern Navajo Fair (Shiprock) held in October, Alamo Indian Days held in October, and the Western Navajo Fair (Tuba City) held in October.

- I. There are also numerous smaller rodeos and roping events that would ordinarily be held on the Navajo Nation during the spring, summer and fall of 2020.
- J. Large numbers of the Navajo population attend these fairs, rodeos and roping events.
- K. The Navajo Nation Council finds that due to the highly contagious nature of COVID-19, Dikos Ntsaaígíí Náhást'éíts'áadah, and the need to prevent spread of the virus and to protect our Navajo people from being infected by this virus, it is necessary to cancel all the fairs, rodeos and roping events that would ordinarily be held on the Navajo Nation during 2020.

**SECTION THREE. CANCELLING ALL FAIRS, RODEOS AND ROPING EVENTS THAT WOULD ORDINARILY BE HELD ON THE NAVAJO NATION IN 2020**

The Navajo Nation hereby cancels the Fourth of July Celebration, the Navajo Nation Fair, the Kayenta 4<sup>th</sup> of July Rodeo, Eastern Navajo Fair, the Ramah Navajo Fair and Rodeo, Naatsis'áán E'eaniih Day Celebration, Southwest Navajo Fair and Rodeo, Central Agency Fair, Utah Navajo Fair and Rodeo, Northern Navajo Fair, Alamo Indian Days, the Western Navajo Fair, and any other fairs, rodeos and roping events that would ordinarily be held on the Navajo Nation during 2020.

**SECTION FOUR. EFFECTIVE DATE**

- A. The provisions of this action shall become effective pursuant to 2 N.N.C. § 221 (B).
- B. The provisions of this action shall expire when Resolution CEM-20-03-11, "Declaring a Public Health State of Emergency for the Navajo Nation due to the Confirmation of the Coronavirus Disease ("COVID-19") in Regional Areas Surrounding the Navajo Nation," dated March 11, 2020, is lifted or rescinded or until otherwise determined by resolution of the Navajo Nation Council.

**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 19 in Favor, and 02 Opposed, on this 1<sup>st</sup> day of July 2020.

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

July 2, 2020

DATE

Motion: Honorable Jamie Henio  
Second: Honorable Jimmy Yellowhair

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 12 day of July, 2020.



Jonathan Nez, President  
Navajo Nation

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

\_\_\_\_\_  
Jonathan Nez, President  
Navajo Nation

# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

July 12, 2020

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

RE: CJY-55-20, *An Action Relating to an Emergency for the Navajo Nation; Opposing Liquor License Application Filed by Family Dollar Store in the Community of Saint Michaels, Arizona Locate within the Territorial Jurisdiction of the Navajo Nation*

Dear Speaker Damon,

Pursuant to the authority vested in the Navajo Nation President, I am signing CJY-55-20 into law.

Alcoholism is one of the modern day Monsters the Navajo Nation is fighting and it has taken the lives of many of our Navajo People. We sincerely appreciate the Navajo Nation Council's position on opposing the liquor license application by Family Dollar.

We understand the Family Dollar's business decision is to apply for liquor licenses in all their stores across the country to increase their profit margin. This across-the-board business decision does not work for the Navajo Nation and working together we must strongly oppose this liquor license application. We have made our position known to the Apache County Board of Supervisors in the St. Michael's store application and had taken a position with the Coconino County Board of Supervisors in the Tuba City store application. Our letters are attached. Businesses such as Family Dollar must respect the Navajo Nation law and regulations if they are doing business with our People and we as Navajo leaders must guard our Nation from thoughtless business decisions that will bring harm.

Alcoholism is a real problem for the Navajo Nation and we must continue to bring awareness to the problem. We, similar to the Navajo Nation Council, sent letters to the Governors of New Mexico and Utah to work with the Navajo Nation on curbing alcohol sales during this pandemic and we will continue to push this position. We appreciate the Navajo Nation Council's strong position on alcohol sales and will work with the Council in protecting our People.

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; OPPOSING LIQUOR  
LICENSE APPLICATION FILED BY FAMILY DOLLAR STORE IN THE COMMUNITY  
OF SAINT MICHAELS, ARIZONA LOCATED WITHIN THE TERRITORIAL  
JURISDICTION OF THE NAVAJO NATION**

**WHEREAS:**

- A. 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."
- B. Actions taken contrary to Navajo Nation law threaten the sovereignty of the Navajo Nation.
- C. Federal law provides a comprehensive scheme of liquor regulation on tribal lands. 18 U.S.C. §§ 1154, 1155, 1156, 1161, 3113, 3488, and 3669. Federal law recognizes the authority of a tribe to regulate liquor sales within its "Indian Country." 18 U.S.C. § 1161. "Indian Country," for purposes of federal laws regulating liquor, includes fee patented land within the exterior boundaries of a tribe's reservation, unless the fee patented land is within a non-Indian community. 18 U.S.C. §§ 1151 and 1154 (c).
- D. The Navajo Nation is a sovereign nation. The government seeks to protect the health, safety and welfare of all its tribal members, as well as all residents living within the boundaries of the Navajo Nation. Within Navajo Indian Country, the Navajo Nation has jurisdiction to enforce its civil and criminal laws and regulations related to the distribution, sale, and possession of liquor, including the Navajo Nation Liquor Regulations.
- E. Under Navajo Nation law, it is illegal to possess, transport, manufacture, and sell liquor on the Navajo Nation, unless

subject to limited exceptions, and then only with authorization of the Navajo Nation government. 17 N.N.C. §§ 410 and 411. The exceptions are as follows. The Nation permits the sale, manufacture, delivery, and transport of liquor if it is intended for scientific, sacramental, medicinal, or mechanical purposes. 17 N.N.C. § 412(A). The Nation also permits the sale, delivery, transportation, and consumption of alcoholic beverages at Antelope Point Resort and Marina Business Site Lease and within Navajo Nation Gaming Enterprise properties, subject to certain limitations, and only in conformity with Navajo Nation, state, and federal laws. 17 N.N.C. §§ 412 (C) and (D).

- F. The Navajo Tax Commission was empowered by the Navajo Nation Council to regulate liquor on the Nation. 17 N.N.C. § 412. Through resolution TAX-08-208, the Navajo Tax Commission adopted the Navajo Nation Liquor Regulations, which were then certified by the Secretary of the Interior, and published in the Federal Register on December 24, 2008. The Regulations apply to Indians and non-Indians alike. Navajo Nation Liquor Regulations § 1.106 (B). The Office of the Navajo Tax Commission is delegated the authority to enforce these regulations. *Id.* § 1.105(B). The Regulations allow for the sale and consumption of liquor at Navajo casino facilities and at Antelope Point, subject to certain restrictions and licensing requirements. *Id.* § 1.108. Most notably, package sales and sales for resale are expressly prohibited on the Nation. *Id.* § 1.109.
- G. The Navajo Division of Behavioral and Mental Health has summarize the problem of alcohol in Native Americans throughout the United States as follows:

"Alcohol and Substance Use has a profound effect on the American Indian/Alaska Native (AI/AN) population. It impacts families and communities leading to increases in domestic violence, drug overdoses, public intoxication, crimes, child and elder abuse cases, chronic health conditions, fetal alcohol syndrome, unintentional injuries, and suicide ideations and attempts, and ultimately, leading to death. The adverse effects of alcohol and substance use puts a burden on public safety, health care facilities, the judicial systems, raises the level of poverty, and unemployment, and increases education risk factors such as dropping out of school."

- H. Family Dollar Store is a Virginia-based discount store. As its name suggests, it caters to low income people. The company has

over 8,000 stores across the United States, including stores within the exterior boundaries of the Navajo Nation. To increase sales and profits, the national chain has recently decided to expand its business to include the sale of packaged liquor in certain stores. Family Dollar Store, no. 32091, located in the community of Saint Michaels, Arizona within the Navajo Nation, is one of these stores. On June 16, 2020, this store provided notice that it applied to the state of Arizona Liquor Board for an Arizona liquor license. The Navajo Nation strongly opposes all efforts of Family Dollar to sell packaged liquor within the exterior boundaries of the Navajo Nation.

- I. Saint Michaels is a community within the Navajo Nation. Family Dollar sits on fee land in the center of this community and is surrounded by tribal trust land and other fee patented parcels. See attached **Exhibit A**, a descriptive satellite map of the area. Within very close proximity of the Family Dollar, there are churches, a Catholic school (Saint Michael Indian School) and a federal building next to it (within a few feet and sharing the same entrance from the highway). There is also an entire residential neighborhood right next to the business, with a playground for children. Aside all the other hazards that will result, property values of fee land in this neighborhood will certainly drop due to sales of liquor within the area.
- J. Other property interests and public service entities immediately adjacent to Family Dollar include a U.S. Post Office in Saint Michaels, the Karigan Professional Building Complex (housing a number of tribal programs, such as Tax Commission, Human Rights Office, Business Development and the Navajo Nation Bar Association), a radio station - KTNN, a Child Care operated by Christian Health Care Services, the Saint Michaels Senior Citizens Program, the Toyei Industries (providing services for developmental disabilities and mental illness), and the Ch'ihootso Baptist Church. These entities providing the essential services are within and less than one mile of Family Dollar. None of this vital information is provided in Family Dollar's liquor license application. Yet these are all factors that the Apache County Board of Supervisors and the Arizona Liquor Board should consider.
- K. Family Dollar sits adjacent to a major state highway, 264. On this highway, to the east, there is the city of Gallup, New Mexico. At the other end, there is Tuba City in Arizona (within the Navajo Nation). Alcohol sales present hazards associated with driving. There have been fatalities on 264 due to drunk driving. Selling liquor along this major highway will certainly increase drunk driving collisions. There is also the concern

over pedestrians crossing the same highway. Pedestrians, intoxicated, have been hit and killed on this stretch of highway.

- L. Within the Navajo Nation, 55% of calls for help and assistance concern public intoxication. Of communities within the Navajo Nation, Tuba City and Window Rock receive the highest number of calls concerning public intoxication. Both of these communities are along highway 264, with Saint Michaels located within 2 miles of Window Rock. *Data/Statistics, Navajo Division of Behavioral and Mental Health Services*. Elements in respect to the offense of Public Intoxication include the inability, in a public place, to "care for [one's] own safety" (due to intoxication).
- M. The sale of alcohol at Family Dollar in Saint Michaels will unquestionably contribute to an increase in drunk driving crashes, as well as an increase in the number of pedestrians killed due to intoxication.
- N. Alcohol is a major problem within the Navajo Nation. The harm caused by alcohol on members of the Navajo Nation has been devastating. Members of the Navajo Nation have died from the consumption of alcohol or been killed because of it. The rate of alcoholism is alarming within the Navajo Nation. There is a moral and legal obligation of governments to protect its citizens. Considering the devastating impact and harm alcohol has had on members of the Navajo Nation, it would be unconscionable to grant a license to Family Dollar to sell liquor within the community of Saint Michaels or any other place within the Navajo Nation.
- O. The short comment period of 20 days for an Arizona liquor license is much too short. This is unfair to the public, residents living within the area that would be affected and businesses operating and providing services to the public. In the interest of public safety and fair opportunity to be heard, the state of Arizona should consider amending this short 20-day period. Further, there should be more strict requirements placed on liquor license applicants in providing information as to its location and a description of the surrounding area, including demographics. This burden should not be placed on those who would be affected, although opportunity for public comment is provided.

**NOW THEREFORE BE IT RESOLVED:**

The Navajo Nation hereby OPPOSES the Arizona liquor license application submitted by Family Dollar Store no. 32091, located within the exterior boundaries of the Navajo Nation. Apache County and the State of Arizona must respect the Nation's sovereign authority and recognize that Family Dollar's proposed retail sales of packaged liquor would violate Navajo Nation laws and regulations. On behalf of our Navajo People, the Nation requests that the Apache County Board of Supervisors recommend denial of Family Dollar's application and that the Arizona State Liquor Board deny the application.

**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 20 in Favor, and 00 Opposed, on this 1<sup>st</sup> day of July 2020.



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

July 2, 2020  
DATE

Motion: Honorable Pernell Halona  
Second: Honorable Edison J. Wauneka  
  
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 12 day of July, 2020.

  
Jonathan Nez, President  
Navajo Nation

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

\_\_\_\_\_  
Jonathan Nez, President  
Navajo Nation