LEGISLATION NO: _0081-20______   SPONSOR: Eugenia Charles-Newton

TITLE: An Action Relating to an Emergency for the Navajo Nation; Approving supplemental funding from the Unreserved, Undesignated Fund Balance in the amount of Two Million, Four Hundred Sixteen Thousand, Seven Hundred Forty-Seven dollars ($2,416,747) to the Navajo Nation Division of Public Safety

Date posted: April 9, 2020 at 6:17pm

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7590

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 et. seq.
DATE: April 9, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF TWO MILLION, FOUR HUNDRED SIXTEEN THOUSAND, SEVEN HUNDRED FORTY-SEVEN DOLLARS (52,416,747) TO THE NAVAJO NATION DIVISION OF PUBLIC SAFETY

PURPOSE: The purpose of this legislation is to approve a supplemental appropriation for the Navajo Division of Public Safety.

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 – Second Year, 2020

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0081-20

AN ACTION
RELATING TO AN EMERGENCY FOR THE NAVAJO NATION; APPROVING
SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND
BALANCE IN THE AMOUNT OF TWO MILLION, FOUR HUNDRED SIXTEEN
THOUSAND, SEVEN HUNDRED FORTY-SEVEN DOLLARS ($2,416,747) TO THE
NAVAJO NATION DIVISION OF PUBLIC SAFETY

BE IT ENACTED:

SECTION 1. AUTHORITY
A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C.
§ 102(A).
B. 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.”
C. This legislation is offered as an emergency due to the need to provide continuing law
enforcement services during the COVID-19 pandemic relief efforts.

D. The Navajo Nation Council has the authority to approve supplemental appropriations. 12
N.N.C. § 820(L). Pursuant to 12 N.N.C. § 820 (L), “[t]he Navajo Nation Council may
adopt and approve supplemental appropriations to the Annual Comprehensive Budget
during the fiscal year. Supplemental appropriations of General Funds within the current
fiscal year are permitted, if and when additional sources of revenues above and beyond
the initial or current revenue projections are projected and which are also in excess of the
reserve amount set forth at § 820(J).”

E. 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 2. FINDINGS

A. The novel coronavirus ("COVID-19") has caused a global pandemic and has hit the Navajo Nation especially hard. As of April 9th, the Navajo Nation reported 488 cases of COVID-19 and 20 deaths from the virus.

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 Orders 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. This supplemental appropriation is requested the amount Two Million, Four Hundred Sixteen Thousand, Seven Hundred Forty-Seven Dollars ($2,416,747). The budget documents are attached as Exhibit A.

F. Due to the emergency nature of this funding request, the budget impact analysis required by 12 N.N.C. 820(M) can be provided by the Office of Management and Budget when this matter is heard by Council either in person or telephonically.

G. Due to the emergency nature of this funding request the Controller can satisfy the requirements provided in 12 N.N.C. § 820(L) when this matter is heard by Council either in person or telephonically.

SECTION 3. APPROVING SUPPLEMENTAL FUNDING FROM THE
UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF TWO MILLION, FOUR HUNDRED SIXTEEN THOUSAND, SEVEN HUNDRED FORTY-SEVEN DOLLARS ($2,416,747) TO THE NAVAJO NATION DIVISION OF PUBLIC SAFETY, BUSINESS UNIT

A. This supplemental appropriation of $2,416,747 shall be from that amount of funds that exceeds the minimum fund balance of the Unreserved, Undesignated Fund Balance as determined by the Office of the Controller and as indicated in the documents in Exhibit A.

B. The Navajo Nation hereby approves supplemental funding from the Unreserved, Undesignated Fund Balance in the amount of $2,416,747 for emergency funds as indicated in the documents in Exhibit A.