LEGISLATION NO: _0147-20__ SPONSOR: Raymond Smith, Jr.

TITLE: An Action Relating to Budget and Finance and Naabik’íyáti’ Committees, and Navajo Nation Council: Adopting a Continuing Resolution for the Continuing Operations of the Navajo Nation Government; Beginning October 1, 2020 and Ending December 31, 2020; Waiving 12 N.N.C. §840(B)

Date posted: July 1, 2020 at 5:52PM

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DATE: July 1, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; ADOPTING A CONTINUING RESOLUTION FOR THE CONTINUING OPERATIONS OF THE NAVAJO NATION GOVERNMENT; BEGINNING OCTOBER 1, 2020 AND ENDING DECEMBER 31, 2020; WAIVING 12 N.N.C. §840(B)

PURPOSE: The purpose of this resolution is to approve a continuing resolution for Fiscal Year 2021.

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

(Primary Sponsor)

TRACKING NO. 0147-20

AN ACTION
RELATING TO BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES,
AND NAVAJO NATION COUNCIL; ADOPTING A CONTINUING RESOLUTION
FOR THE CONTINUING OPERATIONS OF THE NAVAJO NATION
GOVERNMENT; BEGINNING OCTOBER 1, 2020 AND ENDING DECEMBER 31,
2020; WAIVING 12 N.N.C. §840(B)

BE IT ENACTED:

SECTION ONE. AUTHORITY
A. The Budget and Finance Committee shall review and make recommendations concerning
the budget and submit it to the Navajo Nation Council. 12 N.N.C. § 840(A).
B. The Naabik’íyáti’ Committee reviews proposed legislation that requires final action by the
Navajo Nation Council. 2 N.N.C. § 164(A)(9).
C. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C.
§102(A).

SECTION TWO. FINDINGS
A. The novel coronavirus ("COVID-19") is responsible for a global pandemic and has had a severe impact on the Navajo Nation.

B. 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 the Commission have issued additional 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 Chilchinbeto 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); 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); Order No. 2020-008 dated April 29, 2020 (extending the weekend curfew to May 11); and Order Nos. 2020-009 through 2020-12 and Order Nos. 2020-015 through 2020-016 (extending lockdowns and weekend curfews).

C. 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); Executive Order 003-20 on April 21, 2020 (extending the closure order to May 17, 2020), Executive Order 004-20 on May 12, 2020 (extending the closure order to June 7, 2020), Executive Order 005-20 on June 3, 2020 (extending the closure order to July 5, 2020), and Executive Order 006-20 on June 30, 2020 (extending the closure order to July 26, 2020).
D. Additionally, the Speaker of the Navajo Nation issued a memo on June 19, 2020, extending the closure of the legislative branch through July 19, 2020.

E. Navajo Nation law provides a choice of law provision wherein Navajo courts may, in the absence of Navajo statutory laws and regulations or Diné bi beenahaz'áaniis, apply federal laws or regulations as applicable. 7 N.N.C. §204.

F. Similarly, in the absence of a provision for a continuing resolution, the Navajo Nation Council may look to federal laws or regulations for guidance.

G. The federal process for appropriations contains a provision for a continuing resolution, which is defined as “[a]n appropriation act that provides budget authority for federal agencies, specific activities, or both to continue in operation when Congress and the President have not completed action on regular appropriation acts by the beginning of the fiscal year.” Principles of Federal Appropriations Law, Third Edition, General Accounting Office, Jan. 2004, Chapter 8.

H. Based on the impracticability of maintaining the Center for Disease Control’s recommendations on physical distancing during the Navajo Nation’s budget hearings, the approval of a Continuing Resolution provides a means to allow for the continuing operations of the Navajo Nation government and a measure of protection for Navajo Nation employees.

I. The Navajo Nation Council finds the need to conduct a thorough and complete budget process at a later date warrants the approval of a Continuing Resolution.

J. The approval of a Continuing Resolution will allow for careful consideration of a Fiscal Year 2021 Comprehensive Budget, as well as a detailed examination of the needs of the Navajo Nation.

SECTION THREE. APPROVAL OF CONTINUING RESOLUTION

A. The Navajo Nation Council hereby resolves that all Navajo Nation Government divisions, departments, offices, programs and Navajo Nation Chapters, with the exception of those special budget situations named in paragraph C of this section, shall receive 1/4th of their Navajo Nation FY 2020 general fund, indirect cost fund, proprietary fund, special revenue, and fiduciary fund allocations, as of September 30,
2020, for operation of the Navajo Nation Government beginning October 1, 2020 and ending no later than December 30, 2020 in accordance with the Navajo Nation Council Resolution CS-30-19. The Continuing Budget Resolution amounts shall be based on 100% (one hundred percent) of the final Navajo Nation approved Fiscal Year 2020 Budget amounts as approved in CS-30-19 and signed by the Navajo Nation President on September 13, 2019. In order to maintain consistency between this Continuing Budget Resolution amounts and the Fiscal Year 2020 General Revenue Fund projections, supplemental appropriations made in Fiscal Year 2020 shall not be included in this Continuing Resolution.

B. In order for the continuing resolution budgets to be entered into the Financial Management and Information System (FMIS), all Navajo Nation programs and Chapters shall submit continuing resolution budgets to the Office of Management and Budget at the level of funding stated in Paragraph A above by September 1, 2020.

C. The Branch Chiefs, in conjunction with the Office of the Controller and the Office of Management and Budget are authorized to administratively address special budget situations and shall issue any necessary instructions for the proper implementation of this Continuing Budget Resolution, including all expenditures as required by statute, contract or government policy, including but not limited to Risk Management, scholarship, school clothing, employee insurance, retirement, match fund requirements and higher education.

SECTION FOUR. DIRECTIVE TO THE SPEAKER OF THE NAVAJO NATION

A. The Navajo Nation Council directs the Speaker of the Navajo Nation Council to convene a special session no later than thirty (30) days before the end of the Continuing Resolution period for the exclusive purpose of consideration and adoption of the proposed Navajo Nation Fiscal Year 2021 Comprehensive Budget.

B. If the COVID-19 pandemic has not abated, or if the Navajo Nation experiences another surge of the pandemic, this Continuing Resolution may be extended by the Navajo Nation Council.
SECTION FIVE. WAIVING 12 N.N.C. §840 (B)

The Navajo Nation Council hereby waives 12 N.N.C. §840 (B) pertaining to the adoption of a comprehensive twelve-month budget in order that this Continuing Budget Resolution be adopted. This waiver shall cease to be in effect upon adoption of the Navajo Nation Comprehensive Budget for Fiscal Year 2021.

SECTION SIX. EFFECTIVE DATE

The action is effective upon its approval pursuant to 2 N.N.C. §221(B).