TITLE: An Action Relating to an Emergency; Approving minimized procedures for accepting donations during the COVID-19 emergency declaration; Temporarily waiving certain provisions of 2 N.N.C. § 1010

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DATE: March 20, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY; APPROVING MINIMIZED PROCEDURES FOR ACCEPTING DONATIONS DURING THE COVID-19 EMERGENCY DECLARATION; TEMPORARILY WAIVING CERTAIN PROVISIONS OF 2 N.N.C. § 1010

PURPOSE: This resolution, if approved, would temporarily expedite the Nation's acceptance of gifts and donations.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.
PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL – Second Year, 2020

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 006-20

AN ACTION
RELATING TO AN EMERGENCY; APPROVING MINIMIZED PROCEDURES FOR
ACCEPTING DONATIONS DURING THE COVID-19 EMERGENCY DECLARATION;
TEMPORARILY WAIVING CERTAIN PROVISIONS OF 2 N.N.C. § 1010

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 has the authority to direct where additional revenues are
deposited. Pursuant to 12 N.N.C. § 820 (K), “[f]unds received in excess of the initial
or current revenue projection shall be deposited into the General Fund Unreserved,
Undesignated Fund balance unless otherwise designated by the Navajo Nation
Council.”
C. The President of the Navajo Nation shall, for and on behalf of the Navajo Nation, accept
or decline gifts of property, provided, that any such acceptance or refusal of a gift of
an estimated value in excess of one thousand dollars ($1,000) shall be with the
concurrence of the Naabik'íyáti' Committee [formerly Government Services
Committee]. 2 N.N.C. § 1010.
D. 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."

SECTION TWO. FINDINGS

A. In light of the Navajo Nation’s Emergency Declaration, attached as Exhibit A, regarding the outbreak of the COVID-19 virus, as well as the emergency services required to mitigate its effects, there is a great need to expedite access to all available resources, financial and otherwise, to address the health and safety of the Navajo people and their communities during the pandemic emergency.

B. Under 2 N.N.C. § 1010, the Navajo Nation cannot spend donated funds or use donated property with an estimated value in excess of one thousand dollars ($1,000) until the donation has been accepted by the President and concurred to by the Naabik’íyáti’ Committee.

C. Temporarily shortening the times and steps necessary for the Nation to accept a monetary or property donation is a reasonable approach to providing the Nation expedited access to resources, financial and otherwise, to address the health and safety of the Navajo people and their communities during the pandemic emergency.

SECTION THREE. TEMPORARILY WAIVING 2 N.N.C. § 1010

The Navajo Nation hereby temporarily replaces 2 N.N.C. § 1010’s reference to the Naabik’íyáti’ Committee with Speaker of the Navajo Nation Council and temporarily waives 2 N.N.C. § 1010’s requirement that the Naabik’íyáti’ Committee concur with the President’s acceptance or refusal of a gift of an estimated value in excess of one thousand dollars ($1,000)
SECTION FOUR. APPROVING TEMPORARY PROCEDURES TO ACCEPT DONATIONS

A. The Navajo Nation Council hereby authorizes the Speaker to act alone, without resolution, on behalf of the Naabik'íyáti' Committee to concur with the President's acceptance or refusal of a gift to the Navajo Nation with an estimated value in excess of one thousand dollars ($1,000) pursuant to 2 N.N.C. § 1010.

B. The Controller is hereby required to notify the President and Speaker of any financial donation made by a donor who owes money to the Navajo Nation; if the donor is in arrears as to the money owed to the Nation, the Controller shall apply the donated funds to clear the arrears before depositing the donated funds into the General Fund Unreserved, Undesignated Fund balance pursuant to 12 N.N.C. § 820 (K).

SECTION FIVE. EFFECTIVE DATE

The provisions of this Action shall become effective in accord with 2 N.N.C. § 221 (B) and (B) and shall expire when the Declaration of Emergency is lifted.