

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0079-20_____

SPONSOR: Otto Tso

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 Hundred Fifty Thousand dollars (\$250,000) for burial assistance to the Navajo Division of Social Services

Date posted: April 9, 2020 at 6:08pm

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0079-20

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 HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) FOR BURIAL ASSISTANCE TO THE NAVAJO DIVISION OF SOCIAL SERVICES

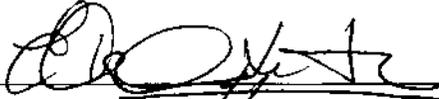
PURPOSE: The purpose of this legislation is to approve a supplemental appropriation for burial assistance to the Navajo Division of Social Services.

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.

OLC # 20-130-1

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL – Second Year, 2020

INTRODUCED BY


(Prime Sponsor) 

TRACKING NO. 0079-20

AN ACTION

**RELATING TO AN EMERGENCY FOR THE NAVAJO NATION; APPROVING
SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND
BALANCE IN THE AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS
(\$250,000) FOR BURIAL ASSISTANCE TO THE NAVAJO DIVISION OF SOCIAL
SERVICES**

BE IT ENACTED:

SECTION 1. AUTHORITY

A. The Navajo Nation Council is the governing of 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 critical need to provide emergency
and disaster relief services.

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

8 E. The Title 12 Finance Act Supplemental Appropriation requirements include:

- 9 1. All requests for annual operating funds and supplemental funds shall be
10 submitted to the Office of Management and Budget for budget impact analysis.
11 12 N.N.C. § 820(M).
- 12 2. When the Controller identifies additional sources of revenues above and beyond
13 the initial or current revenue projections, supplemental appropriations may be
14 approved by the Navajo Nation Council. 12 N.N.C. § 820(L).
- 15 3. Supplemental Appropriations made from non-recurring revenues shall only be
16 made for non-recurring operations or purposes, as set forth at § 820(F). The
17 Controller of the Navajo Nation shall be responsible for designation recurring and
18 non-recurring revenues. 12 N.N.C. § 820(L).
- 19 4. The Nation shall budget all recurring operating expenses, including capital
20 maintenance, from recurring revenues. Long term debt shall not be used to
21 finance recurring operating expenses. 12 N.N.C. §820(E).
- 22 5. The Navajo Nation Code provides, “[t]he Nation shall restrict non-recurring
23 revenues to budget non-recurring expenditures. In addition, non-recurring
24 revenues will be budgeted only after an examination by the Controller to
25 determine whether or not the revenues are subsidizing an imbalance between
26 recurring revenues and expenditures, and expenditures may be authorized only if
27 a long-term (three-five year) forecast shows that the operating deficit will not
28 continue. Otherwise, non-recurring revenues will be added to the Unreserved,
29 Undesignated Fund balance. This provision may be amended or waived by a two-
30 thirds vote of the full Navajo Nation Council.” 12 N.N.C. § 820(F).

1 **SECTION 2. FINDINGS**

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

5 B. In an effort to reduce the spread of COVID-19 the President of the Navajo Nation
6 extended the previously declared State of Emergency on the Navajo Nation and
7 required government offices remain closed through April 26, 2020 in Executive Order
8 002-20.

9 C. The Navajo Nation Department of Health has issued a Public Health Emergency
10 Orders requiring Navajo Nation residents stay at home to mitigate the risk of
11 spreading COVID-19 and to preserve the health and safety of all individuals residing
12 on the Navajo Nation. Public Health Emergency Order No. 2020-003.

13 D. The Navajo Nation Department of Health also issued a Public Health Emergency
14 Orders extending the Stay at Home Order and implementing a curfew from 8:00 p.m.
15 through 5:00 a.m. for Navajo Nation residents. Public Health Emergency Order No.
16 2020-004.

17 E. This supplemental appropriation is requested for burial assistance in the amount of
18 Two Hundred Fifty Thousand Dollars (\$250,000). The budget documents are
19 attached as **Exhibit A**.

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

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

26
27 **SECTION 3. APPROVING SUPPLEMENTAL FUNDING FROM THE**
28 **UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF**
29 **TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) FOR BURIAL**
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