

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0080-20_____

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 One Hundred Three Thousand dollars (\$103,000) to the Navajo Nation Judicial Branch, Administrative Office of the Courts

Date posted: April 9, 2020 at 6:13pm

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0080-20

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 ONE HUNDRED THREE THOUSAND DOLLARS (\$103,000) TO THE NAVAJO NATION JUDICIAL BRANCH, ADMINISTRATIVE OFFICE OF THE COURTS

PURPOSE: The purpose of this legislation is to approve a supplemental appropriation for the Judicial Branch.

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 No. 20-134-1

1 C. This legislation is offered as an emergency due to the need to provide continuing court
2 services. Failure to maintain the operations of the Judicial Branch would threaten the
3 sovereignty of the Navajo Nation.

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

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

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

1 recurring revenues will be added to the Unreserved, Undesignated Fund balance.
2 This provision may be amended or waived by a two-thirds vote of the full Navajo
3 Nation Council.” 12 N.N.C. § 820(F).
4

5 **SECTION 2. FINDINGS**

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

9 B. In an effort to reduce the spread of COVID-19 the President of the Navajo Nation
10 extended the previously declared State of Emergency on the Navajo Nation and
11 required government offices remain closed through April 26, 2020 in Executive Order
12 002-20.

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

17 D. The Navajo Nation Department of Health also issued a Public Health Emergency
18 Orders extending the Stay at Home Order and implementing a curfew from 8:00 p.m.
19 through 5:00 a.m. for Navajo Nation residents. Public Health Emergency Order No.
20 2020-004.

21 E. This supplemental appropriation is requested for supplies and communication and
22 utilities in the amount One Hundred Three Thousand Dollars (\$103,000). The budget
23 documents are attached as **Exhibit A**.

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

27 G. Due to the emergency nature of this funding request the Controller can satisfy the
28 requirements provided in 12 N.N.C. § 820(L) when this matter is heard by Council
29 either in person or telephonically.
30

1 **SECTION 3. APPROVING SUPPLEMENTAL FUNDING FROM THE**
2 **UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF**
3 **ONE HUNDRED THREE THOUSAND DOLLARS (\$103,000) TO THE NAVAJO**
4 **NATION JUDICIAL BRANCH, ADMINISTRATIVE OFFICE OF THE COURTS**

5 A. This supplemental appropriation of \$103,000 shall be from that amount of funds that
6 exceeds the minimum fund balance of the Unreserved, Undesignated Fund Balance as
7 determined by the Office of the Controller and as indicated the documents in **Exhibit**
8 **A.**

9 B. The Navajo Nation hereby approves supplemental funding from the Unreserved,
10 Undesignated Fund Balance in the amount of \$103,000 for emergency funds as
11 indicated in the documents in **Exhibit A.**