

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0126-20__

SPONSOR: Eugenia Charles-Newton

TITLE: An Action Relating to relating to Budget and Finance and Naabik'iyáti' Committees, and the Navajo Nation Council; Establishing the Navajo Nation COVID-19 Response Donation Fund to house financial donation made to the Navajo Nation to assist in the fight against COVID-19 on the Navajo Nation; Waiving Navajo Nation Code set-aside provisions

Date posted: May 27, 2020 at 3:11PM

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) 871-7586

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.*

LEGISLATIVE SUMMARY SHEET

Tracking No. 0126-20

DATE: May 25, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO RELATING TO BUDGET AND FINANCE AND NAABÍK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; ESTABLISHING THE NAVAJO NATION COVID-19 RESPONSE DONATION FUND TO HOUSE FINANCIAL DONATIONS MADE TO THE NAVAJO NATION TO ASSIST IN THE FIGHT AGAINST COVID-19 ON THE NAVAJO NATION; WAIVING NAVAJO NATION CODE SET-ASIDE PROVISIONS

PURPOSE: This resolution, if approved, will adopt the Navajo Nation COVID-19 Response Donation Fund to house financial donations made to the Navajo Nation to combat COVID-19 on the Navajo Nation.

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.

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: _____
Posting End Date: 06-01-20
Eligible for Action: 06-02-20

Budget & Finance Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24th NAVAJO NATION COUNCIL -- Second Year, 2020

3 INTRODUCED BY

4 
5
6 (Prime Sponsor)


OTTO TSO

7
8 TRACKING NO. 0126-20

9
10 AN ACTION

11 RELATING TO RELATING TO BUDGET AND FINANCE AND NAABÍK'ÍYÁTI'
12 COMMITTEES, AND THE NAVAJO NATION COUNCIL; ESTABLISHING
13 THE NAVAJO NATION COVID-19 RESPONSE DONATION FUND TO HOUSE
14 FINANCIAL DONATIONS MADE TO THE NAVAJO NATION TO ASSIST IN
15 THE FIGHT AGAINST COVID-19 ON THE NAVAJO NATION; WAIVING
16 NAVAJO NATION CODE SET-ASIDE PROVISIONS

17
18 BE IT ENACTED:

19
20 SECTION ONE. AUTHORITY

- 21 A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §
22 102(A).
- 23 B. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council
24 with the responsibility to hear proposed resolution(s) that require final action by the
25 Navajo Nation Council. 2 N.N.C. § 164 (A)(9).
- 26 C. The Budget and Finance Committee is a standing committee of the Navajo Nation
27 Council with the enumerated power to "[t]o the extent permitted by federal or Navajo
28 Nation laws and regulations, the Committee shall appropriate, allocate, cancel, re-
29 appropriate and review the use of the Navajo Nation funds received including but not
30

1 limited to all grants, contracts, gifts and other funds from all sources.” 2 N.N.C. § 301
2 (B)(3).

3 D. The Budget and Finance Committee also has the enumerated power “[t]o approve Fund
4 Management Plans pursuant to the recommendations of the appropriate oversight
5 committee and affected Division or Branch.” 2 N.N.C. § 301 (B)(14).

6 E. The Navajo Nation Appropriations Act states that “[f]unds received in excess of the
7 initial or current revenue projection shall be deposited into the General Fund unless
8 otherwise designated by the Navajo Nation Council.” 12 N.N.C. § 820 (K).

9
10 **SECTION TWO. FINDINGS**

11 A. COVID-19 is a dangerous and extremely contagious respiratory virus. The virus is
12 pandemic and has reached the Navajo Nation. COVID-19 is spreading at an alarming
13 rate within the Navajo Nation; as of May 13, 2020, the Navajo Nation has reported 488
14 cases of COVID-19 and 20 related deaths.

15 B. The World Health Organization declared a Public Health Emergency of International
16 Concern on January 30, 2020; the United States Department of Health and Human
17 Services declared a Public Health Emergency related to the COVID-19 outbreak on
18 January 31, 2020; and the World Health Organization officially declared a pandemic
19 due to COVID-19 on March 11, 2020.

20 C. On March 11, 2020, the Navajo Nation Commission on Emergency Management, with
21 the concurrence of the Navajo Nation President and Vice President, declared a Public
22 Health State of Emergency on the Navajo Nation due to the presence of COVID-19 in
23 areas surrounding the Navajo Nation. Resolution No. CEM 20-03-11. The President
24 and Commission have issued other Public Health Emergency Orders: including: Order
25 No. 2020-001 dated March 18, 2020 (declaring the outbreak of COVID-19 and limiting
26 mass gatherings); Order No. 2020-002 dated March 19, 2020 (quarantining the
27 Chilchinbeto Community); Order No. 2020-003 dated March 20, 2020 (ordering
28 individuals living on the Navajo Nation to stay home and shelter in place except for
29 essential activities, prohibiting visitors to the Navajo Nation, and closing all businesses
30 on the Navajo Nation except essential businesses); Order No. 2020-004 dated March

1 29, 2020 (implementing a daily curfew from 8:00 p.m. to 5:00 a.m. for all Navajo
2 Nation residents, extending the shelter in place order, and further limiting public
3 gatherings); Order No. 2020-005 dated April 5, 2020 (implementing a 57-hour
4 weekend curfew on April 10-13); Order No. 2020-006 dated April 16, 2020 (extending
5 the weekend curfew for April 17-20 and April 24-27, and closing Navajo Nation
6 essential businesses during curfew hours); Order No. 2020-007 (requiring face masks
7 in public); and Order No. 2020-008 dated April 29, 2020 (extending the weekend
8 curfew to May 11). The Navajo Nation Office of the President and Vice President
9 issued Executive Order 002-20 on March 31, 2020 (closing all Navajo Nation offices
10 except essential personnel through April 21); and Executive Order 003-20 on April 21,
11 2020 (extending the closure order to May 17, 2020).

12 D. After the Public Health State of Emergency was declared on the Navajo Nation, the
13 Health Command Center (subsequently merged into the Unified Command Group)
14 started receiving financial and property donations from individuals, businesses, non-
15 profits, agencies, and enterprises to support the Nation's COVID-19 response efforts.

16 E. To ensure that the Navajo Nation could promptly apply the donated funds and property
17 to the COVID-19 response efforts, on March 20, 2020, the Navajo Nation Council
18 approved Resolution No. CMA-08-20, attached as **Exhibit A**, minimizing the
19 procedures for accepting donations during the COVID-19 emergency declaration. The
20 President signed CMA-08-20 into law on March 26, 2020.

21 F. When the Nation accepts a donation, it also accepts the obligation to expend or use the
22 donation for the purposes for which it was donated. The Navajo Nation Office of the
23 Attorney General was designated to lead the "Donations Branch" within the Navajo
24 Nation Health Command Operations Center and charged with maintaining the integrity
25 of the COVID-19 response donation process.

26 G. To ensure that all financial donations received for the COVID-19 response efforts are
27 expended only for COVID-19 response related efforts and can be accounted for and
28 audited, the Navajo Nation finds it in the best interests of the Navajo Nation to establish
29 the COVID-19 Response Donation Fund within the Navajo Nation Department of
30 Emergency Management.

1 **SECTION THREE. ESTABLISHING THE COVID-19 RESPONSE DONATION**
2 **FUND**

- 3 A. The Navajo Nation hereby establishes the COVID-19 Response Donation Fund within
4 the Navajo Nation Department of Emergency Management.
- 5 B. The Navajo Nation Council hereby designates that all financial donations received by
6 the Navajo Nation for its COVID-19 relief efforts that are not restricted by the donor
7 for a specific purpose shall be deposited in the COVID-19 Response Donation Fund.
- 8 C. The Navajo Nation Council hereby designates that financial donations restricted by the
9 donor for a specific purpose shall be deposited in the account(s) of the donor specified
10 department or program or the account(s) of the department or program with the
11 responsibility to accomplish the donor specified purpose.
- 12 D. The COVID-19 Response Donation Fund shall only be expended for COVID-19 relief
13 efforts, including, but not limited to preparedness, emergency response, and recovery,
14 that mitigate the harmful effects of the pandemic virus as prioritized by the Department
15 of Emergency Management.
- 16 E. Notwithstanding the Budget Instruction Manual, COVID-19 Response Donation Funds
17 shall be budgeted through an Executive Branch internal review and approval process
18 that ensures the expeditious expenditure of such funds for their intended purpose, i.e.,
19 COVID-19 relief efforts.
- 20 F. COVID-19 Response Donation Fund funds shall not lapse pursuant to 12 N.N.C. § 820
21 (N).
- 22 G. The COVID-19 Response Donation Fund shall expire when all donations have been
23 expended.
- 24

25 **SECTION FOUR. WAIVING NAVAJO NATION CODE SET-ASIDE PROVISIONS**

26 The Navajo Nation waives any and all provisions of the Navajo Nation Code that would
27 extract a set-aside from financial donations made to the Nation for its COVID-19 relief
28 efforts, including but not limited to the provisions in the Navajo Nation Permanent Fund,
29 12 N.N.C. §§901 *et seq.*; Navajo Nation Veterans Trust Fund, 12 N.N.C. §§ 1171 *et seq.*;
30 Capital Outlay Match Funding Special Revenue Fund, 12 N.N.C. §§2001 *et seq.*; Navajo

1 Nation Water Rights Claim Fund, 12 N.N.C. §§ 2101 *et seq.*; Diné Higher Education Grant
2 Fund, 12 N.N.C. §§2301 *et seq.*; and Land Acquisition Fund, 16 N.N.C. §§201 *et seq.*
3

4 **SECTION FIVE. ADMINISTRATION AND MANAGEMENT OF THE COVID-19**
5 **RESPONSE DONATION FUND**

- 6 A. The COVID-19 Donation Fund shall be managed and administered pursuant to a Fund
7 Management Plan (FMP) developed by the Navajo Nation Department of Emergency
8 Management, with the assistance of the Office of the Controller, and recommended by
9 the Health Education and Human Services Committee and approved by the Budget and
10 Finance Committee.
- 11 B. The COVID-19 Donation Fund FMP shall, at a minimum, include the following
12 provisions:
- 13 1. Expenditures shall only be for COVID-19 relief efforts, including, but not
14 limited to preparedness, emergency response, and recovery, that mitigate the
15 harmful effects of the pandemic virus as prioritized by the Department of
16 Emergency Management; such expenditures shall be made through an
17 Executive Branch budgeting and approval process.
 - 18 2. The Office of the Attorney General and Office of the Controller shall report
19 donations received to the Naabik'íyáti' Committee at the end of each Fiscal
20 Year Quarter; and shall report any individual financial donation exceeding one
21 hundred thousand dollars (\$100,000) to the Speaker of the Navajo Nation
22 within ten (10) days of receiving the donation.
 - 23 3. The Department of Emergency Management shall report all COVID-19
24 Response Donation Fund expenditures to the Naabik'íyáti' Committee at the
25 end of each Fiscal Year Quarter.
- 26

27 **SECTION SIX. AUDIT REQUIREMENTS**

28 The COVID-19 Response Donation Fund shall be audited each year by the Nation's
29 independent auditors.
30

1 **SECTION FIVE. EFFECTIVE DATE**

2 This Action shall become effective in accord with 2 N.N.C. § 221(B).

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30