



The 24TH NAVAJO NATION COUNCIL
Office of the Speaker

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Navajo Nation Council rejects \$3 million appropriation on Department of Emergency Management deficiencies



PHOTO: The Mar. 16, 2020 Special Session of the 24th Navajo Nation Council at the Department of Diné Education in Window Rock focused on three emergency legislation, including \$3 million in emergency response funding for the Department of Emergency Management. Delegates questioned the program's ability to properly administer funds to Navajo Nation Chapter communities without an adequate plan of operation or fund management plan in place.

WINDOW ROCK, Ariz. — At the special session of the 24th Navajo Nation Council, a \$3 million appropriation request by President Nez was not approved due to deficiencies in the management of emergency funding. Legislation No. 0054-20 was sponsored by Hon. Charlaine Tso after Friday's national emergency declaration on the coronavirus (COVID-19) outbreak.

"I took an oath to uphold Navajo Nation law and I vote red," said Delegate Crotty as she cast her vote on the legislation.

Discussion on the emergency funding package lasted seven hours on Monday and centered on the legislation's intent.

Many delegates understood the legislation's intent to be an appropriation from the Navajo Nation's central government to chapter emergency budget line-items. However, the emergency legislation presented to the Council contained language that allocated the entire \$3 million to the Department of Emergency Management, which lacked the proper plan of operation or fund management plan to ensure the funds were expended in-line with the legislation's intent.

"I'm concerned with this legislation as a whole. I thought the funding was going to be given directly. We're just creating obstacles for chapters," said Council Delegate Eugenia Charles-Newton.

To address the issues raised by council delegates with the legislation, the Council deliberated on three amendments to Legislation No. 0054-20 that set up waivers to the regular supplemental budget request procedures to allow Navajo Nation funding to go directly to chapters.

Clarifying the emergency funding procurement process was Department of Emergency Management Program Manager Harland Cleveland. He said chapters would need to submit their purchase requests to the department, which would then determine which purchases to approve. Under this procurement mechanism, said Cleveland, chapters would not be reimbursed but instead, purchases would need to go through the department beforehand.

The portion of the legislation pertaining to chapters described a funding mechanism in which chapters with emergency funding line-items that fell below \$15,000 would be replenished from the appropriation. However, the budget forms attached to the legislation and the exhibit demonstrating the balances for each chapters did not match the request.

"Just like my colleagues, I thought this money was going to go back to the chapters. Mr. Harlan, with all due respect, you're going to be overwhelmed with chapter requests. You're going to be pulling your hair out," said Delegate Edmund Yazzie. He questioned whether the legislation should be voted down and a new one created with chapters receiving the funding.

In response, Delegate Charlaine Tso said, "In light of this, I want to reiterate, \$3 million." Each chapter would receive support, she said, adding that funding would be available to chapters through direct deposit or similar mechanisms if they needed them.

President Nez's Chief of Staff Paulson Chaco added, "This is not a regular emergency. My question to the delegate is, what is the chapter going to do?" He questioned: Are they going to be taking people into the hospital? He spoke in favor of the legislation's allocation to the Department of Emergency Management, saying Incident Commander David Nez has been coordinating with all relevant agencies to handle COVID-19 response operations.

Council Delegate Carl Slater said about Legislation No. 0054-20, "I really think this legislation, standing by itself, is very deficient." He pointed out that the presenters did not give information on the overall plan to address the COVID-19 response and that it lacked any appropriation specific to testing kits. Absent from the information given to the Council, he continued, was any information on food distribution program support, how chapter bulk purchases were being addressed and guidance directed to chapter service coordinators on managing the local chapter responses. "We're just throwing money away if there are no testing kits."

Delegate Charlaine Tso responded to the Council's discussion to include chapter emergency funds by confirming that President Nez communicated that he would line-item veto any such funding. She appealed to the Council to not let egos complicate the intent of the legislation. Both Delegate Crotty and Delegate Charles-Newton responded by pointing out that egos are not the issue when each delegate is trying to ensure their chapters are properly supported.

Council Delegate Wilson Stewart, Jr. added onto the discussion of the overall legislation that the existing disaster relief program was set up to facilitate winter storm emergencies. He spoke about money for education and prevention outreach to help the overall effort of COVID-19 response. On a point of privilege, Cleveland detailed that, in terms of the general contracting line-item in the appropriations request, it's what the Navajo Tribal Utility Authority used during a winter storm response to provide direct services to replace busted water lines and more. "I take full responsibility for this budget," said Cleveland.

“The more I look at this legislation, the more it concerns me that the chapters are being used as pawns to build up the Navajo Department of Emergency Management,” said Delegate Jamie Henio. He pointed out that the budget request includes over \$700,000 in custodial supplies. He asked if the custodial supplies will be distributed to chapter governments. He also questioned the allocation of over \$1 million in contracting services. “In the end, emergency management will be walking out of here with a lot of money. I don’t support padding a program budget using this as a way to do it,” he said.

Delegate Charles-Newton brought up issues with the Department of Emergency Management’s plan of operation. She said when the Law and Order Committee asked for the plan of operation during the FY2020 budget sessions, the committee was told they were micromanaging. She said it’s good that it’s being brought up now because it pertains to the accountability of public funds. Delegate Charles-Newton also referred to a letter sent by the Office of Management and Budget Executive Director Dominic Beyal to Cleveland with questions on the management of the funding.

Dr. Pearl Yellowman, executive director of the Division of Community Development, explained that the legislation appropriates money to the emergency command because it addresses all departments through its command structure. “I still have work to do to clarify the language so that the chapters can receive the necessary funds and services,” Yellowman said. She continued by stating that chapters know where their elders are and that they are the ones with the ability to navigate to elders homes. She said she wants an opportunity to bridge and clarify the language.

Before the final vote on the legislation took place, points of privilege were raised by council delegates that had asked questions that went unanswered.

Speaker Damon allowed OMB Director Dominic Beyal to provide background on his letter to the Department of Emergency Management. He noted that, every winter, the Nation faces a crisis. “The Navajo Nation has a history of providing appropriations during those times,” he said. In the 2008-2010 timeframe, there was an appropriation made by Council for a disaster assistance fund. However, Beyal said, the then-Department of Emergency Management and Division of Public Safety began using those funds not for emergency declaration situations but for individual emergency situations, such as housing burnouts and trailer cave-ins. The Budget and Finance Committee drafted a management plan that made its way through committees but stalled. Since then, the fund has been dormant. “A plan of operation or a fund management plan should be put in place,” said Beyal.

The Council delivered a final vote of 11 in favor, 11 opposed, with Speaker Damon not voting. The supplemental budget appropriation needed at least 16 votes in favor for approval.

Council delegates remained supportive of the overall effort to ensure the Nation is prepared for the first cases of COVID-19 on the Navajo Nation. By the end of the special session, several delegates expressed their intent to produce a supplementary budget request that involves the Navajo Department of Health and contains specific guidance to chapters. Council Delegate Mark Freeland said, “It’s time to get them that response and support they need. Let’s continue to convey a message of hope. We are strong, we are resilient. This is a time of test, and we will prevail.”

As of the close of the session, Navajo Area Office Indian Health Service Director Roselyn Tso shared that no confirmed cases of COVID-19 have been reported in health care facilities on the Navajo Nation.

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