



23RD NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

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President Russell Begaye displays inconsistency in denying emergency response funds for chapters

WINDOW ROCK – On Sunday, President Russell Begaye used the line item veto authority to deny approximately \$242,000 in supplemental funding intended to help the Navajo people by providing emergency response services due to recent winter storms. The Council approved Resolution CJA-04-17 on Jan. 25 to provide the funding to 33 chapters which each had a balance of less than \$10,000 for emergency response efforts. Several chapters have zero dollars to help in the event of an emergency.

Speaker Bates added that the actions of the Council were in response to calls for help that came from individual Navajo people and chapters, and despite President's claim that not all chapters declared an emergency, the Navajo Nation Commission on Emergency Management did declare an emergency on Jan. 23 for the entire Navajo Nation that was concurred and signed by President Begaye and Vice President Jonathan Nez.

"The emergency funding is the Council's response to the people and chapters after hearing from the Emergency Management Commission on conditions at the Chapters," said Speaker Bates.

In a memorandum addressed to Speaker LoRenzo Bates, President Begaye outlined his reasoning for denying the funds, which relies on an opinion issued by the Attorney General and an analysis provided by the Office of Management and Budget.

The Department of Justice claims that the resolution passed by the Council is not in compliance with the Navajo Nation Code. The DOJ states that the Council cannot waive certain provisions pertaining to the Minimum Fund Balance and that doing so would violate the law. OMB adds that the emergency funds are not equally divided among all the Chapters as required by the Navajo Nation Code. Speaker Bates said the advice provided to the president is incorrect.

Speaker Bates pointed out that on Jan. 17, President Begaye signed into law a separate and nearly identical resolution that contained the exact same waiver language pertaining to the Minimum Fund Balance. The resolution passed by Council, CJA-02-17, provided approximately \$5 million in funding for General Assistance and Welfare Services to benefit Navajo families after the Division of Social Services failed to secure federal funding.

"President Begaye is clearly showing a lack of consistency in applying his interpretation of the laws of the Navajo Nation," stated Speaker Bates. "If President Begaye believes that this recent

resolution violates the law then he himself violated the law on January 17 when he approved a nearly identical resolution. The President cannot pick and choose when he wants to apply his interpretations of our laws.”

In his line item veto message, President Begaye wrote that Title 12 “requires any distribution to the Chapters must be based on the 50/50 requirement.”

“Title 12 clearly states that funding which is intended for ‘all chapters’ is required to be distributed based on the 50/50 distribution formula – this funding was clearly intended for 33 chapters only. OMB did not advise the president correctly in their analysis,” said Speaker Bates, noting that the Council frequently approves funding for individual chapters for various purposes including power lines, renovations, and others.

Speaker Bates further stated that the Attorney General and OMB had an opportunity to bring up the concerns at the time when the Council was debating the legislation, during the Winter Council Session.

“At each Council session, the Attorney General and OMB have designated seats at the table and these concerns could have been shared with the Council at that time,” added Speaker Bates. “The Attorney General and OMB are developing a trend of raising concerns after the fact and most times the concerns are off-base which is unfortunate for the President who should have correct information.”

President Begaye implied in his memorandum that the Council relied on outdated information when assessing the current balances of emergency response funds of each chapter. In response, Speaker Bates pointed out that the Division of Community Development is responsible for tracking those balances and maintaining accurate information.

“The Division of Community Development is under the executive branch, therefore under the watch of the President, and I agree that his office should do a better job of overseeing the finances of the Navajo Nation,” added Speaker Bates.

Council Delegate Seth Damon, who sponsored the legislation, said he is very disappointed with the line item veto, noting that chapters have spent an average of \$8,000 - \$15,000 in efforts to help community members impacted by the recent weather.

“These funds were intended to help our people,” said Delegate Damon. “We are still in the middle of the winter season and due to the action of President Begaye, many chapters will not have emergency response funds when another storm arrives. If you are one of the ones stuck in the mud and cannot get home or your children have to walk home in ankle deep mud from the bus stop, it is the president who should give you and your children a ride home in his tribal vehicle since he will not provide funds to the chapters to help,” added Delegate Damon.”

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