

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0028-21_

SPONSOR: Pernell Halona

TITLE: An Action Relating to an Emergency for the Navajo Nation Council; Approving an Allocation of Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Total Amount of Two-Million, Two-Thousand Dollars (\$2,002,000) to the Navajo Nation Division of the Social Services for COVID-19 Related Burial Assistance; Waiving 12 N.N.C. §§ 820 (E), (F), and (J) of the Appropriations Act

Date posted: February 26, 2021 at 3:25PM

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. 0028-21

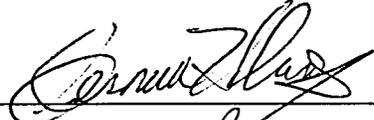
DATE: February 26, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; APPROVING AN ALLOCATION OF SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE TOTAL AMOUNT OF TWO-MILLION, TWO-THOUSAND DOLLARS (\$2,002,000) TO THE NAVAJO NATION DIVISION OF SOCIAL SERVICES FOR COVID-19-RELATED BURIAL ASSISTANCE; WAIVING 12 N.N.C. §§ 820 (E), (F), AND (J) OF THE APPROPRIATIONS ACT

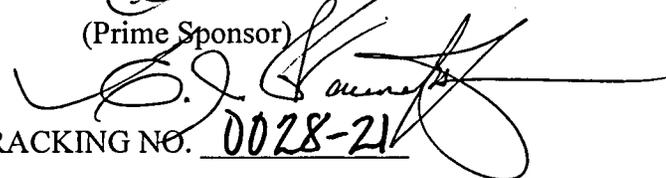
PURPOSE: The purpose of this emergency resolution is to approve a supplemental appropriation of \$2,002,000 from the UUFB to the Division of Social Services for COVID-19-related burial assistance.

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL – Third Year, 2021

INTRODUCED BY



(Prime Sponsor)



TRACKING NO. 0028-21

AN ACTION

RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL;
APPROVING AN ALLOCATION OF SUPPLEMENTAL FUNDING FROM THE
UNRESERVED, UNDESIGNATED FUND BALANCE IN THE TOTAL AMOUNT
OF TWO-MILLION, TWO-THOUSAND DOLLARS (\$2,002,000) TO THE NAVAJO
NATION DIVISION OF SOCIAL SERVICES FOR COVID-19-RELATED BURIAL
ASSISTANCE; WAIVING 12 N.N.C. §§ 820 (E), (F), AND (J) OF THE
APPROPRIATIONS ACT

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing of body of the Navajo Nation. 2 N.N.C. § 102(A).
- B. The Navajo Nation Code provides, “[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. 2 N.N.C.§ 164(16).

1 C. This Resolution is offered as an emergency due to the unprecedented number of burials
2 required as a result of deaths related to COVID-19.

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

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

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

1
2 **SECTION TWO. FINDINGS**

3 A. The World Health Organization (WHO) declared a Public Health Emergency of
4 International Concern related to the outbreak of coronavirus (COVID-19), a highly
5 contagious and sometimes fatal respiratory virus on January 30, 2020; the U.S.
6 Department of Health and Human Services declared a Public Health Emergency related
7 to the COVID-19 outbreak on January 31, 2020; and the WHO declared a global
8 pandemic due to COVID-19 on March 11, 2020.

9 B. The Navajo Nation Commission on Emergency Management, with the concurrence of
10 Navajo Nation President Jonathan Nez, declared a Public Health State of Emergency on
11 the Navajo Nation on March 11, 2020 due to COVID-19. Resolution No. CEM 20-03-11.
12 The Navajo Nation Department of Health subsequently issued numerous Public Health
13 Emergency Orders. Public Health Emergency Orders 2020-001 through 2021-01
14 (“Public Health Emergency Orders”) are incorporated by reference into this resolution.

15 C. As of February 25, 2021, the Navajo Nation Health Command Operations Center has
16 confirmed 29,655 COVID-19 cases and 1,161 total confirmed COVID-19-related deaths
17 on the Navajo Nation; COVID-19 cases and COVID-19-related deaths on the Navajo
18 Nation have not subsided and continue to rise at an alarming rate.

19 D. The Navajo Nation Division of Community Development is requesting supplemental
20 funding in the amount of \$2,002,000 to provide financial assistance for the burial of 572
21 Navajo decedents, who passed away because of COVID-19-related complications. The
22 Division’s budget justification documents regarding this requested funding are attached
23 as **Exhibit A**.

24 E. The COVID-19 pandemic has created a public health disaster that the Navajo Nation is
25 attempting to mitigate with relief funding. Failure to provide burial assistance will be a
26 failure to provide disaster relief services to the Navajo people, and this resolution
27 therefore requires emergency action by Navajo Nation leadership pursuant to 2 N.N.C. §
28 164 (A)(16).

29 F. The Office of Management and Budget has provided its review required pursuant to 12
30 N.N.C. 820(M). See memo attached as **Exhibit B**.

1 G. Due to the emergency nature of this legislation the Office of the Controller has yet to
2 provide the information required pursuant to 12 N.N.C. § 820(L). The Controller can
3 provide this information when the matter is heard before the Navajo Nation Council.
4

5 **SECTION THREE. WAIVING 12 N.N.C. §§ 820 (E), (F), AND (J), TO THE EXTENT**
6 **THESE PROVISIONS PREVENT THE UNRESERVED, UNDESIGNATED FUND**
7 **BALANCE TO BE USED TO FUND RECURRING EXPENDITURES**

8 The Navajo Nation Council hereby waives 12 N.N.C. §§ 820(E), (F) and (J) in order to allow
9 UUFB funds to be used for recurring expenditures.
10

11 **SECTION FOUR. APPROVING SUPPLEMENTAL FUNDING FROM THE**
12 **UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF TWO-**
13 **MILLION, TWO-THOUSAND DOLLARS (\$2,002,000) TO THE NAVAJO NATION**
14 **DIVISION OF SOCIAL SERVICES**

15 A. This supplemental appropriation of \$2,002,000 shall be from that amount of funds that
16 exceeds the minimum fund balance of the Unreserved, Undesignated Fund Balance as
17 determined by the Office of the Controller, and as shown in **Exhibit B**.

18 B. The Navajo Nation hereby approves supplemental funding from the Unreserved,
19 Undesignated Fund Balance to the Navajo Nation Division of Social Services in the
20 amount of \$2,002,000 for funds as indicated in the documents in **Exhibit A**.
21

22 **SECTION FIVE. DIRECTIVES**

23 The Navajo Nation Division of Social Services shall provide a written report regarding the
24 expenditures under this resolution to the Health, Education and Human Services Committee
25 at the end of each Quarter until all funds under this appropriation are expended.
26

27 **SECTION SIX. SAVING CLAUSE**

28 Should any provision(s) of this Act be determined invalid by the Navajo Nation Supreme
29 Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation
30 Supreme Court, the remainder of the Act shall remain the law of the Navajo Nation.