

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0076-22_

SPONSOR: Mark A. Freeland

TITLE: An Action Relating to Health, Education, and Human Services, Budget and Finance, and Naabik'iyáti' Committees and Navajo Nation Council; Approving \$9,910,040 from the Unreserved, Undesignated Fund Balance ("UUFB") to the Department of Personnel Management for \$1,500 Appreciation Rewards to Navajo Nation Employees for Working Throughout the COVID-19 Pandemic

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LEGISLATIVE SUMMARY SHEET
Tracking No. 0076-22

DATE: April 6, 2022

TITLE OF RESOLUTION: AN ACTION RELATING T, HEALTH EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; APPROVING \$9,910,040 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE (“UUFb”) TO THE DEPARTMENT OF PERSONNEL MANAGEMENT FOR \$1,500 APPRECIATION REWARDS TO NAVAJO NATION EMPLOYEES FOR WORKING THROUGHOUT THE COVID-19 PANDEMIC

PURPOSE: This resolution, if approved, will provide a \$1500 appreciation reward to each Navajo Nation employee in recognition of their efforts during the COVID-19 pandemic.

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.

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PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL - Fourth Year, 2022

Naabik'iyáti' Committee
Thence
Navajo Nation Council

Introduced by:



(Prime Sponsor)


Raymond
J. Johnson
JR

Tracking No. 0076-22

AN ACTION

**RELATING T, HEALTH EDUCATION AND HUMAN SERVICES, BUDGET
AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO
NATION COUNCIL; APPROVING \$9,910,040 FROM THE UNRESERVED,
UNDESIGNATED FUND BALANCE ("UUFb") TO THE DEPARTMENT OF
PERSONNEL MANAGEMENT FOR \$1,500 APPRECIATION REWARDS TO
NAVAJO NATION EMPLOYEES FOR WORKING THROUGHOUT THE
COVID-19 PANDEMIC**

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Health Education, and Human Services Committee was established as a standing committee of the Navajo Nation Council with oversight authority over the Department of Human Resources and employment/labor matters. 2 N.N.C. §400 (A), §401 (C)(1) and (C)(6).
- B. The Budget and Finance Committee was established as a standing committee of the Navajo Nation Council with the authority to review and recommend to the Council the budgeting, appropriation, investment and management of all funds. 2 N.N.C. §300(A), §301(B)(2).
- C. The Naabik'iyáti' Committee was established as a standing committee of the Navajo

1 Nation Council with authority to hear all proposed resolutions requiring final action
2 by the Navajo Nation Council. 2 N.N.C. §164 (A)(9), §701(A)(5).

3 D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C.
4 §102(A). As such, the Council “. . . may adopt and approve supplemental
5 appropriations to the Annual Comprehensive Budget during the fiscal year.
6 Supplemental appropriations of General Funds within the current fiscal year are
7 permitted, if and when additional sources of revenues above and beyond the initial or
8 current revenue projections are projected and which are also in excess of the reserve
9 amount set forth at §820(J).” 12 N.N.C. §820(L).

10 E. The restrictions on supplemental appropriations, including all amounts from the
11 UUFB, include:

12 1. Payment of recurring government operating expenses shall be from recurring
13 revenues, and payment of nonrecurring expenses shall be from nonrecurring
14 revenues such as UUFB funds. 12 N.N.C. §820(E), §820(F).

15 2. Specifically, the UUFB shall not be used for recurring government expenditures
16 or operations. 12 N.N.C. §820(J), §820(L).

17 3. Nonrecurring revenues such as UUFB funds may be used only after the Controller
18 determines whether or not such revenues are subsidizing an imbalance between
19 the Navajo Nation’s recurring revenues and expenditures, and government
20 expenditures shall only be authorized if a long-term (3-year to 5-year year)
21 forecast shows that the operating deficit will not continue; otherwise, nonrecurring
22 revenues will be added to the Unreserved, Undesignated Fund Balance. 12 N.N.C.
23 §820(F).

24 4. The above provisions in Title 12 may be amended or waived by a two-thirds vote
25 of the full Navajo Nation Council. 12 N.N.C. §820(F), 12 N.N.C. §880.

26 5. In compliance with 12 N.N.C. §820(F) all UUFB funding requests must be
27 reviewed by the Controller. Such review is also required because the Controller
28 determines which revenues and expenses are recurring and which are non-
29 recurring. 12 N.N.C. §820(L).

30 6. In compliance with 12 N.N.C. §820(M) all UUFB funding requests must be

1 submitted to the Office of Management and Budget (“OMB”) for a budget impact
2 analysis.

3 7. Supplemental funding such as UUFB appropriations shall lapse at the end of the
4 current fiscal year unless the Navajo Nation Council decides otherwise. 12 N.N.C.
5 §820(N).
6

7 **SECTION TWO. FINDINGS**

8 A. The World Health Organization (“WHO”) declared a Public Health Emergency of
9 International Concern related to the Coronavirus (“COVID-19”), a highly contagious
10 and sometimes fatal respiratory virus, on January 30, 2020; the U.S. Department of
11 Health and Human Services declared a Public Health Emergency related to the
12 COVID-19 outbreak on January 31, 2020; and the WHO declared a global pandemic
13 due to COVID-19 on March 11, 2020.

14 B. The Navajo Nation Commission on Emergency Management, with the concurrence
15 of Navajo Nation President Jonathan Nez, declared a Public Health State of
16 Emergency on the Navajo Nation on March 11, 2020, due to the COVID-19 outbreak.
17 *See* Resolution No. CEM 20-03-11, incorporated herein by reference. The Navajo
18 Nation Department of Health has subsequently issued numerous Public Health
19 Emergency Orders. Public Health Orders 2020-001 through 2022-06 are incorporated
20 herein by reference. These Public Health Emergency Orders are available at
21 www.ndoh.navajo-nsn.gov.

22 C. The coronavirus pandemic of 2019 has caused large scale infections and loss of life
23 throughout the world, the United States, and the Navajo Nation. As of April 5, 2022,
24 the Navajo Nation Health Command Operations Center has confirmed 53,100
25 positive COVID-19 cases and 1,738 COVID-related deaths on the Navajo Nation.
26 COVID-19 variants have recently emerged that threaten to increase these numbers
27 and continue the pandemic’s assault on the Navajo People, including Navajo Nation
28 government employees.

29 D. The efforts of Navajo Nation government employees, including Chapter employees,
30 were instrumental and vital in ensuring that the Navajo Nation government continued

1 to operate and provide desperately needed services to the Navajo people during the
2 COVID-19 pandemic.

3 E. The Navajo Nation Council has determined that it is imperative to recognize and
4 reward Navajo Nation government employees, including Chapter employees, for
5 their outstanding efforts during the COVID-19 pandemic to ensure that services to
6 the Navajo people were not substantially interrupted.

7 F. Regarding this UUFb funding request, the Controller may be asked to satisfy the
8 requirements of 12 N.N.C. §820(L) by memorandum, or telephonically or in-person
9 when this matter is heard by the Navajo Nation Council.

10 G. Regarding this UUFb funding request, the OMB may be asked to provide the budget
11 impact statement required by 12 N.N.C. §820(M) by memorandum, or telephonically
12 or in-person when this matter is heard by the Navajo Nation Council.

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14 **SECTION THREE. APPROVAL OF \$9,910,040 FROM THE UUFb FOR**
15 **APPRECIATION REWARDS TO NAVAJO NATION EMPLOYEES**

16 A. The Navajo Nation hereby approves a supplemental appropriation of nine million
17 nine hundred ten thousand forty dollars (\$9,910,040) to the Department of Personnel
18 Management as set forth in **Exhibits A and B**.

19 B. The funding to the Department of Personnel shall only be used to provide
20 appreciation rewards in the amount of fifteen hundred dollars (\$1,500), as set forth
21 in **Exhibits A and B**, to all Navajo Nation employees who were employed by the
22 Navajo Nation government, including Chapters, during the COVID-19 pandemic
23 between October 1, 2021 through March 25, 2022. C.

24 E. The appreciation reward appropriated herein shall not be considered CARES Act
25 Special Duty or Hazard Pay; nor shall the appreciation reward be considered a Merit
26 Pay or Other Bonus as set forth in section as set forth in Section VII of the Personnel
27 Policies Manual. In addition, shall receipt of an appreciation reward shall not affect
28 an employee's eligibility for a step increase. In addition, the appreciation reward

29 F. The UUFb shall be reimbursed all or part of the \$9,910,040 approved herein, from
30 future funds available to the Navajo Nation from any and all state and federal sources,

1 including Congressional appropriations under the American Rescue Plan Act of 2021
2 or other COVID-19-related relief, so long as the employee appreciation reward
3 expenditures described herein are deemed eligible under such COVID-19-related or
4 other funding sources.

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6 **SECTION FOUR. EFFECTIVE DATE**

7 This Action shall become effective pursuant to 2 N.N.C. §221(B) and 2 N.N.C.
8 §164(A)(17).

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10 **SECTION FIVE. SAVING CLAUSE**

11 If any portion of this Action is determined invalid by the Navajo Nation Supreme Court,
12 or by a District Court of the Navajo Nation without appeal to the Navajo Nation Supreme
13 Court, the remainder of this Act shall be the law of the Navajo Nation.