

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0085-20_____

SPONSOR: Eugenia Charles-Newton

TITLE: An Action Relating to an Emergency for the Navajo Nation; Approving supplemental funding from the Unreserved, Undesignated Fund Balance in the amount of One Hundred Twenty One Thousand dollars (\$121,000) to the Navajo Nation Legislative Branch, Office of the Speaker, Business Unit 101015; Waiving 12 N.N.C. § 820 (E) and (F) regarding the restriction of matching non-recurring revenues with recurring expenditures

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0085-20

DATE: April 9, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF ONE HUNDRED TWENTY ONE THOUSAND DOLLARS (\$121,000) TO THE NAVAJO NATION LEGISLATIVE BRANCH, OFFICE OF THE SPEAKER, BUSINESS UNIT 101015; WAIVING 12 N.N.C. §§ 820 (E) AND (F) REGARDING THE RESTRICTION OF MATCHING NON-RECURRING REVENUES WITH RECURRING EXPENDITURES

PURPOSE: The purpose of this legislation is to approve a supplemental appropriation for the Navajo Nation Legislative Branch, Office of the Speaker.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL – Second Year, 2020

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0085-20



AN ACTION

RELATING TO AN EMERGENCY FOR THE NAVAJO NATION; APPROVING
SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND
BALANCE IN THE AMOUNT OF ONE HUNDRED TWENTY ONE THOUSAND
DOLLARS (\$121,000) TO THE NAVAJO NATION LEGISLATIVE BRANCH, OFFICE OF
THE SPEAKER, BUSINESS UNIT 101015; WAIVING 12 N.N.C. §§ 820 (E) AND (F)
REGARDING THE RESTRICTION OF MATCHING NON-RECURRING REVENUES WITH
RECURRING EXPENDITURES

BE IT ENACTED:

SECTION 1. AUTHORITY

A. The Navajo Nation Council is the governing of body of the Navajo Nation. 2 N.N.C.
§ 102(A).

B. Pursuant to 2 N.N.C. §164 (A)(16) “[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

1 emergency matter must arise due to the pressing public need for such resolution(s) and
2 must be a matter requiring final action by the Council.”

3 C. This legislation is offered as an emergency due to the need to provide continuing court
4 services. Failure to maintain the operations of the Legislative Branch would threaten the
5 sovereignty of the Navajo Nation. Moreover, maintaining adequate measure to ensure the
6 health and safety of legislative branch personnel is an inherent attribute of sovereignty.

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

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

- 15 1. All requests for annual operating funds and supplemental funds shall be
16 submitted to the Office of Management and Budget for budget impact analysis.
17 12 N.N.C. § 820(M).
- 18 2. When the Controller identifies additional sources of revenues above and beyond
19 the initial or current revenue projections, supplemental appropriations may be
20 approved by the Navajo Nation Council. 12 N.N.C. § 820(L).
- 21 3. Supplemental Appropriations made from non-recurring revenues shall only be
22 made for non-recurring operations or purposes, as set forth at § 820(F). The
23 Controller of the Navajo Nation shall be responsible for designation recurring and
24 non-recurring revenues. 12 N.N.C. § 820(L).
- 25 4. The Nation shall budget all recurring operating expenses, including capital
26 maintenance, from recurring revenues. Long term debt shall not be used to
27 finance recurring operating expenses. 12 N.N.C. §820(E).
- 28 5. The Navajo Nation Code provides, “[t]he Nation shall restrict non-recurring
29 revenues to budget non-recurring expenditures. In addition, non-recurring
30 revenues will be budgeted only after an examination by the Controller to

1 determine whether or not the revenues are subsidizing an imbalance between
2 recurring revenues and expenditures, and expenditures may be authorized only if
3 a long-term (three-five year) forecast shows that the operating deficit will not
4 continue. Otherwise, non-recurring revenues will be added to the Unreserved,
5 Undesignated Fund balance. This provision may be amended or waived by a two-
6 thirds vote of the full Navajo Nation Council.” 12 N.N.C. § 820(F).

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8 **SECTION 2. FINDINGS**

9 A. The novel coronavirus (“COVID-19”) has caused a global pandemic and has hit the
10 Navajo Nation especially hard. As of April 9th, the Navajo Nation reported 488 cases
11 of COVID-19 and 20 deaths from the virus.

12 B. In an effort to reduce the spread of COVID-19 the President of the Navajo Nation
13 extended the previously declared State of Emergency on the Navajo Nation and
14 required government offices remain closed through April 26, 2020 in Executive Order
15 002-20.

16 C. The Navajo Nation Department of Health has issued a Public Health Emergency
17 Orders requiring Navajo Nation residents stay at home to mitigate the risk of
18 spreading COVID-19 and to preserve the health and safety of all individuals residing
19 on the Navajo Nation. Public Health Emergency Order No. 2020-003.

20 D. The Navajo Nation Department of Health also issued a Public Health Emergency
21 Orders extending the Stay at Home Order and implementing a curfew from 8:00 p.m.
22 through 5:00 a.m. for Navajo Nation residents. Public Health Emergency Order No.
23 2020-004.

24 E. This supplemental appropriation is requested for supplies, communication and
25 utilities, and media outreach in the amount of One Hundred Twenty One Thousand
26 Dollars (\$121,000). The budget documents are attached as **Exhibit A**.

27 F. Due to the emergency nature of this funding request, the budget impact analysis
28 required by 12 N.N.C. 820(M) can be provided by the Office of Management and
29 Budget when this matter is heard by Council either in person or telephonically.
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1 G. Due to the emergency nature of this funding request the Controller can satisfy the
2 requirements provided in 12 N.N.C. § 820(L) when this matter is heard by Council
3 either in person or telephonically.
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5 **SECTION 3. WAIVING 12 N.N.C. § 820 (E) AND (F)**

6 The Navajo Nation Council waives 12 N.N.C. § 820(E) and (F) with regard to the
7 restriction on matching recurring revenues with recurring expenditures.
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9 **SECTION 4. APPROVING SUPPLEMENTAL FUNDING FROM THE**
10 **UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF**
11 **ONE HUNDRED TWENTY ONE THOUSAND DOLLARS (\$121,000) TO THE**
12 **NAVAJO NATION LEGISLATIVE BRANCH, OFFICE OF THE SPEAKER**
13 **BUSINESS UNIT 101015**

14 A. This supplemental appropriation of \$121,000 shall be from that amount of funds that
15 exceeds the minimum fund balance of the Unreserved, Undesignated Fund Balance as
16 determined by the Office of the Controller and as indicated the documents in **Exhibit**
17 **A.**

18 B. The Navajo Nation hereby approves supplemental funding from the Unreserved,
19 Undesignated Fund Balance in the amount of \$121,000 for emergency funds as
20 indicated in the documents in **Exhibit A.**
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