

LEGISLATION SUMMARY SHEET

TRACKING NO. 0247-21

DATE: November 19, 2021

TITLE OF LEGISLATION: AN ACTION RELATING TO THE HEALTH, EDUCATION, AND HUMAN SERVICES, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; ALLOCATING \$2,046,781 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE TO THE NAVAJO NATION DIVISION OF SOCIAL SERVICES FOR COVID-19-RELATED BURIAL ASSISTANCE; WAIVING 12 N.N.C. §820(E), §820(F), AND §820(J)

PURPOSE OF THIS LEGISLATION: to approve \$2,046,781 out of the UUFB for the Navajo Nation Division of Social Services to provide COVID-19-related burial assistance; waiving 12 N.N.C. §820(E), §820(F), and §820(J) to allow for this supplemental appropriation.

OLC No. 21-486-1

5-DAY BILL HOLD PERIOD:

Website Posting Time/Date: Nov. 22, 2021 @ 5:31 PM

Posting End Date: November 27, 2021

Eligible for Action: November 28, 2021

Health Education & Human Services Committee

Thence

Budget & Finance Committee

Thence

Naabik'iyáti' Committee

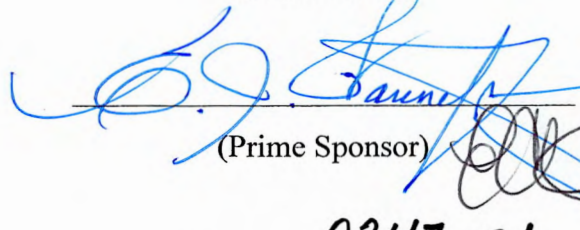
Thence

Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL - Third Year, 2021

Introduced by:


(Prime Sponsor)

Tracking No. 0247-21

AN ACTION

RELATING TO THE HEALTH, EDUCATION, AND HUMAN SERVICES,
BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE
NAVAJO NATION COUNCIL; ALLOCATING \$2,046,781 FROM THE
UNRESERVED, UNDESIGNATED FUND BALANCE TO THE NAVAJO
NATION DIVISION OF SOCIAL SERVICES FOR COVID-19-RELATED
BURIAL ASSISTANCE; WAIVING 12 N.N.C. §820(E), §820(F), AND §820(J)

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Health, Education, and Human Services Committee is a standing committee of the Navajo Nation Council with the authority to review and recommend legislation relating to the Navajo Nation Division of Social Services. 2 N.N.C. §454(B)(8).
- B. The Budget and Finance Committee is a standing committee of the Navajo Nation Council that is empowered to review and recommend to the Navajo Nation Council the budgeting, appropriation, investment, and management of all funds. 2 N.N.C. §301(B)(2).
- C. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council that is responsible for reviewing proposed resolutions that require final action by the Navajo Nation Council. 2 N.N.C. §164(A)(9).
- D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).

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

7 F. The restrictions on supplemental appropriations include:

8 1. Supplemental appropriations from non-recurring revenues shall be approved only for
9 non-recurring expenses. 12 N.N.C. §820(F). The Controller designates which revenues
10 are recurring and which are non-recurring. 12 N.N.C. §820(L).

11 2. The Navajo Nation shall budget all recurring operating expenses, including capital
12 maintenance costs, from recurring revenues only. Long-term debt shall not be used to
13 finance recurring operating expenses. 12 N.N.C. §820(E).

14 3. The Navajo Nation Code further provides, ". . . non-recurring revenues will be budgeted
15 only after an examination by the Controller to determine whether or not the revenues are
16 subsidizing an imbalance between recurring revenues and expenditures, and
17 expenditures may be authorized only if a long-term (three-five year) forecast shows that
18 the operating deficit will not continue. Otherwise, non-recurring revenues will be added
19 to the Unreserved, Undesignated Fund Balance. This provision may be amended or
20 waived by a two-thirds vote of the full Navajo Nation Council." 12 N.N.C. §820(F).

21 4. All requests for supplemental funding shall be submitted to the Office of Management
22 and Budget ("OMB") for budget impact analysis. 12 N.N.C. §820(M).

23 24 **SECTION TWO. FINDINGS**

25 A. The coronavirus pandemic of 2019 has caused large scale infections and loss of life
26 throughout the world, the United States, and the Navajo Nation. As of November 1, 2021, the
27 Navajo Nation Health Command Operations Center has confirmed 36,867 COVID-19 cases
28 and 1,487 COVID-related deaths on the Navajo Nation. COVID-19 variants have recently
29 emerged that threaten to increase these numbers and continue the pandemic's assault on the
30 Navajo People.

1 B. Under its COVID-19 Burial Assistance Program, the Navajo Nation Division of Social
2 Services ("NNDSS") continues to receive requests for financial assistance to help families
3 with funeral costs for Navajo Nation members who have passed away from COVID-19
4 causes and who resided on and off the Navajo Reservation.

5 C. On March 26, 2021, by Resolution CMA-14-21, the Navajo Nation Council appropriated
6 supplemental funding from the Unreserved, Undesignated Fund Balance in the amount of
7 \$2,002,000 to the NNDSS for COVID-19-related burial assistance. However, these funds
8 lapsed on September 30, 2021, thereby leaving 30 assistance requests with NNDSS that are
9 unfunded and currently pending.

10 D. The NNDSS has prepared a Supplemental Funding Proposal Summary, dated November
11 17, 2021. NNDSS is seeking \$2,046,781 from the Unreserved, Undesignated Fund Balance
12 to cover COVID-19-related burial assistance for Navajo decedents who resided on and off
13 the Navajo Reservation, and to pay for NNDSS' operating and overtime expenses.

14 **EXHIBIT A.** NNDSS' Budget Forms 1, 2, and 4 are also included. **EXHIBIT B.**

15 E. The memorandum from the Office of the Controller will be provided when this legislation
16 is being considered, in compliance with 12 N.N.C. §820(L).

17 F. The memorandum from the Office of Management and Budget will be provided when the
18 legislation is being considered, in compliance with 12 N.N.C. §820(M).

19
20 **SECTION THREE. APPROVING \$2,046,781 IN UUFBS SUPPLEMENTAL FUNDING**
21 **FOR THE NNDSS FOR COVID-19-RELATED BURIAL ASSISTANCE**

22 A. The Navajo Nation hereby approves \$2,046,781 in supplemental funding from the
23 Unreserved, Undesignated Fund Balance to the Navajo Nation Division of Social Services
24 for COVID-19-related burial assistance for Navajo decedents who resided on and off the
25 Navajo Reservation, and to fund NNDSS' related operating and overtime expenses.

26 B. This supplemental appropriation of \$2,046,781 shall be from the amount of funds that
27 exceeds the minimum fund balance of the Unreserved, Undesignated Fund Balance as
28 determined by the Office of the Controller.

29 C. This supplemental appropriation of \$2,046,781 shall be available until fully expended and
30 shall not lapse on September 30, 2022.

1 **SECTION FOUR. WAIVING 12 N.N.C. §820(E), §820(F), AND §820(J)**

2 The Navajo Nation Council hereby waives 12 N.N.C. §820(E), §820(F) and §820(J) to allow
3 funds out of the Unreserved, Undesignated Fund Balance to be used for recurring
4 expenditures.

5
6 **SECTION FIVE. EFFECTIVE DATE**

7 This legislation shall become effective in accordance with 2 N.N.C. §221(B) and 2 N.N.C.
8 §164(A)(17).

9
10 **SECTION SIX. SAVING CLAUSE**

11 If any provision of this legislation is determined invalid by the Supreme Court of the Navajo
12 Nation, or by the Navajo Nation District Court without appeal to the Navajo Nation Supreme
13 Court, the remainder of this legislation shall remain valid as the law of the Navajo Nation.

THE NAVAJO NATION SUPPLEMENTAL FUNDING PROPOSAL SUMMARY

EXHIBIT

A

PART I. Business Unit No.: 117001 Program Title: Office of the Executive Director
 Division/Branch: Division of Social Services Amount Requested: \$ 2,046,781.00 Prepared By: Brenda Tsosie
 Phone No.: 928-871-6851 Email Address: btsosie@navjo-nsn.gov

PART II. REASON FOR REQUEST AND STATEMENT OF NEED:


The public health pandemic has caused a profound impact on the Navajo Nation, especially COVID19-related death toll of the Navajo people at an unprecedented scale; in some situations, families have loss more than one family member to this dreadful virus. The Navajo Division of Social Services' Office of the Executive Director fully depleted FY2022 General Funds budget of \$87,500 leaving a deficit of \$2,900. The Division continues receiving COVID19 burial assistance requests on a daily basis. Since the onset of COVID19 pandemic, the Nation spent \$4,168,503 for 1,460 COVID19-related deaths of Navajo people who resided on and off the Navajo reservation. Currently, there are 30 pending COVID19-related burial assistance requests, for which supplemental funding is direly needed to assist grieving Navajo families. The Division woefully requests for supplemental funding from the Unreserved, Undesignated Fund Budget in the amount of \$2,046,781 to fund operational and overtime costs, and 572 COVID19-related burial assistance of Navajo individuals who resided on and off the Navajo reservation, including the pending burial assistance requests that have not been paid. Additionally, the Division requests for an appropriation provision that the supplemental funding be available until fully depleted and not to lapse on September 30, 2022.

PART III. LIST ALTERNATIVE FUNDING SOURCES BEING PURSUED AND CONTINGENCY PLAN IF REQUEST IS NOT FUNDED:

All funding sources that were available and allowable for COVID19 related burial assistance have been completely depleted, including: Navajo Nation General Funds and federal funding from the Centers for Disease Control and Prevention through the Navajo Epidemiology Center, and through the Navajo Office of Vital Records. The Navajo Division of Social Services' contingency plan is to seek supplemental funding from the Navajo Nation Unreserved, Undesignated Fund Balance.

PART IV. AFFIRMATION IS PROVIDED THAT THE BUDGET AND PROPOSAL INFORMATION IS COMPLETE AND ACCURATE AND THE APPROPRIATE BRANCH CHIEF RECOMMENDS APPROVAL AS A PRIORITY.

 11-17-21
 REVIEWED BY: Division Director's Signature / Date

 11/17/21
 RECOMMEND SUPPLEMENTAL: Branch Chief's Signature / Date



**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

PART I. Business Unit No.: 117001		Program Title: Office of the Executive Director		Division/Branch: Social Services/Executive	
Prepared By: Brenda Tsosie		Phone No.: 928/871-6338/6851		Email Address: btosie@navajo-nsn.gov	

PART II. FUNDING SOURCE(S)		Fiscal Year/ Term	Amount	% of Total	PART III. BUDGET SUMMARY			Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference (Column B - A)
					Major Object Code at LOD 4						
General Funds - UUFB		12/1/21-9/30/22	2,046,781	100.00%	2001	Personnel Expenses	1		17,256	17,256	
					3000	Travel Expenses					
					3500	Meeting Expenses					
					4000	Supplies	1		27,500	27,500	27,500
					5000	Lease and Rental					
					5500	Communications and Utilities					
					6000	Repairs and Maintenance					
					6500	Contractual Services					
					7000	Special Transactions	1		25	25	25
					8000	Public Assistance	1		2,002,000	2,002,000	2,002,000
					9000	Capital Outlay					
					9500	Matching Funds					
					9500	Indirect Cost					
					TOTAL				2,046,781	2,046,781	2,046,781

PART IV. POSITIONS AND VEHICLES		(D)	(E)
Total # of Positions Budgeted:		0	0
Total # of Permanently Assigned Vehicles:		0	0

PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.

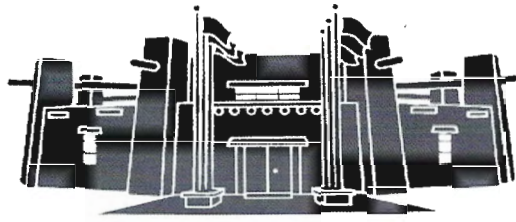
Deannah Neswood-Gishey Program Manager's Printed Name  Program Manager's Signature and Date 11.17.2021	Paulson Chaco Division Director/Branch Chief's Printed Name  Division Director/Branch Chief's Signature and Date 11/17/21
---	--

EXHIBIT

B


THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION: Program Name/Title: <u>FY2022 Low Income Home Energy Assistance Program - Administration</u> Business Unit No.: <u> </u>			
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
	2000 PERSONNEL EXPENSES		
2510	Overtime		17,256
	2520 Regular	20,000.00	
2900	Fringe Benefits		
	2900 Regular : 10,000 x 9.48% =	948.00	
	4000 SUPPLIES		27,500
	Xerox Paper, Postal stamps, brochures, binding, photocopying, ink cartridge and other supplies.		
4120	Office Supplies		
	4130 General Office Supplies	10,000	
4410	Operating Supplies		
	4420 General Operating Supplies	10,000	
	4450 Postage, Courier, Shipping	2,500	
	4530 Printing, Binding, Photocopying	5,000	
	7000 SPECIAL TRANSACTION		25
	Required insurance premiums payment.		
7710	Insurance Premiums		
	7765 Policy Payment General Liability \$10,000/100 x .25	25.00	
	25.00		
	8000 SOCIAL		2,002,000
	Public Assistance for Burial Assistance package including transportation and special body bags.		
8020	Social		
	8055 Burial Assistan		
	\$3,500 x \$ 2,002,000.00	2,002,000	
	TOTAL	2,046,781	2,046,781



MEMORANDUM

TO: Hon. Delegate Edison J. Wauneka
Health, Education, and Human Services Committee
24th Navajo Nation Council

FROM: 
Luralene D. Tapahe, Principal Advocate
Office of Legislative Counsel

DATE: November 19, 2021

SUBJECT: **AN ACTION RELATING TO THE HEALTH, EDUCATION, AND HUMAN SERVICES, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; ALLOCATING \$2,046,781 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE TO THE NAVAJO NATION DIVISION OF SOCIAL SERVICES FOR COVID-19-RELATED BURIAL ASSISTANCE; WAIVING 12 N.N.C. §820(E), §820(F), AND §820(J)**

Per your request, the Office of Legislative Counsel has prepared the above-referenced proposed legislation and related summary sheet. Based on existing Navajo Nation law and other applicable laws, and upon review of all supporting documents submitted to OLC, this legislation as drafted is legally sufficient. However, as with any action of government, this legislation may be subject to review by the Navajo Nation courts in the event of proper legal challenge.

Please ensure that this legislation is precisely what you want. You are encouraged to review this proposed legislation to ensure that it is drafted to your satisfaction.

OLC has reviewed the appropriate standing committees' authorities to consider this legislation, based on the standing committees' powers and responsibilities set forth in Title 2 of the Navajo Nation Code. Based on its review, OLC has listed those committees in the title of this legislation. Nevertheless, the Speaker of the Navajo Nation Council may assign this legislation to committee(s) other than those shown in the title, pursuant to his authority under 2 N.N.C. §164(A)(5).

If you find this document unacceptable for any reason, please immediately contact me at the Office of Legislative Counsel (at extension 7166) and advise me of the changes you would like made to this proposed legislation. Thank you.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0247-21_

SPONSOR: Edison J. Wauneka

TITLE: An Action Relating to the Health, Education, and Human Services, Budget and Finance, and Naabik'iyáti' Committees, and the Navajo Nation Council; Allocating \$2,046,781 from the Unreserved, Undesignated Fund Balance to the Navajo Nation Division of Social Services for COVID-19-Related Burial Assistance; Waiving 12 N.N.C. §820 (E), §820 (F), and §820 (J)

Date posted: November 22, 2021 at 5:31PM

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.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0247-21

SPONSOR: Honorable Edison J. Wauneka

TITLE: An Action Relating to the Health, Education, and Human Services, Budget and Finance, and Naabik'iyáti' Committees, and the Navajo Nation Council; Allocating \$2,046,781 from the Unreserved, Undesignated Fund Balance to the Navajo Nation Division of Social Services for COVID-19-Related Burial Assistance; Waiving 12 N.N.C. §820 (E), §820 (F), and §820 (J)

Posted: November 22, 2021 at 5:31 PM

5 DAY Comment Period Ended: November 27, 2021

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>



**Legislative Tracking Secretary
Office of Legislative Services**

11/29/21 9:10 AM

Date/Time

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0247-21

SPONSOR: Honorable Edison J. Wauneka

TITLE: An Action Relating to the Health, Education, and Human Services, Budget and Finance, and Naabik'íyáti' Committees, and the Navajo Nation Council; Allocating \$2,046,781 from the Unreserved, Undesignated Fund Balance to the Navajo Nation Division of Social Services for COVID-19-Related Burial Assistance; Waiving 12 N.N.C. §820 (E), §820 (F), and §820 (J)

Posted: November 22, 2021 at 5:31 PM

5 DAY Comment Period Ended: November 27, 2021

Digital Comments received:

Comments Supporting	1) Priscilla Tom
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>


**Legislative Tracking Secretary
Office of Legislative Services**

11/30/21 11:40 AM
Date/Time

Legislation No. 0247-21

Tom, Priscilla <Tom.Priscilla@epa.gov>

Tue 11/30/2021 11:36 AM

To: comments <comments@navajo-nsn.gov>;

Legislation No. 0247-21

ALLOCATING \$2,046,781 from the Unreserved, Undesignated Fund Balance (UUFB) for the NN Social Services for COVID-19 related Burial Assistance

I would like to ask that this legislation be approved. This pandemic has placed a heavy financial burden on our people, especially the ones with limited income. We have all been impacted by this pandemic and lost relatives and friends. Personally my family and relatives have been, and we were donating right and left last year. This year its been about ¼ the pain and cost of last year.

Please think of our people, they need to be given a decent burial and not be in a morgue for days, because the family cannot raise enough money for the body to be released to the funeral home. We need to have the bordertown funeral homes understand this. They are making money off of this unfortunate situation from our families.

WARNING: External email. Please verify sender before opening attachments or clicking on links.