



September 21, 2016

MEMORANDUM

TO : Hon. LoRenzo C. Bates, Speaker
23rd Navajo Nation Council

Tom Platero, Executive Director ✓
Office of Legislative Services

FROM : 
Levon B. Henry, Chief Legislative Counsel
Office of Legislative Counsel

RE : Resolution CS-48-16

CS-48-16, *Approving Supplemental Funding From the Unreserved, Undesignated Fund Balance in the Amount of Forty-Nine Thousand Dollars (\$49,000.00) to the Navajo Nation Department of Health for Zika Virus Emergency Preparedness, Response, Mitigation and Recovery*, was approved by the Navajo Nation Council on September 2, 2016 with a vote of 17 in favor and 0 opposed. The resolution was certified by the Speaker of the Navajo Nation Council on September 9, 2016 and subsequently sent to the Office of the President and Vice President as required by 2 N.N.C. § 221(A).

The President of the Navajo Nation, by 2 N.N.C. § 1005(10), shall “sign legislation passed by the Navajo Nation Council into Navajo law within ten calendar days after the certification of the legislation by the Speaker.” Section 1005(10) conforms with 2 N.N.C. § 221(B) which states, “All resolutions that enact new Navajo law or amend existing Navajo law and are adopted by the Navajo Nation Council shall become effective on the day the President of the Navajo Nation signs it into law.”

CS-48-16 was returned to the Legislative Branch on September 20, 2016 without action by the President of the Navajo Nation as required by Title Two. Pursuant to 2 N.N.C. § 1005(12), the “President’s authority to sign into law or veto legislation shall be deemed to be waived if not exercised within ten calendar days after certification of the legislation by the Speaker or Speaker Pro Tem and the legislation shall be deemed enacted and become effective pursuant to 2 N.N.C. § 221.”

CS-48-16 is deemed enacted.

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL - Second Year, 2016

AN ACTION

RELATING TO AN EMERGENCY; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF FORTY-NINE THOUSAND DOLLARS (\$49,000.00) TO THE NAVAJO NATION DEPARTMENT OF HEALTH FOR ZIKA VIRUS EMERGENCY PREPAREDNESS, RESPONSE, MITIGATION AND RECOVERY

BE IT ENACTED:

Section One. Authority

- A. The Navajo Nation Council is the governing body of the Navajo Nation, pursuant to 2 N.N.C. § 102 (A).
- B. Pursuant to 12 N.N.C. § 820 (L), "[t]he Navajo Nation Council may adopt and approve supplemental appropriations to the Annual Comprehensive Budget during the fiscal year. Supplemental appropriations of General Funds within the current fiscal year are permitted, if and when additional sources of revenues above and beyond the initial or current revenue projections are projected and which are also in excess of the reserve amount set forth at § 820(J)."
- C. 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 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."

Section Two. Findings

- A. Pursuant to 12 N.N.C. § 820(M), all requests for annual operating funds and supplemental funds shall be submitted to the Office of Management and Budget ("OMB") for budget impact analysis. Due to the pressing nature of this

legislation, a memorandum from the Office of Management and Budget was not obtained; however, the Director from the Office of Management and Budget is available to answer questions regarding this proposed appropriation.

- B. Pursuant to 12 N.N.C. § 820(L), the Navajo Nation Council may adopt and approve supplemental appropriations to the Annual Comprehensive Budget during the fiscal year. Supplemental appropriations of General Funds within the current fiscal year are permitted, (1) if and when additional sources of revenues above and beyond the initial or current revenue projections are projected and which are also in excess of the reserve amount set for in § 820(J) or (2) when the Unreserved, Undesignated Fund balance (UUFB) is in excess of the reserve amount set forth at § 820(J); a memorandum from the Office of the Controller identifying the UUFB is attached as Exhibit A.
- C. There are sufficient funds available in the Undesignated, Unreserved Fund Balance to provide the Navajo Nation Department of Health with an appropriation of Forty-Nine Thousand Dollars (\$49,000.00) for Zika Emergency Preparedness, Response, Mitigation and Recovery.
- D. The Centers for Disease Control and Prevention (CDC) website has informed the citizens for the United States that Zika Virus is present in the United States. The CDC website <<http://www.cdc.gov/zika/about/index.html>> states:
"What we know:

- Zika is spread mostly by the bite of an infected Aedes species mosquito (Ae. aegypti and Ae. albopictus). These mosquitoes are aggressive daytime biters. They can also bite at night.

- Zika can be passed from a pregnant woman to her fetus. Infection during pregnancy can cause certain birth defects.

- There is no vaccine or medicine for Zika.

- The Florida Department of Health has identified an area in one neighborhood of Miami where Zika is being spread by mosquitoes."

- E. The Navajo Department of Health has presented Exhibit A, the Navajo Nation Budget Forms, which requests of Forty-Nine Thousand Dollars (\$49,000.00) for Zika Emergency Preparedness, Response, Mitigation and Recovery. The budget documents include expenditures which will "Provide emergency plans, activation systems, Health Commend Center readiness"; "Provide workforce, general public, school, etc. with prevention education, response and mitigation information"; "Implement Navajo Nation All-Hazard Emergency Plan with Navajo Department of Emergency Management" and similar Program Performance Criteria.
- F. The Navajo Nation Council finds and declares that an emergency exists as to the threat of the Zika Virus to the Navajo Nation population. This is an emergency matter which arises due to the pressing public need for such a resolution and it is a matter requiring final action by the Council. This emergency which requires an immediate supplemental appropriation from the Undesignated, Unreserved Fund Balance to the Navajo Nation Department of Health.

Section Three. Approval

- A. The Navajo Nation Council hereby approves a supplemental appropriation to the Navajo Nation Department of Health, in the amount of Forty-Nine Thousand Dollars (\$49,000.00), budget forms are attached as Exhibit A. This supplemental appropriation to be funded from the Undesignated, Unreserved Fund Balance.
- B. This supplemental appropriation of Forty-Nine Thousand Dollars (\$49,000.00) shall be to a Business Unit # 113001 and from that amount of funds that exceeds the minimum fund balance of the Undesignated, Unreserved Fund Balance.

Section Four. Effective Date

The provisions of this Act shall become effective in accordance with 2 N.N.C. § 221(B).

Section Five. Savings, Severability, and Survivability.

Should any provision herein be determined invalid by the Navajo courts or other court of competent jurisdiction, all other provisions of this legislation not determined to be invalid shall remain in full force and effect.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 17 in favor and 0 opposed, this 2nd day of September 2016.



LoRenzo Bates, Speaker
Navajo Nation Council

9/9/16
Date

Motion: Honorable Seth Damon
Second: Honorable Alton Joe Shepherd

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C)(10), on this _____ day of _____ 2016.

Russell Begaye, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2016 for the reason(s) expressed in the attached letter to the Speaker.

Russell Begaye, President
Navajo Nation

3. I hereby exercise line item veto pursuant to the 2010, certified Initiative, over the supplemental appropriations approved herein by the Navajo Nation Council; on this _____ day of _____ 2016.

Russell Begaye, President
Navajo Nation

NAVAJO NATION

RCS# 597

9/2/2016

Special Session

03:37:46 PM

Amd# to Amd#

Legislation No. 0288-16:

PASSED

MOT Damon

Relating to Emergency, \$49,000

SEC Shepherd

for ZIKA Virus

Yea : 17

Nay : 0

Not Voting : 7

Yea : 17

Begay, K

Daniels

Pete

Smith

Bennett

Filfred

Phelps

Tso

Brown

Jack

Shepherd

Tsosie

Crotty

Perry

Slim

Witherspoon

Damon

Nay : 0

Not Voting : 7

Bates

BeGaye, N

Hale

Yazzie, P

Begay, NM

Chee

Yazzie

THE NAVAJO NATION PROGRAM BUDGET SUMMARY

FY 2016

PART I. Business Unit No.:		113001		Program Title: Executive Administration		Division/Branch: NDOH Executive	
Prepared By:		David Nez		Phone No.: (928) 871.6525		Email Address: David.Nez@nndoh.org	
PART II. FUNDING SOURCE(S)		Fiscal Year Term	Amount	% of Total	PART III. BUDGET SUMMARY		
Undesignated Unreserved Funds	08/01/16 -09/30/16	49,000.00	100%				
Zika Emergency Preparedness, Response, Mitigation & Recovery Funds	(2 months)						
				Fund Type Code	NNC Approved Original Budget	Proposed Budget	Difference (Column B - A)
				2001 Personnel Expenses			0
				3000 Travel Expenses		6,000	6,000
				3500 Meeting Expenses			0
				4000 Supplies		5,000	5,000
				5000 Lease and Rental		6,000	6,000
				5500 Communications and Utilities		2,000	2,000
				6000 Repairs and Maintenance			0
				6500 Contractual Services			0
				7000 Special Transactions		30,000	30,000
				8000 Public Assistance			0
				9000 Capital Outlay			0
				9500 Matching Funds			0
				9500 Indirect Cost			0
TOTAL:						49,000.00	49,000
				PART IV. POSITIONS AND VEHICLES			
				Total # of Positions Budgeted:		0	
				Total # of Permanently Assigned Vehicles:		0	
TOTAL:						0	
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.							

David Nez

SUBMITTED BY: Program Manager's Printed Name and Signature / Date

Ramona Antone-Nez

APPROVED BY: Division Director/Branch Chief's Printed Name and Signature / Date

THE NAVAJO NATION PROGRAM PERFORMANCE CRITERIA

FY 2016

PART I. PROGRAM INFORMATION:		Business Unit No.:		113001		Program Name/Title:		Executive Administration	
PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE: Zika Emergency Preparedness, Response, Mitigation and Recovery Readiness.									
PART III. PROGRAM PERFORMANCE CRITERIA:									
1. Program Performance Area: Administer records, reports, data, expenditures Goal Statement: Maintain accurate reporting on monthly, quarterly, mid-year and end of year basis.									
		1st QTR		2nd QTR		3rd QTR		4th QTR	
		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
		1							
2. Program Performance Area: Zika preparedness, response, mitigation, recovery planning; includes training, presentations, exercises and After Action Review Goal Statement: Provide emergency plans, activation systems, Health Command Ctr. readiness; maintain resource capabilities									
		1							
3. Program Performance Area: Zika Virus Public Health Prevention; Impacts; Information and Education Goal Statement: Provide workforce, general public, schools, etc. with prevention education, response and mitigation information									
		3							
4. Program Performance Area: Coordination/Collaboration with partners and communities Goal Statement: Attend meetings/conferences/summits/webinars to update prevention measures and strategy for Zika Virus									
		2							
5. Program Performance Area: Build capabilities of NDOH/Executive branch for potential virus outbreak Goal Statement: Implement Navajo Nation All-Hazard Emergency Plan with Navajo Dept. of Emergency Management									
		1							
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.									
David Nez, Program Manager I Program Manager's Printed Name and Signature/Date		 8/16/16		Ramona Antone-Nez, NDOH Director (Acting) Division Director/Branch Chief's Printed Name and Signature / Date		 8/16/16			

THE NAVAJO NATION
LISTING OF POSITIONS AND ASSIGNMENTS BY BUSINESS UNITS

FY 2016

SUB ACCT	POS NO	JOB TYPE	POSITION TITLE	EMP ID	WRKSITE CODE	FY 2016 ACTUAL		FY 2017 PROPOSED	
						G/S	SALARY	HOURS	BUDGET

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

Page 4 of 6
BUDGET FORM 4

FY 2016

PART I. PROGRAM INFORMATION: Program Name/Title: _____ Business Unit No.: <u>113001</u>			
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code
3230 Personal Travel 3240 Per Diem Meals 3250 Lodging 3260 POV Mileage 4120 Office Supplies 4130 General Office Supplies 4410 Operating Supplies 4510 Veterinarian Supplies 4530 Printing/Binding/Photocopying 4550 Media Supplies 5310 Building/Space 5320 Meeting Space 5520 Telephone 5530 Basic Services 5540 Long Distance 5550 Optional Charges (Establishing a toll-free 800 line) 5570 Internet 5580 DSL 5600 Internet 7410 Media 7440 Print Advertising 7450 Radio Advertising 7460 Television Advertising 7470 Display Advertising 7510 Training & Professional Dues 7520 Training/Registration Fees 7530 Training Supplies		2,500 2,500 1,000 3,000 1,000 500 500 6,000 500 500 500 250 250 6,000 2,000 2,000 17,000 3,000	6,000 3,000 2,000 6,000 1,500 500 27,000 3,000 49,000
TOTAL		49,000	49,000

PART I. PROGRAM INFORMATION:				
Program Name/Title: Executive Administration		Funding Period: Aug. 01, 2016 - Sept. 30, 2016		
Contract/Grant No.:		K #:		
		Prepared by: David Nez, Program Manager I		
PART II. PURPOSE OF FUNDING AND MATCH FUNDS REQUIREMENT Zika Emergency Preparedness, Response, Mitigation and Recovery Readiness				
PART III. BUDGET INFORMATION:				
(A) Major Object Code and Description		(B) Current Award Fiscal Year	(C) Anticipated Funding Fiscal Year	(D) Difference Columns (C) - (B)
2001	Personnel Expenses			
3000	Travel Expenses		6,000	6,000.00
3500	Meeting Expenses			-
4000	Supplies		5,000	5,000.00
5000	Lease and Rental		6,000	6,000.00
5500	Communication and Utilities		2,000	2,000.00
6000	Repairs and Maintenance			-
6500	Contractual Services			-
7000	Special Transaction		30,000	30,000.00
8000	Assistance			-
9000	Capital Outlay			-
9510	Matching - Cash			-
9610	Matching - In - Kind			-
9710	Indirect Cost (Overhead) Allocation			-
TOTALS:		-	49,000	49,000.00
PART IV. FTEs/MATCH FUNDS:				
No. of Positions/ FTEs:				-
MATCHING FUND REQUIRED:				
Required GF Cash Match:				-
CONCURRED BY:				
Required GF In - Kind Match:				-
Required GF % Match:				-
Contracting Officer's Signature / Date:				
PART V. ACKNOWLEDGEMENT:				
Submitted by (print): David Nez, Program Manager I		Approved by (print): Ramona Antone-Nez, NDOH Director		
Signature/Date: <i>[Signature]</i> 8/15/16		Signature/Date: <i>[Signature]</i> 8/15/16		



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE-PRESIDENT



MEMORANDUM:

TO : 2 NNC § 164 Reviewers
Delegates & 2 NNC '164 Reviewers
Navajo Nation Government

FROM : *Robert Willie*
Robert Willie, Accounting Manager
Office of the Controller

DATE : June 22, 2016

SUBJECT : 164 Review-005859-Tuba City Senior Center Project

The Office of the Controller has reviewed the above referenced document.

1. The balance of the UUFB is \$7,569,087 as of June 22, 2016.
2. The requested supplemental request is for Tuba City Senior Center Project.

If you should have any questions you can contact me at tribal extension X6125.