

RESOLUTION OF THE
NAVAJO NATION COUNCIL
24th NAVAJO NATION COUNCIL - SECOND YEAR, 2020

AN ACTION

RELATING TO NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL;
OVERRIDING THE NAVAJO NATION PRESIDENT'S VETO OF NAVAJO NATION
COUNCIL RESOLUTION CJY-59-20

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. All resolutions enacting new law or amending existing laws are subject to veto by the President of the Navajo Nation pursuant to 2 N.N.C. § 1005 (C) (10) and (11) and override by the Navajo Nation Council. 2 N.N.C. § 164 (A) (17).
- B. A vetoed resolution shall first be submitted to Naabik'íyáti' Committee before consideration by the Council. 2 N.N.C. § 164 (A) (17).
- C. Veto legislation passed by the Navajo Nation Council [is] subject to an override of the veto by two-thirds (2/3) vote of the membership of the Navajo Nation Council. 2 N.N.C. § 1005 (C) (11).

SECTION TWO. FINDINGS

- A. The Navajo Nation Council approved Resolution No. CJY-59-20 "Adopting a Continuing Resolution for Continuing Operation of the Navajo Nation Government; beginning October 1, 2020 and ending March 31, 2021; Waiving 12 N.N.C. § 840 (B)", attached as **Exhibit 1**, on July 22, 2020.
- B. The Navajo Nation President vetoed CJY-59-20 on August 7, 2020 and provided a memorandum, attached as **Exhibit 2**, to support his decision to veto the Council Resolution.
- C. The Navajo Nation Council disagrees with the President's stated reasons for vetoing CJY-59-20 and believes, instead, that

enactment of a Continuing Resolution at this time is a prudent measure to ensure that operations budgets for Navajo Nation government programs are in place at start of the 2021 Fiscal Year.

SECTION THREE. OVERRIDE

The Navajo Nation Council hereby overrides the Navajo Nation President's veto of Resolution CJY-59-20.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 24th 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 23 in Favor, and 00 Opposed, on this 4th day of September 2020.


Honorable Seth Damon, Speaker
24th Navajo Nation Council

Sept 4, 2020

DATE

Motion: Honorable Otto Tso

Second: Honorable Jamie Henio

Speaker Seth Damon not voting



RESOLUTION OF THE
NAVAJO NATION COUNCIL
24th NAVAJO NATION COUNCIL - SECOND YEAR, 2020

AN ACTION
RELATING TO BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES, AND
NAVAJO NATION COUNCIL; ADOPTING A CONTINUING RESOLUTION FOR THE
CONTINUING OPERATIONS OF THE NAVAJO NATION GOVERNMENT; BEGINNING
OCTOBER 1, 2020 AND ENDING MARCH 31, 2021; WAIVING 12 N.N.C. §
840 (B)

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Budget and Finance Committee shall review and make recommendations concerning the budget and submit it to the Navajo Nation Council. 12 N.N.C. § 840 (A).
- B. The Naabik'iyáti' Committee reviews proposed legislation that requires final action by the Navajo Nation Council. 2 N.N.C. § 164 (A) (9).
- C. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).

SECTION TWO. FINDINGS

- A. The novel coronavirus ("COVID-19") is responsible for a global pandemic and has had a severe impact on the Navajo Nation.
- B. On March 11, 2020, the Navajo Nation Commission on Emergency Management, with the concurrence of the Navajo Nation President and Vice President, declared a Public Health State of Emergency on the Navajo Nation due to the presence of COVID-19 in areas surrounding the Navajo Nation. Resolution No. CEM 20-03-11. The President and the Commission have issued additional Public Health Emergency Orders: including: Order No. 2020-001 dated March 18, 2020 (declaring the outbreak of COVID-19 and limiting mass gatherings); Order No. 2020-002 dated March 19, 2020 (quarantining the Chilchinbeto Community); Order No. 2020-003 dated March 20, 2020 (ordering individuals living on the Navajo Nation to stay home and shelter in place except for essential activities, prohibiting visitors to the Navajo Nation, and closing all businesses on the Navajo Nation except essential businesses); Order No. 2020-004 dated March 29, 2020 (implementing a daily curfew from 8:00 p.m. to 5:00 a.m. for

all Navajo Nation residents, extending the shelter in place order, and further limiting public gatherings); Order No. 2020-005 dated April 5, 2020 (implementing a 57-hour weekend curfew on April 10-13); Order No. 2020-006 dated April 16, 2020 (extending the weekend curfew for April 17-20 and April 24-27, and closing Navajo Nation essential businesses during curfew hours); Order No. 2020-007 (requiring face masks in public); Order No. 2020-008 dated April 29, 2020 (extending the weekend curfew to May 11); and Order Nos. 2020-009 through 2020-12 and Order Nos. 2020-015 through 2020-016 (extending lockdowns and weekend curfews).

- C. The Navajo Nation Office of the President and Vice President issued Executive Order 002-20 on March 31, 2020 (closing all Navajo Nation offices except essential personnel through April 21); Executive Order 003-20 on April 21, 2020 (extending the closure order to May 17, 2020), Executive Order 004-20 on May 12, 2020 (extending the closure order to June 7, 2020), Executive Order 005-20 on June 3, 2020 (extending the closure order to July 5, 2020), and Executive Order 006-20 on June 30, 2020 (extending the closure order to July 26, 2020).
- D. Additionally, the Speaker of the Navajo Nation issued a memo on June 19, 2020, extending the closure of the legislative branch through July 19, 2020.
- E. Navajo Nation law provides a choice of law provision wherein Navajo courts may, in the absence of Navajo statutory laws and regulations or Diné bi beenahaz'áaniis, apply federal laws or regulations as applicable. 7 N.N.C. §204.
- F. Similarly, in the absence of a provision for a continuing resolution, the Navajo Nation Council may look to federal laws or regulations for guidance.
- G. The federal process for appropriations contains a provision for a continuing resolution, which is defined as "[a]n appropriation act that provides budget authority for federal agencies, specific activities, or both to continue in operation when Congress and the President have not completed action on regular appropriation acts by the beginning of the fiscal year." Principles of Federal Appropriations Law, Third Edition, General Accounting Office, Jan. 2004, Chapter 8.
- H. Based on the impracticability of maintaining the Center for Disease Control's recommendations on physical distancing during the Navajo Nation's budget hearings, the approval of a Continuing Resolution provides a means to allow for the

continuing operations of the Navajo Nation government and a measure of protection for Navajo Nation employees.

- I. The Navajo Nation Council finds the need to conduct a thorough and complete budget process at a later date warrants the approval of a Continuing Resolution.
- J. The approval of a Continuing Resolution will allow for careful consideration of a Fiscal Year 2021 Comprehensive Budget, as well as a detailed examination of the needs of the Navajo Nation.

SECTION THREE. APPROVAL OF CONTINUING RESOLUTION

- A. The Navajo Nation Council hereby resolves that all Navajo Nation Government divisions, departments, offices, programs and Navajo Nation Chapters, with the exception of those special budget situations named in paragraph C of this section, shall receive 1/2 of their Navajo Nation FY 2020 general fund, indirect cost fund, proprietary fund, special revenue, and fiduciary fund allocations, as of September 30, 2020, for operation of the Navajo Nation Government beginning October 1, 2020 and ending no later than March 31, 2021 in accordance with the Navajo Nation Council Resolution CS-30-19. The Continuing Budget Resolution amounts shall be based on 100% (one hundred percent) of the final Navajo Nation approved Fiscal Year 2020 Budget amounts as approved in CS-30-19 and signed by the Navajo Nation President on September 13, 2019. In order to maintain consistency between this Continuing Budget Resolution amounts and the Fiscal Year 2020 General Revenue Fund projections, supplemental appropriations made in Fiscal Year 2020 shall not be included in this Continuing Resolution.
- B. In order for the continuing resolution budgets to be entered into the Financial Management and Information System (FMIS), all Navajo Nation programs and Chapters shall submit continuing resolution budgets to the Office of Management and Budget at the level of funding stated in Paragraph A above by September 1, 2020.
- C. The Branch Chiefs, in conjunction with the Office of the Controller and the Office of Management and Budget are authorized to administratively address special budget situations and shall issue any necessary instructions for the proper implementation of this Continuing Budget Resolution, including all expenditures as required by statute, contract or government policy, including but not limited to Risk

Management, scholarship, school clothing, employee insurance, retirement, match fund requirements and higher education.

- D. If the 24th Navajo Nation Council duly adopts the FY 2021 Comprehensive Budget prior to the time required by the Navajo Nation Code, this Continuing Resolution shall be null and void.

SECTION FOUR. DIRECTIVE TO THE SPEAKER OF THE NAVAJO NATION

- A. The Navajo Nation Council directs the Speaker of the Navajo Nation Council to convene a special session no later than thirty (30) days before the end of the Continuing Resolution period for the exclusive purpose of consideration and adoption of the proposed Navajo Nation Fiscal Year 2021 Comprehensive Budget.
- B. If the COVID-19 pandemic has not abated, or if the Navajo Nation experiences another surge of the pandemic, this Continuing Resolution may be extended by the Navajo Nation Council.

SECTION FIVE. WAIVING 12 N.N.C. § 840 (B)

The Navajo Nation Council hereby waives 12 N.N.C. § 840 (B) pertaining to the adoption of a comprehensive twelve-month budget in order that this Continuing Budget Resolution be adopted. This waiver shall cease to be in effect upon adoption of the Navajo Nation Comprehensive Budget for Fiscal Year 2021.

SECTION SIX. EFFECTIVE DATE

The action is effective upon its approval pursuant to 2 N.N.C. § 221 (B).

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 24th 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 22 in Favor, and 00 Opposed, on this 22nd day of July 2020.


Honorable Seth Damon, Speaker
24th Navajo Nation Council

7/28/2020

DATE

Motion: Honorable Rickie Nez

Second: Honorable Pernell Halona

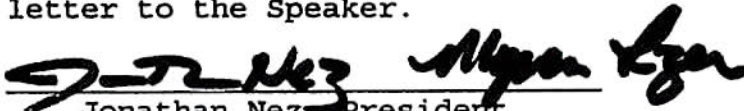
Speaker Seth Damon not voting

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 _____, 2020.

Jonathan Nez, President
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this 07 day of August, 2020 for the reason(s) expressed in the attached letter to the Speaker.


Jonathan Nez, President
Navajo Nation

NAVAJO NATION

388

Navajo Nation Council 2020 Summer Session

7/22/2020

04:46:43 PM

Amd# to Amd#	Legislation 0147-20: Adopting	PASSED
MOT Nez, R	a Continuing Resolution for the	
SEC Halona, P	Continuing Operations of the	
	Navajo Nation Government;	

Yeas : 22

Nays : 0

Excused : 0

Not Voting : 1

Yea : 22

Begay, E	Freeland, M	Smith	Tso, E
Begay, K	Halona, P	Stewart, W	Walker, T
Begay, P	Henio, J	Tso	Wauneka, E
Charles-Newton	James, V	Tso, C	Yazzie
Crotty	Nez, R	Tso, D	Yellowhair
Daniels	Slater, C		

Nay : 0

Excused : 0

Not Voting : 1

Brown

Presiding Speaker: Damon

THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

August 7, 2020

Hon. Seth Damon
Office of the Speaker
Post Office Box 3390
Window Rock, AZ 86515

RE: CJY-59-20, *An Action Relating to Budget and Finance and Naabik'iyati' Committees, and Navajo Nation Council; Adopting a Continuing Resolution for the Continuing Operations of the Navajo Nation Government; beginning October 1, 2020 and ending March 31, 2021; Waiving 12 N.N.C. § 840(B)*

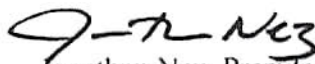
Dear Speaker Damon,

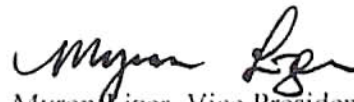
We sincerely appreciate the efforts of Delegate Raymond Smith for taking the proactive approach to plan for the upcoming Fiscal Year. It is this astute observation and forward thinking that best serves our government operations. If the Navajo Nation government were at a point in time where we find it absolutely necessary to enact a partial budget to carry us into a new Fiscal Year, then we would agree a resolution is needed for that purpose. However, we are still at a point in our budget process to meet the Fiscal Year 2021 timeline set by the Budget and Finance Committee's adoption of the 2021 Budget Calendar.

Working together with the Standing Committees of the Navajo Nation Council we can move through the budget process to complete a final Fiscal Year 2021 Comprehensive Budget. This will assure we have a budget that considers the annual revenue projections, potential carryover funds, special budget considerations, and the needs of all sectors of Navajo government. We have the technology and ability to have the budget hearings while keeping Delegates and presenters safe by following the Health Command Center's instructions on group meetings. The Council meetings are a prime example of how a large meeting can take place while keeping participants safe; we can follow that lead.

For these reasons and pursuant to the authority vested in the Navajo Nation President, I veto CJY-59-20.

Sincerely,


Jonathan Nez, President
THE NAVAJO NATION


Myron Lizer, Vice President
THE NAVAJO NATION

NAVAJO NATION

450

9/4/2020

Navajo Nation Council Special Session

03:25:47 PM

Amd# to Amd#	Legislation 0198-20: Overriding	PASSED
MOT Tso	the Navajo Nation President's	
SEC Henio, J	Veto of Navajo Nation Council	
	Resolution CJY-59-20	

Yeas : 23

Nays : 0

Excused : 0

Not Voting : 0

Yea : 23

Begay, E	Daniels	Slater, C	Tso, E
Begay, K	Freeland, M	Smith	Walker, T
Begay, P	Halona, P	Stewart, W	Wauneka, E
Brown	Henio, J	Tso	Yazzie
Charles-Newton	James, V	Tso, C	Yellowhair
Crotty	Nez, R	Tso, D	

Nay : 0

Excused : 0

Not Voting : 0

Presiding Speaker: Damon