

# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

February 11, 2021

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

RE: CJA-04-21, *An Action Relating to Health, Education and Humans Services, Budget and Finance, and Naabik'iyati' Committees, and Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Total Amount of One Million Three Hundred Ninety-Four Thousand Two Hundred Seventy-One Dollars (\$1,394,271) to the Navajoland Nursing Home, Inc.*

Dear Speaker Damon,

We are at a time where our parents need care that may not be available at home because children are working to support the family, either locally or farther away from home. In the past we had the ability to take care of our parents, to help them with livestock and farming, and to be with them for their daily needs. With independent operations like Navajoland Nursing Home, our parents will have someone who will care for them and make sure their needs are met.

With our aging population we will plan to take care of our elders as we have during this pandemic and with the available vaccines. Working together we can develop plans to address the needs of our parents, for example, more independent nursing homes, hospice care, or independent living centers. The past year has highlighted many needs for our Nation that, as Navajo leadership, we can include in a fiscal plan that will meet those needs while keeping our finances healthy.

We have a responsibility to our parents to care for them as they cared for us as their children. We sign CJA-04-21 into law.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Nez".

Jonathan Nez, President  
THE NAVAJO NATION

A handwritten signature in black ink, appearing to read "Myron Lizer".

Myron Lizer, Vice President  
THE NAVAJO NATION

RESOLUTION OF THE  
 NAVAJO NATION COUNCIL  
 24<sup>th</sup> NAVAJO NATION COUNCIL - THIRD YEAR, 2021

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE TOTAL AMOUNT OF ONE MILLION THREE HUNDRED NINETY-FOUR THOUSAND TWO HUNDRED SEVENTY-ONE DOLLARS (\$1,394,271) TO THE NAVAJOLAND NURSING HOME, INC.

SECTION ONE. AUTHORITY

- A. The Health, Education and Human Services Committee has oversight of all health and social services related activities on the Navajo Nation and its tribal organizations, enterprises, relating to the delivery of health, environmental health and social services, including research, planning and prevention. 2 N.N.C. § 401(C) (2).
- B. The Budget and Finance Committee 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. A proposed resolution that requires final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee. 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).
- E. The Navajo Nation Council has the authority to approve supplemental appropriations. 12 N.N.C. § 820(L). 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)."
- F. The Title 12 Finance Act Supplemental Appropriation requirements include:

1. All requests for annual operating funds and supplemental funds shall be submitted to the Office of Management and Budget for budget impact analysis. 12 N.N.C. § 820(M).
2. When the Controller identifies additional sources of revenues above and beyond the initial or current revenue projections, supplemental appropriations may be approved by the Navajo Nation Council. 12 N.N.C. § 820(L).
3. Supplemental Appropriations made from non-recurring revenues shall only be made for non-recurring operations or purposes, as set forth at § 820(F). The Controller of the Navajo Nation shall be responsible for designation recurring and non-recurring revenues. 12 N.N.C. § 820(L).
4. The Nation shall budget all recurring operating expenses, including capital maintenance, from recurring revenues. Long term debt shall not be used to finance recurring operating expenses. 12 N.N.C. § 820(E).
5. The Navajo Nation Code provides, "[t]he Nation shall restrict non-recurring revenues to budget non-recurring expenditures. In addition, non-recurring revenues will be budgeted only after an examination by the Controller to determine whether or not the revenues are subsidizing an imbalance between recurring revenues and expenditures, and expenditures may be authorized only if a long-term (three-five year) forecast shows that the operating deficit will not continue. Otherwise, non-recurring revenues will be added to the Unreserved, Undesignated Fund balance. This provision may be amended or waived by a two-thirds vote of the full Navajo Nation Council." 12 N.N.C. § 820(F).

## SECTION TWO. FINDINGS

- A. The Navajo Nation Commission on Emergency Management, with the concurrence of the President of the Navajo Nation, Jonathan Nez, declared a public health state of emergency on the Navajo Nation, on March 11, 2020 due to the novel coronavirus ("COVID-19") Emergency Management Commission Resolution No. CEM 20-03-11. Resolution CEM 20-03-11 is incorporated by reference into this resolution.
- B. The Navajo Nation has issued numerous public health orders in recognition of the severity of COVID-19. These Public Health Emergency Orders (2020-001 through 2020-031) are incorporated by reference into this resolution. Most recently, the Navajo Nation Department of Health issued Public Health Emergency Order No. 2020-031, entitled, "Continuing the Stay at Home

(Shelter in Place) Lockdown Order for an Additional Three (3) Weeks, Including Full 57-Hour Weekend Lockdowns," to continue to combat the spread of COVID-19.

- C. COVID-19 infections and deaths continue to be a serious issue within the Navajo Nation, and as of December 27, 2020, the Navajo Nation Health Command Operations Center has confirmed 22,277 COVID-19 cases and 777 COVID-19 related deaths on the Navajo Nation.
- D. The Navajoland Nursing Home, Inc., dba Dr. Guy Gorman, Sr. Care Home has requested a grant from the Unreserved, Undesignated Fund Balance to address the effects of the novel coronavirus (COVID-19) in the amount of One Million Three Hundred Ninety-Four Thousand Two Hundred Seventy-One Dollars (\$1,394,271), the budget forms and grant application are attached as **Exhibit A and B**, respectively.
- E. The supplemental funding will allow the Navajoland Nursing Home, Inc. to cover additional costs incurred for assisted living care, personal protective equipment, cleaning supplies, transportation, and 24-hour monitoring of residents. The Navajoland Nursing Home, Inc. has submitted additional documentation, attached as **Exhibit C**, indicating that its request for CARES funds from the Navajo Nation was denied by the Department of Health on November 20, 2020.
- F. The Office of the Controller has provided a memorandum, attached as **Exhibit E**, to satisfy the requirements of 12 N.N.C. § 820(L).
- G. The Office of the Management and Budget has provided a memorandum, attached as **Exhibit D**, to satisfy the requirement of 12 N.N.C. § 820(M) for a budget impact analysis.
- H. In its approval of the Navajo Nation Budget Instruction Manual ("BIM") for Fiscal Year 2021, the Budget and Finance Committee recognized the difficulties involved in obtaining signatures on budget forms related to requests for appropriation. The Fiscal Year 2021 BIM, therefore, reflects that divisions and departments are encouraged, rather than required, to have written concurrence from the appropriate Branch Chief or Division Director. Navajo Nation BIM, Fiscal Year 2021, Section XII.B.1.a.i.

**SECTION THREE. APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE TO THE NAVAJOLAND NURSING HOME, INC. IN THE AMOUNT OF ONE MILLION THREE HUNDRED NINETY-FOUR THOUSAND TWO HUNDRED SEVENTY-ONE DOLLARS (\$1,394,271)**

- A. The supplemental appropriation of \$ 1,394,271 to the Navajoland Nursing Home, Inc. shall be from that amount of funds that exceeds the minimum fund balance of the Unreserved, Undesignated Fund Balance as determined by the Office of the Controller and as indicated the documents in **Exhibit A**.
- B. The Navajo Nation hereby approves supplemental funding from the Unreserved, Undesignated Fund Balance of \$1,394,271 as indicated in the documents in **Exhibit A**.

**SECTION FOUR. DIRECTIVE TO THE CONTROLLER TO REIMBURSE TO THE UNRESERVED, UNDESIGNATED FUND BALANCE**

The Navajo Nation Council directs the Controller to reimburse the Unreserved, Undesignated Fund Balance (UUFB) for the amount appropriated in this Resolution upon the additional receipt of CARES funding provided by the United States to mitigate COVID-19, to the extent allowed by federal law. If the Navajo Nation receives reimbursement from the Federal Emergency Management Administration (FEMA), but not additional CARES funding, the FEMA reimbursement shall reimburse the UUFB.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the 24<sup>th</sup> 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 27<sup>th</sup> day of January 2021.

  
Honorable Seth Damon, Speaker  
24<sup>th</sup> Navajo Nation Council

02/04/2021

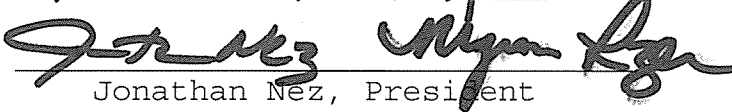
DATE

Motion: Honorable Raymond Smith, Jr.  
Second: Honorable Eugene Tso

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 11<sup>th</sup> day of February, 2021.

  
Jonathan Nez, President  
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this \_\_\_\_\_ day of \_\_\_\_\_, 2021 for the reason(s) expressed in the attached letter to the Speaker.

\_\_\_\_\_  
Jonathan Nez, President  
Navajo Nation

3. I, hereby, exercise line-item veto pursuant to the budget line-item veto authority delegated to the President by vote of the Navajo People in 2009, on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jonathan Nez, President  
Navajo Nation

**THE NAVAJO NATION  
SUPPLEMENTAL FUNDING PROPOSAL SUMMARY**

**EXHIBIT**

tabbies

A

PART I. Business Unit No.: \_\_\_\_\_

Program Title: Navajoland Nursing Home, Inc.

Division/Branch: \_\_\_\_\_

Amount Requested: 1394271Prepared By: Wa yne Cl awPhone No.: 9286745216Email Address: ~~\*\*\*~~ wyncLaw@yahoo.com**PART II. REASON FOR REQUEST AND STATEMENT OF NEED:**Reimburse NNHI \$1,394,271.00 expenditures for COVID 19 (March 2020-December 2021)so NNHI can use the funds for FY 2021.**PART III. LIST ALTERNATIVE FUNDING SOURCES BEING PURSUED AND CONTINGENCY PLAN IF REQUEST IS NOT FUNDED:**

NNHI fund proposal for Care Act funds that was approved by President Johnathan Nez August 19, 2020.

**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.**\_\_\_\_\_  
REVIEWED BY: Division Director's Signature / Date\_\_\_\_\_  
RECOMMEND SUPPLEMENTAL: Branch Chief's Signature / Date

THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

FY 2021

PART I. Business Unit No.: _____		Program Title: _____		Navajoland Nursing Home, Inc.		Division/Branch: _____	
Prepared By: <u>Wayne Claw, CEO</u>		Phone No.: _____		928-674-5216		Email Address: <u>wynclaw@yahoo.com</u>	

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 or Total
<u>NAUW FB</u>		FY2021	1,394,271.00	0%	2001	Personnel Expenses			1,116,271	
					3000	Travel Expenses			30,000	
					3500	Meeting Expenses				
					4000	Supplies			225,000	
					5000	Lease and Rental				
					5500	Communications and Utilities			21,000	
					6000	Repairs and Maintenance				
					6500	Contractual Services			2,000	
					7000	Special Transactions				
					8000	Public Assistance				
					9000	Capital Outlay				
					9500	Matching Funds				
					9500	Indirect Cost				
TOTAL:					TOTAL			\$0.00	1,394,271.00	0

PART IV. POSITIONS AND VEHICLES		(D)	(E)
Total # of Positions Budgeted:		24	
Total # of Vehicles Budgeted:			

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

SUBMITTED BY: NNH/CEO, Wayne Claw APPROVED BY: \_\_\_\_\_

12/29/20 NNH/CEO, Wayne Claw & Date Division Director / Branch Chief's Printed Name

Division Director / Branch Chief's Signature and Date



# THE NAVAJO NATION PROGRAM PERFORMANCE CRITERIA

Page 1 of 2  
BUDGET FORM 2

FY 2021

<b>PART I. PROGRAM INFORMATION:</b> Business Unit No.: _____ Program Name/Title: <u>Navajoland</u>											
<b>PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:</b> Reimbursement for FY 2020 COVID-19 Expenditures. NNHI Submitted Care Act Proposal in the amount of \$1,394,271.00 on July 29, 2020 to Navajo Nation, signed by President Johnathan Nez											
<b>PART III. PROGRAM PERFORMANCE CRITERIA:</b>											
<b>1. Goal Statement:</b> Provide Health care for 80 Navajo Elders during COVID 19 pandemic.											
<b>Program Performance Measure:</b> Keep 80 elders safe from COVID for FY 2020 and 2021											
<b>2. Goal Statement:</b> Provide safe health care for Elders by using CDC guidelines.											
<b>Program Performance Measure:</b> Continuing CDC training for staff for quality care.											
<b>3. Goal Statement:</b> Provide updated PPEs for staff for quality care.											
<b>Program Performance Measure:</b> Assure staff practices COVID 19 infection control.											
<b>4. Goal Statement:</b>											
<b>Program Performance Measure:</b>											
<b>5. Goal Statement:</b>											
<b>Program Performance Measure:</b>											
<b>PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.</b>											
NNHI CEO, Wayne Claw <u>12/29/20</u> NNHI CEO, Signature & Date											
Division Director/Branch Chief's Printed Name Division Director/Branch Chief's Signature and Date											

## The Navajo Nation Grant Application

Name of Applicant: Navajoland Nursing Home, Inc. (NNHI)		Telephone No.: 928-674-5216
Mailing Address: P.O. Box 910, Chinle, Arizona 86503		Email: <a href="mailto:wynclaw@yahoo.com">wynclaw@yahoo.com</a>
Physical Address: West Hospital Rd., Highway N-191		IRS TIN/EIN No.: 86-0427359
NN Grant Request Amount: 1,394,271.00	Grant Start Date: Jan-21	Grant End Date: Jan.22
Brief Description of the Organization or Entity Requesting the Grant: NNHI is Licensed under Center for Medicare/Medicaid Services (CMS) to provide Level I, II & III Nursing Home Health Care for 80 Navajo Elders on the Navajo Nation.		

### PROBLEMS/NEEDS STATEMENT

Briefly describe the problems/needs identified based on relevant and collected data. The statement should be brief, clear and concise, including population (Navajo) to be served and location of the population.

CMS notified NNHI late February 2020 that a viral pandemic call COVID-19 was spreading amount people in the United State and that licensed nursing home like ours need to prepare for the visus. CMS guidelines was to open additional facility for our elders for 14 days quarantine after they leave the main facility for doctors appointments. NNHI prepared and opened the 16 beds Asissted Living facility which is nearby the main nursing home. NNHI had to hired additional 24 licensed personnel to care for the 16 elders 24 hours a day & 7 days, add the facility to our liability insurance, additional expenses for utilities, telephone, internet, renovate the facility, overtimes, etc....NNHI serves the Navajo Elders from the enitire 110 Chapters on the NN. Since there is shortage of licensed nurses on the NN, NNHI signed a contract with a Traveling Nurses Agency out of Indiana for additional RNs and are very expensive (\$85.00PH). NNHI has no choice due to lack of licensed nurses surrrounding the NN and States.

### METHODOLOGY

Briefly describe the approaches, services, and/or ways the problems or needs which will be addressed with the grant.

The funds will be used to purchases required PPEs, Overtimes pay for licensed personnel, utilities, insurance, food, transportation expenses for elders appoinment, basically for caring of the elders as required by CMS, and the NN. These expenses were never budgeted for in FY 2020, because COVID 19 was never expected. IF NNHI can't address theses problems, its might have to resort to closing, sent elders home or send off the NN like the NN been doing for over 50 years.

To the best of my knowledge and belief, all data in this application are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the Navajo Nation terms and conditions if the grant is awarded.

\_\_\_\_\_  
Signature of Authorized Representative

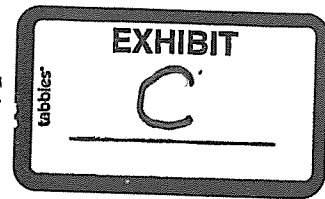
12/29/20  
\_\_\_\_\_  
Date Signed

Wayne Claw  
\_\_\_\_\_  
Type Name of Authorized Representative

CEO  
\_\_\_\_\_  
Title



**NAVAJOLAND NURSING HOME, INC**  
**Dr. Guy Gorman Sr. Care Home**  
P.O.Box 910  
Chinle, Arizona 86503



December 29, 2020

Honorable President Johnathan Nez  
Honorable Vice President Myron Lizer  
Honorable 24<sup>th</sup> Navajo Nation Council  
P.O. Box 7440  
NAVAJO NATION  
Window Rock, Arizona 86515

Dear Honorable President Nez, VP Lizer and Council Delegates:

The Navajoland Nursing Home, Inc. (NNHI), dba-Dr. Guy Gorman Sr. Care Home (DGGSCH) requested \$1,394,271.00 Cares Act Coronavirus Relief funding on July 29, 2020. But on November 20, 2020 the NN Department of Health denied our request for Care Act funds, after President Johnathan Nez signed/approved the request on August 19, 2020. Attached you will find the first NNHI original Care Act proposal with the new funds request to the Navajo Nation. NNHI is requesting reimbursement for expenditures that took place during the COVID 19 pandemic from March to December 2020. Center for Medicare/Medicaid Services (CMS) required elders to be quarantine at the Assisted Living facility for 14 days after they come back from their weekly doctor appointments. The expenditures cover unexpected overtime, hiring additional licensed nurses and temporary employee, taxes, PPEs, assisted living housekeeping supplies, liability insurance for assisted living starting March 2020. Your support and consideration for approval related to continued care of our elders are appreciated. Any questions contact me at 928-245-3125.

Sincerely,

  
Wayne Clay, CEO  
Navajoland Nursing Home, Inc.

Cc: Q. Natay, NNHI Board President  
A. Hale, Attorney  
NNHI File

NAVAJOLAND NURSING HOME, INC  
DBA-DR. GUY GORMAN SR. CARE  
HOME

FUND REQUEST  
FOR  
CARE ACT CORONAVIRUS RELIEF  
FUNDING

July 29, 2020



**NAVAJOLAND NURSING HOME, INC**

**Dr. Guy Gorman Sr. Care Home**

**P.O.Box 910**

**Chinle, Arizona 86503**

July 29, 2020

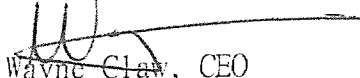
Honorable President Johnathan Nez  
Honorable Vice President Myron Lizer  
Honorable 24th Navajo Nation Council  
P.O. Box 7440  
NAVAJO NATION  
Window Rock, Arizona 86515

Dear Honorable President Nez, VP Lizer and Council Delegates:

The Navajoland Nursing Home, Inc. (NNHI), dba-Dr. Guy Gorman Sr. Care Home (DGGSCH) request \$1,394,271.00 Cares Act Coronavirus Relief funding that the Navajo Nation received. Attached you will find the Chinle Chapter Resolution and NNHI proposal using the March and April 2020 expenses since opening the Assisted Living facility. The facility was opened for Elder's to use for 15 days quarantines after they come back from the weekly and monthly appointments. The proposal includes March, April 2020 and the rest of the years up to December 31, 2020 for overtimes pays, temporary staff hires, employee taxes, PPEs, assisted living housekeeping supplies, liability insurance for assisted living since its occupied now, and NTUA utilities. These unexpected expenses were never budgeted with Navajo Nation Family Services and AHCCCS for FY 2020, therefore, need funding for Operation and Maintenance during this COVID-crisis.

Your support and approval are appreciated. Any questions contact me at 928-245-3125.

Sincerely,

  
Wayne Claw, CEO  
Navajoland Nursing Home, Inc.

Cc: Q. Natay, NNHI Board President  
A. Hale, Attorney  
NNHI File



**NAVAJOLAND NURSING HOME, INC**  
**Dr. Guy Gorman Sr. Care Home**  
P.O.Box 910  
Chinle, Arizona 86503  
NAVAJOLAND NURSING HOME, INC. BOARD OF DIRECTORS  
RESOLUTION  
NNHI-2020-005

Approve and Request the Honorable Navajo Nation President Jonathan Nez, Honorable Vice-President Myron Lizer, Honorable Navajo Nation Health, Education & Human Services (NNHEHS) Committee, Honorable Naa'bik'iyati' Committee & The Navajo Nation Council to Support and Approve Navajoland Nursing Home, Inc. (NNHI) Request for \$1,394,271.00 Care Act Coronavirus Relief Funds (Attachment)

Whereas:

1. NNHI, DBA-DGGSCH is the governing body as designated in the Articles of Corporation and its By-Laws; and
2. NNHI DGGSCH was established for the sole purpose for providing adult care service for 80 Navajo Elder and disabled adults who would otherwise be placed in an off-reservation facility to receive nursing care services; and
3. NNHI, DGGSCH is certified under the Arizona Department of Health and Human Services, Center for Medicare/Medicaid of the Federal Title XVIII (Medicare) and Federal Title XIX Medicare/AHCCCS) programs; and
4. NNHI accumulated costs/expenses for the COVID-19 crisis in Overtimes, Liability Insurance, Hired Temporary Staff, Utilities, PPE, Supplies (Janitorial, ect,) and Transportation (See attached Proposal)

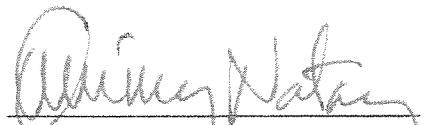
NOW, THEREFORE, BE IT RESOLVED THAT:

Approve and Request the Honorable NN President Jonathan Nez, Honorable VP, Myron Lizer, Honorable NNHEHS Committee, & Honorable Naa'bik'iyati' Committee & The Navajo Nation Council to Support and Approve Navajoland Nursing Home, Inc. (NNHI) Request for \$1,394,271.00 Care Act Coronavirus Relief Funds

CERTIFICATION

We hereby certify that the foregoing resolution was considered and approved at a special meeting thru Telephone by the NNHI Board of Directors, which a quorum was present and that same was passed by a vote of 3 in favor, 0 opposed and 0 abstained on this 07<sup>th</sup> day of May 2020.

Motion by: Alice White 2<sup>nd</sup> by Victor Joe, Jr.

  
Quincy Natay, President, NNHI Board

NAVAJOLAND NURSING HOMES, INC  
dba Dr. Guy Gorman Sr. Care Home  
COVID-19 Supplemental Budget CY 2020

<u>ITEM:</u>	<u>Description:</u>	<u>Number of Personal</u>	<u>Cost Calculation</u>	<u>BUDGET</u>
Overtime Pay	For 14 Pay Periods thru 12-31-2020	12	14 PPE x \$15,000.00 Overtime per pay period	\$210,000.00
Temporary Employment CNAs	24 hour coverage for high level care	12	\$12 per hour x 12 x 14 PPE x 80 hours	161,280.00
RNs/LPNs	Close monitoring of Residents 24 hours	12	\$38 per hour x12 x14PPE x84 hours	536,256.00
Fringe Benefits	Mandatory Federal & State Coverage with NNH, Inc. benefits	36	371,280. X 23%	208,735.00
Liability Insurance	Increased Coverage for Assisted Living	24	\$2,000.00 for 7 months	2,000.00
Utilities	Assisted Living Costs	n/a	\$3,000 x 7 months	21,000.00
Personal Protection Equipment	Masks, Clothing, Gloves	24	approximately \$28,571.00 per month	200,000.00
Janitorial Supplies	Disinfectant, gloves, masks	2	approximately \$3,570 per month	25,000.00
Transportation	Transporting of residents	16	approximately \$4,286 per month	30,000.00
<b>TOTAL ESTIMATED UNFORSEEN EXPENSES</b>				<u><u>\$1,394,271.00</u></u>



## Navajo Nation set to receive support from first round of CARES Act Coronavirus Relief Funding

**FOR IMMEDIATE RELEASE:** May 5, 2020

**WINDOW ROCK, Ariz.** — The United States Departments of the Treasury and the Interior announced Tuesday the distribution of \$4.8 billion among all tribal governments in the first round of Coronavirus Aid, Relief, and Economic Security Act (CARES Act) Coronavirus Relief Fund (Fund) awards.

The Navajo Nation Council is set to introduce legislation to accept and manage expenditures for COVID-19 response activities, in-line with federal law and as-required by the Navajo Nation Code.

"The Navajo Nation Council appreciates this first distribution to tribal governments of CARES Act Coronavirus Relief Fund support," said 24th Navajo Nation Council Speaker Seth Damon. "We, as Navajo leaders, have been listening to the needs of the Navajo People and our communities, and we will ensure that necessary funds are equitably and responsibly allocated within the time given to us."

The first distribution of tribal funding comes amid a lawsuit by a group of Tribal nations brought against the Treasury for its decision to include Alaska Native Corporations (ANCs), which are for-profit non-tribal government entities, in the distribution of the \$8 billion Fund.

After missing the statutory deadline to issue the funding to tribal governments, the Treasury and Interior Departments announced today that it will begin distribution of 60 percent of the Fund. The formula the Treasury and Interior Departments agreed upon is based on tribal population data used in the distribution of the Indian Housing Block Grant (IHBG) with a floor of \$100,000 for each tribal government.

The remaining 40 percent will be distributed at a later, unannounced, date based on tribal employment and tribal COVID-19 expenditure figures.

Until the eligibility of ANCs is determined, the calculated portions for those entities will be withheld pending litigation.

"Now that the first amount of COVID-19 relief funding has been issued to tribes, it is the Navajo Nation Council's responsibility to create the legislation and proper fund management plan that will help us better respond to this pandemic," said Council Delegate Jamie Henio, chairman of the Budget and Finance Committee.

The Treasury previously published additional guidance outlining the ways the Fund monies may be spent. Under the law, funds may support activities from the period beginning Mar. 1, 2020 and ending Dec. 30, 2020.

Costs that are covered under the Fund include necessary expenditures incurred due to the COVID-19 public health emergency. Costs must not have been included in the most recent tribal budget as of Mar. 27, 2020. Under the law and the Treasury guidance, tribal governments are able to decide what is reasonably necessary to respond COVID-19.

The Treasury's guidance included a non-exclusive list of eligible expenses, such as: medical expenses, public health expenses, payroll expenses for those responding to COVID-19, expenses to help facilitate compliance with public health orders and expenses associated with providing economic support for COVID-19-related impacts. Other related expenses are allowed that support the Navajo Nation's efforts



to address the COVID-19 pandemic.

Any legislation related to the Fund will be considered by the Budget and Finance Committee, the Naabik'iyáti' Committee and the full Navajo Nation Council.

The Office of the Speaker and the Office of Legislative Counsel, with additional support from other legal advisors to the government, have prepared an initial legislation establishing a fund management and expenditure plan. That legislation will be introduced into the Navajo Nation Council's legislative process tomorrow, May 6, and will be available for public comment.

Members of the general public may provide public comment and testimony relating to the COVID-19 Fund monies. Comments will be accepted in written form by submitting an email to [comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov). Comments may also be mailed to: Executive Director, Office of Legislative Services, P.O. Box 3390, Window Rock, AZ 86515.

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments. For digital comments, a valid email address is required. Anonymous comments will not be included in the legislation packet.

"We thank our Congressional partners for working hard to convey to the Treasury and Interior Secretaries the importance of getting this funding out the door and to tribal nations," said Speaker Damon. "We also thank President Trump for approving this relief package for all tribes. The support this relief funding provides to the Navajo Nation demonstrates the significant challenges we face in flattening the curve of COVID-19 among our people."

The Navajo Nation Council is the governing body of the Navajo Nation government and is organized within the Legislative Branch. The 24-member Council is elected from representative districts comprised of 110 local chapter governments. More information can be found at: [www.navajonationcouncil.org](http://www.navajonationcouncil.org).

###

**CONTACT EMAIL:** [nrlb.communications@gmail.com](mailto:nrlb.communications@gmail.com)  
Byron C. Shorty, INT Communications Director, (928) 287-2085.

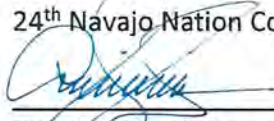
# THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



## MEMORANDUM

TO : 24<sup>th</sup> Navajo Nation Council

FROM :   
Dominic Beyer, Executive Director  
Office of Management and Budget

DATE : January 5, 2021

SUBJECT : Legislation 0320-20: Approving supplemental funding from the UUFB in the total amount of \$1,394,271 to Navajoland Nursing Home, Inc.

The Office of Management and Budget (OMB) reviewed the above budget documents according to 12 N.N.C. § 820 (M) and the following is noted:

1. Because of the limited availability of funds, OMB advises the Branch Chiefs to prioritize all supplemental funding proposals pursuant to the FY 2021 Budget Instructions Manual (Section XII, D), and the Appropriations Act. This activity should be completed by the branches to determine priorities for limited funds.
2. OMB recommends compliance with the Navajo Nation Appropriations Act regarding Supplemental Appropriations (Section 820, L). This has not been done. Compliance includes:
  - a. The oversight committee, in this case the Health Education and Human Services Committee (HEHSC), should consider this proposal first and then make a recommendation to the Budget and Finance Committee (BFC). However, the committee assignment listing the legislation has BFC first and then the HEHSC. It appears this should be reversed.
3. In the Appropriations Act at Section 820 (F), Grants, entities must satisfy requirements including the budget request be recommended by the appropriate Division or Branch and the oversight committee shall make an affirmative recommendation. These requirements have not been met.
4. The proposed legislation refers to Exhibit 'C' as a document showing that Navajo Department of Health denied the proposal for CARES funding on November 20, 2020. NDOH informed us that the funds were not encumbered by the Office of the Controller.

The Department of Justice should advise on these questions on laws and policies. If you have any further questions, you may contact me at extension 6470/6570.






# THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



## Memorandum:

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

From:   
Pearline Kirk, Controller  
Office of the Controller

Date: January 19, 2021

Subject: Legislation 0320-20 -UUFB- \$1,394,271 as a Grant to the Navajo-land Nursing Home, Inc for reimbursement cost for additional costs incurred for assisted living care, PPE, cleaning supplies, transportation, and 24-hour monitoring of residents.

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

1. The balance of the UUFB is \$12,261,327 as of January 19, 2021. There was a provision in the FY 21 budget resolution CN-88-20 which approved \$20,000,000 to be set aside for the FY 2022 budget process.
2. This request is for a total of \$1,394,271 for reimbursement cost to Navajoland Nursing Home to cover additional costs incurred for assisted living care, personal protective equipment, cleaning supplies, transportation and 24-hour monitoring of residents. The Navajoland Nursing Home, Inc attached Exhibit C which requested funding from the CARES funding. The request was made July 29, 2020.
3. The Business unit indicated on the budget forms is not indicated. The budget forms are signed by the entity. They have also attached a Grant Application to the budget form. There is also a breakdown of the funding requested. There are however no financial statements from the entity which show the expenses incurred during this time period. If

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there were another round of CARES funding the receipts and documents for these expenditures should also be provided so that they could possibly be reimbursed.

4. This request would be considered Non-Recurring.

If you should have any questions you can contact me at tribal extension X6308.

# NAVAJO NATION

653

1/27/2021

Navajo Nation Council 2021 Winter Session

06:52:03 PM

Amd# to Amd#	Legislation 0320-20: Approving	PASSED
MOT Smith	Supplemental Funding from the	
SEC Tso, E	Unreserved, Undesignated Fund	
	Balance in the Amount of.....	

Yeas : 22

Nays : 0

Excused : 1

Not Voting : 0

Yea : 22

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

Nay : 0

Excused : 1

Begay, K

Not Voting : 0

Presiding Speaker: Damon