

LEGISLATIVE SUMMARY SHEET

Tracking No. 0320-20

DATE: December 29, 2020

TITLE OF RESOLUTION: 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.

PURPOSE: The purpose of this resolution is to approve a supplemental appropriation from the Unreserved, Undesignated Fund Balance to the Navajoland Nursing Home, Inc. in the amount of \$1,394,271.

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.

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: 5:18pm 12-30-20
Posting End Date: 01-04-21
Eligible for Action: 01-05-21

Budget & Finance Committee
Thence
Health Education & Human Services Committee
Thence
Naabik'íyáti' Committee
Thence
Navajo Nation Council

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

INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 0320-20

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 1. 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 of body of the Navajo Nation. 2 N.N.C. § 102(A).

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

8 F. The Title 12 Finance Act Supplemental Appropriation requirements include:

- 9 1. All requests for annual operating funds and supplemental funds shall be submitted
10 to the Office of Management and Budget for budget impact analysis. 12 N.N.C.
11 § 820(M).
- 12 2. When the Controller identifies additional sources of revenues above and beyond
13 the initial or current revenue projections, supplemental appropriations may be
14 approved by the Navajo Nation Council. 12 N.N.C. § 820(L).
- 15 3. Supplemental Appropriations made from non-recurring revenues shall only be
16 made for non-recurring operations or purposes, as set forth at § 820(F). The
17 Controller of the Navajo Nation shall be responsible for designation recurring and
18 non-recurring revenues. 12 N.N.C. § 820(L).
- 19 4. The Nation shall budget all recurring operating expenses, including capital
20 maintenance, from recurring revenues. Long term debt shall not be used to finance
21 recurring operating expenses. 12 N.N.C. §820(E).
- 22 5. The Navajo Nation Code provides, “[t]he Nation shall restrict non-recurring
23 revenues to budget non-recurring expenditures. In addition, non-recurring revenues
24 will be budgeted only after an examination by the Controller to determine whether
25 or not the revenues are subsidizing an imbalance between recurring revenues and
26 expenditures, and expenditures may be authorized only if a long-term (three-five
27 year) forecast shows that the operating deficit will not continue. Otherwise, non-
28 recurring revenues will be added to the Unreserved, Undesignated Fund balance.
29 This provision may be amended or waived by a two-thirds vote of the full Navajo
30 Nation Council.” 12 N.N.C. § 820(F).

1 **SECTION 2. FINDINGS**

- 2 A. The Navajo Nation Commission on Emergency Management, with the concurrence of
3 the President of the Navajo Nation, Jonathan Nez, declared a public health state of
4 emergency on the Navajo Nation, on March 11, 2020 due to the novel coronavirus
5 ("COVID-19".) Emergency Management Commission Resolution No. CEM 20-03-
6 11. Resolution CEM 20-03-11 is incorporated by reference into this resolution.
- 7 B. The Navajo Nation has issued numerous public health orders in recognition of the
8 severity of COVID-19. These Public Health Emergency Orders (2020-001 through
9 2020-031) are incorporated by reference into this resolution. Most recently, the Navajo
10 Nation Department of Health issued Public Health Emergency Order No. 2020-031,
11 entitled, "Continuing the Stay at Home (Shelter in Place) Lockdown Order for an
12 Additional Three (3) Weeks, Including Full 57-Hour Weekend Lockdowns," to
13 continue to combat the spread of COVID-19.
- 14 C. COVID-19 infections and deaths continue to be a serious issue within the Navajo
15 Nation, and as of December 27, 2020, the Navajo Nation Health Command Operations
16 Center has confirmed 22,277 COVID-19 cases and 777 COVID-19 related deaths on the
17 Navajo Nation.
- 18 D. The Navajoland Nursing Home, Inc., dba Dr. Guy Gorman, Sr. Care Home has
19 requested a grant from the Unreserved, Undesignated Fund Balance to address the
20 effects of the novel coronavirus (COVID-19) in the amount of One Million Three
21 Hundred Ninety-Four Thousand Two Hundred Seventy-One Dollars (\$1,394,271), the
22 budget forms and grant application are attached as **Exhibit A and B**, respectively.
- 23 E. The supplemental funding will allow the Navajoland Nursing Home, Inc. to cover
24 additional costs incurred for assisted living care, personal protective equipment,
25 cleaning supplies, transportation, and 24-hour monitoring of residents. The
26 Navajoland Nursing Home has submitted additional documentation, attached as
27 **Exhibit C**, indicating that its request for CARES funds from the Navajo Nation was
28 denied by the Department of Health on November 20, 2020.
- 29
30

- 1 F. The Office of the Controller was requested to provide a memorandum to satisfy the
2 requirements in 12 N.N.C. § 820 (L). The memorandum was not ready at the time of
3 drafting this resolution, but will be included as an exhibit when it is available.
- 4 G. The Office of the Management and Budget was requested to provide a memorandum
5 to satisfy the requirements in 12 N.N.C. § 820 (M). The memorandum was not ready
6 at the time of drafting this resolution, but will be included as an exhibit when it is
7 available.
- 8 H. In its approval of the Navajo Nation Budget Instruction Manual (“BIM”) for Fiscal Year
9 2021, the Budget and Finance Committee recognized the difficulties involved in
10 obtaining signatures on budget forms related to requests for appropriation. The Fiscal
11 Year 2021 BIM, therefore, reflects that divisions and departments are encouraged, rather
12 than required, to have written concurrence from the appropriate Branch Chief or
13 Division Director. Navajo Nation BIM, Fiscal Year 2021, Section XII.B.1.a.i.

14
15 **SECTION 3. APPROVING SUPPLEMENTAL FUNDING FROM THE**
16 **UNRESERVED, UNDESIGNATED FUND BALANCE TO THE NAVAJOLAND**
17 **NURSING HOME, INC. IN THE AMOUNT OF ONE MILLION THREE**
18 **HUNDRED NINETY-FOUR THOUSAND TWO HUNDRED SEVENTY-ONE**
19 **DOLLARS (\$1,394,271)**

- 20 A. The supplemental appropriation of \$ 1,394,271 to the Navajoland Nursing Home, Inc.
21 shall be from that amount of funds that exceeds the minimum fund balance of the
22 Unreserved, Undesignated Fund Balance as determined by the Office of the Controller
23 and as indicated the documents in **Exhibit A**.
- 24 B. The Navajo Nation hereby approves supplemental funding from the Unreserved,
25 Undesignated Fund Balance of \$1,394,271 as indicated in the documents in **Exhibit**
26 **A**.
- 27
28
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**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: ~~WYNELAW@~~WYNELAW@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 | NNC Approved Original Budget | Proposed Budget | Difference or Total |
|----------------------------|--|--------------------|--------------|------------|--------------------------|------------------------------|--|----------------|------------------------------|-----------------|---------------------|
| <u>ANNUAL 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 | | | | \$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: Wayne Claw 12/29/20 NNH CEO, Wayne Claw NNH CEO, Wayne Claw & Date

APPROVED BY: _____ NNH Director / Branch Chief's Printed Name

_____ NNH Director / Branch Chief's Signature and Date

**THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA**

Page 1 of 2
BUDGET FORM 2

FY 2021

PART I. PROGRAM INFORMATION:

Business Unit No.:

Program Name/Title:

Navajoland

PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:

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

PART III. PROGRAM PERFORMANCE CRITERIA:

1. Goal Statement:

Provide Health care for 80 Navajo Elders during COVID 19 pandemic.

Program Performance Measure:

Keep 80 elders safe from COVID for FY 2020 and 2021

2. Goal Statement:

Provide safe health care for Elders by using CDC guidelines.

Program Performance Measure:

Continuing CDC training for staff for quality care.

3. Goal Statement:

Provide updated PPEs for staff for quality care.

Program Performance Measure:

Assure staff practices COVID 19 infection control.

4. Goal Statement:

Program Performance Measure:

5. Goal Statement:

Program Performance Measure:

PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.

NNHI CEO, Wayne Claw

Division Director/Branch Chief's Printed Name

12/29/20

NNHI CEO, Signature & Date

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: wynclaw@yahoo.com | |
| 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.

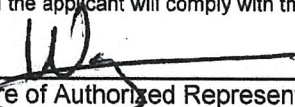
CMS notified NNHI late February 2020 that a viral pandemic call COVID-19 was spreading amount people in the United State and that licensed nursing home like ours need to prepare for the visus. CMS guidelines was to open additional facility for our elders for 14 days quarantine after they leave the main 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

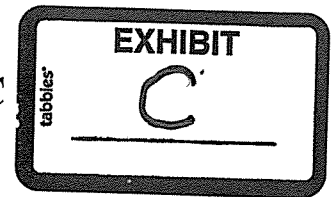
Wayne Claw
Type Name of Authorized Representative

12/29/20
Date Signed

CEO
Title



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



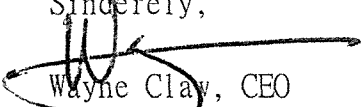
December 29, 2020

Honorable President Johnathan Nez
Honorable Vice President Myron Lizer
Honorable 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) 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

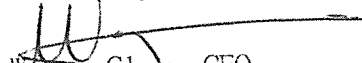
Honorable President Johnathan Nez
Honorable Vice President Myron Lizer
Honorable 24th Navajo Nation Council
P.O. Box 7440
NAVAJO NATION
Window Rock, Arizona 86515

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 und 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)

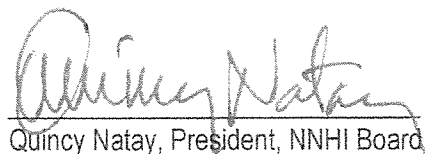
NOW, THEREFORE, BE IT RESOLVED THAT:

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 07th day of May 2020.

Motion by: Alice White 2nd 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 Employess 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 |
| TOTAL ESTIMATED UNFORSEEN EXPENSES | | | | <u><u><u>\$1,394,271.00</u></u></u> |



The 24TH NAVAJO NATION COUNCIL
Office of the Speaker



INFORMATION
CONTROL
Scan QR code with
camera to verify
press release

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

- MORE -

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@navajonnsn.gov. Comments may also be mailed to: Executive Director, Office of Legislative Services, P.O. Box 3390, Window Rock, AZ 86515.

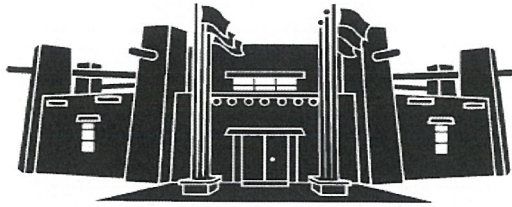
Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments. For digital comments, a valid email address is required. Anonymous comments will not be included in the legislation packet.

"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.

###

CONTACT EMAIL: nnlb.communications@gmail.com
Byron C. Shorty, INT Communications Director, (928) 287-2085.



MEMORANDUM

TO: Honorable Edison J. Wauneka
24th Navajo Nation Council

FROM: K. Lowell
Kristen Lowell, Principal Attorney
Office of Legislative Counsel

DATE: December 29, 2020

SUBJECT: **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.**

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

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

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees' powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0320-20__

SPONSOR: Edison Wauneka

TITLE: An Action Relating To Health, Education And Human Services, Budget And Finance, And Naabik'iyáti' Committees, And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of One Million Three Hundred Ninety-Four Thousand Two Hundred Seventy-One Dollars (\$1,394,271) To The Navajoland Nursing Home, Inc.

Date posted: December 30, 2020 at 5:18PM

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.: 0320-20

SPONSOR: Honorable Edison J. Wauneka

TITLE: An Action Relating To Health, Education And Human Services, Budget And Finance, And Naabik'iyáti' Committees, And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of One Million Three Hundred Ninety-Four Thousand Two Hundred Seventy-One Dollars (\$1,394,271) To The Navajoland Nursing Home, Inc.

Posted: December 30, 2020 at 5:18 PM

5 DAY Comment Period Ended: January 04, 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**

01/05/21; 7:47 AM

Date/Time

24th NAVAJO NATION COUNCIL

Third Year 2021

Mr. Speaker:

The **BUDGET & FINANCE COMMITTEE** to whom has been assigned

NAVAJO LEGISLATIVE BILL # 0320-20:

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 Amount of One Million Three Hundred Ninety-Four Thousand Two Hundred Seventy-One Dollars (\$1,394,271) to the Navajoland Nursing Home, Inc. *Sponsored by Edison J. Wauneka and Seth A. Damon, Council Delegates*

has had it under consideration and reports the same with the recommendation that It **Do Pass** without amendment.

And, therefore referred to the **HEALTH, EDUCATION & HUMAN SERVICES** Committee

Respectfully submitted,



Jamie Henio, Chairman

Adopted: _____ Not Adopted: _____
Legislative Advisor Legislative Advisor

19 JANUARY 2021

The vote was **4** in favor **0** opposed yeas: *Jimmy Yellowhair, Raymond Smith, Jr., Amber K. Crotty, Elmer P. Begay; Nathaniel Brown, excused*
Main Motion: *Jimmy Yellowhair*
Second: *Elmer P. Begay*

BUDGET AND FINANCE COMMITTEE

19 JANUARY 2021

Regular Meeting

VOTE TALLY SHEET:

Legislation No. 0320-20: An Action Relating to Health, Education and Human Services, Budget and Finance, and Naabik'iyáti' Committees, and Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of One Million Three Hundred Ninety-Four Thousand Two Hundred Seventy-One Dollars (\$1,394,271) to the Navajoland Nursing Home, Inc.
Sponsored by Edison J. Wauneka and Seth A. Damon Council Delegates

Motion: Jimmy Yellowhair

Second: Elmer P. Begay

Vote: 4-0, Chairman not voting

Final Vote Tally:

| | | |
|-------------------|-----|--|
| Jamie Henio | | |
| Jimmy Yellowhair | yea | |
| Raymond Smith Jr. | yea | |
| Elmer P. Begay | yea | |
| Amber K. Crotty | yea | |
| Nathaniel Brown | | |

Excused: Nathaniel Brown

Jamie Henio, Chairman
Budget & Finance Committee

Peggy Nakai, Legislative Advisor
Budget & Finance Committee

Committee Report

THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL to whom has been assigned;

LEGISLATION NO. 0320-20


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

Sponsor: Honorable Edison J. Wauneka

(Eligible for Committee Action January 05, 2021)

Has had under consideration and report the same with the recommendation that Legislation 0320-20 pass with no amendment and no directive; and therefore referred the same to the NAA'BIK'IYATI' COMMITTEE OF THE NAVAJO NATION COUNCIL

Respectfully Submitted,



Carl Roessel Slater, Chairperson Pro Tem
Health, Education and Human Services Committee

January 20, 2021 - Main Motion

Motion by: Honorable Daniel E. Tso

Seconded by: Honorable Pernell Halona

Vote: 5 in favor; 0 Opposed; Chairperson Pro Tem Not Voting

Yeas: Paul Begay, Jr.; Pernell Halona; Charlaine Tso; Daniel Tso;

Edison J. Wauneka

Nays: none

Not Voting: all present

Absent (excused): all present

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
Regular Meeting
January 20, 2021

Roll Call
Vote Tally Sheet

THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO
NATION COUNCIL to whom has been assigned;

LEGISLATION NO. 0320-20

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

Sponsor: *Honorable Edison J. Wauneka*

(Eligible for Committee Action January 05, 2021)

January 20, 2021 - Main Motion

Motion by: Honorable Daniel E. Tso

Seconded by: Honorable Pernell Halona

Vote: 5 in favor; 0 Opposed; Chairperson Pro Tem Not Voting


Yeas: Paul Begay, Jr.; Pernell Halona; Charlaine Tso; Daniel Tso;

Edison J. Wauneka

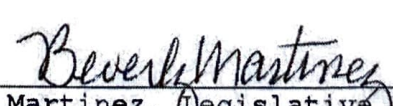
Nays: none

Not Voting: all present

Absent (excused): all present



Carl Roessel Slater, Chairperson Pro Tem
Health, Education and Human Services Committee



Beverly Martinez, Legislative Advisor
Health, Education and Human Services Committee