

# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

April 9, 2021

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

RE: CMA-14-21, *An Action Relating to an Emergency for the Navajo Nation Council; Approving an Allocation of Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Total Amount of Two-Million, Two-Thousand Dollars (\$2,002,000) to the Navajo Nation Division of the Social Services for COVID-19 Related Burial Assistance; Waiving 12 N.N.C. §§ 820 (E), (F), and (J) of the Appropriations Act*

Dear Speaker Damon,

Sadly, the Navajo Nation has lost 1,260 members, as of this week, to COVID-19 and we know this deadly virus will continue to take lives. As a Nation we have banded together to fight this monster in every way possible – mask wearing, social distancing, good hygiene practice – and we must continue these safety measures. While there are vaccines available to help, we cannot let our guard down with the latest coronavirus variants that we now see creeping onto the Navajo Nation.

For every life lost there are family members who grieve their loss and we continue to pray for their comfort. We appreciate the Division of Social Services stepping forward to offer burial assistance to those who truly are in need. The Division has worked tirelessly in finding sources of funding to help our People but those sources are limited. We thank the Navajo Council for supporting the Division and their work.

We are looking forward to working with the Federal Emergency Management Agency offer of funeral assistance as a separate source of funding for our citizens. The Division of Social Services is working on how applications are processed and will provide that information to all. We continue our fight against the monster virus and we offer our prayers for all Navajo People for their continued health and safety. We sign CMA-14-21 into law.

Sincerely,

  
Jonathan Nez, President  
THE NAVAJO NATION

  
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 AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; APPROVING AN ALLOCATION OF SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE TOTAL AMOUNT OF TWO-MILLION, TWO-THOUSAND DOLLARS (\$2,002,000) TO THE NAVAJO NATION DIVISION OF SOCIAL SERVICES FOR COVID-19-RELATED BURIAL ASSISTANCE; WAIVING 12 N.N.C. §§ 820(E), (F), AND (J) OF THE APPROPRIATIONS ACT

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A).
- B. The Navajo Nation Code provides, "[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. 2 N.N.C. § 164(A)(16).
- C. This Resolution is offered as an emergency due to the unprecedented number of burials required as a result of deaths related to COVID-19.
- D. 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)."
- E. 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 the designation of 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 World Health Organization (WHO) declared a Public Health Emergency of International Concern related to the outbreak of coronavirus (COVID-19), a highly contagious and sometimes fatal respiratory virus on January 30, 2020; the U.S. Department of Health and Human Services declared a Public Health Emergency related to the COVID-19 outbreak on January 31, 2020; and the WHO declared a global pandemic due to COVID-19 on March 11, 2020.
- B. The Navajo Nation Commission on Emergency Management, with the concurrence of Navajo Nation President Jonathan Nez, declared a Public Health State of Emergency on the Navajo Nation on March 11, 2020 due to COVID-19. Resolution No. CEM 20-03-11.

The Navajo Nation Department of Health subsequently issued numerous Public Health Emergency Orders. Public Health Emergency Orders 2020-001 through 2021-01 ("Public Health Emergency Orders") are incorporated by reference into this resolution.

- C. As of February 25, 2021, the Navajo Nation Health Command Operations Center has confirmed 29,655 COVID-19 cases and 1,161 total confirmed COVID-19-related deaths on the Navajo Nation; COVID-19 cases and COVID-19-related deaths on the Navajo Nation have not subsided and continue to rise at an alarming rate.
- D. The Navajo Nation Division of Community Development is requesting supplemental funding in the amount of \$2,002,000 to provide financial assistance for the burial of 572 Navajo decedents, who passed away because of COVID-19-related complications. The Division's budget justification documents regarding this requested funding are attached as **Exhibit A**.
- E. The COVID-19 pandemic has created a public health disaster that the Navajo Nation is attempting to mitigate with relief funding. Failure to provide burial assistance will be a failure to provide disaster relief services to the Navajo people, and this resolution therefore requires emergency action by Navajo Nation leadership pursuant to 2 N.N.C. § 164 (A) (16).
- F. The Office of Management and Budget has provided its review required pursuant to 12 N.N.C. § 820(M). See memo attached as **Exhibit B**.
- G. Due to the emergency nature of this legislation the Office of the Controller has yet to provide the information required pursuant to 12 N.N.C. § 820(L). The Controller can provide this information when the matter is heard before the Navajo Nation Council.

**SECTION THREE. WAIVING 12 N.N.C. §§ 820(E), (F), AND (J), TO THE EXTENT THESE PROVISIONS PREVENT THE UNRESERVED, UNDESIGNATED FUND BALANCE TO BE USED TO FUND RECURRING EXPENDITURES**

The Navajo Nation Council hereby waives 12 N.N.C. §§ 820(E), (F) and (J) in order to allow UUFB funds to be used for recurring expenditures.

**SECTION FOUR. APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF TWO-MILLION, TWO-THOUSAND DOLLARS (\$2,002,000) TO THE NAVAJO NATION DIVISION OF SOCIAL SERVICES**

- A. This supplemental appropriation of \$2,002,000 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 shown in **Exhibit B**.
- B. The Navajo Nation hereby approves supplemental funding from the Unreserved, Undesignated Fund Balance to the Navajo Nation Division of Social Services in the amount of \$2,002,000 for funds as indicated in the documents in **Exhibit A**.
- C. The Unreserved, Undesignated Fund Balance shall be reimbursed for any eligible expenditures set forth in this legislation from any FEMA reimbursements and/or other federal funding, specifically including additional Congressional appropriations for COVID-19-related relief, made available to the Navajo Nation.

#### **SECTION FIVE. DIRECTIVES**

The Navajo Nation Division of Social Services shall provide a written report regarding the expenditures under this resolution to the Health, Education and Human Services Committee at the end of each Quarter until all funds under this appropriation are expended.

#### **SECTION SIX. SAVING CLAUSE**

Should any provision(s) of this Act be determined invalid by the Navajo Nation Supreme Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, the remainder of the Act shall remain the law of the Navajo Nation.

#### **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 26<sup>th</sup> day of March 2021.

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

03-31-2021

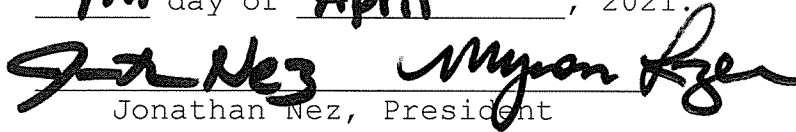
DATE

Motion: Honorable Paul Begay, Jr.  
Second: Honorable Herman M. Daniels, Jr.

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 9th day of April, 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

PART I. Business Unit No.: 117001 Program Title: Office of the Executive Director  
 Division/Branch: Division of Social Services Amount Requested: \$ 2,002,000.00 Prepared By: Brenda Tsosie  
 Phone No.: 928-871-6851 Email Address: btsosie@navajo-nsn.gov

## PART II. REASON FOR REQUEST AND STATEMENT OF NEED:

The public health pandemic has caused a profound impact on the Navajo Nation in many aspects, especially COVID-19 death toll of Navajo people at an unprecedented scale, for which all sources of federal and tribal funding have been entirely depleted. Furthermore, the Navajo Division of Social Services is confronted with a budget deficit of \$289,565.36 for COVID-19 burial assistance. Since the onset of COVID-19 pandemic, the Navajo Nation has spent \$3,986,326.86 for 1,199 Navajo decedents who resided on and off the Navajo reservation. Currently, there are 107 pending burial assistance requests for COVID-19 related death with the Navajo Division of Social Services, for which supplemental funding is direly needed to assist grieving Navajo families. In some cases, families have loss more than one family member to the COVID-19 virus. Therefore, the Navajo Division of Social Services woefully requests for supplemental funding in the amount of \$2,002,000.00 to support 572 burial assistance for COVID-19 related death of Navajo individuals who have resided on and off the Navajo reservation, including those burial assistance requests that are currently pending.

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

All funding sources that were available and allowable for COVID-19 related burial assistance have been completely depleted, including: Navajo Nation General Fund and federal funding from the Centers for Disease Control and Prevention through the Navajo Epidemiology Center, and the BIA P.L. 93-638 burial assistance specifically for COVID-19 related death and through the Navajo Office of Vital Records. The Navajo Division of Social Services' contingency plan is to seek supplemental funding from the Navajo Nation Undesignated Unreserved Fund Balance.

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

 2-9-2021

REVIEWED BY: Division Director's Signature / Date

 2-9-21

RECOMMEND SUPPLEMENTAL: Branch Chief's Signature / Date

THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

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

PART II. FUNDING SOURCE(S)		Fiscal Year/Term	Amount	% of Total	PART III. BUDGET SUMMARY			Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference (Column B - A)
General Funds - UUFB		2/1/20-9/30/21	2,002,000	100.00%	Major Object Code at LOD 4						
					2001	Personnel Expenses					
					3000	Travel Expenses					
					3500	Meeting Expenses					
					4000	Supplies					
					5000	Lease and Rental					
					5500	Communications and Utilities					
					6000	Repairs and Maintenance					
					6500	Contractual Services					
					7000	Special Transactions					
					8000	Public Assistance	1		2,002,000		2,002,000
					9000	Capital Outlay					
					9500	Matching Funds					
					9500	Indirect Cost					
					TOTAL				2,002,000		2,002,000


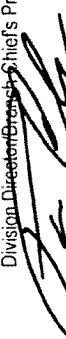
PART IV. POSITIONS AND VEHICLES		(D)	(E)
Total # of Positions Budgeted:		0	0
Total # of Permanently Assigned Vehicles:		0	0

SUB TOTAL:		2,002,000
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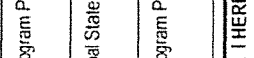
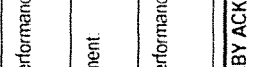
  

PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.

Deannah Neswood-Gishey Program Manager's Printed Name  Program Manager's Signature and Date	Paulson Chaco Division Director/Branch Chief's Printed Name  Division Director/Branch Chief's Signature and Date
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**THE NAVAJO NATION  
PROGRAM PERFORMANCE CRITERIA**

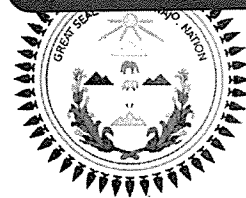
PART I. PROGRAM INFORMATION:		Business Unit No. : 117001		Program Name/Title: Office of the Executive Director																																	
<b>PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:</b> HEHSCJA-02-20 To implement the Navajo Nation's policies to ensure that essential human services are available to needy families and individuals living on or near the Navajo Nation and to others, where mandated by status and regulations.																																					
<b>PART III. PROGRAM PERFORMANCE CRITERIA:</b>																																					
1. Goal Statement:		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">1st QTR</th> <th colspan="2">2nd QTR</th> <th colspan="2">3rd QTR</th> <th colspan="2">4th QTR</th> </tr> <tr> <th>Goal</th> <th>Actual</th> <th>Goal</th> <th>Actual</th> <th>Goal</th> <th>Actual</th> <th>Goal</th> <th>Actual</th> </tr> </thead> <tbody> <tr> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td colspan="2"></td> <td colspan="2">250</td> <td colspan="2">175</td> <td colspan="2">147</td> </tr> </tbody> </table>				1st QTR		2nd QTR		3rd QTR		4th QTR		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual											250		175		147	
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2. Goal Statement:																																					
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4. Goal Statement:																																					
5. Goal Statement:																																					
<b>PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.</b>																																					
Deannah Neswood-Gishey Program Manager's Printed Name		Paulson Chaco Division Director/Branch Chief's Printed Name																																			
 Program Manager's Signature and Date		 Division Director/Branch Chief's Signature and Date																																			

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BUDGET FORM 4

# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT    MYRON LIZER | VICE PRESIDENT



## MEMORANDUM

TO: Navajo Nation 164 Reviewers

FROM:

A handwritten signature in black ink, appearing to read "Dominic Beyer", is written over a horizontal line.

Dominic Beyer, Executive Director  
Office of Management and Budget

DATE: February 12, 2021

SUBJECT: Proposed budget dated February 9, 2021; Funding Proposal for funding from UUFB for Burial Assistance for the Navajo Division of Social Services in the Amount of \$2,002,000.

Pursuant to 12 NNC 820 (M) requiring OMB reviewed the subject document and provides the following information

1. This request is sufficient as stated an emergency due to the critical need to provide emergency and disaster relief services. Therefore, the proposal requesting the unmet needs in the amount of \$2,002,000 is sufficient.
2. The Office of the Controller says the UUFB has an amount of \$63,795,352 available at this time. This request appears to be eligible for funding from this source.
3. All supporting documents (budget forms) are sufficient.

Contact OMB at (928) 871-6570 if there are any questions and/or concerns regarding this memorandum.

xc: OMB file

# NAVAJO NATION

712

Navajo Nation Council Special Session

3/26/2021  
02:38:39 PM

Amd# to Amd#	Legislation 0028-21: Approving	PASSED
MOT Begay, P	an Allocation of Supplemental	
SEC Daniels	Funding from the UUFB in the	
	Total Amount of \$2,002,000.00...	

Yeas : 22	Nays : 0	Excused : 0	Not Voting : 1
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## 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