

LEGISLATIVE SUMMARY SHEET

Tracking No. 0311-20

DATE: December 9, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO 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 SEVENTEEN MILLION FOUR HUNDRED TWENTY THOUSAND FOUR HUNDRED EIGHTY-TWO DOLLARS (\$17,420,482) TO THE HEALTH COMMAND OPERATIONS CENTER

PURPOSE: The purpose of this resolution is to approve a supplemental appropriation to the Health Operations Command Center.

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: 9:38pm 12-09-20
Posting End Date: 12-14-20
Eligible for Action: 12-15-20

Health Education & Human Services Committee
Thence
Budget & Finance 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. 0311-20

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 SEVENTEEN
MILLION FOUR HUNDRED TWENTY THOUSAND FOUR HUNDRED EIGHTY-
TWO DOLLARS (\$17,420,482) TO THE HEALTH COMMAND OPERATIONS
CENTER

BE IT ENACTED:

SECTION 1. AUTHORITY

- A. The Health, Education and Human Services Committee has oversight of the Navajo Nation Department of Health. 2 N.N.C. § 401(C)(1). The Health Operations Command Center is within the Department of Health.
- 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).

1 D. The Navajo Nation Council is the governing of body of the Navajo Nation. 2 N.N.C.
2 § 102(A).

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

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

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

1 This provision may be amended or waived by a two-thirds vote of the full Navajo
2 Nation Council.” 12 N.N.C. § 820(F).
3

4 **SECTION 2. FINDINGS**

- 5 A. The Health Command Operations Center has requested a supplemental appropriation
6 to address the effects of the novel coronavirus (COVID-19).
7 B. The Navajo Nation Commission on Emergency Management, with the concurrence of
8 the President of the Navajo Nation, Jonathan Nez, declared a public health state of
9 emergency on the Navajo Nation, on March 11, 2020 due to COVID-19. Emergency
10 Management Commission Resolution No. CEM 20-03-11. Resolution CEM 20-03-11
11 is incorporated by reference into this resolution.
12 C. The Navajo Nation has issued numerous public health orders in recognition of the
13 severity of COVID-19. These Public Health Emergency Orders (2020-001 through
14 2020-031) are incorporated by reference into this resolution. Most recently, the Navajo
15 Nation Department of Health issued Public Health Emergency Order No. 2020-031,
16 entitled, “Continuing the Stay at Home (Shelter in Place) Lockdown Order for an
17 Additional Three (3) Weeks, Including Full 57-Hour Weekend Lockdowns,” to
18 continue to combat the spread of COVID-19.
19 D. COVID-19 infections and deaths continue to be a serious issue within the Navajo
20 Nation and are straining an already overburdened healthcare system. As of December
21 8, 2020, the Navajo Nation reached a total of 18,324 positive cases and 688 COVID-
22 19 related deaths.
23 E. The supplemental funding will allow the Health Operations Command Center to
24 engage contractual personnel for alternate site care for patients throughout the Navajo
25 Nation who are required to quarantine or isolate as a result of COVID-19 exposure.
26 F. The funding will also enable the Health Operations Command Center the ability to
27 provide public outreach through oral and video materials to educate the Navajo public
28 on how to prevent the spread of COVID-19. Additionally, this funding will allow for
29 additional personnel to carry out these objectives.
30

- 1 G. This supplemental appropriation is requested in the total amount of Seventeen Million
2 Four Hundred Twenty Thousand Four Hundred Eighty-Two Dollars (\$17,420,482).
3 The budget documents are attached as **Exhibit A**.
- 4 H. The Office of the Controller was requested to provide a memorandum to satisfy the
5 requirements in 12 N.N.C. § 820 (L). The memorandum was not ready at the time of
6 drafting this resolution, but will be included as an exhibit when it is available.
- 7 I. The Office of Budget and Management has provided a memorandum to serve as the
8 budget impact analysis required by 12 N.N.C. 820 (M). The memorandum dated
9 December 9, 2020, is attached as **Exhibit B**.

10
11
12 **SECTION 3. APPROVING SUPPLEMENTAL FUNDING FROM THE**
13 **UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF**
14 **SEVENTEEN MILLION FOUR HUNDRED TWENTY THOUSAND FOUR**
15 **HUNDRED EIGHTY-TWO DOLLARS (\$17,420,482) TO THE HEALTH**
16 **COMMAND OPERATIONS CENTER**

- 17 A. This supplemental appropriation of \$17,420,482 to the Health Command Operations
18 Center shall be from that amount of funds that exceeds the minimum fund balance of
19 the Unreserved, Undesignated Fund Balance as determined by the Office of the
20 Controller and as indicated the documents in **Exhibit A**.
- 21 B. The Navajo Nation hereby approves supplemental funding from the Unreserved,
22 Undesignated Fund Balance in the amount of \$17,420,482 as indicated in the
23 documents in **Exhibit A**.
- 24
25
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FY 2021

THE NAVAJO NATION PROGRAM BUDGET SUMMARY

BUDGET FORM 1

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EXHIBIT

A

PART I. Business Unit No.: 113022		Program Title: FY2021 HEALTH COMMAND OPERATIONS CENTER		Division/Branch: NDOH	
Prepared By: Christine M. Chavez		Phone No.: 928-871-6733		Email Address: cmchavez@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 or Total	
Unmet Need	01/1/21-01/30/21	17,420,482.00	100%	2001 Personnel Expenses	1	0	82,070.00	
				3000 Travel Expenses	1	0	72,263.00	
				3500 Meeting Expenses	1	0	0.00	
				4000 Supplies	1	0	123,400.00	
				5000 Lease and Rental	1	0	8,000.00	
				5500 Communications and Utilities	1	0	5,100.00	
				6000 Repairs and Maintenance	1	0	100,500.00	
				6500 Contractual Services	1	0	16,990,841.00	
				7000 Special Transactions	1	0	18,308.00	
				8000 Public Assistance	1	0	0.00	
				9000 Capital Outlay	1	0	20,000.00	
				9500 Matching Funds	1	0	0.00	
				9500 Indirect Cost	1	0	0.00	
				TOTAL		\$0.00	17,420,482.00	0

PART IV. POSITIONS AND VEHICLES		(D)	(E)
Total # of Positions Budgeted:		0	10
Total # of Vehicles Budgeted:			

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

SUBMITTED BY:	Dr. Jill Jim, Executive Director	APPROVED BY:	Paulson Chaco, Chief of Staff
	Program Manager's Printed Name		Division Director / Branch Chief's Printed Name
	Program Manager's Signature and Date		Division Director / Branch Chief's Signature and Date

FY 2021

THE NAVAJO NATION PROGRAM PERFORMANCE CRITERIA

Page 2 of 8
BUDGET FORM 2**PART I. PROGRAM INFORMATION:**Business Unit No.: 113022

Program Name/Title: _____

FY2021 HEALTH COMMAND OPERATIONS CENTER

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

HEHSCJA-01-18 Resolution of the Health, Education and Human Services Committee, 23rd Navajo Nation Council -- 4th Year 2018. Relating to Health, Education and Human Services Committee; Amending and Approving the Navajo Department of Health Master Plan of Operation.

PART III. PROGRAM PERFORMANCE CRITERIA:

1st QTR		2nd QTR		3rd QTR		4th QTR	
Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual

1. Goal Statement:

Stop the person to person transmission of COVID-19

Program Performance Measure:

Provide preventive messaging using COVID-19 materials (oral/video) approved by CDC Guidance on the radio

30		30		30		30	
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2. Goal Statement:

Develop preventative materials to educate the public and communities on COVID-19 transmission

Program Performance Measure:

Number of materials developed for billboards

2		2		2		2	
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3. Goal Statement:

Reduce in home transmission

Program Performance Measure:

Number of isolation/quarantine referrals

10		10		10		10	
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4. Goal Statement:

Increase access to families in need

Program Performance Measure:

Numbers of food boxes delivered to all agencies

5		5		5		5	
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5. Goal Statement:**Program Performance Measure:**

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

Dr. Jill Jim, Executive Director

Program Manager's Printed Name

Paulson Chaco, Chief of Staff

Division Director/Branch Chief's Printed Name


 Program Manager's Signature and Date


 Division Director/Branch Chief's Signature and Date

FY 2021

THE NAVAJO NATION DETAILED BUDGET AND JUSTIFICATION

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BUDGET FORM 4

PART I. PROGRAM INFORMATION:

Program Name/Title: FY2021 HEALTH COMMAND OPERATIONS CENTER

Business Unit No.: 113022

PART II. DETAILED BUDGET:

(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
	2001 PERSONNEL EXPENSES		\$82,070.00
2310	Salaries and fringe benefits for FY 2020. Budget amount to cover two temporary employees. Temporary (1 temp hire @ \$25,854.40) 2320 Temporary FT: \$72,768.80 (Temporary payroll to 01/01/2021-01/31/2021)	\$16,253.00	
2510	Overtime 2520: Overtime Pay Regular - HCOC Staff Hazard Pay	25,000.00	
2710	Regular - HCOC Staff Hazard Pay 2720: Merit Bonus 2740: Brns Pay	\$10,000.00 \$10,000.00 \$20,000.00	20,000.00
2900	Fringe Benefits Temporary: \$16,252.80 X 10.06% = Permanent Staff: \$45,000 x 46.56%	\$1,635.03 \$20,817.00 \$20,817.00	20,817.00
3230	3000 TRAVEL EXPENSES Personal Travel Meals and lodging expenses (P-Cards) directly related to the program business. Transportation to and from ACS Site for staff and other programs who are assisting with COVID-19 Pandemic 3240 Per Diem Meals: Area A: \$55 X 15 staff X 30 days = 3250 Lodging Area A: \$96 x 15 staff x 30 days 3250 POV Mileage: 0.575 NN Rate x 500 miles X 15 staff =	\$24,750.00 \$43,200.00 \$4,312.50	\$72,263.00
	TOTAL	82,070.00	154,333.00

FY 2021

**THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION**

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BUDGET FORM 4

PART I. PROGRAM INFORMATION:

Program Name/Title: FY2021 HEALTH COMMAND OPERATIONS CENTER

Business Unit No.: 113022

PART II. DETAILED BUDGET:

(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
	5000 LEASE & RENTAL		8,000.00
5310	Cover the rental cost for storing supplies and space rental for employee isolation/quarantine Building/Space	5,000.00	
	5330 Storage Space:	\$2,000.00	
	5350 Other Space Rental	\$3,000.00	
		\$5,000.00	
5360	Equipment/Supplies		
	5370 Equipment Rental	3,000.00	
	Equipment rental for additional forklifts	\$3,000.00	
	5500 COMMUNICATIONS & UTILITIES		5,100.00
	To communicate with hospitals, CDC, and other governmental agencies (additional lines for logistics, planning and case management)		
5520	Telephone	1,600.00	
	5530: Basic Service	\$500.00	
	5540 Long Distance: Office phones	\$500.00	
	5550: Optional Charges	\$200.00	
	5560: Hardware/Install	\$400.00	
		\$1,600.00	
5570	Internet	1,500.00	
	Internet/T-1 services:	\$1,500.00	
TOTAL		11,100.00	13,100.00

FY 2021

THE NAVAJO NATION DETAILED BUDGET AND JUSTIFICATION

Page 7 of 8
BUDGET FORM 4

PART I. PROGRAM INFORMATION:Program Name/Title: FY2021 HEALTH COMMAND OPERATIONS CENTERBusiness Unit No.: 113022**PART II. DETAILED BUDGET:**

(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
Energy		1,500.00	
5720: Electric		\$500.00	
5730: Natural Gas		\$500.00	
5740: Propane		\$500.00	
Services		500.00	
5760: Water		\$250.00	
5770: Sewage		\$250.00	
TOTAL		17,093,341.00	17,091,341.00

FY 2021

THE NAVAJO NATION DETAILED BUDGET AND JUSTIFICATION

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BUDGET FORM 4

PART I. PROGRAM INFORMATION:

Program Name/Title: FY2021 HEALTH COMMAND OPERATIONS CENTER

Business Unit No.: 113022

PART II. DETAILED BUDGET:

(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
	7000 SPECIAL TRANSACTIONS		18,308.00
	Pay for cost of HCOC staff for lunch and refreshments while on duty		
	Programs		
	7180 Catering:	\$1,500.00	\$2,500.00
	7190 Refreshments:	\$1,000.00	\$2,500.00
	Media		
	7440: Print Advertising Newspaper	\$5,000.00	\$15,000.00
	7450: Radio Advertising	\$10,000.00	\$15,000.00
9140	9000 CAPITAL OUTLAY		20,000.00
	Equipment		
	9142 Equipment	20,000.00	
	Purchase a cargo trailer and gooseneck flatbed trailer for transporting food, supplies and PPE across the Navajo Nation		
TOTAL		38,308.00	38,308.00


THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



MEMORANDUM

TO : Reviewers

FROM : 
Lisa Jymm, Acting Budget Officer
Office of Management and Budget

DATE : December 9, 2020

SUBJECT : OMB review of Navajo Department of Health (NDOH) FY2021 Health Command Center Proposed Budget in the amount of \$17,420,482, business unit #113022.

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:

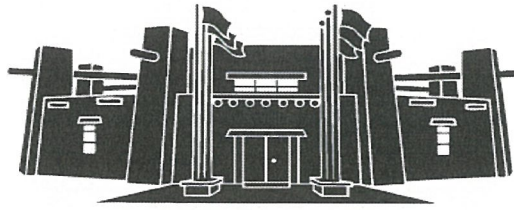
1. Because of the limited availability of funds, OMB advises the Branch Chiefs to prioritize all supplemental funding proposals pursuant to the FY 2021 Budget Instructions Manual (Section XII), and the Appropriations Act. This activity should be completed by the three branches to determine priorities.
2. OMB recommends compliance with the Navajo Nation Appropriations Act regarding Supplemental Appropriations (Section 820, L). This has not been done. Compliance includes:
 - a. Branch Chief's concurrence of the supplemental request (NN President). Budget Forms 1 and 2 are currently not signed,
 - b. Non-recurring expenses only. Personnel salary is a recurring expense and the budget includes permanent and temporary staff. Budget Form 3 and Budget Form 4 in the proposed budget given indicates 2 permanent staff, UUFB funds are non-recurring and the staff will work according to funds availability.
3. No fund source is indicated, but the current UUFB available amount is \$36,746,624. The FY21 budget resolution to be acted on by the Navajo Nation President on 12/10 would set aside \$20 million for the FY 2022 Budget. If enacted as is, the UUFB would not be enough to fund this proposal at the current amount.
4. Budget Form 2 should have five (5) significant goal statement or program performance measures developed.

If you have any further questions, you may contact me at OMB at extension 6230.


Dominic Beyer, Executive Director
Office of Management and Budget

xc: OMB File





MEMORANDUM

TO: Honorable Carl Roessel Slater
24th Navajo Nation Council

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

DATE: December 9, 2020

SUBJECT: AN ACTION RELATING TO 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 SEVENTEEN MILLION FOUR HUNDRED TWENTY THOUSAND FOUR HUNDRED EIGHTY-TWO DOLLARS (\$17,420,482) TO THE HEALTH COMMAND OPERATIONS CENTER

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: _0311-20__

SPONSOR: Carl R. Slater

TITLE: 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 Total Amount of Seventeen Million Four Hundred Twenty Thousand Four Hundred Eighty-Two Dollars (\$17,420,482) to the Health Command Operations Center

Date posted: December 9, 2020 at 9:38 PM

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.*