

# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

April 23, 2020

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

RE: CAP-21-20, *An Action Relating to an Emergency for the Navajo Nation; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the amount of one hundred three thousand four hundred dollars (\$103,400) to the Navajo Nation Judicial Branch Administrative Office of the Courts Waiving 12 N.N.C. §§ 820 (E) and (F) Regarding the Restriction of Matching Non-Recurring Revenues with Recurring Expenditures*

Dear Speaker Damon,

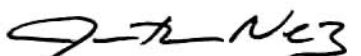
Pursuant to the authority vested in the Navajo Nation President, I exercise the line item veto authority for CAP-21-20.

As Leaders of our Navajo government we must continually be mindful of our annually appropriated funds and ensure we use the funds in a prudent manner. Navajo law limits the matters constituting an emergency and here there is no showing how purchasing computer equipment falls within that definition. From the Court's guidelines it shows our courts continue to provide services on a modified basis to protect the health of the public and court staff. A request to buy laptops, kiosks presumably for the public's use, and scanners/printers does not correspond with the intent of the resolution in protecting the public and staff. It would appear to take advantage of the health emergency situation to purchase equipment that should be complete in a regular procurement process with available funds.

In addition, in a rush to pass this legislation two important procedures are missing, that is the Office of Management and Budget review and the Office of the Controller review. However, the resolution waives the applicable requirements of the Appropriations Act related to the reviews and leaving out the budget personnel's review is not good governance. That is how a government develops fiscal crisis.

For this reason, the Line Item Veto authority is applied, and I am striking the \$103,400 appropriated in CAP-21-20.

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 - SECOND YEAR, 2020

AN ACTION

RELATING TO AN EMERGENCY FOR THE NAVAJO NATION; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF ~~ONE HUNDRED THREE THOUSAND FOUR HUNDRED DOLLARS (\$103,400)~~ TO THE NAVAJO NATION JUDICIAL BRANCH, ADMINISTRATIVE OFFICE OF THE COURTS WAIVING 12 N.N.C. §§ 820 (E) AND (F) REGARDING THE RESTRICTION OF MATCHING NON-RECURRING REVENUES WITH RECURRING EXPENDITURES JMN

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. Pursuant to 2 N.N.C. §164 (A)(16) "[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."
- C. This legislation is offered as an emergency due to the need to provide continuing court services. Failure to maintain the operations of the Judicial Branch would threaten the sovereignty of the Navajo Nation.
- 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 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 novel coronavirus ("COVID-19") has caused a global pandemic and has hit the Navajo Nation especially hard. As of April 9<sup>th</sup>, the Navajo Nation reported 488 cases of COVID-19 and 20 deaths from the virus.
- B. In an effort to reduce the spread of COVID-19 the President of the Navajo Nation extended the previously declared State of Emergency on the Navajo Nation and required government offices remain closed through April 26, 2020 in Executive Order 002-20.

- C. The Navajo Nation Department of Health has issued a Public Health Emergency Orders requiring Navajo Nation residents stay at home to mitigate the risk of spreading COVID-19 and to preserve the health and safety of all individuals residing on the Navajo Nation. Public Health Emergency Order No. 2020-003.
- D. The Navajo Nation Department of Health also issued a Public Health Emergency Orders extending the Stay at Home Order and implementing a curfew from 8:00 p.m. through 5:00 a.m. for Navajo Nation residents. Public Health Emergency Order No. 2020-004.
- E. This supplemental appropriation is requested for supplies and communication and utilities in the amount One Hundred Three Thousand Four Hundred Dollars (\$103,400). The budget documents are attached as **Exhibit A**.
- F. Due to the emergency nature of this funding request, the budget impact analysis required by 12 N.N.C. 820 (M) can be provided by the Office of Management and Budget when this matter is heard by Council either in person or telephonically.
- G. Due to the emergency nature of this funding request the Controller can satisfy the requirements provided in 12 N.N.C. § 820 (L) when this matter is heard by Council either in person or telephonically.

### SECTION THREE. WAIVING 12 N.N.C. § 820 (E) AND (F)

The Navajo Nation Council waives 12 N.N.C. § 820 (E) and (F) with regard to the restriction on matching non-recurring revenues with recurring expenditures.

### SECTION FOUR. APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF ~~ONE HUNDRED THREE THOUSAND FOUR HUNDRED DOLLARS (\$103,400)~~ TO THE NAVAJO NATION JUDICIAL BRANCH, ADMINISTRATIVE OFFICE OF THE COURTS

- A. This supplemental appropriation of ~~\$103,400~~ 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 in the amount of ~~\$103,400~~ for emergency funds as indicated in the documents in **Exhibit A**.

- C. The Judicial Branch shall submit any expenditures from the UUFB to the Federal Emergency Management Agency (FEMA) for reimbursement.

**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 17 in Favor, and 04 Opposed, on this 10<sup>th</sup> day of April 2020.

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

April 13, 2020  
DATE

Motion: Honorable Mark A. Freeland  
Second: Honorable Vince James

Speaker Seth Damon not voting

## ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this \_\_\_\_\_ day of \_\_\_\_\_, 2020 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 2010 Certified Initiative, over the supplemental appropriations approved herein by the Navajo Nation Council; on this 23rd day of April, 2020.

Jonathan Nez Mayer Rger  
Jonathan Nez, President  
Navajo Nation



**THE NAVAJO NATION**  
**SUPPLEMENTAL FUNDING PROPOSAL SUMMARY**

<b>PART I. Business Unit No.:</b> <u>102001</u>		<b>Program Title:</b> <u>Administrative Office of the Courts</u>	
<b>Division/Branch:</b> <u>Judicial</u>	<b>Amount Requested:</b> <u><del>\$103,400</del></u>	<b>Phone No.:</b> <u>928-871-7026</u>	
<b>Prepared By:</b> <u>Yvonne Arviso-Gorman</u>	<b>Email Address:</b> <u>yagorman@navajo-nsn.gov</u>		

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

The Administrative Office of the Courts (AOC) is requesting supplemental funding in the amount of ~~\$103,400~~ for supplies, desktops, laptops, software and MIFI (Hotspot) to keep the Judicial Branch running at all Judicial District locations during the COVID-19 Pandemic. Additional funding request are as follows: ~~Supplies - \$101,000; Communication & Utilities - \$2,400.~~

Additional supplemental funding in the amount of ~~\$103,400~~ will keep Judicial Branch operational at all Judicial District locations during the COVID-10 Pandemic.

**PART III. SCOPE OF WORK/METHODOLOGY**

The Operations and Maintenance (O&M) funds will be utilized by all Judicial District staff to continue to serve the Navajo Nation for court related services.

**PART IV. AFFIRMATION IS PROVIDED THAT THE PROPOSAL INFORMATION IS COMPLETE AND ACCURATE AND THE APPROPRIATE BRANCH CHIEF RECOMMENDS APPROVAL.**

Yvonne Arviso-Gorman 3-16-20  
**REVIEWED BY: Division Director's Signature / Date**

[Signature] 3-16-2020  
**RECOMMEND APPROVAL: Branch Chief's Signature / Date**

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**THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY**

Page 1 of 3  
BUDGET FORM 1

PART I. Business Unit No.: <u>102001</u>		Program Title: <u>Administrative Office of the Courts</u>		Division/Branch: <u>Judicial Branch</u>	
Prepared By: <u>Yvonne Arviso-Gorman</u>		Phone No.: <u>928-871-7027</u>		Email Address: <u>yagorman@navajo-nsn.gov</u>	

PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY	Fund Type Code	(A) NHC Approved Original Budget	(B) Proposed Budget	(C) Difference (Column A + B)
GENERAL FUNDS - Supplemental - COVID 19	1/1/2020-9/30/2020	103,400	100%					
				2001 Personnel Expenses	1	1,459,607	0	1,459,607
				3000 Travel Expenses	1	39,158	0	39,158
				3500 Meeting Expenses	1	0	0	0
				4000 Supplies	1	14,400	<del>101,000</del>	115,400
				5000 Lease and Rental	1	4,289	0	4,289
				5500 Communications and Utilities	1	750	<del>2,400</del>	3,150
				6000 Repairs and Maintenance	1	3,000	0	3,000
				6500 Contractual Services	1	2,500	0	2,500
				7000 Special Transactions	1	28,727	0	28,727
				8000 Public Assistance				
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				<b>TOTAL</b>		1,552,431	<del>103,400</del>	1,655,831
				PART IV. POSITIONS AND VEHICLES				
				Total # of Positions Budgeted:	(D)	(E)		
					19	0		
				Total # of Permanently Assigned Vehicles:				
					3	0		
<b>TOTAL:</b>		\$103,400	100%					

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

<p align="center">Yvonne Arviso-Gorman, Financial Services Manager</p> <p>SUBMITTED BY: Program Manager's Printed Name</p> <p align="center"><i>[Signature]</i> 3/16/20</p> <p>SUBMITTED BY: Program Manager's Signature and Date</p>	<p align="center">JoAnn Jayne, Chief Justice</p> <p>APPROVED BY: Division Director/Branch Chief's Printed Name</p> <p align="center"><i>[Signature]</i> 3/16/2020</p> <p>APPROVED BY: Division Director/Branch Chief's Signature and Date</p>
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**THE NAVAJO NATION  
PROGRAM PERFORMANCE CRITERIA**

<b>PART I. PROGRAM INFORMATION:</b>										
Business Unit No.: 102001			Program Name/Title: Administrative Office of the Courts							
<b>PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:</b>										
1) CO-69-58 2) CD-94-85, 7 N.N.C. §101-404 3) CO-72-03 §371 & 401 7 N.N.C. §371 authorizes the Chief Justice to supervise the work of all justices and judges of the Navajo Nation and to administer the Judicial Branch. The Administrative Office of the Courts assists the Chief Justice with this duty by providing administrative, financial, technical and legal support services to the eleven judicial districts, one supreme court, one peacemaker program and the Administrative Office of the Courts. Administrative services are provided for non-judge personnel through the Judicial Branch Personnel Rules as authorized by 7 N.N.C. §401.										
<b>PART III. PROGRAM PERFORMANCE CRITERIA:</b>			1st QTR		2nd QTR		3rd QTR		4th QTR	
			Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Goal Statement: HR Director, Financial Services Manager, Administrative Director of the Courts and IT Manager will provide three trainings each quarter to Judicial Branch staff, other NN programs/departments, or outside entities as requested.										
Program Performance Measure: To enhance employee personal and professional development.			3		3		3		3	
2. Goal Statement: Grant writer will develop new grants, draft grant reports for approval, submit any necessary extensions, attend reversion meetings.										
Program Performance Measure: To supplement current funding to the Judicial Branch by submitting grant proposals for grant funding.			3		3		3		3	
3. Goal Statement: Administrative Director will provide update reports, develop project priorities/schedule, & conduct project reviews at CH, TC, AL, CP Hogan - PM; WR, SR and KY court building projects.										
Program Performance Measure: To address facilities needs			4		4		4		4	
4. Goal Statement: JB/IT will provide automation cost quotes, hardware maintenance, Just Ware configuration, malware/PC troubleshoot, network administration, server maintenance, software upgrades; provide training; coordinate NNUIISP.										
Program Performance Measure: To provide IT services.			50		50		50		50	
5. Goal Statement: To send expenditure reports on a monthly basis to Judicial Branch business unit program managers.										
Program Performance Measure: To submit expenditure reports for all business units.			87		87		87		87	
<b>PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.</b>										
Yvonne Arviso-Gorman, Financial Services manager			JoAnn Jayne, Chief Justice							
Program Manager's Printed Name			Division Director/Branch Chief's Printed Name							
Yvonne Arviso-Gorman 3-16-20			JoAnn Jayne 3/16/2020							
Program Manager's Signature and Date			Division Director/Branch Chief's Signature and Date							

**THE NAVAJO NATION  
DETAILED BUDGET AND JUSTIFICATION**

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>Administrative Office of the Courts</u>		Business Unit No.: <u>102001</u>	
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)
4000	<b>SUPPLIES</b> Non-capital items that have a value of \$5,000 or less and other operating and custodial supplies that are necessary for operations of the Judicial Branch Programs, while dealing with the COVID-19 Pandemic. Equipment is needed to keep the Judicial Branch running if staff need to telecommute from each Judicial District.		<del>101,000</del>
4200	<b>NON CAPITAL ASSETS</b> 4210 Non-cap Furniture & Equipment 20 All in one Scanner/Printer @ \$300 per set = \$6,000; Comp. locks @ 120 x 14 desktops = \$1,680; wrkst. @ \$200 x 14 wkst. = \$2,800 4230 Non-cap Computer Equipment 14 Kiosks (All in one desktop) @ \$1,400 per desktop = \$19,600; 25 laptops @ \$2,000 per laptop = \$50,000	10,480 69,600 <u>\$80,080</u>	<del>80,080</del>
4410	<b>OPERATING SUPPLIES</b> 4420 General Operating Supplies 4440 Non-cap computer Software Computer Software for 14 desktops and 25 laptops @ \$360 per package = \$14,040 4490 Custodial Supplies 4500 Medical Supplies	2,880 14,040 2,000 <u>2,000</u> <u>\$20,920</u>	<del>20,920</del>
5500	<b>COMMUNICATION &amp; UTILITIES</b> MIFI for wireless hotspots		<del>2,400</del>
5610	<b>WIRELESS</b> 5620 Cellular 12 MiFis at \$200 per MIFI (Hotspot)	\$2,400	<del>2,400</del>
<b>TOTAL</b>		<del>103,400</del>	<del>103,400</del>

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# NAVAJO NATION

274

4/10/2020

Navajo Nation Council Special Session

03:37:31 PM

Amd# to Amd# Legislation 0080-20; Emergency -  
MOT Freeland, M Approving Supplemental Funding  
SEC James, V from the UUFB in the amount of  
\$103,000 to the NN Judicial...

PASSED

Yeas : 17

Nays : 4

Excused : 0

Not Voting : 2

Yea : 17

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

Nay : 4

Yellowhair	Begay, E	Wauneka, E	Henio, J
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Excused : 0

Not Voting : 2

Tso, E	Tso, C
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Presiding Speaker: Damon