

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



May 2, 2020

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

RE: CAP-22-20, *An Action Relating to an Emergency for the Navajo Nation; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the amount of two hundred fifty thousand dollars (\$250,000) for Burial Assistance to the Navajo Division of Social Services*

Dear Speaker Damon,

Pursuant to the authority vested in the Navajo Nation President, I must exercise the line item veto authority granted to me relative to CAP-22-20 for the reasons explained below and should not be misinterpreted that our office does not care for our People. We care very much for every family who lost a loved one, who cannot properly grieve for their lost, and who cannot gather to share stories of the life now missing from the family. We pray for the spouses, the children, mothers and fathers, relatives, and close friends who must go on not having the chance to say good-bye.

The Navajo Nation lost 73 lives to COVID-19. Because of this virus' affect on our People we are working day and night to stop its spread but we need to listen to our health officials when they urge us to stay home and stay safe to save lives. We thank the Council for this Resolution but we must keep in mind the future of our Nation and preserve our resources should it be needed later.

The Health Command Operations Center, the Navajo Department of Health, and the Navajo Division of Social Services are working to address the need for burials during this time. They have made available \$250,000 from the previous appropriation for COVID-19 related matters and have worked together to add \$500,000 from grant funds for a total of \$750,000 now available to help our families bury their loved ones. Saving the funds appropriated in CAP-22-20 is the wisest course of action at this time as we may see a second wave of the virus later in the year.

Many of the responses from the People agree with the appropriation but one person, in particular, was insightful with this comment:

In the supporting documents submitted, Navajo Nation Division of Social Services requested \$250,000.00 based on 100 burials. It may be wise to increase this amount due to the following reasons: 1) There is NO cure for the virus. Experts have estimated that a vaccine will not be available until fall of 2020 or early 2021 perhaps longer. 2) It appears those patients who have tested COVID-19 positive are not self-quarantining as families are having to bury multiple family members. 3) We do not know when the Navajo Nation will be able to contain the spread of this virus. There are many

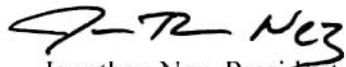
uncertainties at this time and as a nation, its best to be prepared to help the Navajo people take care of loved ones without delay during this time. Therefore, increasing the amount of the proposed budget may be wiser.

We have increased the budget through available resources and we must plan for our future if we are looking to a continued battle with this virus into late 2020 and into 2021.

We are looking into other readily accessible funding to continue helping our families and we are keeping track of our spending so we may submit it to the Federal Emergency Management Agency for reimbursement. We truly appreciate the action of the Navajo Nation Council and we look forward to the continued support.

Be assured our families who have lost loved ones will be supported.

Sincerely,


Jonathan Nez, President
THE NAVAJO NATION


Myron Lizer, Vice President
THE NAVAJO NATION

RESOLUTION OF THE
 NAVAJO NATION COUNCIL
 24th 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 ~~TWO HUNDRED FIFTY THOUSAND DOLLARS~~ ~~(\$250,000)~~ FOR BURIAL ASSISTANCE TO THE NAVAJO DIVISION OF SOCIAL SERVICES 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 critical need to provide emergency and disaster relief services.
- 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 9th, 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 burial assistance in the amount of ~~Two Hundred Fifty Thousand Dollars (\$250,000)~~. The budget documents are attached as **Exhibit A**. *Jmn*
- 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 ~~TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000)~~ FOR BURIAL ASSISTANCE TO THE NAVAJO DIVISION OF SOCIAL SERVICES, OFFICE OF THE EXECUTIVE DIRECTOR, BUSINESS UNIT 117001

Jmn

- A. This supplemental appropriation of ~~\$250,000~~ 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 indicated the documents in **Exhibit A**. *Jmn*
- B. The Navajo Nation hereby approves supplemental funding from the Unreserved, Undesignated Fund Balance in the amount of ~~\$250,000~~ for emergency funds as indicated in the documents in **Exhibit A**. *Jmn*

- C. The Division of Social Services through the Health Command Center 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 24th 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 17th day of April 2020.


Honorable Seth Damon, Speaker
24th Navajo Nation Council

April 22, 2020

DATE

Motion: Honorable Thomas Walker, Jr.

Second: Honorable Mark A. Freeland

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 2nd day of May, 2020.

Jonathan Nez Myron Liza
Jonathan Nez, President
Navajo Nation

FY 2020

THE NAVAJO NATION PROGRAM BUDGET SUMMARY

Page 1 of 3
BUDGET FORM 1

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

PART II. FUNDING SOURCE(S)	Fiscal Year/ Term	Amount	% of Total	PART III. BUDGET SUMMARY				
				Major Object Code at LOD 4	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference (Column B - A)
General Funds	10/1/19-09/30/20	-250,000	0.10%					
		JMN	0.00%					
			0.00%	2001 Personnel Expenses				
			0.00%	3000 Travel Expenses				
			0.00%	3500 Meeting Expenses				
			0.00%	4000 Supplies				
			0.00%	5000 Lease and Rental				
			0.00%	5500 Communications and Utilities				
			0.00%	6000 Repairs and Maintenance				
			0.00%	6500 Contractual Services				
			0.00%	7000 Special Transactions				
			0.00%	8000 Public Assistance	1		-250,000	-250,000 JMN
			0.00%	9000 Capital Outlay				
			0.00%	9500 Matching Funds				
			0.00%	9500 Indirect Cost				
			0.00%	TOTAL		\$0	-250,000	-250,000 JMN
			0.00%	PART IV. POSITIONS AND VEHICLES				
		JMN	0.00%	Total # of Positions Budgeted:		(D)	(E)	
				Total # of Permanently Assigned Vehicles:				
SUB TOTAL:		-250,000						

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

Deannah Neswood-Gishey 4.8.2020
Program Manager's Signature and Date

Paulson Chaco
Division Director/Branch Chief's Printed Name

Paulson Chaco
Division Director/Branch Chief's Signature and Date

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EXHIBIT
A

**THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA**

PART I. PROGRAM INFORMATION:

Business Unit No.: 117001

Program Name/Title: General Funds-Office of the Executive Director

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

HEHSCS-19-16

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.

PART III. PROGRAM PERFORMANCE CRITERIA:

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

1. Goal Statement:

Provide burial assistance package, including transportation and special body bags.

Program Performance Measure:

Assist 100 individuals

						100	
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2. Goal Statement:

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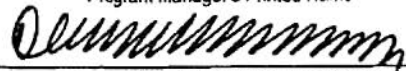
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PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.

Deannah Neswood-Gishay

Program Manager's Printed Name



Program Manager's Signature and Date

4.8.2020

Paulson Chaco

Division Director/Branch Chief's Printed Name



Division Director/Branch Chief's Signature and Date

**THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION**

PART I. PROGRAM INFORMATION:			
Program Name/Title: _____		General Funds-Office of the Executive Director	
		Business Unit No.: 117001	
PART II. DETAILED BUDGET:			
	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code	Total by MAJOR Object Code
	8000 SOCIAL Public Assistance for Burial Assistance package with transportation and special body bags.		250,000
8020	Social .8055 Burial Assistance \$2,500 x 100 \$ 250,000.00	250,000	250,000
		250,000	250,000

JMN

JMN

JMN

**THE NAVAJO NATION
SUPPLEMENTAL FUNDING PROPOSAL SUMMARY**

PART I. Business Unit No.: 117001 **Program Title:** Division of Social Services
Division/Branch: DSS/Executive **Amount Requested:** ~~250,000.00~~ JMN **Prepared By:** Brenda Tsosie
Phone No. 928-871-6851 **Email Address:** btsosie@hotmail.com

PART II. REASON FOR REQUEST AND STATEMENT OF NEED:

The Division of Social Services Department for Self-Reliance -Financial Assistance Services is requesting for a supplementat funding request of ~~\$250,000~~ ^{JMN}. The Navajo Nation Commission on Emergency Mangement declared Public Heath State of Emergency due to to the coronavirus disease in areas surrounding the Navajo Nation. This COVID 19- (Coronavirus) has taken an impact on families who have lost a family member and created an unexpected expense to put to rest the family member. This funding request is to assist families during this very difficult time, and the Division will provide assistance to help Navajo families with the burden of the financial expenses. Everyday there are 6 average requests for assistance. The estimate funding request is to help 100 decedents at \$2,500.00 per cost = ~~\$250,000~~ ^{JMN}.

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

The contingency plan is not an easy task and it is difficult when making cuts in services which will impact every houshold on the Navajo Nation. This added cost to the Division budget is unforeseen and the 638 funding receive for the burial assistance is not sufficient. In this State of Emergency delcaration we are requesting for the burial assistance funding.

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

 4/17/2020
REVIEWED BY: Division Director's Signature / Date

 04/17/2020
RECOMMEND APPROVAL: Branch Chief's Signature / Date

NAVAJO NATION

283

4/17/2020

Navajo Nation Council Special Session

01:08:23 PM

Amd# to Amd#	Legislation 0079-20: Approving	PASSED
MOT Walker, T	UUFB in the Amount of \$250,000	
SEC Freeland, M	for Burial Assistance to Navajo	
	Division of Social Services	

Yeas : 22

Nays : 0

Excused : 0

Not Voting : 1

Yea : 22

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

Nay : 0

Excused : 0

Not Voting : 1

Begay, E

Presiding Speaker: Damon