

**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0126-20

**DATE:** May 25, 2020

**TITLE OF RESOLUTION: AN ACTION RELATING TO RELATING TO BUDGET AND FINANCE AND NAABÍK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; ESTABLISHING THE NAVAJO NATION COVID-19 RESPONSE DONATION FUND TO HOUSE FINANCIAL DONATIONS MADE TO THE NAVAJO NATION TO ASSIST IN THE FIGHT AGAINST COVID-19 ON THE NAVAJO NATION; WAIVING NAVAJO NATION CODE SET-ASIDE PROVISIONS**

**PURPOSE:** This resolution, if approved, will adopt the Navajo Nation COVID-19 Response Donation Fund to house financial donations made to the Navajo Nation to combat COVID-19 on the Navajo Nation.

**This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.**

5-DAY BILL HOLD PERIOD: High  
Website Posting Time/Date: 3:11pm 05-27-20  
Posting End Date: 06-01-20  
Eligible for Action: 06-02-20

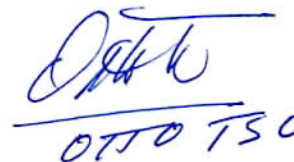
Budget & Finance Committee  
Thence  
Naabik'iyáti' Committee  
Thence  
Navajo Nation Council

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

INTRODUCED BY



(Prime Sponsor)



OTTO TSO

TRACKING NO. 0126-20

AN ACTION

RELATING TO RELATING TO BUDGET AND FINANCE AND NAABÍK'ÍYÁTI'  
COMMITTEES, AND THE NAVAJO NATION COUNCIL; ESTABLISHING  
THE NAVAJO NATION COVID-19 RESPONSE DONATION FUND TO HOUSE  
FINANCIAL DONATIONS MADE TO THE NAVAJO NATION TO ASSIST IN  
THE FIGHT AGAINST COVID-19 ON THE NAVAJO NATION; WAIVING  
NAVAJO NATION CODE SET-ASIDE PROVISIONS

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 Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council with the responsibility to hear proposed resolution(s) that require final action by the Navajo Nation Council. 2 N.N.C. § 164 (A)(9).
- C. The Budget and Finance Committee is a standing committee of the Navajo Nation Council with the enumerated power to "[t]o the extent permitted by federal or Navajo Nation laws and regulations, the Committee shall appropriate, allocate, cancel, re-appropriate and review the use of the Navajo Nation funds received including but not

1 limited to all grants, contracts, gifts and other funds from all sources.” 2 N.N.C. § 301  
2 (B)(3).

3 D. The Budget and Finance Committee also has the enumerated power “[t]o approve Fund  
4 Management Plans pursuant to the recommendations of the appropriate oversight  
5 committee and affected Division or Branch.” 2 N.N.C. § 301 (B)(14).

6 E. The Navajo Nation Appropriations Act states that “[f]unds received in excess of the  
7 initial or current revenue projection shall be deposited into the General Fund unless  
8 otherwise designated by the Navajo Nation Council.” 12 N.N.C. § 820 (K).

9  
10 **SECTION TWO. FINDINGS**

11 A. COVID-19 is a dangerous and extremely contagious respiratory virus. The virus is  
12 pandemic and has reached the Navajo Nation. COVID-19 is spreading at an alarming  
13 rate within the Navajo Nation; as of May 13, 2020, the Navajo Nation has reported 488  
14 cases of COVID-19 and 20 related deaths.

15 B. The World Health Organization declared a Public Health Emergency of International  
16 Concern on January 30, 2020; the United States Department of Health and Human  
17 Services declared a Public Health Emergency related to the COVID-19 outbreak on  
18 January 31, 2020; and the World Health Organization officially declared a pandemic  
19 due to COVID-19 on March 11, 2020.

20 C. On March 11, 2020, the Navajo Nation Commission on Emergency Management, with  
21 the concurrence of the Navajo Nation President and Vice President, declared a Public  
22 Health State of Emergency on the Navajo Nation due to the presence of COVID-19 in  
23 areas surrounding the Navajo Nation. Resolution No. CEM 20-03-11. The President  
24 and Commission have issued other Public Health Emergency Orders: including: Order  
25 No. 2020-001 dated March 18, 2020 (declaring the outbreak of COVID-19 and limiting  
26 mass gatherings); Order No. 2020-002 dated March 19, 2020 (quarantining the  
27 Chilchinbeto Community); Order No. 2020-003 dated March 20, 2020 (ordering  
28 individuals living on the Navajo Nation to stay home and shelter in place except for  
29 essential activities, prohibiting visitors to the Navajo Nation, and closing all businesses  
30 on the Navajo Nation except essential businesses); Order No. 2020-004 dated March



1 29, 2020 (implementing a daily curfew from 8:00 p.m. to 5:00 a.m. for all Navajo  
2 Nation residents, extending the shelter in place order, and further limiting public  
3 gatherings); Order No. 2020-005 dated April 5, 2020 (implementing a 57-hour  
4 weekend curfew on April 10-13); Order No. 2020-006 dated April 16, 2020 (extending  
5 the weekend curfew for April 17-20 and April 24-27, and closing Navajo Nation  
6 essential businesses during curfew hours); Order No. 2020-007 (requiring face masks  
7 in public); and Order No. 2020-008 dated April 29, 2020 (extending the weekend  
8 curfew to May 11 ). The Navajo Nation Office of the President and Vice President  
9 issued Executive Order 002-20 on March 31, 2020 (closing all Navajo Nation offices  
10 except essential personnel through April 21); and Executive Order 003-20 on April 21,  
11 2020 (extending the closure order to May 17, 2020).

12 D. After the Public Health State of Emergency was declared on the Navajo Nation, the  
13 Health Command Center (subsequently merged into the Unified Command Group)  
14 started receiving financial and property donations from individuals, businesses, non-  
15 profits, agencies, and enterprises to support the Nation's COVID-19 response efforts.

16 E. To ensure that the Navajo Nation could promptly apply the donated funds and property  
17 to the COVID-19 response efforts, on March 20, 2020, the Navajo Nation Council  
18 approved Resolution No. CMA-08-20, attached as **Exhibit A**, minimizing the  
19 procedures for accepting donations during the COVID-19 emergency declaration. The  
20 President signed CMA-08-20 into law on March 26, 2020.

21 F. When the Nation accepts a donation, it also accepts the obligation to expend or use the  
22 donation for the purposes for which it was donated. The Navajo Nation Office of the  
23 Attorney General was designated to lead the "Donations Branch" within the Navajo  
24 Nation Health Command Operations Center and charged with maintaining the integrity  
25 of the COVID-19 response donation process.

26 G. To ensure that all financial donations received for the COVID-19 response efforts are  
27 expended only for COVID-19 response related efforts and can be accounted for and  
28 audited, the Navajo Nation finds it in the best interests of the Navajo Nation to establish  
29 the COVID-19 Response Donation Fund within the Navajo Nation Department of  
30 Emergency Management.

1     **SECTION THREE. ESTABLISHING THE COVID-19 RESPONSE DONATION**  
2     **FUND**

- 3     A. The Navajo Nation hereby establishes the COVID-19 Response Donation Fund within  
4     the Navajo Nation Department of Emergency Management.
- 5     B. The Navajo Nation Council hereby designates that all financial donations received by  
6     the Navajo Nation for its COVID-19 relief efforts that are not restricted by the donor  
7     for a specific purpose shall be deposited in the COVID-19 Response Donation Fund.
- 8     C. The Navajo Nation Council hereby designates that financial donations restricted by the  
9     donor for a specific purpose shall be deposited in the account(s) of the donor specified  
10    department or program or the account(s) of the department or program with the  
11    responsibility to accomplish the donor specified purpose.
- 12    D. The COVID-19 Response Donation Fund shall only be expended for COVID-19 relief  
13    efforts, including, but not limited to preparedness, emergency response, and recovery,  
14    that mitigate the harmful effects of the pandemic virus as prioritized by the Department  
15    of Emergency Management.
- 16    E. Notwithstanding the Budget Instruction Manual, COVID-19 Response Donation Funds  
17    shall be budgeted through an Executive Branch internal review and approval process  
18    that ensures the expeditious expenditure of such funds for their intended purpose, i.e.,  
19    COVID-19 relief efforts.
- 20    F. COVID-19 Response Donation Fund funds shall not lapse pursuant to 12 N.N.C. § 820  
21    (N).
- 22    G. The COVID-19 Response Donation Fund shall expire when all donations have been  
23    expended.
- 24

25    **SECTION FOUR. WAIVING NAVAJO NATION CODE SET-ASIDE PROVISIONS**

26    The Navajo Nation waives any and all provisions of the Navajo Nation Code that would  
27    extract a set-aside from financial donations made to the Nation for its COVID-19 relief  
28    efforts, including but not limited to the provisions in the Navajo Nation Permanent Fund,  
29    12 N.N.C. §§901 *et seq.*; Navajo Nation Veterans Trust Fund, 12 N.N.C. §§ 1171 *et seq.*;  
30    Capital Outlay Match Funding Special Revenue Fund, 12 N.N.C. §§2001 *et seq.*; Navajo



1 Nation Water Rights Claim Fund, 12 N.N.C. §§ 2101 *et seq.*; Diné Higher Education Grant  
2 Fund, 12 N.N.C. §§2301 *et seq.*; and Land Acquisition Fund, 16 N.N.C. §§201 *et seq.*  
3

#### 4 **SECTION FIVE. ADMINISTRATION AND MANAGEMENT OF THE COVID-19** 5 **RESPONSE DONATION FUND**

6 A. The COVID-19 Donation Fund shall be managed and administered pursuant to a Fund  
7 Management Plan (FMP) developed by the Navajo Nation Department of Emergency  
8 Management, with the assistance of the Office of the Controller, and recommended by  
9 the Health Education and Human Services Committee and approved by the Budget and  
10 Finance Committee.

11 B. The COVID-19 Donation Fund FMP shall, at a minimum, include the following  
12 provisions:

13 1. Expenditures shall only be for COVID-19 relief efforts, including, but not  
14 limited to preparedness, emergency response, and recovery, that mitigate the  
15 harmful effects of the pandemic virus as prioritized by the Department of  
16 Emergency Management; such expenditures shall be made through an  
17 Executive Branch budgeting and approval process.

18 2. The Office of the Attorney General and Office of the Controller shall report  
19 donations received to the Naabik'íyáti' Committee at the end of each Fiscal  
20 Year Quarter; and shall report any individual financial donation exceeding one  
21 hundred thousand dollars (\$100,000) to the Speaker of the Navajo Nation  
22 within ten (10) days of receiving the donation.

23 3. The Department of Emergency Management shall report all COVID-19  
24 Response Donation Fund expenditures to the Naabik'íyáti' Committee at the  
25 end of each Fiscal Year Quarter.  
26

#### 27 **SECTION SIX. AUDIT REQUIREMENTS**

28 The COVID-19 Response Donation Fund shall be audited each year by the Nation's  
29 independent auditors.  
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1     **SECTION FIVE. EFFECTIVE DATE**

2         This Action shall become effective in accord with 2 N.N.C. § 221(B).

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# THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



March 26, 2020

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

RE: CMA-08-20, *An Action Relating to an Emergency; Approving Minimized Procedures for Accepting Donations During the COVID-19 Emergency Declaration; Temporarily Waiving Certain Provisions of 2 N.N.C. §1010*

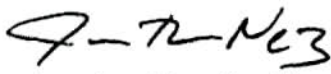
Dear Speaker Damon,


Pursuant to the authority vested in the Navajo Nation President, I am signing CMA-08-20 into law.

With the state of emergency for public health purposes it is a blessing that our Navajo Nation enterprises step up to help our people, their relatives, with a donation. We could anticipate more donations coming to the Navajo Nation to help those in need. To make sure these donations are timely accepted and put to good use I agree there should be steps taken at this time to address the process. This is an unprecedented time for the Navajo Nation and in normal circumstance I would be concerned about the waiver by the Navajo Nation Council of the authority of the Office of the President and Vice President; however, I must keep in mind the needs of our People. For this reason, I am signing CMA-08-20 into law with its limited application during this emergency period.

Thank you to Speaker Damon and the 24th Navajo Nation Council.

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; APPROVING MINIMIZED PROCEDURES FOR  
ACCEPTING DONATIONS DURING THE COVID-19 EMERGENCY DECLARATION;  
TEMPORARILY WAIVING CERTAIN PROVISIONS OF 2 N.N.C. § 1010

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 Council has the authority to direct where additional revenues are deposited. Pursuant to 12 N.N.C. § 820 (K), "[f]unds received in excess of the initial or current revenue projection shall be deposited into the General Fund Unreserved, Undesignated Fund balance unless otherwise designated by the Navajo Nation Council."
- C. The President of the Navajo Nation shall, for and on behalf of the Navajo Nation, accept or decline gifts of property, provided, that any such acceptance or refusal of a gift of an estimated value in excess of one thousand dollars (\$1,000) shall be with the concurrence of the Naabik'iyáti' Committee [formerly Government Services Committee]. 2 N.N.C. § 1010.
- D. 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."

SECTION TWO. FINDINGS

- A. In light of the Navajo Nation's Emergency Declaration, attached as **Exhibit A**, regarding the outbreak of the COVID-19 virus, as well as the emergency services required to mitigate its effects, there is a great need to expedite access to all available resources, financial and otherwise, to address the

health and safety of the Navajo people and their communities during the pandemic emergency.

- B. Under 2 N.N.C. § 1010, the Navajo Nation cannot spend donated funds or use donated property with an estimated value in excess of one thousand dollars (\$1,000) until the donation has been accepted by the President and concurred to by the Naabik'iyáti' Committee.
- C. Temporarily shortening the times and steps necessary for the Nation to accept a monetary or property donation is a reasonable approach to providing the Nation expedited access to resources, financial and otherwise, to address the health and safety of the Navajo people and their communities during the pandemic emergency.

### **SECTION THREE. TEMPORARILY WAIVING 2 N.N.C. § 1010**

The Navajo Nation hereby temporarily replaces 2 N.N.C. § 1010's reference to the Naabik'iyáti' Committee with Speaker of the Navajo Nation Council and temporarily waives 2 N.N.C. § 1010's requirement that the Naabik'iyáti' Committee concur with the President's acceptance or refusal of a gift of an estimated value in excess of one thousand dollars (\$1,000)

### **SECTION FOUR. APPROVING TEMPORARY PROCEDURES TO ACCEPT DONATIONS**

- A. The Navajo Nation Council hereby authorizes the Speaker to act alone, without resolution, on behalf of the Naabik'iyáti' Committee to concur with the President's acceptance or refusal of a gift to the Navajo Nation with an estimated value in excess of one thousand dollars (\$1,000) pursuant to 2 N.N.C. § 1010.
- B. The Controller is hereby required to notify the President and Speaker of any financial donation made by a donor who owes money to the Navajo Nation; if the donor is in arrears as to the money owed to the Nation, the Controller shall apply the donated funds to clear the arrears before depositing the donated funds into the General Fund Unreserved, Undesignated Fund balance pursuant to 12 N.N.C. § 820 (K).

### **SECTION FIVE. EFFECTIVE DATE**

The provisions of this Action shall become effective in accord with 2 N.N.C. § 221 (B) and shall expire when the Declaration of Emergency is lifted.

## 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 20<sup>th</sup> day of March 2020.

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

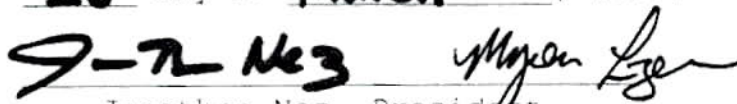
3.23.2020  
DATE

Motion: Honorable Raymond Smith, Jr.  
Second: Honorable Pernell Halona

Speaker Seth Damon not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

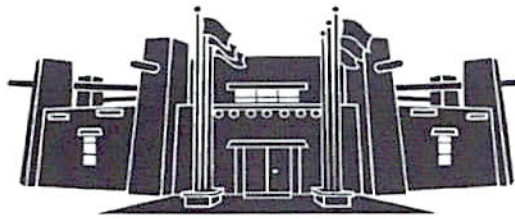
1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this 26<sup>th</sup> day of March, 2020.

  
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





## MEMORANDUM

TO: Honorable Chairwoman Eugenia Charles-Newton  
24<sup>th</sup> Navajo Nation Council

FROM:

A handwritten signature in blue ink, reading "Dana Bobroff".

Dana L. Bobroff, Chief Legislative Counsel  
Office of Legislative Counsel

DATE: May 25, 2020

SUBJECT: **AN ACTION RELATING TO RELATING TO BUDGET AND FINANCE AND NAABÍK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; ESTABLISHING THE NAVAJO NATION COVID-19 RESPONSE DONATION FUND TO HOUSE FINANCIAL DONATIONS MADE TO THE NAVAJO NATION TO ASSIST IN THE FIGHT AGAINST COVID-19 ON THE NAVAJO NATION; WAIVING NAVAJO NATION CODE SET-ASIDE PROVISIONS**

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.

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).

Please ensure that his 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 NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0126-20\_\_

SPONSOR: Eugenia Charles-Newton

TITLE: An Action Relating to relating to Budget and Finance and Naabik'iyáti' Committees, and the Navajo Nation Council; Establishing the Navajo Nation COVID-19 Response Donation Fund to house financial donation made to the Navajo Nation to assist in the fight against COVID-19 on the Navajo Nation; Waiving Navajo Nation Code set-aside provisions

*Date posted:* May 27, 2020 at 3:11PM

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto: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.: 0126-20

SPONSOR: Honorable Eugenia Charles-Newton

**TITLE: An Action Relating to relating to Budget and Finance and Naabik'íyáti' Committees, and the Navajo Nation Council; Establishing the Navajo Nation COVID-19 Response Donation Fund to house financial donation made to the Navajo Nation to assist in the fight against COVID-19 on the Navajo Nation; Waiving Navajo Nation Code set-aside provisions**

Posted: May 27, 2020 at 3:11 PM

5 DAY Comment Period Ended: June 01, 2020

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>

  
\_\_\_\_\_  
Legislative Tracking Secretary  
Office of Legislative Services

06/02/20 12:00pm  
Date/Time



24<sup>th</sup> NAVAJO NATION COUNCIL

Second Year 2020

Mr. Speaker:

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

**NAVAJO LEGISLATIVE BILL # 0126-20:**

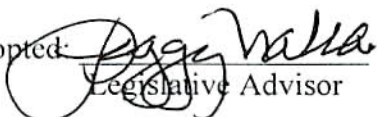
An Action Relating to the Budget and Finance and Naabik'íyáti' Committees, and the Navajo Nation Council; Establishing the Navajo Nation COVID-19 Response Donation Fund to House Financial Donations made to the Navajo Nation to assist in the fight against COVID-19 on the Navajo Nation; Waiving Navajo Nation Code set-aside provisions *Sponsored by Eugenia Charles-Newton and Otto Tso, 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 **NAABIKIYATI** Committee

Respectfully submitted,

  
Jamie Henio, Chairman

Adopted:  Legislative Advisor Not Adopted: \_\_\_\_\_  
Legislative Advisor

**16 June 2020**

The vote was **5** in favor **0** opposed yeas: *Jimmy Yellowhair, Raymond Smith, Jr. Amber K. Crotty, Nathaniel Brown, Elmer P. Begay*  
Main Motion: *Jimmy Yellowhair*  
Second: *Amber K. Crotty*

## BUDGET AND FINANCE COMMITTEE

16 June 2020  
Regular Meeting

### VOTE TALLY SHEET:

**Legislation No. 0126-20:** An Action Relating to relating to Budget and Finance and Naabik'iyáti' Committees, and the Navajo Nation Council; Establishing the Navajo Nation COVID-19 Response Donation Fund to house financial donation made to the Navajo Nation to assist in the fight against COVID-19 on the Navajo Nation; Waiving Navajo Nation Code set-aside provisions *Sponsored by Eugenia Charles-Newton and Otto Tso, Council Delegates*

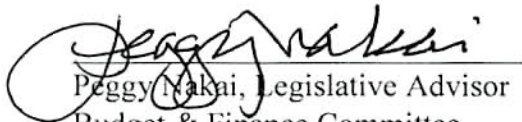
*Motion: Jimmy Yellowhair*

*Second: Amber K. Crotty*

*Vote: 5-0, Chairman not voting*

### Vote Tally:

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

  
\_\_\_\_\_  
Jamie Henio, Chairman  
Budget & Finance Committee  
\_\_\_\_\_  
Peggy Nakai, Legislative Advisor  
Budget & Finance Committee