



Navajo Nation Council includes water, power line, broadband, hardship assistance and more in latest Legislation No. 0144-20 coronavirus response bill

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WINDOW ROCK, Ariz. — After receiving input from both the Office of the President and Vice President and the Office of the Chief Justice, the 24th Navajo Nation Council approved amendments to Legislation No. 0144-20 to provide additional support for a payroll support program, emergency funding for the Navajo Nation Gaming Enterprise's more than 1,000 Navajo employees and new support for emergency housing needs of Navajo people in response to the coronavirus (COVID-19) pandemic.

"The standing committees of the 24th Navajo Nation Council have spent the last month carrying out discussions and action on Legislation No. 0144-20 so that, when it came to the floor of the Council, it put the needs of the Navajo People first," said 24th Navajo Nation Council Speaker Seth Damon. "With all of this completed in full view of the public, the Council will work to send a strong funding package to President Nez so that the Navajo People can be better equipped against the coronavirus."

Legislation No. 0114-20, sponsored by Council Delegate Amber Kanazbah Crotty and cosponsored by Speaker Damon, was introduced Jun. 30 after she called for immediate expenditures for water, power line and broadband assistance in response to the pandemic.

The full Council considered Legislation No. 0144-20 at its Jul. 29 special session. With amendments and recommendations from the Health Education and Human Resources Committee (HEHSC), Budget and Finance Committee (BFC), Resources and Development Committee (RDC) and Naabik'iyáti' Committees, the legislation authorized \$650 million in expenditures.

"I think it's clear we're on the right path," Delegate Crotty said. "It's about bringing together our duty and obligation to the Navajo People who are looking for immediate relief. It's having the voice and being the calm within this storm. This is an opportunity to prevent future exposures to Covid. As a Council, how do we move this legislation forward with some compromise in terms of what President Nez and Vice President Lizer presented to the Council?"

In order to hear from the Executive and Judicial Branches, the Council requested reports from President Jonathan Nez and Chief Justice JoAnn Jayne.

President Nez presented a \$652 million CARES Act funding request to the 24th Navajo Nation Council more than 84 days after council delegates and Executive Branch programs began working on expenditure plan proposals.

Chief Justice JoAnn Jayne and Judicial Branch staff presented a total \$10,355,050 funding request to the 24th Navajo Nation Council, revised from a prior request of \$25,999,762 submitted to the Office of the Speaker on May 28.

Following the two reports, delegates took up the legislation and issued two amendments on Tuesday.

The first amendment to Legislation No. 0144-20 was sponsored by Council Delegate Carl Roessel Slater. The approved amendment added the \$90,928,047 payroll support pay expenditure plan. The funds will support Navajo Nation public safety, public health, health care, human services and similar employees that are responsible for mitigating or responding to the pandemic.

Navajo Nation Controller Pearline Kirk provided her support for the expenditure plan, explaining that qualified payroll reimbursements from CARES Act funds would keep the Navajo Nation from using its limited general fund resources. Under the most recent U.S. Treasury guidance, payroll expenses paid out for employees on administrative leave with pay qualify as eligible expenses for CARES Act funds and have a generally lower audit risk. That would free up those general funds for other uses, Kirk said. These uses include water infrastructure, unmet needs and other projects identified by the Navajo Nation Council.

The second amendment, sponsored by Council Delegate Pernell Halona, added \$24.6 million to support the more than 1,000 Navajo Nation Gaming Enterprise employees recently affected by necessary cost-saving measures by the enterprise, which include lay-offs of more than 900 Navajo employees.

Delegate Halona distinguished the amendment from the President’s proposal, which included \$22 million for NNGE. The Council’s amendment is based on a projected overall closure that continues up to three weeks after Aug. 16, which has been the Executive Branch target for reopening branch program offices.

“They’ve gone through their reserves, their various reserve funds, including their reserve the Nation requires them to have,” said Kirk. NNGE has been closed since March without laying-off any employees. She added that the NNGE has already used all its federal Payroll Protection Program funding and that additional support from the Navajo Nation CARES Fund would not be considered ‘double-dipping.’

With a healthy discussion, the Council made the motion to move directly to a vote on the amendment and then proceeded to approve it on behalf of the enterprise’s many employees.

Amendment number three on Legislation No. 0144-20 was sponsored by Council Delegate Nathaniel Brown and would add the CARES Fund Housing Expenditure Plan. If approved, the amendment would add \$24 million in immediate support to aid in mitigating housing deficiencies exacerbated by the pandemic.

Before moving forward with the amendment on Legislation No. 0144-20, the 24th Navajo Nation Council motioned to table the legislation until a Thursday special session to allow time for changes to be fully incorporated and reconciled. The Council adjourned at 11:57 p.m. after a 14-hour public discussion on the CARES Act funding plans.

“We have more needs than what the federal government allocated to us, and I want to recognize that the conversation does not stop here,” said Delegate Crotty.

The proposed legislation includes the following updated proposed expenditure plans:

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| 1. Water Projects Expenditure Plan: | \$189,505,095 |
| 2. Power Line Projects Expenditure Plan: | \$43,370,832 |
| 3. Broadband-Telecommunication Projects Expenditure Plan: | \$83,224,989 |
| 4. Solid Waste Expenditure Plan: | \$30,773,000 |
| 5. Solar Projects Expenditure Plan: | \$69,295,910 |
| 6. Health Care Facilities Expenditure Plan: | \$22,036,016 |
| 7. Dineh Chamber of Commerce (Navajo business support): | \$32,500,000 |
| 8. Hardship Assistance Expenditure Plan: | \$168,961,759 |
| 9. Parks and Recreation Expenditure Plan: | \$10,462,500 |
| 10. Payroll Support Pay Expenditure Plan: | \$90,928,047 |
| 11. Navajo Nation Gaming Enterprise Expenditure Plan: | \$24,600,000 |

Each expenditure plan details the individual projects or allowable expenses and is a critical component in the accountability measures the 24th Navajo Nation Council is taking to ensure CARES Act funds are used properly. All documents are attached to the legislation, which is accessible online at <http://dibb.nnols.org>.

Legislation No. 0144-20 is still being considered by the 24th Navajo Nation Council and a final coronavirus relief bill will require a final approval vote. The resulting resolution of the Navajo Nation Council will be sent to the Navajo Nation President who may sign the resolution into law or act to veto it within 10 days of receiving it.

The 24th Navajo Nation Council's discussions during the Jul. 28 special session are the latest in a series of ongoing public deliberations intended to fully justify the Navajo Nation's decisions on CARES Act fund expenditures. All meetings have been held publicly and in accordance with teleconferencing and social-distancing guidelines.

The 24th Navajo Nation Council's video archive can be accessed online through the Navajo Nation Council's Vimeo, Youtube and Facebook social media profiles.

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