TITLE: An Action Relating To Law And Order Committee, Budget And Finance Committee, NAABIK’IYATI’ Committee And The Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of $55,530.00 (Fifty-Five Thousand, Five Hundred Thirty Dollars) For The Navajo-Hopi Legal Services Program To Fund The Shortfall Of Two Professional Staff Positions Through The End Of FY2020; Waiving 12 N.N.C. §§ 820 (E) And 820 (F) Of The Appropriations Act

Date posted: April 24, 2020 at 5:42 PM

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Office of Legislative Services
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DATE: April 23, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO LAW AND ORDER COMMITTEE, BUDGET AND FINANCE COMMITTEE, NAABIK'IVATI' COMMITTEE AND THE NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF $55,530.00 (FIFTY-FIVE THOUSAND, FIVE HUNDRED THIRTY DOLLARS) FOR THE NAVAJO-HOPI LEGAL SERVICES PROGRAM TO FUND THE SHORTFALL OF TWO PROFESSIONAL STAFF POSITIONS THROUGH THE END OF FY2020; WAIVING 12 N.N.C. §§ 820 (E) AND 820 (F) OF THE APPROPRIATIONS ACT

PURPOSE: The purpose of this resolution is to approve an appropriation from the UUFB for two professional staff positions at the Navajo-Hopi Legal Services Program.

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.
PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL – Second Year, 2020

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0104-20

AN ACTION

RELATING TO LAW AND ORDER COMMITTEE, BUDGET AND FINANCE COMMITTEE, NAABIK'ÍYÁTÉ COMMITTEE AND THE NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF $55,530.00 (FIFTY-FIVE THOUSAND, FIVE HUNDRED THIRTY DOLLARS) FOR THE NAVAJO-HOPI LEGAL SERVICES PROGRAM TO FUND THE SHORTFALL OF TWO PROFESSIONAL STAFF POSITIONS THROUGH THE END OF FY2020; WAIVING 12 N.N.C. §§ 820 (E) AND 820 (F) OF THE APPROPRIATIONS ACT

BE IT ENACTED:

SECTION 1. AUTHORITY

A. The Law and Order Committee has oversight authority over the Navajo Nation Department of Justice and the Navajo-Hopi Legal Services Program. 2 N.N.C. § 601(C)(1).

B. The Budget and Finance Committee is empowered to review and recommend to the Navajo Nation Council the management of all funds. 2 N.N.C. § 301(B)(2).
C. The Navajo Nation Council established the Naabik’íyáti’ Committee as a Navajo Nation standing committee providing that any and as such proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naabik’íyáti’ Committee. 2 N.N.C. §§ 164 (A)(9) and 700(A).

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

E. The Navajo Nation Council has the authority to approve supplemental appropriations. 12 N.N.C. § 820 (L).

F. 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, “[I]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 THREE. FINDINGS

A. This request for supplemental funding request seeks a supplemental appropriation from the Unreserved, Undesignated Fund Balance in the amount of Fifty-Five Thousand, Five Hundred Thirty dollars ($55,530.00) to assist the Navajo-Hopi Legal Services Program’s shortfall to fund two professional staff through the end of FY2020. The supplemental funding proposal and budget documents are attached as Exhibit A.

B. The Navajo-Hopi Legal Services Program (“NHLSP”) of the Navajo Nation Department of Justice oversees the following tasks: 1) oversee and handle the review and filing of federal appeals of denials of relocation benefit applications; 2) represent NHLSP clients when cases are remanded back to the Office of Navajo and Hopi Indian Relocation (ONHIR) by either the U.S. District Court of Arizona or the U.S. 9th Circuit Court of Appeals; 3) advise and assist the Navajo-Hopi Land Commission with other Settlement Act matters; 4) provide assistance to certified eligible Navajo clients with obtaining their relocation benefits from ONHIR and with post-relocation matters; 5) participate in the re-development and rehabilitation of the former Bennett Freeze Area; and 6) child support cases.

C. If the NHLSP does not fully fund the two professional staff positions, the NHLSP will have to furlough these two positions, which are critical to perform the previously mentioned tasks, and these tasks will have to be referred to outside counsel, which will result in a greater cost to the Navajo Nation, and will hinder the diligent pursuit and protection of the NHLSP’s clients claims that are at issue in the U.S. District Court of Arizona or in the U.S. 9th Circuit Court of Appeals.

D. The Executive Branch has completed its Section 164A Review, which is attached as Exhibit B.
E. The Office of Budget and Management issued a memorandum, dated March 6, 2020, which satisfies the budget impact analysis required by 12 N.N.C. § 820 (M), and is included in Exhibit B.

F. The Office of the Controller issued a memorandum, dated March 12, 2020, which satisfies the requirements provided in 12 N.N.C. § 820 (L), and is included in Exhibit B.

SECTION 3. WAIVING 12 N.N.C. §§ 820 (E) AND 820 (F) REGARDING MATCHING RECURRING REVENUES WITH RECURRING EXPENSES (12 N.N.C. § 820(E)) AND LIMITING THE APPROPRIATION OF FUNDS FROM THE UNRESERVED, UNDESIGNATED FUND TO NON-RECURRING EXPENDITURES (12 N.N.C. § 820(F))
The Navajo Nation Council hereby waives 12 N.N.C. §§ 820 (E) and 820 (F) to allow UUFB funds to be used for recurring expenditures.

SECTION FOUR. APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF $55,530.00 (FIFTY-FIVE THOUSAND, FIVE HUNDRED THIRTY DOLLARS) FOR THE NAVAJO-HOPI LEGAL SERVICES PROGRAM TO FUND THE SHORTFALL OF TWO PROFESSIONAL STAFF POSITIONS THROUGH THE END OF FY2020

A. This supplemental appropriation of $55,530 (Fifty-Five Thousand, Five Hundred Thirty Dollars) shall be from that amount of funds that exceeds the minimum fund balance of the Unreserved, Undesignated Fund Balance as indicated in the documents in Exhibit A.

B. The Navajo Nation hereby approves the supplemental appropriation from the Unreserved, Undesignated Fund Balance to the Navajo-Hopi Legal Services Program, Business Unit 104002, to fund the shortfall of two professional staff positions through the end of FY2020.