

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0104-20__

SPONSOR: Otto Tso

TITLE: An Action Relating To Law And Order Committee, Budget And Finance Committee, NAABIK'YATI' 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

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0104-20

DATE: April 23, 2020

TITLE OF RESOLUTION: 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

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.

5-DAY BILL HOLD PERIOD: JKP
Website Posting Time/Date: _____
Posting End Date: 04-29-20
Eligible for Action: 04-30-20

Law & Order Committee
Thence
Budget & Finance Committee
Thence
Naabik'iyati' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24th NAVAJO NATION COUNCIL – Second Year, 2020

3
4 INTRODUCED BY

5 
6

7 (Prime Sponsor)



8
9 TRACKING NO. 0104-20

10
11
12 AN ACTION

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

21
22 BE IT ENACTED:

23
24 SECTION 1. AUTHORITY

- 25 A. The Law and Order Committee has oversight authority over the Navajo Nation
26 Department of Justice and the Navajo-Hopi Legal Services Program. 2 N.N.C. §
27 601(C)(1).
- 28 B. The Budget and Finance Committee is empowered to review and recommend to the
29 Navajo Nation Council the management of all funds. 2 N.N.C. § 301(B)(2).
- 30

- 1 C. The Navajo Nation Council established the Naabik'iyáti' Committee as a Navajo Nation
2 standing committee providing that any and as such proposed legislation that requires final
3 action by the Navajo Nation Council shall be assigned to the Naabik'iyáti' Committee. 2
4 N.N.C. §§ 164 (A)(9) and 700(A).
- 5 D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §
6 102(A).
- 7 E. The Navajo Nation Council has the authority to approve supplemental appropriations. 12
8 N.N.C. § 820 (L).
- 9 F. The Title 12 Finance Act Supplemental Appropriation requirements include:
- 10 1. All requests for annual operating funds and supplemental funds shall be submitted
11 to the Office of Management and Budget for budget impact analysis. 12 N.N.C. §
12 820 (M).
 - 13 2. When the Controller identifies additional sources of revenues above and beyond
14 the initial or current revenue projections, supplemental appropriations may be
15 approved by the Navajo Nation Council. 12 N.N.C. § 820 (L).
 - 16 3. Supplemental Appropriations made from non-recurring revenues shall only be
17 made for non-recurring operations or purposes, as set forth at § 820 (F). The
18 Controller of the Navajo Nation shall be responsible for designation recurring and
19 non-recurring revenues. 12 N.N.C. § 820 (L).
 - 20 4. The Nation shall budget all recurring operating expenses, including capital
21 maintenance, from recurring revenues. Long term debt shall not be used to
22 finance recurring operating expenses. 12 N.N.C. §820 (E).
 - 23 5. The Navajo Nation Code provides, "[t]he Nation shall restrict non-recurring
24 revenues to budget non-recurring expenditures. In addition, non-recurring
25 revenues will be budgeted only after an examination by the Controller to
26 determine whether or not the revenues are subsidizing an imbalance between
27 recurring revenues and expenditures, and expenditures may be authorized only if
28 a long-term (three-five year) forecast shows that the operating deficit will not
29 continue. Otherwise, non-recurring revenues will be added to the Unreserved,
30

1 Undesignated Fund balance. This provision may be amended or waived by a two-
2 thirds vote of the full Navajo Nation Council.” 12 N.N.C. § 820 (F).
3

4 **SECTION THREE. FINDINGS**

- 5 A. This request for supplemental funding request seeks a supplemental appropriation
6 from the Unreserved, Undesignated Fund Balance in the amount of Fifty-Five
7 Thousand, Five Hundred Thirty dollars (\$55,530.00) to assist the Navajo-Hopi Legal
8 Services Program’s shortfall to fund two professional staff through the end of
9 FY2020. The supplemental funding proposal and budget documents are attached as
10 **Exhibit A.**
- 11 B. The Navajo-Hopi Legal Services Program (“NHLSP”) of the Navajo Nation
12 Department of Justice oversees the following tasks: 1) oversee and handle the review
13 and filing of federal appeals of denials of relocation benefit applications; 2) represent
14 NHLSP clients when cases are remanded back to the Office of Navajo and Hopi
15 Indian Relocation (ONHIR) by either the U.S. District Court of Arizona or the U.S.
16 9th Circuit Court of Appeals; 3) advise and assist the Navajo-Hopi Land Commission
17 with other Settlement Act matters; 4) provide assistance to certified eligible Navajo
18 clients with obtaining their relocation benefits from ONHIR and with post-relocation
19 matters; 5) participate in the re-development and rehabilitation of the former Bennett
20 Freeze Area; and 6) child support cases.
- 21 C. If the NHLSP does not fully fund the two professional staff positions, the NHLSP
22 will have to furlough these two positions, which are critical to perform the previously
23 mentioned tasks, and these tasks will have to be referred to outside counsel, which
24 will result in a greater cost to the Navajo Nation, and will hinder the diligent pursuit
25 and protection of the NHLSP’s clients claims that are at issue in the U.S. District
26 Court of Arizona or in the U.S. 9th Circuit Court of Appeals.
- 27 D. The Executive Branch has completed its Section 164A Review, which is attached as
28 **Exhibit B.**
29
30

1 E. The Office of Budget and Management issued a memorandum, dated March 6, 2020,
2 which satisfies the budget impact analysis required by 12 N.N.C. 820 (M), and is
3 included in **Exhibit B**.

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

7
8 **SECTION 3. WAIVING 12 N.N.C. §§ 820 (E) AND 820 (F) REGARDING MATCHING**
9 **RECURRING REVENUES WITH RECURRING EXPENSES (12 N.N.C. § 820(E)) AND**
10 **LIMITING THE APPROPRIATION OF FUNDS FROM THE UNRESERVED,**
11 **UNDESIGNATED FUND TO NON-RECURRING EXPENDITURES (12 N.N.C. § 820(F))**

12 The Navajo Nation Council hereby waives 12 N.N.C. §§ 820 (E) and 820 (F) to allow UUFB
13 funds to be used for recurring expenditures.

14
15 **SECTION FOUR. APPROVING SUPPLEMENTAL FUNDING FROM THE**
16 **UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$55,530.00**
17 **(FIFTY-FIVE THOUSAND, FIVE HUNDRED THIRTY DOLLARS) FOR THE**
18 **NAVAJO-HOPI LEGAL SERVICES PROGRAM TO FUND THE SHORTFALL OF**
19 **TWO PROFESSIONAL STAFF POSITIONS THROUGH THE END OF FY2020**

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

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