



23RD NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

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Budget and Finance Committee receive report regarding FY2017 budget

WINDOW ROCK – On Tuesday, the Budget and Finance Committee received a report from the Navajo Nation Office of the Controller and Office of Management and Budget regarding the fiscal year 2017 Comprehensive Budget to discuss potential outcomes regarding the use of the line item vetoed budget signed by President Russell Begaye, or the budget passed by the Navajo Nation Council.

On Oct. 3, Speaker of the 23rd Navajo Nation Council LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse'Daa'Kaan, Upper Fruitland) informed the Office of the President and Vice President, NNOOC, and NNOMB of concerns regarding the validity of the line item vetoes due to President Begaye not being within the jurisdictional boundaries of the Navajo Nation when it was signed into law, as mandated by Title II N.N.C. § 164 (A)(17).

BFC chair Council Delegate Seth Damon (Bááhááí, Chichiltah, Manuelito, Tsé Lichíí', Rock Springs, Tsayatoh) said it was important to understand where the FY2017 budget currently stands and asked what legal clarification the NNOOC has sought.

Controller Jim R. Parris said the FY2016 budget is now in the process of being closed out and reconciled, and said he understands that President Begaye's line item vetoed budget is being challenged and he sought the opinion of chief legislative counsel Levon Henry.

"The question comes down to a legal one, and I'm trying to get clarification on this. I spoke with Levon Henry on this and to give me guidance on this," said Parris. "The other question that I asked Levon is if [the President] was actually here on the Sept. 24, but it wasn't transmitted until Sept. 27, if he postdated it, would that be effective? [Levon] said he didn't believe that would, [and] that would be misstating the effective date of the documents, which are legally binding documents."

Parris added that he is also seeking a legal opinion from Navajo Nation attorney general Ethel Branch to ensure he understands both sides of the issue, which would aid in his determination of which budget is valid.

Delegate Damon asked executive director of NNOMB Dominic Beyal to update BFC members regarding the current status of the closeout for the FY2016 budget, and what process would be used to implement the FY2017 budget.

Beyal said the final closeout of the FY2016 budget would be completed within three weeks, adding that before Speaker Bates raised the challenge, the budget signed by President Begaye with the line item vetoes were uploaded to the Nation's Financial Management Information System on Sept. 30, so it would be prepared to be implemented on Oct. 1, which is the start of the new fiscal year.

"The budget that's been loaded into FMIS is the line item vetoed version because as of Sept. 30, that was the budget that was in place," said Beyal. "Let's assume for the moment that the Speaker's position is upheld, meaning we have to go back to the Council approved budget, we estimate that it would take NNOMB two days to make all those revisions again."

Delegate Damon asked NNOMB to clarify information regarding the Council approved budget, if implemented, how it would affect the personnel hours for staff working for the Navajo Area Agency on Aging Program.

"Let's say that you did have to change it back [to the Council approved budget] and the hours for NAAA staff are at 72, and it goes back to 80 hours. Hypothetically, how would that work for the time it was not at 80 hours?" asked Delegate Damon.

Beyal responded that due to the legal questions raised regarding the FY2017 budget, the NAAA program would not be penalized because they are not at fault, and that the hours would be restored to the personnel from the start of the budget, which is Oct. 1.

BFC members voted 3-0 to accept the report.

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