

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0002-21_

SPONSOR: Eugene Tso

TITLE: An Action Relating To Health, Education and Human Services, Budget and Finance, Resources and Development, and Naa'biik'iyáti' Committees, and Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of \$4,000,000 for the 110 Navajo Nation Chapter's Summer Youth Employment Programs; Waiving 12 N.N.C. §§ 820 (E), (F), and (J)

Date posted: January 08, 2021 at 4:31 PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0002-21

DATE: January 7, 2021

TITLE OF RESOLUTION: AN ACT RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE, RESOURCES AND DEVELOPMENT, AND NAA'BIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$4,000,000 FOR THE 110 NAVAJO NATION CHAPTER'S SUMMER YOUTH EMPLOYMENT PROGRAMS; WAIVING 12 N.N.C. §§ 820(E), (F), AND (J)

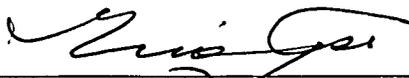
PURPOSE: The purpose of this resolution is to allocate \$4,000,000 out of the UUFB to the 110 Chapters for Summer Youth Employment.

5-DAY BILL HOLD PERIOD: BRedhorse
Website Posting Time/Date: _____
Posting End Date: 01-13-21
Eligible for Action: 01-14-21

Health, Education and Human Services Committee
Thence
Budget & Finance Committee
Thence
Resources & Development Committee
Thence
Naa'bik'iyáti' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24th NAVAJO NATION COUNCIL – Third Year, 2021

3
4 INTRODUCED BY

5 

6
7 (Prime Sponsor)

8
9 TRACKING NO. 0002-21

10
11 AN ACT

12 RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, BUDGET AND
13 FINANCE, RESOURCES AND DEVELOPMENT, AND NAA'BIK'ÍYÁTI' COMMITTEES,
14 AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM
15 THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF
16 \$4,000,000 FOR THE 110 NAVAJO NATION CHAPTER'S SUMMER YOUTH
17 EMPLOYMENT PROGRAMS; WAIVING 12 N.N.C. §§ 820(E), (F), AND (J)

18 BE IT ENACTED:

19 SECTION 1. AUTHORITY

- 20 A. The Navajo Nation established the Health, Education and Human Services Committee
21 (HEHSC) as a Navajo Nation Council standing committee, and as such empowered the
22 HEHSC to review and recommend resolutions regarding employment. 2 N.N.C. § 401
23 (B)(6)(A).
- 24 B. The Navajo Nation established the Resources and Development Committee (RDC) as
25 a Navajo Nation Council standing committee and as such gave RDC oversight over
26 Navajo Nation Chapters. 2 N.N.C. §§ 164(A)(9), 500(A), and 501(C)(1).
- 27 C. The Navajo Nation established the Budget and Finance Committee (BFC) as a Navajo
28 Nation Council standing committee and as such empowered BFC to review and
29 recommend to the Navajo Nation Council the management of all funds. 2 N.N.C. §§
30 164(A)(9), 300(A), and 301(B)(2).

1 D. The Navajo Nation Council established the Naabik'iyáti' Committee as a Navajo
2 Nation standing committee and as such proposed legislation that requires final action
3 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 E. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §
6 102(A).

7 F. The Navajo Nation Council may approve supplemental appropriations. 12 N.N.C. §
8 820(L). Pursuant to 12 N.N.C. § 820(L), “[t]he Navajo Nation Council may adopt and
9 approve supplemental appropriations to the Annual Comprehensive Budget during the
10 fiscal year. Supplemental appropriations of General Funds within the current fiscal
11 year are permitted, if and when additional sources of revenues above and beyond the
12 initial or current revenue projections are projected and which are also in excess of the
13 reserve amount set forth at § 820(J).”

14 G. The Title 12 Supplemental Appropriation requirements include:

15 1. All requests for annual operating funds and supplemental funds shall be submitted
16 to the Office of Management and Budget (OMB) for budget impact analysis. 12
17 N.N.C. § 820(M).

18 2. When the Controller identifies additional sources of revenues above and beyond
19 the initial or current revenue projections, supplemental appropriations may be
20 approved by the Navajo Nation Council. 12 N.N.C. § 820(L).

21 3. Supplemental Appropriations made from non-recurring revenues shall only be
22 made for non-recurring operations or purposes, as set forth at § 820(F). The
23 Controller of the Navajo Nation shall be responsible for the designation of recurring
24 and non-recurring revenues. 12 N.N.C. § 820(L).

25 4. The Nation shall budget all recurring operating expenses, including capital
26 maintenance, from recurring revenues. Long term debt shall not be used to finance
27 recurring operating expenses. 12 N.N.C. §820(E).

28 5. The Navajo Nation Code provides, “[t]he Nation shall restrict non-recurring
29 revenues to budget non-recurring expenditures. In addition, non-recurring revenues
30 will be budgeted only after an examination by the Controller to determine whether

1 or not the revenues are subsidizing an imbalance between recurring revenues and
2 expenditures, and expenditures may be authorized only if a long-term (three-five
3 year) forecast shows that the operating deficit will not continue. Otherwise, non-
4 recurring revenues will be added to the Unreserved, Undesignated Fund balance.
5 This provision may be amended or waived by a two-thirds vote of the full Navajo
6 Nation Council.” 12 N.N.C. § 820(F).

7
8 **SECTION 2. FINDINGS**

- 9 A. The 110 Navajo Nation Chapters have indicated a need for a supplemental
10 appropriation of \$4,000,000 to fund Summer Youth Employment for the Summer of
11 2021. The budget forms, including Appendix K “Supplemental Funding Proposal
12 Summary” for the proposed summer youth employment at the 110 Chapters are
13 attached as **Exhibit A**.
- 14 B. “Diné Customary Law declares and teaches that: [i]t is the right and freedom of the
15 people that our children are provided with education to absorb wisdom, self-
16 knowledge, and knowledge to empower them to make a living and participate in the
17 growth of the Navajo Nation.” 1 N.N.C. § 204 (F).
- 18 C. One way for the Navajo Nation to honor Diné Customary Law is to assist high school
19 and college students with temporary employment.
- 20 D. The Summer Youth Employment program offers high school and college students the
21 opportunity to gain work experience during their summer breaks, and earn funds to
22 pay for some of their school expenses.
- 23 E. The Summer Youth Employment program aligns with Diné Customary Law by
24 providing Navajo Nation children with “education to absorb wisdom, self-knowledge,
25 and knowledge to empower them to make a living and participate in the growth of the
26 Navajo Nation.” 1 N.N.C. § 204 (F).
- 27 F. Due to the COVID-19 pandemic, Navajo Nation youth were largely unable to secure
28 summer employment during the Summer of 2019.
- 29 G. The Office of the Controller was requested to provide a memorandum to satisfy 12
30 N.N.C. § 820(L). The memorandum was not ready at the time of drafting this

1 resolution, but will be included as an exhibit when it becomes available.

2 H. The Office of Management and Budget was requested to provide a memorandum to
3 satisfy 12 N.N.C. § 820(M). The memorandum was not ready at the time of drafting
4 this resolution, but will be included as an exhibit when it becomes available.
5

6 **SECTION 3. APPROVING SUPPLEMENTAL FUNDING FROM THE**
7 **UNRESERVED, UNDESIGNATED FUND BALANCE IN THE**
8 **AMOUNT OF \$4,000,000 FOR 110 NAVAJO NATION CHAPTERS**

9 A. The Navajo Nation hereby approves supplemental funding from the Unreserved,
10 Undesignated Fund Balance in the amount of \$4,000,000 for the 110 Navajo Nation
11 Chapters to fund Summer Youth Employment.

12 B. This supplemental appropriation of \$4,000,000 shall be from that amount of funds that
13 exceeds the minimum fund balance of the Unreserved, Undesignated Fund Balance as
14 determined by the Office of the Controller.

15 C. The supplemental funding to the 110 Navajo Nation Chapters shall be allocated as
16 follows: “fifty percent (50%) of the appropriation shall be divided equally among all
17 chapters and the remaining fifty percent (50%) shall be divided proportionately among
18 the chapters using a percentage equal to that figure which the number of registered
19 voters in each chapter bears to the whole of registered Navajo Nation votes as
20 determined by the most current voter registration figures available as of the date of the
21 appropriation.” 12 N.N.C. § 820(O).

22 D. The supplemental funding will be deposited with each of the 110 Navajo Nation
23 Chapters using the 50/50 formula as described in 12 N.N.C. § 820(O), in accordance
24 with **Exhibit A**.

25
26 **SECTION 4. WAIVING 12 N.N.C. §§ 820(E), (F), AND (J) TO THE EXTENT**
27 **THESE PROVISIONS PREVENT THE UNRESERVED,**
28 **UNDESIGNATED FUND BALANCE TO BE USED TO FUND**
29 **RECURRING EXPENDITURES OR GOVERNMENT**
30 **OPERATIONS**

1 The Navajo Nation Council hereby waives 12 N.N.C. §§ 820 (E), (F) and (J) in order to
2 allow UUFB funds to be used for recurring expenditures and government operations.
3

4 **SECTION 5. SAVING CLAUSE**

5 Should any provision(s) of this Act be determined invalid by the Navajo Nation
6 Supreme Court or the District Courts of the Navajo Nation, without appeal to the Navajo
7 Nation Supreme Court, the remainder of the Act shall remain the law of the Navajo
8 Nation.
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