

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0128-21_

SPONSOR: Pernell Halona

TITLE: An Act Relating to Health, Education, and Human Services, Budget and Finance, and Naa'biik'iyáti' Committees, and the Navajo Nation Council; Approving \$258,512.00 in Supplemental Funding Out of the Nation's Unreserved, Undesignated Fund Balance for the Tohatchi Area of Opportunity & Services, Inc. to Provide Transportation Services for its Clients

Date posted: July 27, 2021 at 5:24PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

**Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586**

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

LEGISLATION SUMMARY SHEET

TRACKING NO. 0128-21

DATE: July 26, 2021

TITLE OF LEGISLATION: AN ACT RELATING TO HEALTH, EDUCATION, AND HUMAN SERVICES, BUDGET AND FINANCE, AND NAA'BIK'ÍYÁTI COMMITTEES, AND THE NAVAJO NATION COUNCIL; APPROVING \$258,512.00 IN SUPPLEMENTAL FUNDING OUT OF THE NATION'S UNRESERVED, UNDESIGNATED FUND BALANCE FOR THE TOHATCHI AREA OF OPPORTUNITY & SERVICES, INC. TO PROVIDE TRANSPORTATION SERVICES FOR ITS CLIENTS

PURPOSE OF THIS LEGISLATION: to approve \$258,512.00 in UUFB funds for the Tohatchi Area of Opportunity and Services, Inc. for the purchase of 8 new vehicles.

OLC No. 21-297-1

5-DAY BILL HOLD PERIOD: VBREDNORSC
Website Posting Time/Date:
Posting End Date: August 1, 2021
Eligible for Action: August 2, 2021

Health Education & Human Services Committee
Thence
Budget & Finance Committee
Thence
Naabik'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. 0128-21

10
11 AN ACT

12 RELATING TO HEALTH, EDUCATION, AND HUMAN SERVICES, BUDGET
13 AND FINANCE, AND NAA'BIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO
14 NATION COUNCIL; APPROVING \$258,512.00 IN SUPPLEMENTAL FUNDING
15 OUT OF THE NATION'S UNRESERVED, UNDESIGNATED FUND BALANCE
16 FOR THE TOHATCHI AREA OF OPPORTUNITY & SERVICES, INC. TO
17 PROVIDE TRANSPORTATION SERVICES FOR ITS CLIENTS

18
19 BE IT ENACTED:

20
21 SECTION ONE. AUTHORITY

- 22 A. The Navajo Nation established the Health, Education, and Human Services Committee
23 (“HEHSC”) as a Navajo Nation Council standing committee, and as such gave HEHSC the
24 authority to oversee all health and social service related activities of the Navajo Nation and its
25 tribal organizations, enterprises, relating to the delivery of health, environmental health and
26 social services” 2 N.N.C. §401(C)(2).
- 27 B. 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 recommend
29 to the Navajo Nation Council the management of all funds. 2 N.N.C. §300(A), and
30 §301(B)(2).

- 1 C. The Navajo Nation Council established the Naabik'iyáti' Committee as a Navajo Nation
2 standing committee, and proposed legislation requiring final action by the Navajo Nation
3 Council shall be assigned to the Naabik'iyáti' Committee. 2 N.N.C. §164(A)(9) and §700(A).
- 4 D. The Navajo Nation Council is the governing body of the Navajo Nation, with the authority to
5 approve supplemental appropriations. 2 N.N.C. §102(A), 12 N.N.C. §820(L).
- 6 E. Pursuant to 12 N.N.C. §820(L), "[t]he Navajo Nation Council may adopt and approve
7 supplemental appropriations to the Annual Comprehensive Budget during the fiscal year.
8 Supplemental appropriations of General Funds within the current fiscal year are permitted, if
9 and when additional sources of revenues above and beyond the initial or current revenue
10 projections are projected and which are also in excess of the reserve amount set forth at
11 §820(J)."
- 12 F. The Title 12 Supplemental Appropriation requirements include:
- 13 1. All requests for annual operating funds and supplemental funds shall be submitted to the
14 Office of Management and Budget (OMB) for budget impact analysis. 12 N.N.C.
15 §820(M).
 - 16 2. When the Controller identifies additional sources of revenues above and beyond the initial
17 or current revenue projections, supplemental appropriations may be approved by the
18 Navajo Nation Council. 12 N.N.C. §820(L).
 - 19 3. Supplemental Appropriations made from non-recurring revenues shall only be made for
20 non-recurring operations or purposes, as set forth at §820(F). The Controller of the Navajo
21 Nation shall be responsible for the designation of recurring and non-recurring revenues. 12
22 N.N.C. §820(L).
 - 23 4. The Navajo Nation Code provides, "[t]he Nation shall restrict non-recurring revenues to
24 budget non-recurring expenditures. In addition, non-recurring revenues will be budgeted
25 only after an examination by the Controller to determine whether or not the revenues are
26 subsidizing an imbalance between recurring revenues and expenditures, and expenditures
27 may be authorized only if a long-term (three-five year) forecast shows that the operating
28 deficit will not continue. Otherwise, non-recurring revenues will be added to the
29 Unreserved, Undesignated Fund balance. This provision may be amended or waived by a
30 two-thirds vote of the full Navajo Nation Council." 12 N.N.C. §820(F).

1 **SECTION TWO. FINDINGS**

2 A. This request for supplemental funding seeks the amount of \$258,512.00 out of the
3 Unreserved, Undesignated Fund Balance, to assist the Tohatchi Area of Opportunity &
4 Services, Inc. ("TAOS") in providing transportation services to its intellectually and
5 developmentally disabled clients.

6 B. TAOS, formerly known as A School for Me, Inc., was recognized as a Tribal Organization in
7 1982 by Resolution No. ACJN-69-82. TAOS provides assisted living services, adult
8 habilitation, community-based support, employment support, and other critical services to
9 adults and children with intellectual and developmental disabilities. TAOS serves many
10 Navajo Nation communities.

11 C. In a memorandum from the TAOS Executive Director dated March 15, 2021, and in TAOS'
12 Grant Application document, TAOS explains that the organization urgently needs 8 new
13 vehicles to replace nearly half of their aging, high-mileage, high-maintenance, fleet of 17
14 vehicles. Their current vehicles are old and unreliable and some have been deemed unsafe.
15 These new vehicles are needed to provide ready and reliable transportation for clients to
16 participate in community activities, attend medical appointments, job interviews, and other
17 critical appointments, so they can be empowered to function as independently as possible.

18 **Exhibit A.**

19 D. The supplemental funding proposal, budget forms and related documents, including
20 Appendix K "Supplemental Funding Proposal Summary," for TAOS are attached as **Exhibit**
21 **B and B-1.**

22 E. The Office of the Controller issued a memorandum dated June 28, 2021, to satisfy the
23 requirements in 12 N.N.C. §820(L), attached as **Exhibit C.** The Controller has identified
24 TAOS' proposed expenditures as NON-RECURRING. Therefore, this funding request fits
25 within the requirements of 12 N.N.C. §820(F).

26 F. The Office of Management and Budget issued a memorandum dated June 25, 2021, to satisfy
27 the requirements in 12 N.N.C. §820(M), attached as **Exhibit D.**

28 G. Various organizations and ten chapters have voiced their support for this funding for TAOS
29 to obtain the needed vehicles. **Exhibit E.**

30

1 **SECTION THREE. APPROVING SUPPLEMENTAL FUNDING FROM THE**
2 **UNRESERVED, UNDESIGNATED FUND BALANCE**

- 3 A. The Navajo Nation hereby approves \$258,512.00 in supplemental funding from the
4 Unreserved, Undesignated Fund Balance for the Tohatchi Area of Opportunity & Services,
5 Inc.
- 6 B. This supplemental appropriation of \$258,512.00 shall be from that amount of funds that
7 exceeds the minimum fund balance of the Unreserved, Undesignated Fund Balance as
8 determined by the Office of the Controller.
- 9 C. The \$258,512.00 in funds allocated for TAOS shall be distributed to the Division of
10 Community Development within twenty (20) days following enactment of this legislation.
- 11 D. Upon receipt of the funds, the Division of Community Development shall promptly purchase
12 the 8 vehicles listed in **Exhibit B-1** and arrange for delivery of the vehicles, and transfer of all
13 vehicle titles, to TAOS.
- 14 E. After transfer of title to TAOS, TAOS shall be wholly responsible for the operation,
15 maintenance, and repairs of the 8 vehicles, and shall obtain appropriate liability and other
16 insurance covering use of the 8 vehicles. The Navajo Nation shall not be liable for any
17 condition or event pertaining to the 8 purchased vehicles.
- 18 F. The Unreserved, Undesignated Fund Balance shall be reimbursed, in the full amount allocated
19 in this legislation, from prospective funds available to the Navajo Nation from any and all
20 state and federal sources, including Congressional appropriations under the American Rescue
21 Plan Act of 2021 or other COVID-19 related relief.

22
23 **SECTION FOUR. SAVINGS CLAUSE**

24 If any provision of this Act is determined invalid by the Navajo Nation Supreme Court or the
25 District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, the
26 remainder of the Act shall remain the law of the Navajo Nation.

27
28 **SECTION FIVE. EFFECTIVE DATE**

29 The provisions of this Act shall become effective in accordance with 2 N.N.C. §221.
30

1 **SECTION SEVEN. DIRECTIVE**

2 Within ninety calendar days of the effective date of this legislation, the Division of Community
3 Development shall provide a written report on the status of expenditures under this legislation, to
4 the Naabik'iyati' Committee and to the Office of the President and Vice-President.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30