TITLE: An Action Relating to the Resources and Development, Budget and Finance, and Naabik’íyáti’ Communities, and the Navajo Nation Council: Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of $600,000 to the Navajo Nation Veterans Administration

Date posted: November 4, 2021 at 7:00 PM

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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.

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DATE: October 28, 2021

TITLE OF LEGISLATION: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK’ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF $600,000 TO THE NAVAJO NATION VETERANS ADMINISTRATION

PURPOSE OF THIS LEGISLATION: to approve an allocation of $600,000 in UUFB funds to the Navajo Nation Veterans Administration for the purchase of two modular buildings.
PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL – Third Year, 2021

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0229-21

AN ACTION
RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND
FINANCE, AND NAABIK’IYÁTI’ COMMITTEES, AND THE NAVAJO NATION
COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED,
UNDESIGNATED FUND BALANCE IN THE AMOUNT OF $600,000 TO THE
NAVAJO NATION VETERANS ADMINISTRATION

BE IT ENACTED:

SECTION ONE. AUTHORITY
(A) The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council with the authority to review and recommend legislation relating to veterans. 2 N.N.C. § 401(B)(6).
(B) The Navajo Nation established the Budget and Finance Committee as a Navajo Nation Council standing committee with the enumerated power to recommend to the Navajo Nation Council the management of all funds. 2 N.N.C. §§ 300(A) and 301(B)(2).
(C) The Navajo Nation Council established the Naabik’íyáti’ Committee as a standing committee who is required to hear proposed legislation requiring final action by the Navajo Nation Council. 2 N.N.C. §164(A)(9).
(D) The Navajo Nation Council is the governing body of the Navajo Nation with the authority to approve supplemental appropriations. 2 N.N.C. § 102(A) and 12 N.N.C. § 820(L).
(E) Pursuant to 12 N.N.C. § 820(L), “[t]he Navajo Nation Council may adopt and approve supplemental appropriations to the Annual Comprehensive Budget during the fiscal year. Supplemental appropriations of General Funds within the current fiscal year are permitted, if and when additional sources of revenues above and beyond the initial or current revenue projections are projected and which are also in excess of the reserve amount set forth at § 820(J).”

(F) The Title 12 Supplemental Appropriation requirements include:

1. All requests for annual operating funds and supplemental funds shall be submitted to the Office of Management and Budget (OMB) 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 of 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 for finance recurring operating expenses. 12 N.N.C. § 820(E).

5. The Navajo Nation Code provides, “[t]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 TWO. FINDINGS
(A) The Navajo Nation Veterans Administration submitted a Supplemental Funding Proposal Summary on August 11, 2021, seeking supplemental funding in the amount of $600,000 out of the Unreserved, Undesignated Fund Balance to purchase two modular buildings. Supplemental Funding Proposal Summary Appendix K attached as Exhibit A.

(B) The detailed description of need is contained within the Supplemental Funding Proposal Summary Appendix K, supplemental funding proposal, budget forms and related documents are attached as Exhibit B.

(C) The memorandum from the Office of the Controller will be provided when this legislation is being considered, to satisfy the requirements under 12 N.N.C. § 820(L).

(D) The memorandum from the Office of Management and Budget will be provided when the legislation is being considered, to satisfy the requirements under 12 N.N.C. § 820(M).

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

(A) The Navajo Nation hereby approves $600,000 in supplemental funding from the Unreserved, Undesignated Fund Balance to the Navajo Nation Veterans Administration to purchase two modular buildings.

(B) This supplemental appropriation of $600,000 shall be from the amount of funds that exceeds the minimum fund balance of the Unreserved, Undesignated Fund Balance as determined by the Office of the Controller.

SECTION FOUR. EFFECTIVE DATE

The provisions of this Act shall become effective in accordance with 2 N.N.C. § 221(B) and 2 N.N.C. § 164(A)(17).

SECTION FIVE. SAVING CLAUSE

If any provision of this legislation is determined invalid by the Supreme Court of the Navajo Nation or by any Navajo Nation District Court, without appeal to the Navajo Nation Supreme Court, the remainder of this legislation shall remain valid as the law of the Navajo Nation.