

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0229-21_

SPONSOR: Eugenia Charles-Newton

TITLE: An Action Relating to the Resources and Development, Budget and Finance, and Naabik'iyáti' 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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LEGISLATION SUMMARY SHEET

TRACKING NO. 0229-21

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 \$600,00 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.

OLC No. 21-367-1

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PROPOSED NAVAJO NATION COUNCIL RESOLUTION

Naabik'iyáti' Committee

24th NAVAJO NATION COUNCIL – Third Year, 2021

Thence

Navajo Nation Council

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0229-21

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

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'iyáti' 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).

1 (E) Pursuant to 12 N.N.C. § 820(L), “[t]he Navajo Nation Council may adopt and approve
2 supplemental appropriations to the Annual Comprehensive Budget during the fiscal year.
3 Supplemental appropriations of General Funds within the current fiscal year are permitted, if
4 and when additional sources of revenues above and beyond the initial or current revenue
5 projections are projected and which are also in excess of the reserve amount set forth at §
6 820(J).”

7 (F) The Title 12 Supplemental Appropriation requirements include:

- 8 1. All requests for annual operating funds and supplemental funds shall be submitted to
9 the Office of Management and Budget (OMB) for budget impact analysis. 12 N.N.C. §
10 820(M).
- 11 2. When the controller identifies additional sources of revenues above and beyond the
12 initial or current revenue projections, supplemental appropriations may be approved by
13 the Navajo Nation Council. 12 N.N.C. § 820(L).
- 14 3. Supplemental Appropriations made from non-recurring revenues shall only be made for
15 non-recurring operations or purposes, as set forth at § 820(F). The Controller of the
16 Navajo Nation shall be responsible for designation of recurring and non-recurring
17 revenues. 12 N.N.C. § 820(L).
- 18 4. The Nation shall budget all recurring operating expenses, including capital
19 maintenance, from recurring revenues. Long term debt shall not be used for finance
20 recurring operating expenses. 12 N.N.C. § 820(E).
- 21 5. The Navajo Nation Code provides, “[t]he Nation shall restrict non-recurring revenues
22 to budget non-recurring expenditures. In addition, non-recurring revenues will be
23 budgeted only after an examination by the Controller to determine whether or not the
24 revenues are subsidizing an imbalance between recurring revenues and expenditures,
25 and expenditures may be authorized only if a long-term (three-five year) forecast shows
26 that the operating deficit will not continue. Otherwise, non-recurring revenues will be
27 added to the Unreserved, Undesignated Fund balance. This provision may be amended
28 or waived by a two-thirds vote of the full Navajo Nation Council.” 12 N.N.C. § 820(F).

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30 **SECTION TWO. FINDINGS**

1 (A) The Navajo Nation Veterans Administration submitted a Supplemental Funding Proposal
2 Summary on August 11, 2021, seeking supplemental funding in the amount of \$600,000 out
3 of the Unreserved, Undesignated Fund Balance to purchase two modular buildings.
4 Supplemental Funding Proposal Summary Appendix K attached as **Exhibit A**.

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

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

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

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

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

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

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22 **SECTION FOUR. EFFECTIVE DATE**

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

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26 **SECTION FIVE. SAVING CLAUSE**

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