

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0252-21\_

SPONSOR: Raymond Smith, Jr.

**TITLE: An Action Relating to the Resources and Development, Budget and Finance, and Naabik'iyáti' Committees, and the Navajo Nation Council; Allocating \$1,962,149 from the Unreserved, Undesignated Fund Balance to the Navajo Nation Division of Natural Resources for Drought Mitigation for the Navajo Nation's Colorado Ranches**

*Date posted:* November 22, 2021 at 5:57PM

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**LEGISLATION SUMMARY SHEET**

TRACKING NO. 0252-21

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**DATE:** November 19, 2021

**TITLE OF LEGISLATION: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; ALLOCATING \$1,962,149 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE TO THE NAVAJO NATION DIVISION OF NATURAL RESOURCES FOR DROUGHT MITIGATION FOR THE NAVAJO NATION'S COLORADO RANCHES**

**PURPOSE OF THIS LEGISLATION:** to approve \$1,962,149 out of the UUFB for the Division of Natural Resources for drought mitigation efforts at the Navajo Nation's Colorado ranches.

OLC No. 21-350-1

5-DAY BILL HOLD PERIOD: 18 Redhorse  
Website Posting Time/Date:  
Posting End Date: November 27, 2021  
Eligible for Action: November 28, 2021

Resources & Development 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 Introduced by:

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6 (Prime Sponsor)

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8 Tracking No. 0252-21

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10 AN ACTION

11 RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND  
12 FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO  
13 NATION COUNCIL; ALLOCATING \$1,962,149 FROM THE  
14 UNRESERVED, UNDESIGNATED FUND BALANCE TO THE NAVAJO  
15 NATION DIVISION OF NATURAL RESOURCES FOR DROUGHT  
16 MITIGATION FOR THE NAVAJO NATION'S COLORADO RANCHES

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18 BE IT ENACTED:

19  
20 SECTION ONE. AUTHORITY

- 21 A. The Resources and Development Committee is a standing committee of the Navajo Nation  
22 Council with the authority to oversee all matters involving water, land, environment,  
23 agriculture, livestock, economic and community development, among other responsibilities.  
24 2 N.N.C. §500(C).
- 25 B. The Budget and Finance Committee is a standing committee of the Navajo Nation Council  
26 that is empowered to review and recommend to the Navajo Nation Council the budgeting,  
27 appropriation, investment, and management of all funds. 2 N.N.C. §301(B)(2).
- 28 C. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council that is  
29 responsible for reviewing proposed resolutions that require final action by the Navajo  
30 Nation Council. 2 N.N.C. §164(A)(9).

1 D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).

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

8 F. The restrictions on supplemental appropriations include:

9 1. Supplemental appropriations from non-recurring revenues shall be approved only for  
10 non-recurring expenses. 12 N.N.C. §820(F). The Controller designates which revenues  
11 are recurring and which are non-recurring. 12 N.N.C. §820(L).

12 2. The Navajo Nation shall budget all recurring operating expenses, including capital  
13 maintenance costs, from recurring revenues only. Long-term debt shall not be used to  
14 finance recurring operating expenses. 12 N.N.C. §820(E).

15 3. The Navajo Nation Code further provides, “. . . non-recurring revenues will be budgeted  
16 only after an examination by the Controller to determine whether or not the revenues are  
17 subsidizing an imbalance between recurring revenues and expenditures, and  
18 expenditures may be authorized only if a long-term (three-five year) forecast shows that  
19 the operating deficit will not continue. Otherwise, non-recurring revenues will be added  
20 to the Unreserved, Undesignated Fund Balance. This provision may be amended or  
21 waived by a two-thirds vote of the full Navajo Nation Council.” 12 N.N.C. §820(F).

22 4. All requests for supplemental funding shall be submitted to the Office of Management  
23 and Budget (“OMB”) for budget impact analysis. 12 N.N.C. §820(M).

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25 **SECTION TWO. FINDINGS**

26 A. The Navajo Nation Division of Natural Resources (“DNR”) has prepared a Supplemental  
27 Funding Proposal Summary (Appendix K) dated June 21, 2021. DNR seeks \$1,962,149 out  
28 of the Unreserved, Undesignated Fund Balance to address drought conditions at the Navajo  
29 Nation’s Colorado ranches in Huerfano and Custer counties, where the Boyer Ranch and the  
30 Wolf Springs Ranch are located. **EXHIBIT A.**

1 B. The DNR has also submitted Budget Forms 1, 2, and 4. **EXHIBIT B.** A detailed description  
2 of the need for drought mitigation efforts at the two ranches is included in all supporting  
3 documents at Exhibit A and Exhibit B.

4 C. This supplemental funding request has been submitted through the Navajo Nation's Section  
5 164 Review process, and the Office of Management and Budget, the Office of the  
6 Controller, and the Department of Justice, have all determined that this request is proper and  
7 legally sufficient. **EXHIBIT C.**

8 D. The Office of the Controller has also issued a memorandum dated July 27, 2021, satisfy the  
9 requirements under 12 N.N.C. § 820(L). **EXHIBIT D.** The Controller has identified the  
10 proposed expenditures by DNR as NON-RECURRING.

11 E. In accordance with 12 N.N.C. § 820(M), the Office of Management and Budget did review  
12 this funding proposal during the Section 164 Review process, as shown in Exhibit C.

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14 **SECTION THREE. APPROVING \$1,962,149 IN UUFBS SUPPLEMENTAL FUNDING**  
15 **TO THE NNDNR FOR DROUGHT MITIGATION AT THE COLORADO RANCHES**

16 A. The Navajo Nation hereby approves \$1,962,149 in supplemental funding from the  
17 Unreserved, Undesignated Fund Balance to the Division of Natural Resources for drought  
18 mitigation efforts at the Navajo Nation's Boyer Ranch and Wolf Springs Ranch in Colorado.

19 B. This supplemental appropriation of \$1,962,149 shall be from that amount of funds that  
20 exceeds the minimum fund balance of the Unreserved, Undesignated Fund Balance as  
21 determined by the Office of the Controller.

22 C. This supplemental appropriation of \$1,962,149 shall be available until fully expended and  
23 shall not lapse on September 30, 2022.

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25 **SECTION FOUR. EFFECTIVE DATE**

26 This legislation shall become effective in accordance with 2 N.N.C. §221(B) and 2 N.N.C.  
27 §164(A)(17).

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29 **SECTION FIVE. SAVING CLAUSE**

30 If any provision of this legislation is determined invalid by the Supreme Court of the Navajo

1 Nation, or by the Navajo Nation District Court without appeal to the Navajo Nation Supreme  
2 Court, the remainder of this legislation shall remain valid as the law of the Navajo Nation.

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