TITLE: 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

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

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.
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.
PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL - Third Year, 2021

Introduced by:

(Prime Sponsor)

Tracking No. 0252-21

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

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Resources and Development Committee is a standing committee of the Navajo Nation Council with the authority to oversee all matters involving water, land, environment, agriculture, livestock, economic and community development, among other responsibilities. 2 N.N.C. §500(C).

B. The Budget and Finance Committee is a standing committee of the Navajo Nation Council that is empowered to review and recommend to the Navajo Nation Council the budgeting, appropriation, investment, and management of all funds. 2 N.N.C. §301(B)(2).

C. The Naabik’iyáti’ Committee is a standing committee of the Navajo Nation Council that is responsible for reviewing proposed resolutions that require 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. 2 N.N.C. §102(A).

E. The Navajo Nation Council has the authority to approve supplemental appropriations. “The 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).” 12 N.N.C. §820(L).

F. The restrictions on supplemental appropriations include:

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

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

3. The Navajo Nation Code further provides, “... 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).

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

SECTION TWO. FINDINGS

A. The Navajo Nation Division of Natural Resources (“DNR”) has prepared a Supplemental Funding Proposal Summary (Appendix K) dated June 21, 2021. DNR seeks $1,962,149 out of the Unreserved, Undesignated Fund Balance to address drought conditions at the Navajo Nation’s Colorado ranches in Huerfano and Custer counties, where the Boyer Ranch and the Wolf Springs Ranch are located. EXHIBIT A.
B. The DNR has also submitted Budget Forms 1, 2, and 4. **EXHIBIT B.** A detailed description of the need for drought mitigation efforts at the two ranches is included in all supporting documents at Exhibit A and Exhibit B.

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

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

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

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

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

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

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

**SECTION FOUR. EFFECTIVE DATE**

This legislation 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 the 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.