

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0165-22_

SPONSOR: Herman Daniels, Jr.

TITLE: An Act Relating to an Emergency; Approving \$89,480 from the Unreserved, Undesignated Fund Balance (“UUFB”) for a New HVAC System for the Olijato Chapter Senior Center

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SUMMARY OF PROPOSED LEGISLATION

TrackingNo. 0165-22

Date: September 12, 2022

Re: AN ACT RELATING TO AN EMERGENCY; APPROVING \$89,480 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE (“UUFb”) FOR A NEW HVAC SYSTEM FOR THE OLJATO CHAPTER SENIOR CENTER

Purpose of this Legislation:

to approve \$89,480 from the UUFb for a new HVAC system for the Oljato Chapter Senior Center.

OLC No. 22-310-1

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL - Fourth Year, 2022

Introduced by:

 Herman M. Daniels, Jr.

(Prime Sponsor)

Tracking No. 0165-22

AN ACT
RELATING TO AN EMERGENCY; APPROVING \$89,480 FROM THE
UNRESERVED, UNDESIGNATED FUND BALANCE (“UUF”) FOR A
NEW HVAC SYSTEM FOR THE OLJATO CHAPTER SENIOR CENTER

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).
As such, the Council may approve supplemental appropriations whenever additional sources of revenues above current revenue projections are anticipated and such revenues exceed the required reserve amount. 12 N.N.C. §820(L).
- B. The Navajo Nation Council may approve emergency legislation to address any matter “constituting an emergency [that] shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council.” 2 N.N.C. §164 (A)(16).
- C. At this time, this Act is being considered as an emergency measure because the Oljato Chapter Senior Center has been without a functioning central heating and air

1 conditioning/cooling system (“HVAC”) for over a year’s time. The lack of heat in the winter
2 and adequate air conditioning/cooling during the summer months has created extremely
3 uncomfortable and dangerous conditions at the Senior Center. There is a high risk for this
4 facility to be closed at this time. Despite these conditions, the staff has worked to keep
5 providing services to the elderly residents of the Oljato Community. The imminent shutdown
6 of the Senior Center would deny many Navajo elders of the dire services, especially daily
7 meals, that they have come to rely upon. Given this situation, there is a pressing public need
8 for the Council to approve this Act.

9 D. The restrictions on supplemental appropriations, including all monies from the Navajo
10 Nation’s Unreserved, Undesignated Fund Balance, include:

- 11 1. Payment of recurring government operating expenses shall be from recurring revenues,
12 and payment of nonrecurring expenses shall be from nonrecurring revenues such as UUFB
13 funds. 12 N.N.C. §820(E), §820(F).
- 14 2. Specifically, the UUFB shall not be used for recurring government expenditures or
15 operations. 12 N.N.C. §820(J), §820(L).
- 16 3. Nonrecurring revenues such as UUFB funds may be used only after the Controller
17 determines whether or not such revenues are subsidizing an imbalance between the
18 Navajo Nation’s recurring revenues and expenditures, and government expenditures shall
19 only be authorized if a long-term (3-year to 5-year year) forecast shows that the operating
20 deficit will not continue; otherwise, nonrecurring revenues will be added to the
21 Unreserved, Undesignated Fund Balance. 12 N.N.C. §820(F).
- 22 4. The above provisions in Title 12 may be amended or waived by a two-thirds vote of the
23 full Navajo Nation Council. 12 N.N.C. §820(F), 12 N.N.C. §880.
- 24 5. In compliance with 12 N.N.C. §820(F) all UUFB funding requests must be reviewed by
25 the Controller. Such review is also required because the Controller determines which
26 revenues and expenses are recurring and which are non-recurring. 12 N.N.C. §820(L).
- 27 6. In compliance with 12 N.N.C. §820(M) all UUFB funding requests must be submitted to
28 the Office of Management and Budget (“OMB”) for a budget impact analysis.
- 29 7. Supplemental funding such as UUFB appropriations shall lapse at the end of the current
30 fiscal year unless the Navajo Nation Council decides otherwise. 12 N.N.C. §820(N).

1 **SECTION TWO. FINDINGS**

- 2 A. As stated above, the Oljato Chapter Senior Center has been without central heating and air
3 conditioning for over a year’s time. This has created extremely uncomfortable and dangerous
4 conditions at the Senior Center, and the facility faces imminent shutdown.
- 5 B. The Oljato Chapter Senior Center is requesting \$89,480 in UUFB funds to pay for the
6 installation of a new HVAC system at the Center. **EXHIBIT A.**
- 7 C. The Oljato Chapter has submitted completed Budget Forms for its proposed expenditures,
8 attached as **EXHIBIT B**, as well as the required Appendix K “Supplemental Funding
9 Proposal Funding Summary,” attached as **EXHIBIT C.**
- 10 D. The Controller has provided a memorandum regarding this funding request, in compliance
11 with 12 N.N.C. §820(F) and §820(L). **EXHIBIT D.** The Controller has indicated that the
12 proposed expenditures by ARQ are *nonrecurring* expenses; therefore, a waiver of 12 N.N.C.
13 §820(E), §820(F), §820(J), or §820(L) is not necessary.
- 14 E. The Office of Management and Budget has provided a memorandum regarding this funding
15 request, in compliance with 12 N.N.C. §820(M). **EXHIBIT E.**
- 16 F. The Navajo Nation Council has determined that approving the requested UUFB funds for
17 the Oljato Chapter Senior Center is an urgent and critical priority for the Navajo Nation. The
18 proposed HVAC system is urgently needed and will provide the facility with safe and
19 comfortable conditions for the many Oljato Community Navajo elders, as well as all staff
20 and visitors, who use the Center every day and rely upon the many services provided.

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22 **SECTION THREE. APPROVAL OF \$89,480 FROM THE UUFB FOR A NEW HVAC**
23 **SYSTEM FOR THE OLJATO CHAPTER SENIOR CENTER**

- 24 A. The Navajo Nation hereby approves \$89,480 from the UUFB for the installation of a new
25 HVAC system for the Oljato Chapter Senior Center.
- 26 B. The approved UUFB funds shall be from those revenues that exceed the 10% minimum
27 balance of the UUFB which must be maintained according to 12 N.N.C. §820(J).
- 28 C. The approved UUFB funds shall not lapse at the end of Fiscal Year 2022, as would otherwise
29 occur pursuant to 2 N.N.C. §820(N), so long as such funds are used for the installation of the
30 HVAC system at the Oljato Chapter Senior Center, as provided for herein.

1 D. Upon the effective date of this Act, the Controller shall promptly transfer the approved
2 UUFB funds to the Division of Community Development (“DCD”).

3 E. Upon receipt of the approved UUFB funds, the DCD shall then arrange for the expenditure
4 of these funds for the installation of a new HVAC system for the Oljato Chapter Senior
5 Center, in accordance with the EXHIBIT B and EXHIBIT C, and in accordance with DCD’s
6 regular procedures and requirements that apply to expenditures for non-LGA-certified
7 Chapters.

8 F. The approved UUFB funds shall be used strictly to pay for the Oljato Chapter Senior Center’s
9 HVAC system, as described in EXHIBIT A, EXHIBIT B and EXHIBIT C.

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11 **SECTION FOUR. EFFECTIVE DATE**

12 This Act shall become effective pursuant to 2 N.N.C. §221(B) and 2 N.N.C. §164(A)(17).
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14 **SECTION FIVE. SAVING CLAUSE**

15 If any portion of this Act is determined invalid by the Navajo Nation Supreme Court, or by a
16 District Court of the Navajo Nation without appeal to the Navajo Nation Supreme Court, the
17 remainder of this Act shall be the law of the Navajo Nation.
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