

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0098-23_

SPONSOR: Seth Damon

TITLE: An Action Relating to the Budget and Finance, and Naabik'iyáti' Committees, and the Navajo Nation Council; Approving \$2,695,476 from the Unreserved, Undesignated Fund Balance ("UUFb") for Various Programs Under the Executive and Legislative Branches, to Cover Their Expenses for the Remainder of FY2023; Waiving 12 N.N.C. § 820(E), § 820(F), § 820(J), and § 820(L) to Allow Use of UUFb Funds for Recurring Expenses

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SUMMARY OF PROPOSED LEGISLATION

Tracking No. 0098-23

Date: May 3, 2023

Re: AN ACTION RELATING TO THE BUDGET & FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; APPROVING \$2,695,476 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUFb") FOR VARIOUS PROGRAMS UNDER THE EXECUTIVE AND LEGISLATIVE BRANCHES, TO COVER THEIR EXPENSES FOR THE REMAINDER OF FY2023; WAIVING 12 N.N.C. §820(E), §820(F), §820(J), AND §820(L) TO ALLOW USE OF UUFb FUNDS FOR RECURRING EXPENSES

Purpose of this Legislation:

to approve \$2,695,476 in UUFb funds for various programs, offices, committees, and commissions under the Executive and Legislative Branches, for their personnel and other operating expenses for the remainder of FY2023.


OLC No. 23-204-1

5-DAY BILL HOLD PERIOD: Hoburn
Website Posting Time/Date: _____
Posting End Date: 05-08-23
Eligible for Action: 05-09-23

Budget & Finance Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 25th NAVAJO NATION COUNCIL - First Year, 2023

3 Introduced by:

4
5 
6 (Prime Sponsor)

7
8 Tracking No. 0098-23
9

10 AN ACTION

11 RELATING TO THE BUDGET & FINANCE, AND NAABIK'ÍYÁTI'
12 COMMITTEES, AND THE NAVAJO NATION COUNCIL; APPROVING
13 \$2,695,476 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE
14 ("UUFB") FOR VARIOUS PROGRAMS UNDER THE EXECUTIVE AND
15 LEGISLATIVE BRANCHES, TO COVER THEIR EXPENSES FOR THE
16 REMAINDER OF FY2023; WAIVING 12 N.N.C. §820(E), §820(F), §820(J),
17 AND §820(L) TO ALLOW USE OF UUFB FUNDS FOR RECURRING EXPENSES
18

19 **BE IT ENACTED:**

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21 **SECTION ONE. AUTHORITY**

22 A. The Budget and Finance Committee is a standing committee of the Navajo Nation Council
23 authorized to review and recommend to the Council the management of all funds, including
24 those funds in the Unreserved, Undesignated Fund Balance of the Navajo Nation's General
25 Fund ("UUFB"). 2 N.N.C. §164(A)(9); 2 N.N.C. §300(A); 2 N.N.C. §301(B)(2); 12 N.N.C.
26 §820(L).

27 B. The Budget and Finance Committee also has oversight authority over the Office of the
28 Controller. 2 N.N.C. §301(B)(13).

29 C. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council, and all
30 proposed legislation requiring final action by the Navajo Nation Council is assigned to the

1 Naabik'íyáti' Committee for its consideration. 2 N.N.C. §164(A)(9); 2 N.N.C. §700(A).

2 D. The Naabik'íyáti' Committee is the oversight authority for the Office of Legislative Services
3 and other offices, programs, commissions, boards or task forces under the Legislative Branch
4 of the Navajo Nation government. 2 N.N.C. §701(A)(5).

5 E. The Naabik'íyáti' Committee also has oversight authority over the conduct and operations of
6 Navajo Nation entities not under the oversight authority of other standing committees,
7 including the Office of the President/Vice-President and the Office of Miss Navajo. 2 N.N.C.
8 §701(A)(2).

9 F. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A). As
10 such, the Council “. . . may adopt and approve supplemental appropriations to the Annual
11 Comprehensive Budget during the fiscal year. Supplemental appropriations of General Funds
12 within the current fiscal year are permitted, if and when additional sources of revenues above
13 and beyond the initial or current revenue projections are projected and which are also in excess
14 of the reserve amount set forth at §820(J).” 12 N.N.C. §820(L).

15 G. Further Title 12 restrictions on supplemental appropriations, including all amounts from the
16 Unreserved, Undesignated Fund Balance (“UUFB”), include:

17 1. Payment of recurring government operating expenses shall be from recurring revenues, and
18 payment of nonrecurring expenses shall be from nonrecurring revenues such as UUFB
19 funds. 12 N.N.C. §820(E); 12 N.N.C. §820(F).

20 2. Specifically, the UUFB shall not be used for recurring government expenditures or
21 operations. 12 N.N.C. §820(J); 12 N.N.C. §820(L).

22 3. Nonrecurring revenues such as UUFB funds may be used only after the Controller
23 determines if such revenues are subsidizing an imbalance between the Navajo Nation's
24 recurring revenues and expenditures, and government expenditures shall only be authorized
25 if a long-term (3-year to 5-year year) forecast shows that the operating deficit will not
26 continue; otherwise, nonrecurring revenues will be added to the UUFB. 12 N.N.C. §820(F).

27 4. The above provisions in Title 12 may be amended or waived by a two-thirds vote of the full
28 membership of the Navajo Nation Council. 12 N.N.C. §820(F); 12 N.N.C. §880.

29 5. Pursuant to 12 N.N.C. §820(F) all UUFB funding requests must be reviewed by the
30 Controller, to ensure compliance with 12 N.N.C. §820(L).

1 6. Pursuant to 12 N.N.C. §820(M) all UUFB funding requests must be submitted to the Office
2 of Management and Budget (“OMB”) for a budget impact analysis.

3
4 **SECTION TWO. FINDINGS**

5 A. The Office of the Controller is requesting \$405,737 in UUFB funds to cover the incoming
6 Controller’s salary and Office security services for the remainder of FY2023. **EXHIBIT A.**

7 B. The required Budget Forms 1, 2, and 4, along with Appendix K “Supplemental Funding
8 Proposal Summary” for the proposed expenditures for the Office of the Controller, are attached
9 as **EXHIBIT B.**

10 C. The Office of the Controller has provided a memorandum regarding the proposed expenditures
11 for the Office of the Controller, as required by 12 N.N.C. §820(L). This memorandum indicates
12 that the proposed expenditures are *recurring*. **EXHIBIT C.**

13 D. The Office of Management and Budget has provided a memorandum regarding the proposed
14 expenditures for the Office of the Controller, pursuant to 12 N.N.C. §820(M). **EXHIBIT D.**

15 E. The Office of Miss Navajo is requesting \$271,744 in UUFB funds to cover its personnel and
16 operating expenses for the remainder of FY2023. **EXHIBIT A.**

17 F. The required Budget Forms 1, 2, and 4, along with Appendix K “Supplemental Funding
18 Proposal Summary” for the proposed expenditures for the Office of Miss Navajo, are attached
19 as **EXHIBIT E.**

20 G. The Office of the Controller has provided a memorandum regarding the proposed expenditures
21 for the Office of Miss Navajo, as required by 12 N.N.C. §820(L). This memorandum indicates
22 that the proposed expenditures are *recurring*. **EXHIBIT F.**

23 H. The Office of Management and Budget has provided a memorandum regarding the proposed
24 expenditures for the Office of Miss Navajo, pursuant to 12 N.N.C. §820(M). **EXHIBIT G.**

25 I. The Office of the President/Vice-President is requesting \$750,000 in UUFB funds to cover its
26 travel and other operating expenses for the remainder of FY2023. **EXHIBIT A.**

27 J. The required Budget Forms 1, 2, and 4, along with Appendix K “Supplemental Funding
28 Proposal Summary” for the proposed expenditures for the Office of the President/Vice-
29 President, are attached as **EXHIBIT H.**

30 K. The Office of the Controller has provided a memorandum regarding the proposed expenditures

1 for the Office of the President/Vice-President, as required by 12 N.N.C. §820(L). This
2 memorandum indicates that the proposed expenditures are *recurring*. **EXHIBIT I.**

3 L. The Office of Management and Budget has provided a memorandum regarding the proposed
4 expenditures for the Office of the President/Vice-President, pursuant to 12 N.N.C. §820(M).
5 **EXHIBIT J.**

6 M. The total amount in UUFb funds requested by the three Executive Branch programs at this
7 time is \$1,427,481. **EXHIBIT A.**

8 N. The Navajo Nation Council, and the Budget and Finance, the Health, Education, and Human
9 Services, the Resources and Development, and the Law and Order Committees of the Council,
10 as well as various offices and commissions under the Legislative Branch, are requesting a total
11 amount of \$1,267,995 in UUFb funds to cover their personnel and other operating expenses
12 for the remainder of FY2023. **EXHIBIT K.**

13 O. The required Budget Forms 1, 2, and 4, along with Appendix K “Supplemental Funding
14 Proposal Summary” for the \$50,000 in proposed expenditures for the Navajo Nation Council,
15 are attached as **EXHIBIT L.**

16 P. The required Budget Forms 1, 2, and 4, along with Appendix K “Supplemental Funding
17 Proposal Summary” for the \$20,000 in proposed expenditures for the Budget and Finance
18 Committee, are attached as **EXHIBIT M.**

19 Q. The required Budget Forms 1, 2, and 4, along with Appendix K “Supplemental Funding
20 Proposal Summary” for the \$50,000 in proposed expenditures for the Navajo Nation Labor
21 Commission, are attached as **EXHIBIT N.**

22 R. The required Budget Forms 1, 2, and 4, along with Appendix K “Supplemental Funding
23 Proposal Summary” for the \$222,000 in proposed expenditures for the Office of the Speaker,
24 are attached as **EXHIBIT O.**

25 S. The required Budget Forms 1, 2, and 4, along with Appendix K “Supplemental Funding
26 Proposal Summary” for the \$50,468 in proposed expenditures for the Office of Navajo
27 Government Development, are attached as **EXHIBIT P.**

28 T. The required Budget Forms 1, 2, and 4, along with Appendix K “Supplemental Funding
29 Proposal Summary” for the \$100,000 in proposed expenditures for the Office of Legislative
30 Counsel, are attached as **EXHIBIT Q.**

1 U. The required Budget Forms 1, 2, and 4, along with Appendix K “Supplemental Funding
2 Proposal Summary” for the \$120,000 in proposed expenditures for the Office of Legislative
3 Services, are attached as **EXHIBIT R**.

4 V. The required Budget Forms 1, 2, and 4, along with Appendix K “Supplemental Funding
5 Proposal Summary” for the \$269,400 in proposed expenditures for the Office of Auditor
6 General, are attached as **EXHIBIT S**.

7 W. The required Budget Forms 1, 2, and 4, along with Appendix K “Supplemental Funding
8 Proposal Summary” for the \$85,000 in proposed expenditures for the Eastern Navajo Land
9 Commission Office, are attached as **EXHIBIT T**.

10 X. The required Budget Forms 1, 2, and 4, along with Appendix K “Supplemental Funding
11 Proposal Summary” for the \$43,130 in proposed expenditures for the Office of Navajo Nation
12 Human Rights Commission, are attached as **EXHIBIT U**.

13 Y. The required Budget Forms 1, 2, and 4, along with Appendix K “Supplemental Funding
14 Proposal Summary” for the \$184,410 in proposed expenditures for the Health, Education, and
15 Human Services Committee, are attached as **EXHIBIT V**.

16 Z. The required Budget Forms 1, 2, and 4, along with Appendix K “Supplemental Funding
17 Proposal Summary” for the \$19,587 in proposed expenditures for the Resources and
18 Development Committee, are attached as **EXHIBIT W**.

19 AA. The required Budget Forms 1, 2, and 4, along with Appendix K “Supplemental Funding
20 Proposal Summary” for the \$54,000 in proposed expenditures for the Law and Order
21 Committee, are attached as **EXHIBIT X**.

22 BB. The Office of the Controller has provided a memorandum regarding the proposed
23 expenditures for the Navajo Nation Council, for the 4 standing committees of the Council, and
24 for the various offices and commissions under the Legislative Branch, as required by 12 N.N.C.
25 §820(L). The Controller’s memorandum indicates that the proposed expenditures are
26 *recurring*. **EXHIBIT Y**.

27 CC. The Office of Management and Budget has provided a memorandum regarding the proposed
28 expenditures for the Navajo Nation Council, for the 4 standing committees of the Council, and
29 for the various offices and commissions under the Legislative Branch, pursuant to 12 N.N.C.
30 §820(M). **EXHIBIT Z**.

1 **SECTION THREE. APPROVING \$2,695,476 FROM THE UNRESERVED,**
2 **UNDESIGNATED FUND BALANCE (“UUFb”) FOR VARIOUS**
3 **PROGRAMS UNDER THE EXECUTIVE AND LEGISLATIVE**
4 **BRANCHES, TO COVER THEIR EXPENSES FOR THE**
5 **REMAINDER OF FY2023**

6 A. The Navajo Nation hereby approves \$2,695,476 from the UUFb to the various programs under
7 the Executive and Legislative Branches, to cover their expenses for the remainder of FY2023,
8 as shown in the attached **EXHIBITS A - EXHIBIT Z**.

9 B. This supplemental appropriation shall be from those funds that exceed the minimum fund
10 reserve balance in the UUFb required by 12 N.N.C. §820(J), as determined by the Controller.

11 C. The approved UUFb funds shall be promptly transferred into those budget line items as
12 indicated in the respective programs’ budget forms and Appendix K forms, attached hereto as
13 **EXHIBITS B, E, H, and EXHIBITS L-X**.

14 D. Pursuant to 12 N.N.C. §820(N)(1)(b) and 12 N.N.C. §820(N)(4), the UUFb funds received by
15 each of the Executive and Legislative Branch programs, as approved herein, shall lapse at the
16 end of FY2023, unless otherwise provided by a 7/8 vote of all Council delegates.

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18 **SECTION FOUR. WAIVING 12 N.N.C. §820(E), §820(F), §820(J), and §820(L) TO**
19 **ALLOW USE OF UUFb FUNDS FOR RECURRING EXPENSES**

20 The Navajo Nation hereby waives 12 N.N.C. §820(E), §820(F), §820(J), and §820(L) to allow
21 use of UUFb funds for the expenditures of the Executive and Legislative Branch programs
22 described herein, as shown in **EXHIBITS B, E, H, and EXHIBITS L-X**. Such waivers are
23 necessary because the proposed UUFb expenditures are considered recurring government
24 expenses.

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26 **SECTION FIVE. EFFECTIVE DATE**

27 This Action shall become effective as provided in 2 N.N.C. §221(B) and 2 N.N.C. §164(A)(17).

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29 **SECTION SIX. SAVING CLAUSE**

30 If any portion of this Action is determined invalid by the Navajo Nation Supreme Court, or by a

1 District Court of the Navajo Nation without appeal to the Navajo Nation Supreme Court, the
2 remainder of this Action shall be the law of the Navajo Nation.

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