

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0002-24_

SPONSOR: Vince R. James

TITLE: An Action Relating to the Health, Education, and Human Services, Budget and Finance, and Naabik'iyáti' Committees, and the Navajo Nation Council; Approving \$446,595 from the Unreserved, Undesignated Fund Balance for the Tohatchi Area of Opportunity and Services, Inc. for the Purchase of 11 New Vehicles to Provide Transportation Services for its Clients

Date posted: January 03, 2024 at 6:10PM

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.*

SUMMARY OF PROPOSED LEGISLATION

Tracking No. 0002-24

DATE: January 3, 2024

RE: AN ACTION RELATING TO THE HEALTH, EDUCATION, AND HUMAN SERVICES, BUDGET AND FINANCE, AND NAA'BIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; APPROVING \$446,595 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE FOR THE TOHATCHI AREA OF OPPORTUNITY & SERVICES, INC. FOR THE PURCHASE OF 11 NEW VEHICLES TO PROVIDE TRANSPORTATION SERVICES FOR ITS CLIENTS

Purpose of this Legislation:

to approve \$446,595 for the Division of Social Services to purchase 11 new passenger vehicles for the Tohatchi Area of Opportunity & Services, Inc. to provide transportation services for its Navajo clients.

OLC No. 23-486-1

5-DAY BILL HOLD PERIOD
Website Posting Time/Date
Posting End Date: 01-08-24
Eligible for Action: 01-09-24

Health Education & Human Services Committee
Thence
Budget & Finance Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 25th NAVAJO NATION COUNCIL - Second Year, 2024
3

4 Introduced by:
5 
6
7 (Prime Sponsor)

8
9 Tracking No. 0002-24

10
11 AN ACTION
12 RELATING TO THE HEALTH, EDUCATION, AND HUMAN SERVICES,
13 BUDGET AND FINANCE, AND NAA'BIK'ÍYÁTI' COMMITTEES, AND THE
14 NAVAJO NATION COUNCIL; APPROVING \$446,595 FROM THE UNRESERVED,
15 UNDESIGNATED FUND BALANCE FOR THE TOHATCHI AREA OF
16 OPPORTUNITY & SERVICES, INC. FOR THE PURCHASE OF 11 NEW
17 VEHICLES TO PROVIDE TRANSPORTATION SERVICES FOR ITS CLIENTS
18

19 BE IT ENACTED:

20
21 SECTION ONE. AUTHORITY

22 A. The Health, Education, and Human Services Committee is a Navajo Nation Council standing
23 committee with the authority to oversee all health-related and social services-related
24 activities of the Navajo Nation and its tribal organizations and enterprises.” 2 N.N.C.
25 §401(C)(2).

26 B. The Budget and Finance Committee is a Navajo Nation Council standing committee
27 empowered to review and recommend to the Navajo Nation Council the management of all
28 funds. 2 N.N.C. §300(A), and §301(B)(2).

29 C. The Naabik'iyáti' Committee is a Navajo Nation Council standing committee with the
30 responsibility to review all proposed legislation requiring final action by the Navajo Nation

1 Council. 2 N.N.C. §164(A)(9) and §700(A).

2 D. The Navajo Nation Council is the governing body of the Navajo Nation, with the authority
3 to approve supplemental appropriations. 2 N.N.C. §102(A), 12 N.N.C. §820(L).

4 E. Pursuant to 12 N.N.C. §820(L), the Navajo Nation Council may approve supplemental
5 appropriations within the current fiscal year, if and when additional revenues above and
6 beyond the initial or current revenue projections are collected and which are in excess of the
7 minimum reserve amount required by 12 N.N.C. §820(J).

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

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

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

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

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

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

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

26
27 **SECTION TWO. FINDINGS**

28 A. The Tohatchi Area of Opportunity & Services, Inc. (“TAOS”), formerly known as “A School
29 for Me, Inc.” was recognized as a Tribal Organization in 1982 by Resolution No. ACJN-69-
30 82. TAOS provides assisted living services, adult rehabilitation, community-based support,

1 employment support, transportation, and other critical services to adults and children with
2 intellectual and developmental disabilities. TAOS serves many Navajo Nation communities.

3 B. TAOS is requesting \$446,595 from the UUFB to assist them in providing transportation
4 services to its intellectually and developmentally disabled clients, all of whom are Navajo.

5 C. In a letter from the TAOS Executive Director dated September 15, 2023, TAOS explains that
6 the organization urgently needs 11 new vehicles to replace much of their aging, high-
7 mileage, high-maintenance, fleet of vehicles. **EXHIBIT 1.** Their current vehicles are old and
8 unreliable and some have been deemed unsafe and cannot be used. See **EXHIBIT 2.**

9 D. With the approved UUFB funding, 11 new vehicles can be purchased to provide ready and
10 reliable transportation for TAOS' Navajo clients, so they are able to participate in community
11 activities, attend medical appointments, job interviews, and other critical appointments.
12 **EXHIBIT 3.** The new vehicles will allow TAOS' clients to be empowered and to function
13 as independently as possible.

14 E. TAOS' Grant Application (Appendix F from the FY2024 Budget Instructions Manual) and
15 relevant Navajo Nation budget forms, are attached as **EXHIBIT 4.**

16 F. The Office of the Controller issued a memorandum dated November 16, 2023 pursuant to 12
17 N.N.C. §820(L). **EXHIBIT 5.** The Controller has identified TAOS' proposed expenditures
18 as *non-recurring*. Therefore, this UUFB funding request fits within 12 N.N.C. §820(F).

19 G. The Office of Management and Budget issued a memorandum dated November 13, 2023
20 pursuant to 12 N.N.C. §820(M). **EXHIBIT 6.**

21 H. TAOS's UUFB funding request went through the Section 164 Executive Review and the
22 Navajo Nation Department of Justice has deemed the request to be sufficient. **EXHIBIT 7.**

23 I. Several Navajo Nation Chapters and the TAOS Board of Directors have voiced their support
24 for this funding request for TAOS to obtain the needed vehicles. **EXHIBIT 8.**

25
26 **SECTION THREE. APPROVING \$446,595 FROM THE UNRESERVED,
27 UNDESIGNATED FUND BALANCE FOR THE TOHATCHI
28 AREA OF OPPORTUNITY & SERVICES, INC.**

29 A. The Navajo Nation hereby approves \$446,595 from the Unreserved, Undesignated Fund
30 Balance for the purchase of 11 new passenger vehicles that will be provided to the Tohatchi

1 Area of Opportunity Services, Inc., as listed in **EXHIBIT 3**.

2 B. This \$446,595 shall be from that amount of funds that exceeds the minimum fund balance of
3 the Unreserved, Undesignated Fund Balance as determined by the Office of the Controller.

4 C. The \$446,595 shall be distributed to the Navajo Nation Division of Social Services
5 (“NNDSS”) within twenty (20) days following the effective date of this Action.

6 D. Upon receipt of the funds NNDSS shall promptly purchase the 11 new passenger vehicles
7 listed in **EXHIBIT 3** and shall arrange for delivery of the vehicles and transfer of all vehicle
8 titles, to TAOS.

9 E. TAOS shall obtain appropriate liability and other insurance policies covering the operation
10 and use of the 11 vehicles. After transfer of title to TAOS, TAOS shall be wholly responsible
11 for the operation, maintenance, and repair of the 11 vehicles, and the Navajo Nation shall not
12 be liable for any condition or event pertaining to the 11 vehicles.

13 F. The Unreserved, Undesignated Fund Balance may be reimbursed the \$446,595 from
14 prospective funds available to the Navajo Nation from any and all state and federal sources,
15 including Congressional appropriations under the American Rescue Plan Act of 2021 or
16 other sources.

17
18 **SECTION FOUR. DIRECTIVE**

19 Within ninety calendar days of the effective date of this Action, NNDSS shall provide a written
20 report on the status of expenditures under this legislation, to the Naabik'iyati' Committee and to
21 the Office of the President and Vice-President.

22
23 **SECTION FIVE. SAVING CLAUSE**

24 If any provision of this Action is determined invalid by the Navajo Nation Supreme Court, or
25 by a District Court of the Navajo Nation without appeal to the Navajo Nation Supreme Court,
26 the rest of the Action shall remain the law of the Navajo Nation.

27
28 **SECTION SIX. EFFECTIVE DATE**

29 This Action shall become effective in accordance with 2 N.N.C. §221(B) and 2 N.N.C.
30 §164(A)(17).