

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0018-24\_

SPONSOR: George Tolth

**TITLE: An Action Relating to an Emergency for the Navajo Nation Council; Approving \$1,304,652.64 from the Unreserved, Undesignated Fund Balance (“UUFB”) for the 110 Navajo Nation Chapters to Replenish their Emergency Fund Accounts so they are Ready to Address Emergencies in their Communities; Waving 12 N.N.C §820 (E), §820 (F), §820 (J), and §820 (L) to Allow Use of the UUFB for Recurring Expenses**

*Date posted:* January 22, 2024 at 6:24PM

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## **SUMMARY OF PROPOSED LEGISLATION**

Tracking No. 0018-24

DATE: January 22, 2024

**RE: AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; APPROVING \$1,304,652.64 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE (“UUF”) FOR THE 110 NAVAJO NATION CHAPTERS TO REPLENISH THEIR EMERGENCY FUND ACCOUNTS SO THEY ARE READY TO ADDRESS EMERGENCIES IN THEIR COMMUNITIES; WAIVING 12 N.N.C. §820(E), §820(F), §820(J), AND §820(L) TO ALLOW USE OF THE UUF FOR RECURRING EXPENSES**

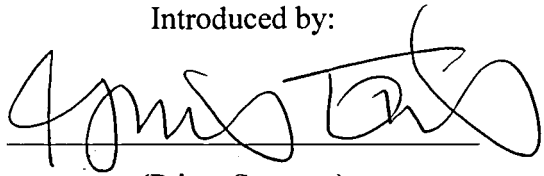
### **Purpose of this Legislation:**

to approve \$1,304,652.64 from the UUF for the 110 Chapters’ Emergency Fund accounts.

OLC No. 24-019-1

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
25<sup>th</sup> NAVAJO NATION COUNCIL - Second Year, 2024

Introduced by:



(Prime Sponsor)

Tracking No. 0018-24

**AN ACTION**

**RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; APPROVING \$1,304,652.64 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE (“UUFb”) FOR THE 110 NAVAJO NATION CHAPTERS TO REPLENISH THEIR EMERGENCY FUND ACCOUNTS SO THEY ARE READY TO ADDRESS EMERGENCIES IN THEIR COMMUNITIES; WAIVING 12 N.N.C. §820(E), §820(F), §820(J), AND §820(L) TO ALLOW USE OF THE UUFb FOR RECURRING EXPENSES**

**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 consider emergency legislation. 2 N.N.C. §164(A)(16). “[M]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief 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).

B. As the governing body of the Navajo Nation, the Council may approve supplemental appropriations during the fiscal year. “Supplemental appropriations of General Funds within

1 the current fiscal year are permitted, if and when additional sources of revenues above and  
2 beyond the initial or current revenue projections are projected and which are also in excess  
3 of the reserve amount set forth at §820(J).” 12 N.N.C. §820(L).

4 C. A “supplemental appropriation” is defined as: “[a]n appropriation of funds from the UUFB  
5 during the fiscal year, outside of the annual Comprehensive Budget Process.” See Section  
6 XIV.33 of the FY2023 Budget Instructions Manual.

7 D. Further Title 12 restrictions on supplemental appropriations, including all amounts from the  
8 UUFB include:

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

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

14 3. Nonrecurring revenues such as UUFB funds may be used only after the Controller  
15 determines if such revenues are subsidizing an imbalance between the Navajo Nation’s  
16 recurring revenues and expenditures, and government expenditures shall only be  
17 authorized if a long-term (3-year to 5-year year) forecast shows that the operating deficit  
18 will not continue; otherwise, nonrecurring revenues will be added to the UUFB. 12  
19 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 E. This resolution is being offered as an emergency action because, due to heavy precipitation  
27 this winter, the 110 Navajo Nation Chapters have significantly depleted their Emergency  
28 Fund accounts by various amounts, and some accounts are completely exhausted. These  
29 critical Emergency Fund accounts are used by the 110 Chapters to respond to weather-related  
30 and other emergency situations in their communities.

1 **SECTION TWO. FINDINGS**

2 A. After recent snowstorms and heavy precipitation, the 110 Navajo Nation Chapters have  
3 depleted their Emergency Fund accounts, which are used by the Chapters to respond to  
4 weather-related and other emergency situations in their communities.

5 B. As soon as possible, these Chapter accounts need to be replenished to the usual minimum  
6 amount for each Chapter, because further emergencies are expected across the Navajo Nation  
7 due to anticipated winter weather, muddy roads, and other difficulties.

8 C. The Division of Community Development (“DCD”) has provided a list of the dollar amount  
9 needed by each of the 110 Chapters to replenish each Chapter’s Emergency Fund account. This  
10 list prepared by DCD is attached hereto as **EXHIBIT 1**.

11 D. For this UUFb funding request, the required Navajo Nation Budget Forms and the required  
12 Appendix J “Supplemental Funding Proposal Summary” from the FY2024 Budget  
13 Instructions Manual, are attached hereto as **EXHIBIT 2**.

14 E. The Office of the Controller has provided a memorandum regarding the requested UUFb  
15 funding, as required by 12 N.N.C. §820(L). This memorandum indicates that the proposed  
16 expenditures are *recurring*. **EXHIBIT 3**.

17 F. The Office of Management and Budget has provided a memorandum regarding the proposed  
18 expenditures for the 110 Chapters. 12 N.N.C. §820(M). **EXHIBIT 4**.

19 G. This legislation is offered as an emergency measure because of the current “pressing public  
20 need” for this funding for all 110 Chapters. These funds will enable Chapters to provide local  
21 services to quickly mitigate dire weather-related emergencies and prevent potential disasters,  
22 property damage, and injury or loss of life to people and livestock.

23 H. The Navajo Nation finds it in the best interest of the Navajo Nation and the Navajo People  
24 to approve the needed emergency funds from the UUFb for all 110 Navajo Nation Chapters.

25  
26 **SECTION THREE. APPROVING \$1,304,652.64 FROM THE UUFb FOR THE 110**  
27 **NAVAJO NATION CHAPTERS TO REPLENISH THEIR**  
28 **EMERGENCY FUND ACCOUNTS**

29 A. The Navajo Nation hereby approves \$1,304,652.64 from the UUFb to the Division of  
30 Community Development for the 110 Chapters’ Emergency Fund accounts, with each

1 Chapter receiving the designated amount as shown in the attached **EXHIBIT 1**.

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

4 C. Upon the effective date of this Action, the approved UUFb funds shall be transferred to the  
5 Division of Community Development, and DCD shall then promptly provide the approved  
6 funds to each of the 110 Chapters, in accordance with **EXHIBIT 1**.

7 D. As provided in 12 N.N.C. §820(N), the UUFb funds approved herein shall not lapse at the  
8 end of Fiscal Year 2023, so long as each Chapter budgets these funds in the subsequent fiscal  
9 year for the same emergency purposes.

10  
11 **SECTION FOUR. WAIVING 12 N.N.C. §820(E), §820(F), §820(J), and §820(L) TO**  
12 **ALLOW USE OF UUFb FUNDS FOR RECURRING EXPENSES**

13 The Navajo Nation hereby waives 12 N.N.C. §820(E), §820(F), §820(J), and §820(L) to allow  
14 use of the UUFb for the proposed UUFb expenditures approved herein. Such waivers are  
15 necessary because the proposed UUFb expenditures are considered recurring government  
16 expenses.

17  
18 **SECTION FIVE. EFFECTIVE DATE**

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

20  
21 **SECTION SIX. SAVING CLAUSE**

22 If any portion of this Action is determined invalid by the Navajo Nation Supreme Court, or by a  
23 District Court of the Navajo Nation without appeal to the Navajo Nation Supreme Court, the  
24 remainder of this Action shall be the law of the Navajo Nation.