

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0027-24\_

SPONSOR: George Tolth

**TITLE: An Action Relating to an Emergency for the Navajo Nation Council; Approving \$3,850,000 from the Unreserved, Undesignated Fund Balance (“UUFB”) for all 110 Chapters so they are ready to handle Emergencies in their Communities; Approving \$2,147,317 from the UUFB for the Navajo Nation Department can adequately respond to Emergencies across the Navajo Nation ; Waiving 12 N.N.C. §820(E),§820(F),§820(J) and §820(L) to allow use of the UUFB for Recurring Expenses, and Waiving 12 N.N.C. §820(O) to allow for the \$3,850,000 allocation to all 110 Chapters**

*Date posted:* January 30, 2024 at 5:14PM

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto: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. 0027-24

DATE: January 30, 2024

**RE: AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; APPROVING \$3,850,000 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE (“UUF B”) FOR ALL 110 CHAPTERS SO THEY ARE READY TO HANDLE EMERGENCIES IN THEIR COMMUNITIES; APPROVING \$2,147,317 FROM THE UUF B FOR THE NAVAJO NATION DEPARTMENT OF EMERGENCY MANAGEMENT SO THE DEPARTMENT CAN ADEQUATELY RESPOND TO EMERGENCIES ACROSS THE NAVAJO NATION; WAIVING 12 N.N.C. §820(E), §820(F), §820(J), AND §820(L) TO ALLOW USE OF THE UUF B FOR RECURRING EXPENSES, AND WAIVING 12 N.N.C. §820(O) TO ALLOW FOR THE \$3,850,000 ALLOCATION TO ALL 110 CHAPTERS**

**PURPOSE OF THIS LEGISLATION:**

to approve \$3,850,000 from the UUF B for all 110 Chapters (at \$35,000 each) for their emergency fund accounts; to approve \$2,147,317 from the UUF B for the Department of Emergency Management to enable it to respond to emergencies; to waive provisions in the Appropriations Act to allow for these UUF B allocations.

**FINAL AUTHORITY and VOTE REQUIREMENT:**

The Navajo Nation Council has final approval authority. Approval of this Resolution requires a 2/3 vote of the full Council.

OLC No. 24-053-1

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION

2 25<sup>th</sup> NAVAJO NATION COUNCIL - Second Year, 2024

3 Introduced by:

4  
5 \_\_\_\_\_  
6 (Prime Sponsor)



7  
8 Tracking No. 0027-24

9  
10 AN ACTION

11 RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL;  
12 APPROVING \$3,850,000 FROM THE UNRESERVED, UNDESIGNATED  
13 FUND BALANCE (“UUFb”) FOR ALL 110 CHAPTERS SO THEY ARE READY  
14 TO HANDLE EMERGENCIES IN THEIR COMMUNITIES; APPROVING  
15 \$2,147,317 FROM THE UUFb FOR THE NAVAJO NATION DEPARTMENT OF  
16 EMERGENCY MANAGEMENT SO THE DEPARTMENT CAN ADEQUATELY  
17 RESPOND TO EMERGENCIES ACROSS THE NAVAJO NATION; WAIVING  
18 12 N.N.C. §820(E), §820(F), §820(J), AND §820(L) TO ALLOW USE OF THE  
19 UUFb FOR RECURRING EXPENSES, AND WAIVING 12 N.N.C. §820(O) TO  
20 ALLOW FOR THE \$3,850,000 ALLOCATION TO ALL 110 CHAPTERS

21  
22 BE IT ENACTED:

23  
24 SECTION ONE. AUTHORITY

25 A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).  
26 As such, the Council may consider emergency legislation. 2 N.N.C. §164(A)(16). “[M]atters  
27 constituting an emergency shall be limited to the cessation of law enforcement services, and  
28 disaster relief services, . . . or other direct services required as an entitlement under Navajo  
29 Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such  
30 an emergency matter must arise due to the pressing public need for such resolution(s) and

1 must be a matter requiring final action by the Council.” 2 N.N.C. §164(A)(16).

2 B. As the governing body of the Navajo Nation, the Council may approve supplemental  
3 appropriations during the fiscal year. “Supplemental appropriations of General Funds within  
4 the current fiscal year are permitted, if and when additional sources of revenues above and  
5 beyond the initial or current revenue projections are projected and which are also in excess  
6 of the reserve amount set forth at §820(J).” 12 N.N.C. §820(L).

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

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

12 1. Payment of recurring government operating expenses shall be from recurring  
13 revenues, and payment of nonrecurring government expenses shall be from  
14 nonrecurring revenues such as UUFB funds. 12 N.N.C. §820(E); 12 N.N.C.  
15 §820(F).

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

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

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

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

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

1 E. This resolution is being offered as an emergency action because, due to heavy precipitation  
2 this winter, the 110 Navajo Nation Chapters have significantly depleted their Emergency  
3 Fund accounts by various amounts, and some accounts are completely exhausted. These  
4 critical Emergency Fund accounts are used by the 110 Chapters to respond to weather-related  
5 and other emergency situations in their communities.

6 F. As well, this resolution is offered as emergency legislation because the Navajo Nation  
7 Department of Emergency Management is in dire need of a supplemental allocation to  
8 address critical shortages in funding for needed staff, equipment, and other operating  
9 expenses. The requested UUFB funds will enable the Department to adequately respond to  
10 emergencies across the Navajo Nation.

11  
12 **SECTION TWO. FINDINGS**

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

16 B. As soon as possible, these Chapter accounts need to be replenished because further  
17 emergencies are expected across the Navajo Nation due to anticipated winter weather,  
18 extremely muddy roads, and other difficulties.

19 C. For the Chapters' UUFB funding request, the required Navajo Nation Budget Forms and the  
20 required Appendix J "Supplemental Funding Proposal Summary" from the FY2024 Budget  
21 Instructions Manual, are attached hereto as **EXHIBIT A**.

22 D. Recent weather-related emergencies have also spotlighted the funding shortages currently  
23 experienced by the Navajo Nation Department of Emergency Management ("DEM"). DEM  
24 is therefore requesting UUFB funds to cover its critical needs for staff, equipment, and other  
25 operating funds. The DEM needs these funds to adequately respond to weather-related and  
26 other emergencies across the Navajo Nation.

27 E. For the DEM's UUFB funding request, the required Navajo Nation Budget Forms and the  
28 required Appendix J "Supplemental Funding Proposal Summary" from the FY2024 Budget  
29 Instructions Manual, are attached hereto as **EXHIBIT B**.

30 F. The Office of the Controller ("OOC") has provided two memoranda regarding the total

1 amount of the requested UUFb funding, as required by 12 N.N.C. §820(L). Both memoranda  
2 indicate that the proposed expenditures are *recurring*. **EXHIBIT C.**

3 G. The Office of Management and Budget (“OMB”) has provided a memorandum regarding the  
4 total amount of proposed expenditures for the 110 Chapters and the DEM. 12 N.N.C.  
5 §820(M). **EXHIBIT D.**

6 H. This legislation is offered as an emergency measure because of the current “pressing public  
7 need” for this funding for all 110 Chapters and the Department of Emergency Management.  
8 These funds will enable Chapters and the DEM to provide emergency services to quickly  
9 mitigate dire weather-related and other emergencies and to prevent potential disasters,  
10 property damage, and injury or loss of life to people and livestock.

11 I. The Navajo Nation finds it in the best interest of the Navajo Nation and the Navajo People  
12 to approve the needed emergency funds from the UUFb for all 110 Navajo Nation Chapters  
13 and for the Department of Emergency Management.

14  
15 **SECTION THREE. APPROVING \$3,850,000 FROM THE UUFb FOR ALL 110**  
16 **CHAPTERS’ EMERGENCY FUND ACCOUNTS**

17 A. The Navajo Nation hereby approves the total amount of \$3,850,000 from the UUFb to the  
18 Division of Community Development for the 110 Chapters’ Emergency Fund accounts, with  
19 each Chapter receiving \$35,000 in equal distributions.

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

22 C. Upon the effective date of this Action, the approved UUFb funds shall be transferred to the  
23 Division of Community Development (“DCD”) for distribution to each of the 110 Chapters  
24 in the amount of \$35,000 for each Chapter.

25 D. Each of the 110 Chapters is hereby directed to use its \$35,000 allocation specifically for  
26 emergency activities in accordance with **EXHIBIT A** and in compliance with all applicable  
27 provisions in the FY2024 Budget Instructions Manual. Chapters shall not transfer any of the  
28 \$35,000 allocation to other accounts, or use such funds for other purposes. Each Chapter  
29 shall maintain proper recordkeeping for its expenditures of the \$35,000 and other funds, if  
30 any, in their Emergency Fund accounts.

1 E. In accordance with the Condition of Appropriation adopted by the Council in CS-78-23, the  
2 Administrative Service Centers under DCD shall work with the 110 Chapters to ensure that  
3 each Chapter completes a draft of its Emergency Fund Management Plan to present to the  
4 Resources and Development Committee by the end of the 3<sup>rd</sup> Quarter FY2024 deadline  
5 established in CS-78-23.

6 F. As their first priority, the OOC, OMB, and DCD shall work cooperatively to process and  
7 disburse the \$35,000 amount to each of the 110 Chapters within 10 calendars of the effective  
8 date of this Action.

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

12  
13 **SECTION FOUR. APPROVING \$2,147,317 FROM THE UUFB FOR THE NAVAJO**  
14 **NATION DEPARTMENT OF EMERGENCY MANAGEMENT**

15 A. The Navajo Nation hereby approves \$2,147,317 from the UUFB to the Department of  
16 Emergency Management.

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

19 C. Upon the effective date of this Action, the approved UUFB funds shall be promptly  
20 transferred to the Department of Emergency Management, and shall be used by DEM strictly  
21 for the expenditures and purposes shown in **EXHIBIT B**.

22 D. As provided in 12 N.N.C. §820(N), the UUFB funds approved herein shall lapse at the end  
23 of Fiscal Year 2024, unless the Navajo Nation Council determines otherwise by a 7/8 vote.

24  
25 **SECTION FIVE. WAIVING 12 N.N.C. §820(E), §820(F), §820(J), and §820(L) TO**  
26 **ALLOW USE OF UUFB FUNDS FOR RECURRING EXPENSES,**  
27 **AND WAIVING 12 N.N.C. §820(O) TO ALLOW FOR THE \$3,850,000**  
28 **ALLOCATION TO ALL 110 CHAPTERS**

29 A. The Navajo Nation hereby waives 12 N.N.C. §820(E), §820(F), §820(J), and §820(L) to  
30 allow use of the UUFB for the proposed UUFB expenditures approved herein. Such waivers

1 are necessary because the proposed UUFB expenditures are considered recurring  
2 government expenses.

3 B. The Navajo Nation hereby waives 12 N.N.C. §820(O) to allow for the \$35,000 distribution  
4 to each of the 110 Chapters. Such waiver is necessary because of the 50/50 mandate in 12  
5 N.N.C. §820(O).

6  
7 **SECTION SIX. EFFECTIVE DATE**

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

9  
10 **SECTION SEVEN. SAVING CLAUSE**

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