

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0073-24_

SPONSOR: Danny Simpson

TITLE: An Action Relating to the Health, Education and Human Services, the Budget and Finance, the Resources and Development, and the Naabik'iyáti' Committees, and the Navajo Nation Council; Approving \$2,750,000 from the Unreserved, Undesignated Fund Balance ("UUFB") for the 110 Chapters' Summer 2024 Youth Employment Programs; Waiving 12 N.N.C. §820(E), §820(F), §820(J), and §820(L) to Allow use of UUFB Funds for Recurring Expenses; Waiving 12 N.N.C. §820(O) to Allow an Equal Distribution of \$25,000 to each Chapter

Date posted: April 02, 2024 at 5:05PM

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SUMMARY OF PROPOSED LEGISLATION

Tracking No. 0073-24

DATE: April 1, 2024

RE: AN ACTION RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES, THE BUDGET AND FINANCE, THE RESOURCES AND DEVELOPMENT, AND THE NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; APPROVING \$2,750,000 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUFB") FOR THE 110 CHAPTERS' SUMMER 2024 YOUTH EMPLOYMENT PROGRAMS; WAIVING 12 N.N.C. §820(E), §820(F), §820(J), AND §820(L) TO ALLOW USE OF UUFB FUNDS FOR RECURRING EXPENSES; WAIVING 12 N.N.C. §820(O) TO ALLOW AN EQUAL DISTRIBUTION OF \$25,000 TO EACH CHAPTER

PURPOSE OF THIS LEGISLATION:

to approve \$2,750,000 from the UUFB for the 110 Chapters (\$25,000 to each Chapter) for their Summer 2024 Youth Employment Programs.

FINAL AUTHORITY and VOTE REQUIREMENT:

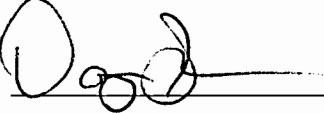
The Navajo Nation Council has final authority. Because this legislation includes a waiver of certain Title 12 provisions, a 2/3 vote is required.

5-DAY BILL HOLD PERIOD J-Jo
Website Posting Time/Date _____
Posting End Date: 04-07-24
Eligible for Action: 04-08-24

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

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

3 Introduced by:

4 
5 _____
6 (Prime Sponsor)

7
8 Tracking No. 0073-24

9
10 AN ACTION

11 RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES,
12 THE BUDGET AND FINANCE, THE RESOURCES AND DEVELOPMENT,
13 AND THE NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION
14 COUNCIL; APPROVING \$2,750,000 FROM THE UNRESERVED,
15 UNDESIGNATED FUND BALANCE ("UUFB") FOR THE 110 CHAPTERS'
16 SUMMER 2024 YOUTH EMPLOYMENT PROGRAMS; WAIVING 12 N.N.C.
17 §820(E), §820(F), §820(J), AND §820(L) TO ALLOW USE OF UUFB FUNDS
18 FOR RECURRING EXPENSES; WAIVING 12 N.N.C. §820(O) TO ALLOW
19 AN EQUAL DISTRIBUTION OF \$25,000 TO EACH CHAPTER
20

21 BE IT ENACTED:

22
23 SECTION ONE. AUTHORITY

24 A. The Health, Education, and Human Services Committee is a standing committee of the
25 Navajo Nation Council empowered to review and recommend resolutions regarding
26 employment matters. 2 N.N.C. §401(B)(6)(A).

27 B. The Budget and Finance Committee is a standing committee of the Navajo Nation Council
28 authorized to review and recommend to the Council the management of all funds. 2 N.N.C.
29 §164(A)(9); 2 N.N.C. §300(A); 2 N.N.C. §301(B)(2).

30 C. The Resources and Development Committee is a standing committee of the Navajo Nation

1 Council with oversight authority over the 110 Navajo Nation Chapters. 2 N.N.C. §164(A)(9);
2 2 N.N.C. §500(A); 2 N.N.C. §501(C)(1).

3 D. The Navajo Nation established the Naabik'iyáti' Committee as a Navajo Nation Council
4 standing committee, and all proposed legislation that requires final action by the Navajo
5 Nation Council is assigned to the Naabik'iyáti' Committee for its review and consideration.
6 2 N.N.C. §164(A)(9); 2 N.N.C. §700(A).

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

13 F. Further Title 12 restrictions on supplemental appropriations, including all amounts from the
14 Unreserved, Undesignated Fund Balance (“UUF B”), include:

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

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

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

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

27 5. All UUF B funding requests must be reviewed by the Controller to ensure compliance with
28 Title 12 provisions. 12 N.N.C. §820(L).

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

1 **SECTION TWO. FINDINGS**

2 A. All 110 Navajo Nation Chapters have indicated a need for supplemental funds to pay for
3 their summer youth employment programs for Summer 2024. On behalf of the 110 Chapters,
4 the Division of Community Development (“DCD”) is requesting \$2,750,000 in UUFB funds
5 to distribute among all 110 Chapters, with each Chapter receiving an equal amount of
6 \$25,000. **EXHIBIT A.**

7 B. The required Budget Forms 1, 2, and 4, along with Appendix J “Supplemental Funding
8 Proposal Summary” for the Chapters’ proposed expenditures, are attached as **EXHIBIT B.**

9 C. Diné Customary Law declares and teaches that: “[i]t is the right and freedom of the people
10 that our children are provided with education to absorb wisdom, self-knowledge, and
11 knowledge to empower them to make a living and participate in the growth of the Navajo
12 Nation.” 1 N.N.C. §204(F).

13 D. The Navajo Nation honors Diné Customary Law by assisting high school and college
14 students with temporary employment during their summer breaks. Chapter summer youth
15 employment programs offer these students the opportunity to gain work experience during
16 their summer breaks, and to earn funds to pay for their school expenses.

17 E. The Office of the Controller has provided a memorandum as required by 12 N.N.C. §820(L).
18 This memorandum indicates that the proposed expenditures are *recurring*. **EXHIBIT C.**

19 F. The Office of Management and Budget has provided its memorandum as required by 12
20 N.N.C. § 20(M). **EXHIBIT D.**

21
22 **SECTION THREE. APPROVING \$2,750,000 FROM THE UUFB TO THE DIVISION**
23 **OF COMMUNITY DEVELOPMENT FOR THE 110 CHAPTERS’**
24 **SUMMER 2024 YOUTH EMPLOYMENT PROGRAMS**

25 A. The Navajo Nation hereby approves \$2,750,000 out of the UUFB to the Division of
26 Community Development to be used for the 110 Chapters’ summer youth employment
27 programs for 2024, as shown in the attached **EXHIBIT A** and **EXHIBIT B.**

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

30 C. Pursuant to 12 N.N.C. §820(O) the \$2,750,000 shall be deposited with each of the 110

1 Chapters, with each Chapter receiving an equal amount of \$25,000.

2 D. Pursuant to 12 N.N.C. §820(N) the amount received by each of the 110 Chapters under the
3 overall \$2,750,000 approved herein shall not lapse at the end of the fiscal year, so long as
4 each Chapter accounts for any funds that remain after the conclusion of its Summer 2024
5 Youth Employment Program and then budgets such funds in the next fiscal year for its
6 Summer 2025 Youth Employment Program.

7
8 **SECTION FOUR. WAIVING 12 N.N.C. §820(E), §820(F), §820(J), and §820(L) TO**
9 **ALLOW USE OF UUF B FUNDS FOR RECURRING EXPENSES**

10 The Navajo Nation hereby waives 12 N.N.C. §820(E), §820(F), §820(J), and §820(L) to allow
11 use of the UUF B for the 110 Chapters' summer youth employment programs for Summer 2024,
12 as shown in **EXHIBIT A** and **EXHIBIT B**. These waivers are necessary because the proposed
13 Chapter UUF B expenditures are considered recurring government expenses.

14
15 **SECTION FIVE. WAIVING 12 N.N.C. §820(O) TO ALLOW AN EQUAL**
16 **DISTRIBUTION OF \$25,000 TO EACH CHAPTER**

17 The Navajo Nation hereby waives 12 N.N.C. §820(O) to allow the 110 Chapters to receive an
18 equal allocation of \$25,000 each for their summer youth employment programs for Summer
19 2024.

20
21 **SECTION SIX. EFFECTIVE DATE**

22 This Action shall become effective as provided in 2 N.N.C. §221(B), 2 N.N.C. §1005(C)(10),
23 and 2 N.N.C. §164(A)(17).

24
25 **SECTION SEVEN. SAVING CLAUSE**

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