

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0144-24_

SPONSOR: Lester Yazzie

TITLE: An Action Relating to the Health, Education and Human Services, Resources and Development, Budget and Finance, and Naabik'iyáti' Committees, and to the Navajo Nation Council; Approving \$2,248,019.12 from the Unreserved, Undesignated Fund Balance ("UUFB") for Chapters' Summer 2024 Youth Employment Programs; Waiving 12 N.N.C. §820(E), §820(F), §820(J), §820(L), and §820(O) to Allow for this Appropriation

Date posted: July 02, 2024 at 7:34PM

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. 0144-24

DATE: July 2, 2024

RE: AN ACTION RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; APPROVING \$2,248,019.12 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUFb") FOR CHAPTERS' SUMMER 2024 YOUTH EMPLOYMENT PROGRAMS; WAIVING 12 N.N.C. §820(E), §820(F), §820(J), §820(L), AND §820(O) TO ALLOW FOR THIS APPROPRIATION

PURPOSE OF THIS LEGISLATION:

to approve \$2,248,019.12 from the UUFb for Chapter Summer Youth Employment Programs.

FINAL AUTHORITY and VOTE REQUIREMENT:

The Navajo Nation Council has final authority. A 2/3 vote is required.

5-DAY BILL HOLD PERIOD 5-10
Website Posting Time/Date _____
Posting End Date: 07-07-24
Eligible for Action: 07-08-24

Health Education & Human Services Committee
Thence
Resources & Development 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 Introduced by:

4 
5
6 (Prime Sponsor)

7
8 Tracking No. 0144-24

9
10 AN ACTION

11 RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES,
12 RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE,
13 AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION
14 COUNCIL; APPROVING \$2,248,019.12 FROM THE UNRESERVED,
15 UNDESIGNATED FUND BALANCE ("UUF") FOR CHAPTERS' SUMMER 2024
16 YOUTH EMPLOYMENT PROGRAMS; WAIVING 12 N.N.C. §820(E), §820(F),
17 §820(J), §820(L), AND §820(O) TO ALLOW FOR THIS APPROPRIATION

18
19 BE IT ENACTED:

20
21 SECTION ONE. AUTHORITY

- 22 A. The Health, Education, and Human Services Committee is a standing committee of the
23 Navajo Nation Council empowered to review and recommend resolutions regarding
24 employment matters. 2 N.N.C. §401(B)(6)(A).
- 25 B. The Resources and Development Committee is a standing committee of the Navajo Nation
26 Council with oversight authority over the 110 Navajo Nation Chapters. 2 N.N.C. §164(A)(9);
27 2 N.N.C. §500(A); 2 N.N.C. §501(C)(1).
- 28 C. The Budget and Finance Committee is a standing committee of the Navajo Nation Council
29 authorized to review and recommend to the Council the management of all funds. 2 N.N.C.
30 §164(A)(9); 2 N.N.C. §300(A); 2 N.N.C. §301(B)(2).

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

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

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

- 13 1. Payment of recurring government operating expenses shall be from recurring
14 revenues, and payment of nonrecurring expenses shall be from nonrecurring
15 revenues such as UUFB funds. 12 N.N.C. §820(E); 12 N.N.C. §820(F).
- 16 2. Specifically, the UUFB shall not be used for recurring government
17 expenditures or 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
19 Controller determines whether such revenues are subsidizing an imbalance
20 between the Navajo Nation’s recurring revenues and expenditures, and
21 government expenditures shall only be authorized if a long-term (3 to 5 year)
22 forecast shows that the operating deficit will not continue; otherwise,
23 nonrecurring revenues will be added to the UUFB. 12 N.N.C. §820(F).
- 24 4. The above provisions in Title 12 may be waived by a two-thirds vote of the
25 full membership of the Navajo Nation Council. 12 N.N.C. §820(F).
- 26 5. All UUFB funding requests must be reviewed by the Controller to ensure
27 compliance with Title 12 provisions. 12 N.N.C. §820(L).
- 28 6. Pursuant to 12 N.N.C. §820(M) all UUFB funding requests must be submitted
29 to the Office of Management and Budget (“OMB”) for a budget impact
30 analysis.

1 **SECTION TWO. FINDINGS**

2 A. Certain Navajo Nation Chapters have indicated a need for supplemental funds to pay for their
3 summer youth employment programs for Summer 2024. On behalf of these 79 Chapters, the
4 Division of Community Development (“DCD”) is requesting \$2,248,019.12 in UUFB funds
5 to distribute among those 79 Chapters listed in **EXHIBIT 1** that have less than \$50,000 in
6 their summer youth employment program accounts. The proposed distribution of UUFB
7 funds shown in EXHIBIT 1 will ensure that all 110 Chapters will have a minimum amount
8 of \$50,000 in their summer youth employment accounts.

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

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

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

19 E. The Office of the Controller has provided a memorandum as required by 12 N.N.C. §820(L).
20 This memorandum indicates that the proposed expenditures are *recurring*. **EXHIBIT 3**.

21 F. The Office of Management and Budget has provided its memorandum as required by 12
22 N.N.C. § 20(M). **EXHIBIT 4**.

23
24 **SECTION THREE. APPROVING \$2,248,019.12 FROM THE UUFB TO THE**
25 **DIVISION OF COMMUNITY DEVELOPMENT FOR**
26 **CHAPTERS’ 2024 SUMMER YOUTH EMPLOYMENT**
27 **PROGRAMS**

28 A. The Navajo Nation hereby approves \$2,248,019.12 from the UUFB to be distributed to DCD
29 for the 79 Chapters listed in the attached **EXHIBIT 1**, for said Chapters’ summer 2024 youth
30 employment programs. Each Chapter receiving funds under this Action shall use 5% of the

1 funds it receives under this Action for materials and supplies needed for its summer youth
2 employment program.

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

5 C. Pursuant to 12 N.N.C. §820(N) the amount received by each of the 79 Chapters shall not
6 lapse at the end of the fiscal year, so long as each Chapter accounts for any funds that remain
7 at the end of the FY2024 Fiscal Year and budgets such funds in the FY2025 Fiscal Year for
8 the same purpose.

9
10 **SECTION FOUR. WAIVING 12 N.N.C. §820(E), §820(F), §820(J), §820(L), AND §820(O)**
11 **TO ALLOW FOR THIS APPROPRIATION**

12 The Navajo Nation hereby waives 12 N.N.C. §820(E), §820(F), §820(J), §820(L), and §820(O)
13 to allow for the UUFB allocation under this Action, as shown in the attached EXHIBIT 1 and
14 EXHIBIT 2. Such waivers are necessary because the proposed Chapter UUFB expenditures are
15 considered recurring government expenses, and the distribution of funds to Chapters does not
16 follow the 50/50 formula set forth in §820(O).

17
18 **SECTION FIVE. EFFECTIVE DATE**

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

21
22 **SECTION SIX. SAVING CLAUSE**

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