

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0148-24\_

SPONSOR: Brenda Jesus

**TITLE: An Action Relating to the Resources and Development, Budget and Finance, and Naabik'iyáti' Committees, and the Navajo Nation Council; Approving \$1,974,239.00 from the Unreserved, Undesignated Fund Balance ("UUFB") to the Navajo Nation Department of Agriculture for Navajo Nation Department of Agriculture Horse Management Year Three; and, Waiving 12 N.N.C. §820(E), §820(F), §820(J), and §820(L) to Allow Use of the UUFB for Recurring Expenses**

*Date posted:* July 02, 2024 at 7:50PM

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.*

## LEGISLATIVE SUMMARY SHEET

Tracking No. 0148-24

**DATE:** July 2, 2024

**TITLE OF RESOLUTION:** PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; APPROVING \$1,974,239.00 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUFB") TO THE NAVAJO NATION DEPARTMENT OF AGRICULTURE FOR NAVAJO NATION DEPARTMENT OF AGRICULTURE HORSE MANAGEMENT YEAR THREE AND, WAIVING 12 N.N.C. §820(E), §820(F), §820(J), AND §820(L) TO ALLOW USE OF THE UUFB FOR RECURRING EXPENSES

**PURPOSE:** The purpose of the resolution is to approve \$1,974,239.00 from the Unreserved, Undesignated Fund Balance to the Navajo Nation Department of Agriculture for the Navajo Nation Department of Agriculture Horse Management Year Three.

**Final Authority:** Navajo Nation Council

**Vote Required:** 2/3 Vote

**This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.**

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

Resources & Development Committee  
Thence  
Budget & Finance Committee  
Thence  
Naabik'iyáti' Committee  
Thence  
Navajo Nation Council

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. 0148-24  
9

10 AN ACTION

11 RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET  
12 AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE  
13 NAVAJO NATION COUNCIL; APPROVING \$1,974,239.00 FROM THE  
14 UNRESERVED, UNDESIGNATED FUND BALANCE ("UUFb") TO  
15 THE NAVAJO NATION DEPARTMENT OF AGRICULTURE  
16 FOR NAVAJO NATION DEPARTMENT OF AGRICULTURE HORSE  
17 MANAGEMENT YEAR THREE; AND, 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  
20

21 BE IT ENACTED:

22  
23 **SECTION ONE. AUTHORITY**

24 A. The Resources and Development Committee was established as a standing committee of  
25 the Navajo Nation Council with oversight over land, grazing, environmental protection,  
26 livestock, and wildlife matters and the authority to make recommendations to the Council  
27 regarding proposed resolutions that assist the Committee in accomplishing its duties and  
28 purposes. 2 N.N.C. §500(C)(1), §501(B)(4)(f).

29 B. The Resources and Development Committee has oversight authority over the Navajo  
30 Nation Division of Natural Resources and its subordinate departments, including the

1 Department of Agriculture. 2 N.N.C. §501(C)(1).

2 C. The Budget and Finance Committee was established as a standing committee of the Navajo  
3 Nation Council with the authority to review and recommend to the Council the budgeting,  
4 appropriation, investment and management of all funds. 2 N.N.C. §300(A), §301(B)(2).

5 D. The Naabik'iyáti' Committee was established as a standing committee of the Navajo  
6 Nation Council with the authority to hear all proposed resolutions that require final action  
7 by the Navajo Nation Council. 2 N.N.C. §164 (A)(9), §700(A).

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

14 F. The restrictions on supplemental appropriations, including all amounts from the UUFB,  
15 include:

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

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

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

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

29 5. In compliance with 12 N.N.C. §820(F), all UUFB funding requests must be reviewed by  
30 the Controller. Such review is also required because the Controller determines which

1 revenues and expenses are recurring and which are non-recurring. 12 N.N.C. §820(L).

2 6. In compliance with 12 N.N.C. §820(M) all UUFb funding requests must be submitted to  
3 the Office of Management and Budget (“OMB”) for a budget impact analysis.

4 7. Pursuant to 12 N.N.C. §820(N), UUFb appropriations revert to the General Fund at the  
5 end of the fiscal year unless the Navajo Nation Council decides otherwise by a 7/8 vote.

6  
7 **SECTION TWO. FINDINGS.**

8 A. The Department of Agriculture under the Navajo Nation Division of Natural Resources is  
9 requesting \$1,974,239.00 from the UUFb to fund the Navajo Nation Department of  
10 Agriculture Horse Management Year Three (“Horse Management”). A detailed description  
11 of this Project, including a line-item Cost Summary, is attached hereto as **EXHIBIT A**.

12 B. The Department of Agriculture Supplemental Funding Proposal Summary, **EXHIBIT A**:  
13 “Since 2019 Navajo Nation Department of Agriculture, Division of Natural Resources of  
14 the executive branch has the horse management program which consists of five (5)  
15 budgeted staff, one (1) Sr. Extension agent and four (4) ranch hands. Staff provide serve in  
16 addressing the growing population of feral horses on the entire 17 million acres of Navajo  
17 Nation. In 2018 an aerial survey by Navajo Nation Fish and Wildlife estimated 38,000  
18 heard of horses on the Nation, with a 11% growth rate. In order to get an Appropriate  
19 Management Level, we would have to remove more than 10% of the annual population.  
20 Eleven Thousand Fifty-five (11,055) equine have been removed from Navajo range lands  
21 over a six (6) year period. Through livestock management, the Nation could get a better  
22 grasp of feral livestock and trespass livestock. Providing direct services such as branding,  
23 vaccinations and livestock inventory (tally counts). These annual practices would teach our  
24 Navajo producers to become more self-efficient in being better stewards of the land....  
25 Additional support is needed, equipment and staff for an additional round up crew or  
26 crews. Six (6) ranch hands would be considered a crew, along with three 1-ton trucks, two  
27 (2) 32’ stock trailers, portable corral system, flatbed with 30 x 12-foot WW panels, four (4)  
28 ATVs, and four (4) dirt bikes. Cattle working equipment would consist of a portable  
29 squeeze chute, in addition to the portable corral and panels.”

30 C. The Department of Agriculture has provided the required Navajo Nation budget forms,

1 along with the Appendix J - Supplemental Funding Proposal Summary. **EXHIBIT A.**

2 E. The Office of the Controller will provide a memorandum as required by 12 N.N.C.  
3 §820(L), indicating that the proposed expenditures are *recurring*, by the time this Action is  
4 considered by the Navajo Nation Council.

5 F. The Office of Management and Budget will provide a budget impact analysis as required  
6 by 12 N.N.C. §820(M), by the time this Action is considered by the Navajo Nation  
7 Council.

8 G. The Navajo Nation finds it in the best interest of the Navajo Nation to approve the  
9 Department of Agriculture UUFB supplemental funding request for its Horse Management  
10 activities, as shown in **EXHIBIT A.**

11  
12 **SECTION THREE. APPROVAL OF \$1,974,239.00 FROM THE UUFB TO THE**  
13 **DEPARTMENT OF AGRICULTURE FOR THE NAVAJO**  
14 **NATION DEPARTMENT OF AGRICULTURE HORSE**  
15 **MANAGEMENT YEAR THREE**

16 A. The Navajo Nation hereby approves \$1,974,239.00 from the Unreserved, Undesignated  
17 Fund Balance to the Navajo Nation Department of Agriculture, as shown in the attached  
18 **EXHIBIT A.**

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

22 C. Upon the effective date of this Action, the approved UUFB funds shall be promptly  
23 transferred into those budget line items listed in the attached **EXHIBIT A.**

24 D. Pursuant to 12 N.N.C. §820(N), any of the \$1,974,239.00 approved herein that remains  
25 unspent or unencumbered at the end of FY2024 shall revert to the General Fund, unless  
26 prior to such reversion date the Council determines otherwise by a 7/8 vote.

27  
28 **SECTION FOUR. WAIVING 12 N.N.C. §820(E), §820(F), §820(J), and §820(L) TO**  
29 **ALLOW USE OF UUFB FUNDS FOR RECURRING EXPENSES,**  
30 **AND WAIVING 12 N.N.C. §820(O) TO ALLOW FOR THE**

1 **\$3,850,000 ALLOCATION TO ALL 110 CHAPTERS**

2 A. The Navajo Nation hereby waives 12 N.N.C. §820(E), §820(F), §820(J), and §820(L) to  
3 allow use of the UUFb for the proposed UUFb expenditures approved herein. Such  
4 waivers are necessary because the proposed UUFb expenditures are considered recurring  
5 government expenses.  
6

7 **SECTION FIVE. EFFECTIVE DATE**

8 This Action shall become effective in accordance with 2 N.N.C. §221(B), 2 N.N.C.  
9 §1005(C)(10), and 2 N.N.C. §164(A)(17).  
10

11 **SECTION SIX. SAVING CLAUSE**

12 If any portion of this Action is determined invalid by the Navajo Nation Supreme Court, or by  
13 a District Court of the Navajo Nation without appeal to the Navajo Nation Supreme Court, the  
14 remainder of this Action shall be the law of the Navajo Nation.  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30