RUSSELL BEGAYE PRESIDENT JONATHAN NEZ VICE PRESIDENT

TO: Honorable LoRenzo Bates, Speaker

Navajo Nation Council

FROM:

Russell Begaye, President

THE NAVAJO NATION

DATE: September 30, 2015

SUBJECT: Resolution No. CS-39-15: RELATING TO AN EMERGENCY; FISCAL

APPROPRIATION; APPROVING THE NAVAJO NATION FISCAL

YEAR 2016 COMPREHENSIVE BUDGET 12 N.N.C. 820(I), 840(B)

Pursuant to 2 N.N.C. 1005 (C)(10), action for Legislation CS-39-15 is being submitted to the Navajo Nation Council, through the Office of the Speaker within the ten (10) days requirement. Furthermore, the Navajo Nation President has line item veto authority for budget items within the annual Navajo Nation Comprehensive Budget or Supplemental appropriations, which are not subject to override by the Navajo Nation Council. 2 N.N.C. 164(A)(17).

After careful consideration and consultation with the Divisions, I have decided to exercise my line item veto and veto the following:

- 1. General Leasing Office BU#115038 \$248,562 (Personnel and Fringe Benefits).
- 2. DNVA/Chapter Veterans Organization Assistance (\$202,925.20) and DNVA Housing Project Assistance (\$335,014.55) Total: \$537,939.75. Carryover Funds to be used for waterline, waste water and powerline extensions (excluding stipend payments).
- 3. Exhibit G, Fund Carryovers, Business Unit No. 101022, Board of Election Supervisors in the amount of \$21,942 or remaining balance.
- 4. Exhibit G, Fund Carryovers, Business Unit No. 104018, Office of Background Investigations in the amount of \$20,000 or remaining balance.
- 5. Exhibit G, Fund Carryovers, Business Unit No. 115, 038, General Leasing Office in the amount of \$32,728 or remaining balance.

- 6. Exhibit G, Fund Carryovers, Business Unit No. 101034, Legislative District Assistants in the amount of \$215,000 or remaining balance New Business Unity Carryover to be used for Youth Council initiative seed funds.
- 7. Exhibit G, Fund Carryovers, Business Unit No. 115013, Water Resources Department/Operation and Maintenance in the amount of \$350,000 Carryover to include Navajo Partitioned Land Chapters.
- 8. Exhibit H, FY 2016 CONDITION OF APPROPRIATIONS, RESULT for noncompliance with the following Conditions of Appropriations (COA): No. 4 line item the following language, only: "and the Controller to immediately withhold 10% of the program's non-personnel operating budget;".
- 9. Exhibit H, FY 2016 CONDITION OF APPROPRIATIONS, RESULT for noncompliance with the following Conditions of Appropriations (COA): No. 5 in its entirety.
- 10. Exhibit H, FY 2016 CONDITION OF APPROPRIATIONS, CONDITION OF APPROPRIATION NO. 2 in its entirety.
- 11. Exhibit H, FY 2016 CONDITION OF APPROPRIATIONS, CONDITION OF APPROPRIATION NO. 8 in its entirety.
- 12. Exhibit H, FY 2016 CONDITION OF APPROPRIATIONS, CONDITION OF APPROPRIATION NO. 9 in its entirety.
- 13. Exhibit H, FY 2016 CONDITION OF APPROPRIATIONS, CONDITION OF APPROPRIATION NO. 11 in its entirety.
- 14. \$51,214 from 101034 (Legislative District Assistants to Chapters) to 108018, 108022, 108023, 108025, 108098.

The justification for use of the President's line-item veto is set forth below.

1. General Leasing Office BU#115038 \$248,562 (Personnel and Fringe Benefits).

This is an allocation of the carryover of General Fund unexpended balances from the Navajo Nation Fiscal Year 2015 into Fiscal Year 2016 for the Executive Branch. The Executive Branch FY 2016 carryover is estimated at \$2,500,000; however, the actual carryover amount will not be known until a reconciliation is completed and the budget is closed for FY 2015, which occurs late October. The final numbers for carryover could be much less than \$2,500,000.

With this said, it raises two (2) concerns: 1) when the budget is closed whether there will be enough to cover this carryover; and 2) it will impair our ability to utilize the \$2,500,000 in line with our four (4) pillars, Veterans; Elders and Youth; Infrastructure; and Jobs. The carryover amounts for the Legislative and Judicial branches were kept in tact for each Branch to decide how best to utilize those funds. The Executive Branch also has an expenditure plan on how to best use its carryover funds, to carry out the Nation's priorities.

As such, I decided to exercise my line-item veto authority.

2. DNVA/Chapter Veterans Organization Assistance (\$202,925.20) and DNVA Housing Project Assistance (\$335,014.55) Total: \$537,939.75. Carryover Funds to be used for waterline, waste water and powerline extensions (excluding stipend payments).

I appreciate this allocation, as Veterans is one of the four (4) pillars for this administration. However, as stated above, the actual carryover amount will not be known until a reconciliation is completed and the budget is closed for FY 2015; and the resulting final numbers for carryover could be much less than \$2,500,000. Our concerns remain the same as stated above.

Furthermore, I have set in motion a plan and being strategic in our approach to bring much-needed assistance to our Veterans, which includes infrastructure. We want to ensure all funds allocated to Veterans are used in the best possible manner to adequately serve our Veterans, and avoid a piecemeal approach or duplication of services.

As such, I decided to exercise my line-item veto authority.

3. Exhibit G, Fund Carryovers, Business Unit No. 101022, Board of Election Supervisors in the amount of \$21,942 or remaining balance.

This Office has concerns regarding these carryovers that were introduced on the floor and not reviewed, approved or recommended by the oversight committees and the Budget and Finance Committee of the Navajo Nation Council. Especially in light of the budget shortfall for FY 2016, which was heavily debated and discussed by the Council. Furthermore, it has been the practice of the Navajo Nation Council to have all supporting budgetary documents available for review by the Council Delegates prior to formal review. By providing these budgetary documents, Council Delegates are made aware of the particulars regarding these carryovers and can carefully evaluate pertinent facts for an informed decision making process. The FY 2016 Comprehensive Budget submitted to our office lacked the supporting budgetary documents to assist in our review. However, if this remains a concern, the Legislative Branch currently has \$1,000,000 in Fund Carryovers to access additional funds for the Board of Election Supervisors, considering this is a small amount of \$21,942.

As such, I have decided exercise my line-item veto authority.

4. Exhibit G, Fund Carryovers, Business Unit No. 104018, Office of Background Investigations in the amount of \$20,000 or remaining balance.

Same concerns as stated above for the Fund Carryovers.

Except and in addition, this is a carryover for the Executive Branch and it is unclear without a detailed budget as to how these funds will be used in the upcoming fiscal year. It is critical that we are given the opportunity to review these funds, as it is the responsibility of the Executive Branch to expend these funds appropriately. Therefore, we cannot endorse this request.

As such, I have decided to exercise my line-item veto authority.

5. Exhibit G, Fund Carryovers, Business Unit No. 115, 038, General Leasing Office in the amount of \$32,728 or remaining balance.

Same concerns as noted under No. 5 above for the Fund Carryovers.

As such, I have decided to exercise my line-item veto authority.

6. Exhibit G, Fund Carryovers, Business Unit No. 101034, Legislative District Assistants in the amount of \$215,000 or remaining balance – New Business Unity – Carryover to be used for Youth Council initiative seed funds.

It is exciting to see our Youth become more involved and take a strong interest in the Navajo Nation Government. The youth are our future and one of the four (4) pillars for this Administration. The creation of a Youth Advisory Council is an initiative we have been vocal about even throughout the campaign. This is also an initiative that will be pursued through the Office of Youth Development Program within the Executive Branch.

While I support this initiative, I have a number of concerns. First, the carryover is to be used for "seed funds" for a Youth Council. However, there was no plan of operation introduced or proposed for the establishment of the Youth Advisory Council. Without this information, it is difficult to know the structure, whether it will be an executive branch function or legislative branch function or fully understand the purpose and role of the Youth Council to the Navajo Nation Government. Second, and more importantly, without a detailed budget it is unclear how these funds will be used to move this initiative. Lastly, with the Office of Youth Development already pursuing this initiative, it is also important to avoid the duplication of services and double spending.

As such, I exercise my line-item veto authority to further discuss a joint effort and speak with one voice in creating a Youth Advisory Council for the Navajo Nation Government.

7. Exhibit G, Fund Carryovers, Business Unit No. 115013, Water Resources Department/Operation and Maintenance in the amount of \$350,000 - Carryover to include Navajo Partitioned Land Chapters.

For two (2) years, this \$350,000 for Water Resources Department has been requested for Carryover. Each year, these funds have yet to be spent. I will be meeting with the Division Director to further review this Department to ensure funds are fully expended.

As such, I exercise my line-item veto authority.

8. Exhibit H, FY 2016 CONDITION OF APPROPRIATIONS, RESULT for noncompliance with the following Conditions of Appropriations (COA): No. 4 line item the following, only: "and the Controller to immediately withhold 10% of the program's non-personnel operating budget;".

There are several Condition of Appropriations ("COA") that are important and supported by this Administration. However, this Administration does not support the proposed withholding 10% of the program's non-personnel operating budget as a penalty for noncompliance. The reason is this would also impact the direct services provided to our Navajo people.

While we understand the need to have enforcement for the conditions of appropriations, it should be in a form to discipline the employees not carrying out their duties, but not harm the people that are being served. By withholding 10% of the program's non-personnel operating budget, this practice can adversely impact the direct services to our People. Our people should not be penalized for managerial and/or personnel shortcomings by those employees that are not adequately carrying out their duties. As President of the Navajo Nation and Branch Chief to the Executive Branch, I will continue to work with the Division Directors to hold our employees within the executive branch accountable for their work performances.

As such, I exercise my line-item veto authority.

9. Exhibit H, FY 2016 CONDITION OF APPROPRIATIONS, RESULT for noncompliance No. 5 in its entirety.

Same comment as above. To reiterate, it is important that the direct services to our people are not impacted, and as President of the Navajo Nation and Branch Chief to the Executive

Branch, it is my responsibility to hold our employees within the executive branch accountable for their work performances.

As such, I exercise my line-item veto authority.

10. Exhibit H, FY 2016 CONDITION OF APPROPRIATIONS, CONDITION OF APPROPRIATION NO. 2 in its entirety.

Streamlining and efficiency is very important for our government and this Administration. However, this Condition of Appropriation may not be feasible, because of the lack of funds. To be able to develop this accounting system for the 110 Chapters will be very costly and the exact amount this will cost is unknown. Nevertheless, this Administration will continue to explore this as a possibility, including other areas to enhance our services to our People.

As such, I exercise my line-item veto authority.

11. Exhibit H, FY 2016 CONDITION OF APPROPRIATIONS, CONDITION OF APPROPRIATION NO. 8 in its entirety.

This Administration will be reviewing each Division and their current responsibilities and duties including any deficiencies. There is very strong possibility that many of our Divisions, Departments and Programs will undergo a restructure within this next year. As such, many of these Plans of Operations ("POO") will change. In pursuing both "updating" and "restructuring" of these POOs, will be in coordination with the appropriate oversight committees. This will be an on-going initiative and I look forward to working with the Navajo Nation Council.

As such, I exercise my line-item veto authority to explore in coordination with the Council to revisit the POOs.

12. Exhibit H, FY 2016 CONDITION OF APPROPRIATIONS, CONDITION OF APPROPRIATION NO. 9 in its entirety.

These external grants from Fiscal year 2012 and prior have not been spent due to various circumstances often beyond the control of the Divisions. These grants can require certain clearances such as land clearances, which require consent from grazing permittees and customary land users, which can be difficult to impossible. The Bureau of Indian Affairs and other Federal Agencies as well as state, county, and other governmental agencies are involved which requires constant coordination that can hinder projects. Each external grant has different

hurdles that have caused these grants to not be expended. Each needs to be evaluated on an individual, case-by-case basis and not as a blanket approach.

As such, I exercise my line-item veto authority.

13. Exhibit H, FY 2016 CONDITION OF APPROPRIATIONS, CONDITION OF APPROPRIATION NO. 11 in its entirety.

This COA requires that "measures" be developed to address non-compliance on external grants, including holding personnel accountable. The word "measures" is a very vague term. It is unclear whether this would be a change to law, policies, personnel, etc. There is a variety of "measures" that could be taken to meet this COA. Without clarity, this COA becomes subjective.

Aside from this, I believe that it only serves the entire Navajo Nation to begin to set a process in place to address the underlying basis that cause the reversions of grant funds. The Office of the President and Vice-President has established a staff position to monitor these external grants, work within the governmental processes to expend these funds, and identify the hurdles with the ultimate goal of avoiding reversions of grants. Before we can develop "measures", we must first identify the problems. This could mean a variety of future initiatives, such as re-structuring, amendments to laws and/or policies. This is a priority for this Administration, we will continue to monitor and review this issue in more depth and look to areas that can be improved or changed to address this issue.

As such, I exercise my line-item veto authority.

14. \$51,214 from 101034 (Legislative District Assistants to Chapters) to 108018, 108022, 108023, 108025, 108098.

This budget reallocation introduced by Honorable Delegate Nelson BeGaye moved funds for LDAs from the Legislative Branch budget into the Executive Branch budget for Mr. BeGaye's five (5) Chapters. There are a number of concerns with this amendment to the Comprehensive Budget including its legality.

First, this is an amendment to the "Three Branch Agreement" agreed to between the Branch Chiefs as to how the budget is to be divided among the Branches: 1) Legislative; 2) Judicial; and 3) Executive. When moving funds from one branch to another a waiver of 12 N.N.C. 840(A) may be required. This waiver was not addressed nor included into this amendment. Second, an amendment to the face of the legislation should have been made to clearly indicate the change in the appropriations to the three branches. Instead, the \$51,214 was blended into the budget. Third, being this is a reallocation there should have been proper budget

forms accompanying this amendment. It is the position of the Office of the President and Vice-President the amendment should have been ruled out of order. This Administration strives to respect and abide by the laws and procedures put in place by the Navajo Nation Council and the President. This is the basis of sovereignty to make our own laws and be governed by them. As stated before, this Administration will stand firm on this position.

For these above-mentioned reasons, I exercise my line-item veto authority and this budget reallocation should be reversed. Furthermore, I find the LDA budget to be concerning. There was a lengthy discussion on the LDA budget and whether this should be used for other uses, such as consultants, land clearances, and local Chapter support. It was surprising to see a majority of the Navajo Nation Council approved the reallocation of funds from the LDA budget to the Chapters. Therefore, this deserves further discussion between the two (2) Branches if there is future possibilities additional funds will be transferred to the Executive Branch.

I hereby direct the Office of the Management and Budget to make the adjustments as necessary for the line-item vetoes. In addition, I request a one-on-one meeting with the Navajo Nation Council to re-visit the priorities of the Navajo Nation to effectively serve the Navajo People as memorialized in the "One Voice, One Nation" Agreement.

RESOLUTION OF THE NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL - First Year 2015

AN ACTION

RELATING TO AN EMERGENCY; FISCAL APPROPRIATION; APPROVING THE NAVAJO NATION FISCAL YEAR 2016 COMPREHENSIVE BUDGET AND WAIVING 12 N.N.C. §820(I), §840(B)

BE IT ENACTED:

Section One. Findings

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. \$102(A).
- B. The Navajo Nation Council hereby finds that the lack of an adopted Navajo Nation Fiscal Year 2016 Comprehensive Budget constitutes an emergency for purposes of 2 N.N.C. §164(A)(16) due to the impending cessation of law enforcement services, disaster relief services, fire protection services and direct government services which would result from the absence of a Navajo Nation Fiscal Year 2016 Comprehensive Budget.
- C. The Budget and Finance Committee made recommendations concerning the budget; submitting it to the Navajo Nation Council for deliberation and approval, which included accepting the Navajo Nation Controller's Fiscal Year 2016 General Fund Revenue Projection of total gross recurring revenue of \$217,785,000 and a net total general fund of \$163,384,000 and supporting the Navajo Nation Branch Chiefs recommended General Fund Allocations of \$172,654,000 that recognized the difference to be realized from general fund excess actual revenue less actual expenses or the net income realized of the General Fund or other fund sources prior to the close of the Fiscal Year 2015. See BFJN-18-15.
- D. The Budget and Finance Committee made recommendations concerning the final Fiscal Year 2016 Comprehensive Budget, after consultation with all oversight committees, to the Navajo Nation Council. See Legislation No. 0305-15, Budget and Finance Committee Report, September 2, 2015.

- E. The Navajo Nation Controller has received verification from the Navajo Nation Tax Commission of supplemental projected revenue of \$10,660,000, which is less Set Asides, of which \$9,270,000 will provide a balanced budget for Fiscal Year 2016; with the balance of \$1,390,000 to be reserved for possible projected revenue reductions in Fiscal Year 2015; and the Controller has determined the use of non-recurring revenue is proper under 12 N.N.C. §820(F).
- F. It is in the best interest of the Navajo Nation to approve the Navajo Nation Fiscal Year 2016 Comprehensive Budget.

Section Two. Adopting Navajo Nation Fiscal Year 2016 Budget

- The Navajo Nation Council hereby adopts the Navajo Nation Α. Fiscal Year 2016 Comprehensive Budget as recommended by the Navajo Nation Council's Budget and Finance Committee, BFJN-18-15 and Legislation No. 0305-15 as amended by the Budget and Finance Committee, with the Navajo Nation Controller's verification of supplemental projected revenue balances revenues and expenditures; approving and \$1,390,000 from the supplemental projected revenue reserved for possible revenue reductions in Fiscal Year 2015, as the extent of such reductions or impacts become known, this fund may be appropriated. The adoption of the Navajo Nation Fiscal Year 2016 Comprehensive Budget, recommended by the Budget and Finance Committee, shall not include the provision regarding the use of the Permanent Fund.
- B. The Navajo Nation Council approves the appropriation of 12% of the Fiscal Year 2016 revenue in the amount of \$26,134,000 to the Navajo Nation Permanent Fund; 4% of Fiscal Year 2016 revenue in the amount of \$8,711,000 to the Navajo Veterans Trust Fund; 2% of Fiscal Year 2016 revenue in the amount of \$4,356,000 to the Navajo Nation Land Acquisition Trust Fund; \$2,000,000 of Fiscal Year 2016 revenue to the Capital Outlay Match Funding Special Revenue Fund; \$2,000,000 of Fiscal Year 2016 revenue to the Water Rights Claim Fund; and \$11,200,000 of Fiscal Year 2016 revenue to the Diné Higher Education Grant Fund.
- C. The Navajo Nation Council hereby approves the appropriation of \$620,361,145 as the Navajo Nation Fiscal Year 2016 Operating Budget, as set forth in the attached **Exhibit A**, which constitutes \$172,654,000 of General Funds;

\$17,500,000 Indirect Cost Credit; \$11,200,000 in Higher Education set aside funds; \$5,000,000 Personnel Savings; \$60,045,615 Proprietary Fund; \$54,628,256 Fiduciary Funds; \$25,185,239 Special Revenue Internal Funds; and \$274,148,035 Special Revenue External Funds, summarized as follows:

- Legislative Branch: \$16,392,875 as the Navajo Nation 1. Fiscal Year 2016 Operating Budget, as set forth in the attached Exhibit B, which is constituted \$14,851,516 General Fund Revenue; \$1,531,359 Indirect Cost Credit; \$10,000 Proprietary Funds; \$0 Fiduciary Funds, \$0 Special Revenue Internal Funds; \$0 Special Revenue External Funds, for the Navajo Nation Council, Standing Committees, boards, commissions, activities offices. programs, and within Legislative Branch.
- 2. Judicial Branch: \$15,396,641 as the Navajo Nation Fiscal Year 2016 Operating Budget, as set forth in the attached Exhibit C, which constitutes \$13,873,785 of General Funds; \$81,805 Indirect Cost Credit; \$0 Proprietary Funds; \$0 Fiduciary Funds; \$0 Special Revenue Internal Funds and \$1,441,051 Special Revenue External Funds, for the Navajo Nation Supreme Court, district courts, family courts, various offices, programs and activities within the Judicial Branch.
- Executive Branch: \$556,998,279 as the Navajo Nation 3. Fiscal Year 2016 Operating Budget, as set forth in the attached Exhibit D, which constitutes \$121,111,903 of \$12,130,282 Indirect Cost General Funds; Credit: \$11,200,000 Higher Education Set Aside Funds: \$60,035,615 Proprietary Funds; \$54,628,256 Fiduciary Funds; \$25,185,239 Special Revenue Internal Funds; and, \$272,706,984 Special Revenue External Funds; for the various divisions, departments, programs offices within the Executive Branch.
- 4. Fixed Costs: \$27,573,350 constituted of \$18,816,796 General Funds, \$3,756,554 Indirect Cost Credit; and \$5,000,000 Personnel Savings as set forth in the attached **Exhibit E**.

- 5. Capital Improvement Funds constituted of \$4,000,000 General Fund Revenue, to be used at chapter discretion (exception: not be used for recurring expenses), as set forth in the attached **Exhibit F**.
- 6. Chapter Non-Administrative Costs; \$12,500,000 for non-administrative costs. This does not include chapter official's stipends, permanent personnel costs, and travel expenses of chapter officials and chapter staff.
- D. The Navajo Nation Council hereby approves funding from the Fiscal Year 2015 Personnel Savings Fund as follows:

Funding of up to \$5,000,000 from the Fiscal Year 2015 Personnel Savings Fund for funding the shortfall in Defined Benefit Plan Retirement Plan, Business Unit Number 118018.

- E. The Navajo Nation Council hereby approves the carryover of unexpended Indirect Cost Credit, if any, from Navajo Nation Fiscal Year 2015 into Fiscal Year 2016.
- F. The Navajo Nation Council hereby approves the carryover of unexpended Capital Improvement Project Funds from Fiscal Year 2015 to Fiscal Year 2016.
- G. The Navajo Nation Council hereby approves the carryover of General Fund unexpended balances from Navajo Nation Fiscal Year 2015 into Fiscal Year 2016 as follows:
 - 1. \$4,000,000 for the Government Branches (Executive, Legislative, Judicial) from their respective unexpended balances, as follows:
 - a) Executive: \$2,500,000; the following allocations will be made from this amount:
 - i. General Leasing Office BU# 115038
 \$248,562(Personnel and Fringe Benefits)
 - ii. DNVA/Chapter Veterans Organization Assistance (\$202,925.20) and DNVA-Housing Project Assistance (\$335,014.55) Total: \$537,939.75. Carryover Funds to be used for waterline, waste water and powerline extensions (excluding stipend payments)

b) Legislative: \$1,000,000c) Judicial: \$ 500,000

- Other unexpended fund balances for Divisions,
 Departments and Programs listed in Exhibit G.
- H. The Navajo Nation Council hereby approves the Conditions of Appropriations for Navajo Nation Fiscal Year 2016, as set forth in the attached Exhibit H.
- I. The Navajo Nation Council hereby acknowledges that all federal, state, and local government funds addressed in the Navajo Nation Fiscal Year 2016 Comprehensive Budget are provided primarily for information purposes, as directed in the Budget Instructions and Policies Manual, and should not be deemed to limit the expenditure authority for any program, provided additional funds are accepted pursuant to 2 N.N.C. §164(B), 2 N.N.C. §301(B)(15), and 2 N.N.C. §701(A)(10).
- J. The Navajo Nation Council hereby authorizes monthly drawdowns of all deposited into BIA Account, PL7341701, Navajo Tribe, Arizona/New Mexico, which are considered Navajo Nation General Funds as part of the overall revenue projection for support of the operations of the Navajo Nation Government.
- K. The Budget and Finance Committee and the Navajo Nation Council hereby authorizes the Office of Management and Budget to carry-over available budget amounts to cover any prior year open encumbrances carried into Fiscal Year 2016 by the Office of the Controller. Further, the Office of the Controller shall ensure that the budgeted funds carried over are used specifically, and only for, those open encumbrances. The Office of the Controller shall also inform the Office of Management and Budget, in writing, of any cancelled or reduced prior year open encumbrances so that the Office of Management and Budget can make the appropriate budget adjustments.
- L. The Navajo Nation Council hereby directs the Branch Chiefs of the Executive, Legislative and Judicial Branches to prioritize the unmet needs of their respective branches and

to prepare appropriate budgets for such prioritized needs for potential consideration of supplemental appropriations in Fiscal Year 2016, in accordance with 12 N.N.C. § 820(L).

- M. The Navajo Nation Council hereby waives 12 N.N.C. §820(I) requiring the development of a Capital Budget of an appropriation for the current year of the Capital Improvement Plan.
- N. The Navajo Nation Council, in harmony with the emergency resolution, authorizes a limited procedural waiver of 12 N.N.C. §840(B), which requires the adoption of a Comprehensive Budget at least "twenty (20) days" prior to the expiration of each fiscal year.
- O. The Navajo Nation Council hereby approves the Fiscal Year 2016 Budget Detail binder, included as **Exhibit I**.

Section Three. Directive to the Office of Management and Budget

- A. The Navajo Nation Council directs the Office of Management and Budget to recalculate the final monetary totals such that the figures conform to the amendments passed by the Navajo Nation Council.
- B. The Navajo Nation Council directs the Office of Management and Budget to make any other changes to the exhibits such that they conform to the amendments passed by the Navajo Nation Council.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 17 in favor and 5 opposed, this 22nd day of September 2015.

LoRenzo Bates, Speaker Navajo Nation Council

Date

Motion: Honorable Mel R. Begay Second: Honorable Lee Jack, Sr.

ACTION BY THE NAVAJO NATION PRESIDENT:

I hereby sign into law the foregoing 1. legislation, pursuant to 2 N.N.C. \$1005 (C)(10), on this of 2015.

> Russell Begaye, President Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this ____ day of 2015 for the reason(s) expressed in the attached letter to the Speaker.

> Russell Begaye, President Navajo Nation

3. I hereby line-item veto the foregoing legislation, pursuant to 2 N.N.C. \$1005 (C) (10) and 2 N, N.C. \$164 (A), (17), on this 30th day of Menter 2015. The justification of my line-item veto is set forth by memorandum.

Russell Begaye, President

Navajo Nation

The Navajo Nation Fiscal Year 2016 Budget Summary

¥	Total
7	Special Revenue Fund -
-	Special Revenue Fund -
I	Fiduciary
9	Proprietary Fund
L	Personnel Saving Fund
E	Higher Education Setaside
Q	Indirect Cost Fund
S	Navajo Nation General Fund
8	Description
4	Business Unit

100xxx	100xxx Executive Branch	121,111,903	12,130,282	11,200,000		60,035,615	54,628,256	25,185,239	60,035,615 54,628,256 25,185,239 272,706,984	556,998,279
101xxx	101xxx Legislative Branch	14,851,516	1,531,359			10,000				16,392,875
102xxx	102xxx Judicial Branch	13,873,785	81,805						1,441,051	15,396,641
118xxx	Fixed Costs	18,816,796	3,756,554		5,000,000					27,573,350
108xxx	108xxx Capital Projects	4,000,000								4,000,000
	Total:	Total: 172,654,000 17,500,000	17,500,000	11,200,000	5,000,000	60,045,615	54,628,256	25,185,239	11,200,000 5,000,000 60,045,615 54,628,256 25,185,239 274,148,035 620,361,145	620,361,145

The Navajo Nation Fiscal Year 2016 Legislative Branch Budget Summary

Business Unit	Program	Navajo Nation General Fund	Indirect Cost Fund	Proprietary Fund	Fiduciary	Special Revenue Fund -	Special Revenue Fund - External	Total
101001	Navajo Nation Council	2,046,081	745,085					2,791,166
101003	Budget & Finance Committee	91,650	8,157					99,807
101014		288,612	35,841					324,453
101015		2,129,024	215,032					2,344,056
101016	Ofc of Government Development	514,959	18,762					533,721
101017	Ofc of Legislative Counsel	1,149,415	110,154					1,259,569
101018	Navajo Utah Commission	268,091						268,091
101019	Ofc of Legislative Services	1,455,824	187,598					1,643,422
101020	Ethics & Rules Office	461,907	41,309					503,216
101021	Ofc of Election Administration	1,094,427	29,151					1,123,578
101022	Board of Elections Supervisors	138,175						138,175
101023	Black Mesa Review Board	19,126						19,126
101024	Ofc of the Auditor General	1,493,767	34,331					1,528,098
101025	Navajo-Hopi Land Commission	215,000						215,000
101026	Commission on Emergency Mgmt	13,157						13,157
101027	Eastern Agency Land Commission	110,685						110,685
101028	Office of Eastern Navajo Land Commission	309,234						309,234
101029	Human Rights Commission	656,111						656,111
101030	Health, Educ, and Human Services Comm.	121,940	31,453					153,393
101031	Resources and Development Committee	126,331	31,326					157,657
101032	Law and Order Committee	95,810	20,507					116,317
101033	Nabik'iyatii Committee	333,601	22,653					356,254
101034	OLS/Legislative District Assistants	1,718,589						1,718,589
901001	Navajo Nation Code Enterprise			10,000				10,000
	Total:	14,851,516	1,531,359	10,000				16,392,875

The Navajo Nation Fiscal Year 2016 Judicial Branch Budget Summary

-	Total
н	Special Revenue Fund -
9	Special Revenue Fund -
L	Fiduciary
В	Proprietary Fund
O	Indirect Cost Fund
၁	Navajo Nation General Fund
8	Program
A	Business Unit

_	102001	102001 Administrative Office of the Courts	1,566,024	81,805	1,441,051	3,088,880
2	102002	Chinle Judicial District	837,162			837,162
8	102003	Crownpoint Judicial District	709,886			709,886
4	102004	Window Rock Judicial District	1,044,096			1,044,096
5	102005	Shiprock Judicial District	924,196			924,196
9	102006	Tuba City Judicial District	812,127			812,127
7	102007	Ramah Judicial District	560,421			560,421
8	102008	Supreme Court	818,567			818,567
0	102009	Peacemaker Division	1,209,564			1,209,564
10	102010	Kayenta Judicial District	915,063			915,063
1	102011	Dilkon Judicial District	709,217			709,217
12	102012	Utah Judicial District	599,985			599,985
13_1	102013	Tohajillee Judicial District	594,985			594,985
14	102014	102014 Alamo Judicial District	182,075			182,075
15	102015	Dziil Yijiin Judicial District	400,142			400,142
16 1	102017	102017 Pueblo Pintado Circuit Court	298,712			298,712
17 1	102018	102018 Probation Services	1,691,563			1,691,563
-80		Total:	Total: 13,873,785	81,805	1.441.051	1.441.051 15.396.641

The Navajo Nation Fiscal Year 2016 Executive Branch Budget Summary

Bu	Business Unit	Program	Navajo Nation General Fund	Indirect Cost Fund	Higher Education Setaside	Proprietary Fund	Fiduciary	Special Revenue Fund -	Special Revenue Fund -	Total
1	103xxx	Executive Offices	8,431,692	815,895						9,247,587
2 10	104xxx	Department of Justice	5,887,325	1,332,987						7,220,312
7	105xxx	Office of Management and Budget	1,454,811	837,399						2,292,210
7	106xxx	Office of Navajo Tax Commission	1,548,967							1,548,967
5 10	107xxx	Office of the Controller	3,415,354	2,833,968		1,208,000	14,845,777	4,651,000		26,954,099
9 10	108xxx	Division of Community Development	4,124,743	774,917					6,586,157	11,485,817
1	108xxx	Navajo Nation Chapters	27,027,207					2,138,966		29,166,173
8 10	109xxx	Department of Dine' Education	8,041,836	316,562	11,200,000	45,000	766,352	4,092,997	40,417,583	64,880,330
1,	110xxx	Division of Economic Development	4,629,334	184,206		290,000		1,451,400		6,554,940
10 1	111xxx	Navajo Enviromental Protection Agency	1,752,683	96,380		To company the same		2,912,076	4,876,831	9,637,970
11 1	112xxx	Division of General Services	5,059,531	2,270,685		50,479,615			2,666,017	60,475,848
12 11	113xxx	Division of Health	12,638,294	111,988			274,308		53,794,925	66,819,515
13 11	114xxx	Divison of Human Resources	4,999,746	1,331,797		47,500	38,741,819		13,725,885	58,846,747
14 11	115xxx	Division of Natural Resources	18,021,292	223,321		7,505,000		2,750,000	10,564,669	39,064,282
15 11	116xxx	Division of Public Safety	9,607,450	244,428		75,500		432,000	43,649,460	54,008,838
16 11	117xxx	Division of Social Services	3,455,078	586,790		140,000			81,843,662	86,025,530
17 12	20x0x	120xxx Office of Gaming Regulatory				200,000	e see			200,000
18 12	21xxx	121xxx Navajo Division of Transportation	1,016,560	168,959		45,000		6,756,800	14,581,795	22,569,114
19		Total:	Total: 121,111,903 12,130,282	12,130,282	11,200,000	60,035,615	54,628,256	25,185,239	272,706,984	556,998,279

The Navajo Nation Fiscal Year 2016 Fixed Costs Budget Summary

	4	ω.	0	O	E	Ŀ	9	I	-	٦
	Business	Description	Navajo Nation General Fund	Indirect Cost Fund	Personnel Saving Fund	Proprietary Fund	Fiduciary Fund	Special Revenue Fund - Internal	Special Revenue Fund - External	Total
	118001	Annual Audit - OOC	1,719,886	114						1,720,000
2	118004	Insurance Premiums - DGS	3,800,000							3,800,000
6	118005	Utilities - DGS	2,700,000	1,434,502						4,134,502
4	118007	Telecommunications - DGS	1,100,000	523,872						1,623,872
2	118008	Radio Communications - DGS	310,000	309,960						619,960
9	118009	Equip./Furniture/Bldg. Maint OOC		4,554						4,554
7	118010	FMIS Debt Service - OOC	976,731							976,731
00	118013	Hopi Partitioned Land Rental - NHLCO	120,400							120,400
6	118017	Indirect Cost Plan - OMB	50,000							50,000
10	118018	Retirement Plan Account - DHR	600,000		5,000,000					5,600,000
-	118019	NN Integrated Justice Info. Sharing - JB	368,991							368,991
12	118020	Fixed Cost Investment Fees - OOC	150,000							150,000
13	118022	FMIS Maintenance Services - OOC	1,500,000							1,500,000
4	118023	Fixed Cost Facility Maintenance	420,788	1,483,552						1,904,340
13	N01000	Fixed Cost Litigation - DOJ	5,000,000							5,000,000

27,573,350

Total: 18,816,796 3,756,554 5,000,000

16

The Navajo Nation Fiscal Year 2016 Capital Budget Summary

_	Total
Ι	Special Revenue Fund - External
9	Special Revenue Fund -
Ŀ	Fiduciary Fund
E	Proprietary Fund
D	Indirect Cost Fund
O	Navajo Nation General Fund
B	Description
۷,	Business Unit

000	4,000,000				4,000,000	Total:		
000	4,000,000				4,000,000		Capital Projects (NN Chapters)	108xxx Ca

EXHIBIT G

Fund Carryovers

- 1. Business Unit No. 102019, Judicial Conduct Commission. \$100,000 or remaining balance.
- 2. Business Unit No. 101020, Ethics and Rules Office. \$69,274.72 or remaining balance from object code 6520, Consulting.
- 3. Business Unit No. 101021, Election Administration Office. Remaining Balance.
- 4. Business Unit No. 118023, Facilities Maintenance Fixed Cost. \$670,000 or remaining balance.
- 5. Business Unit No. 510003, Tourism Department. \$2,000,000 or remaining balance.
- 6. Business Unit No. 910005, Karigan Professional Office. \$100,000 or remaining balance.
- 7. Business Unit No. 101022, Board of Election Supervisors. \$21,942 or remaining balance.
- 8. Business Unit No. 104018, Office of Background Investigations. \$20,000 or remaining balance.
- 9. Business Unit No. 115038, General Leasing Office. \$32,728 or remaining balance.
- 10. Business Unit No. 101034, Legislative District Assistants. \$215,000 or remaining balance New Business Unit Carryover to be used for Youth Council initiative seed funds.
- 11. Business Unit No. 115013, Water Resources Department/Operation and Maintenance. \$350,000 Carryover to include Navajo Partitioned Land Chapters

FY2016 CONDITION OF APPROPRIATIONS

Condition of Appropriation means a specific contingency place on an appropriation by the Navajo Nation Council at the time the appropriation is made creating legal conditions precedent to the expenditure of funds. Appropriated funds or any other funds received by the Navajo Nation on which a condition of appropriation or expenditure is placed may not be lawfully expended until the condition of appropriation or expenditure is met. It is the responsibility of the Controller to ensure that funds are expended in accordance with the conditions placed on the appropriation or expenditure. 12 N.N.C. §810(I)

RESULT for noncompliance with the following Conditions of Appropriations (COA):

- 1. Based on the quarterly COA Status Report, the Office of Management & Budget (OMB) will immediately report a program(s)/department(s) non-compliance to the respective Division Director and/or Branch Chief and the Budget and Finance Committee;
- 2. The appropriate oversight Committee may place the non-compliant program/department on notice for 30 days;
- 3. At the end of the 30 day probation period the OMB will follow-up on COA compliance status;
- 4. The OMB will notify the appropriate oversight Committee of any continued non-compliance and the Controller to immediately withhold 10% of the program's non-personnel operating budget;
- 5. Thereafter, if noncompliance continues, an additional 10% of non-personnel operating budget will be withheld each quarter;
- 6. COA noncompliance will become part of the annual Employee Performance Appraisal Form (EPAF).

CONDITION OF APPROPRIATION No. 1

All appropriate Division Directors, with the assistance of the Office of Management and Budget (BU # 105001), Office of the Controller (BU #107022), and the Branch Chiefs, shall enforce compliance with each of the Condition of Appropriations, including but not limited to coordination of the written responses on a quarterly basis so as to insure adherence with each Condition of Appropriation. If the Condition of Appropriation is not complied with the above stated result shall apply.

Responsible Entity: Appropriate Divisions

CONDITION OF APPROPRIATION NO. 2

The Division of Community Development (BU# 108001) and Administrative Services Centers (BU#108125), assisted by the Office of Management and Budget (BU # 105001), Office of the Controller (BU# 107022) and the Office of the Auditor General (BU # 101024), shall, by the end of the 2nd quarter, develop a streamlined accounting system for the 110 chapters that interfaces with the FMIS enhancing the Chapters' electronic capability for efficient processing and

transmission of Chapters' financial transactions. If the Condition of Appropriation is not complied with the above stated result shall apply.

Responsible Entity: Division of Community Development, Administrative Service Centers

CONDITION OF APPROPRIATION NO. 3

The Office of the Navajo Tax Commission (BU# 106001) shall, by the end of the 2nd quarter, develop a coordination policy (with input from other departments and programs) for the Procurement Clearance process by ONTC Sections for greater efficiency using technology to minimize and reduce to 10 days' time it takes to provide a Procurement Clearance processing for contracts and leases to improve the Nation's working relationships with businesses within the Navajo Nation. If the Condition of Appropriation is not complied with the above stated result shall apply.

Responsible Entity: Office of the Navajo Tax Commission

CONDITION OF APPROPRIATON NO. 4

The Office of the Navajo Tax Commission (BU# 106001) shall, by the end of the 2nd quarter, develop rules and regulations for Navajo Nation Chapters and their contractors/vendors to report taxable revenues. If the Condition of Appropriation is not complied with the above stated result shall apply.

Responsible Entity: Office of the Navajo Tax Commission

CONDITION OF APPROPRIATION NO. 5

The Office of the Controller, Property Management Department (BU# 107021) shall by the end of the 2nd quarter, amend property management policies. If the Condition of Appropriation is not complied with the above stated result shall apply.

Responsible Entity: Property Management Department

CONDITION OF APPROPRIATION NO. 6

The Division of General Services, Facilities Maintenance Department (BU# 118023), in coordination with the Office of the Controller, Property Management Department (BU# 107021), during the 2nd quarter, shall complete the assessment on square footage percentage of all Navajo Nation facilities for the purpose of justifying Indirect Cost reimbursement. This assessment shall be presented to the Budget and Finance Committee by the end of the 2nd quarter. If the Condition of Appropriation is not complied with the above stated result shall apply.

Responsible Entity: Facilities Maintenance Department and Property Management Department

CONDITION OF APPROPRIATION NO. 7

The Division of Human Resources, Department of Personnel Management (BU# 114009) and the Department of Justice(BU# 104001) by the end of the 1st quarter, shall present a proposed amendment to the Personnel Policies manual to include a plan to hold department managers more accountable. If the Condition of Appropriation is not complied with the above stated result shall apply.

Responsible Entity: Department of Personnel Management and Department of Justice

CONDITION OF APPROPRIATION NO. 8

All Divisions and Programs whose plans of operation which have been identified to be updated per Exhibit H-1 shall present, to their respective oversight committees, amendments to their respective plans of operation to bring the plans of operation up to date by the end of the 3rd quarter, except the Division of Natural Resources which shall bring their plans of operation up to date by the end of the 4th quarter. If this Condition of Appropriation is not complied with the above stated result shall apply.

Responsible Entity: Affected Divisions and Programs

CONDITION OF APPROPRIATION NO. 9

All external grants from Fiscal Year 2012 and prior shall be fully expended by the end of the 3rd quarter of Fiscal Year 2016 and closed out pursuant to Fiscal Year 2014 Navajo Nation Budget Instructions Policy Manual. These are grants with K12xxxx numbers and prior years. If this Condition of Appropriation is not complied with the above stated result shall apply.

Responsible Entity: Affected Divisions and Programs

CONDITION OF APPROPRIATION NO. 10

The Division of Human Resources, Department of Personnel Management (BU# 114009), in coordination with the Office of Management and Budget, Contracts and Grants Section, by the end of the 2nd quarter, shall revise and update all class specifications for the Division Director, Executive Director, Deputy Division Director, Deputy Executive Director, Department Manager, Assistant Department Manager, Program Manager and Program Supervisor position titles to include responsibility for external grants/contracts to ensure full compliance with grant/contract requirements. If this Condition of Appropriation is not complied with the above stated result shall apply.

Responsible Entity: Department of Personnel Management

CONDITION OF APPROPRIATION NO. 11

The Office of the President and Vice-President, in coordination with the Department of Justice, Office of Management and Budget, Office of the Controller and Department of Personnel Management, shall, by the end of the 1st quarter, develop measures to address non-compliance on external grants, including holding personnel accountable. If this Condition of Appropriation is not complied with the above stated result shall apply.

Responsible Entity: Office of the President and Vice-President

CONDITION OF APPROPRIATION NO. 12

Affected Division Directors and their accountants and contract compliance officers shall, by the end of the 1st quarter, submit quarterly reports on external grants to their respective oversight Committees with a copy to the Office of Management and Budget. The report shall include

status of the grant, if the grant is on schedule and action taken to resolve the grant that is behind schedule. Office of Management and Budget and the Office of the Controller shall develop a reporting format for use by the Divisions. If this Condition of Appropriation is not complied with the above stated result shall apply.

Responsible Entity: affected Division Directors

Exhibit H-1

41.	118001 Annual Audit- Office of the Controller	2000
	115030 NN Archeology Department (ARCH)	1994
	115027 Department of Resource Enforcement	1994
	115026 F & W – Animal Control Program	2002
	115023 Forestry Department	1999
	415000 Land Acquisition Trust Fund	1994
	115021 Navajo Land Department	1996
	915003 AGR- Tribal Ranches	1997
	115007 AGR- Major Irrigation Farm Boards	1997
	115002 AGR- District Grazing Committee 115005 AGR- Eastern Nav Agency Dist/Land Boards	2000
	115018 Dept. of Agriculture	1994 1998
	115004 Mineral Department	1994
	115001 Division of Natural Resources (Administration)	1994
2.0	AAFOOA Di itt a af Nat and Danner and A last at the it	4004
27.	102019 Judicial Conduct Commission	2003
	102017 Pueblo Pintado Circuit Court	2003
25.	102015 Pinon Judicial District	2003
24.	102003 Supreme Court	2003
23.	102010 Kayenta Judicial District	2003
22.	102007 Ramah Judicial District	2003
21.	102006 Tuba City Judicial District	2003
	102005 Shiprock Judicial District	2003
	102004 Window Rock Judicial District	2003
18.	102003 Crownpoint Judicial District	2003
17.	102002 Chinle Judicial District	2003
16.	102001 Administrative Office of Courts	2003
15.	901001 Navajo Nation Code Enterprise	1202
	101026 Commission on Emergency Management	1990 1989
	101025 Navajo/Hopi Land Commission	1989
	101024 Office of the Auditor General	2002
	101023 Black Mesa Review Board	1989
	101022 Navajo Board of Election Supervisors	1989
9.	101021 Election Administration Office	1989
8.	101017 Office of Legislative Counsel	1989
7.	101015 Office of the Speaker	1989
6.	104003 Office of the Public Defender	1993
5.	103007 Executive Protection Services Program	1995
4.	103005 Office of Miss Navajo Nation	2000
3.	103004 Office of Hearings and Appeals	1995
2.	103003 Navajo Hopi Land Commission Office	1991
1.	103001 Office of the President/Vice President	1989

42.	118004 Insurance Premium - DGS	2009
43.	118005 Utilities – DGS	2009
44.	118007 Telecommunications – DGS	2009
45.	118008 Radio Communications – DGS	2009
46.	118009 Ofc Mach/Furn/Bldg Maint - OOC	1976
47.	118010 FMIS – OOC	2002
48.	118013 Hopi Partitioned Land Rental – NHLO	1991
49.	118017 Indirect Cost Plan – OMB	2002
	NO1000 Fixed Cost Litigation – DOJ	1993
	107022 Office of the Controller – Admin/Fin Servcs	2011
	407001 Navajo Nation Permanent Fund	1985
	907001 Credit Services Dept (CSD)- Home Loan Prg	1988
	907002 Credit Services Dept (CSD)- Personal Loan Prg	1988
	509008 Scholarship Plan for Finance & Accounting	1996
55.	303000 Scholarship Harrior Finance & Accounting	1330
56	109026 Navajo Nation Board of Education	2005
50.	105020 Navajo Nation Sourd of Education	2003
57	116018 Division of Public Safety – Admin	1995
	116011 Dept. of Criminal Investigation	1995
	116012 Dept. of Fire & Rescue Services	1995
	116013 Dept. of Internal Affairs	1995
	116014 Dept. of Corrections (DOC)	1995
	116019 Dept. of Emergency Mgmt. (DEM)	1995
	116017 Dept. of Emergency Med. Services	1995
05.	116017 Dept. of Emergency Med. Services	1990
61	113003 Uranium Workers Project	1995
	113004 Dilkon Health Ctr Steering Comm./Plan Ofc	1995
	113005 Office of Environmental Health	1995
		1995
	113006 Food Distribution Program 113010 NAAA – Admin	1995
		1995
	113011 NAAA-Chinle Agency	
	113012 NAAA-Fort Defiance Agency	1995
	113013 NAAA-Crownpoint Agency	1995
	113014 NAAA-Tuba City Agency	1995
	113015 NAAA- Shiprock Agency	1995
74.	K90102 W.I.C. Program	1995
	(504)	
75.	111001 Environmental Protection Agency (EPA) Admin	1995
7.5	44.4002.055	4000
	114003 Office of Broadcast Services	1990
	114007 Navajo Occupational Safety & Health Admin	2003
	114010 Navajo Dept. of Workforce Development	1998
	714XXX3 Veterans Affairs Trust Funds – East. Agency	1998
	714XXX4Veterans Affairs Trust Funds – FD Agency	1998
	714XXX2Veterans Affairs Trust Funds — Chinle Agency	1998
	714XXX6Veterans Affairs Trust Funds – Western Agency	
	714XXX5Veterans Affairs Trust Funds –Shiprock Agency	
84.	112001 Division of General Services(DGS) Admin	1995

85. 112005 Navajo Transit System – Fixed Routes Srvs.	1995
86. 812018 NTS- Charter Services Program	1995
87. 112007 Navajo Air Transportation Dept.	1995
88. 112009 Department of Information Technology	1999
89. 812003 Fleet Management Dept.	1995
90. 912001 Employee Housing Department	1995
91. 104001 DOJ – Attorney General	1990
92. 104002 Navajo-Hopi Legal Services Program	1993