LEGISLATION SUMMARY

Tracking No. 0003-22

Date: January 12, 2022

Title of Legislation: **AN ACT RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAA'BIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; ALLOCATING $900,000 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUFB") TO THE DIVISION OF ECONOMIC DEVELOPMENT/ TOURISM DEPARTMENT FOR PERSONNEL AND OPERATING EXPENSES FOR THE REMAINDER OF FY2022; WAIVING 12 N.N.C. §820(E), §820(F), AND §820(J) TO ALLOW USE OF THE UUFB FOR RECURRING EXPENSES**

Purpose: to allocate $900,000 from the UUFB to the DED/Tourism Department to fund the Department's personnel and operating expenses for the remainder of FY2022; waiving 12 N.N.C. §820(E), §820(F), and §820(J) to allow use of the UUFB for recurring expenses.

OLC No. 21-482-1

5-DAY BILL HOLD PERIOD: A Plumsa
Website Posting Time/Date: 5:42pm; 01-12-22
Posting End Date: 01-17-22
Eligible for Action: 01-18-22

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

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL - Fourth Year, 2022

Introduced by:

(Prime Sponsor)

Tracking No. 0003-22

AN ACT

RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAA'BIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; ALLOCATING $900,000 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUFB") TO THE DIVISION OF ECONOMIC DEVELOPMENT/ TOURISM DEPARTMENT FOR PERSONNEL AND OPERATING EXPENSES FOR THE REMAINDER OF FY2022; WAIVING 12 N.N.C. §820(E), §820(F), AND §820(J) TO ALLOW USE OF THE UUFB FOR RECURRING EXPENSES

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Resources and Development Committee is a standing committee of the Navajo Nation Council with the authority to oversee the Division of Economic Development. 2 N.N.C. §501(C)(1). The Navajo Tourism Department is within the Division of Economic Development. ACAU-196-87, CO-50-87, GSCAP-12-07, and RDCO-055-19.

B. The Budget and Finance Committee is a standing committee of the Navajo Nation Council, empowered to review and recommend to the Navajo Nation Council the budgeting, appropriation, investment, and management of all funds. 2 N.N.C. §301(B)(2).

C. The Naa'bik'íyáti' Committee is a standing committee of the Navajo Nation Council that is responsible for reviewing proposed resolutions requiring final action by the Navajo

Nation Council. 2 N.N.C. §164(A)(9).

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

E. The restrictions on supplemental appropriations include:

1. Supplemental appropriations from non-recurring revenues shall be approved only for non-recurring expenses. 12 N.N.C. §820(F). The Controller determines which revenues are recurring and which are non-recurring. 12 N.N.C. §820(L).
2. The Navajo Nation shall budget all recurring operating expenses, including capital maintenance costs, from recurring revenues only; and long-term debt shall not be used to finance recurring operating expenses. 12 N.N.C. §820(E).
3. The Navajo Nation Code further provides, ". . . non-recurring revenues will be budgeted only after an examination by the Controller to determine whether or not the revenues are subsidizing an imbalance between recurring revenues and expenditures, and expenditures may be authorized only if a long-term (three-five year) forecast shows that the operating deficit will not continue. Otherwise, non-recurring revenues will be added to the Unreserved, Undesignated Fund Balance. This provision may be amended or waived by a two-thirds vote of the full Navajo Nation Council." 12 N.N.C. §820(F).
4. All requests for supplemental funding shall be submitted to the Office of Management and Budget ("OMB") for budget impact analysis. 12 N.N.C. §820(M).

SECTION TWO. FINDINGS

A. The Division of Economic Development/Tourism Department is requesting $900,000 in supplemental funds out of the Undesignated, Unreserved Fund Balance ("UUFB"), to mitigate the negative effects of the COVID-19 pandemic that resulted in the loss of an estimated $115,500,000 of tourism-related revenue since the Spring of 2020, which revenue

is normally used to fund the Department for the entire Fiscal Year. In the attached "Appendix K - Supplemental Funding Proposal Summary" the Tourism Department explains that it needs the $900,000 to cover its personnel and operating expenses for the remainder of FY2022. **EXHIBIT A**.

B. The Tourism Department has provided its required Budget Forms, including a "Program Budget Summary" and a "Detailed Budget and Justification," which pages are attached hereto as **EXHIBIT B**.

C. The Tourism Department has also provided a detailed "Listing of Positions and Assignments by Business Unit," attached as **EXHIBIT C**.

D. In accordance with 12 N.N.C. §820(L), the Controller has provided a memorandum regarding this UUFB funding request. **EXHIBIT D**. In addition, in the "Executive Official Review" process, the Controller on October 27, 2021 deemed this funding request "sufficient." **EXHIBIT E**. The Controller may be requested to provide a revised memorandum or a verbal statement regarding this matter, when this legislation is considered by the Navajo Nation Council.

E. OMB has also reviewed this funding request and deemed it "sufficient." **EXHIBIT E**. In compliance with 12 N.N.C. §820(M), OMB may be requested to provide a budget impact analysis by memorandum or a verbal statement, when this legislation is considered by the Navajo Nation Council.

F. The Department of Justice has reviewed this UUFB funding request and deemed it "legally sufficient." **EXHIBIT E**.

SECTION THREE. ALLOCATING $900,000 FROM THE UUFB TO THE DIVISION OF ECONOMIC DEVELOPMENT/TOURISM DEPARTMENT

A. The Navajo Nation hereby allocates $900,000 from the UUFB to the Division of Economic Development/Tourism Department for the Department's personnel and operating expenses for the remainder of FY2022, as shown in **EXHIBIT A**.

B. This $900,000 supplemental appropriation shall be from those funds that exceed the minimum fund reserve balance in the UUFB required by 12 N.N.C. §820(J), as determined by the Controller.

C. Pursuant to 12 N.N.C. §820(J) this supplemental appropriation shall expire, and any remaining funds shall revert to the UUFB, on September 30, 2022, unless the Navajo Nation Council determines otherwise by resolution.

D. The UUFB shall be reimbursed up to the $3,600,000 amount allocated in this legislation, from prospective funds available to the Navajo Nation from any and all state and federal sources, including Congressional appropriations under the American Rescue Plan Act of 2021 or other COVID-19 related relief.

SECTION FOUR. WAIVING 12 N.N.C. §820(E), §820(F), AND §820(J) TO ALLOW USE OF THE UUFB FOR RECURRING EXPENSES

The Navajo Nation hereby waives 12 N.N.C. §820(E), §820(F), and §820(J) to allow use of funds from the UUFB for the Tourism Department's personnel and operating expenses for the remainder of FY2022, which are recurring program expenses, as shown in **EXHIBIT A**.

SECTION FIVE. EFFECTIVE DATE

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

SECTION SIX. SAVING CLAUSE

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

EXHIBIT A

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JAN 6 2022
OFFICE OF LEGISLATIVE COUNSEL

APPENDIX K

THE NAVAJO NATION
SUPPLEMENTAL FUNDING PROPOSAL SUMMARY

PART I. Business Unit No.: NEW **Program Title:** Tourism

Division/Branch: Economic Development **Amount Requested:** $900,000 **Prepared By:** Arval T McCabe

Phone No.: 928-810-8501 **Email Address:** arvalmccabe@navajo-nsn.gov

PART II. REASON FOR REQUEST AND STATEMENT OF NEED: The Tourism Industry across the Navajo Nation was hit by the Covid 19 Pandemic and affected the funding source for the Hotel Occupancy Tax (HOT), which funds the NN Tourism Department. The overall impact of the pandemic has been severe and has caused the Navajo Nation to a loss and estimated total tourism revenue of $115,500,000 due to closure of the industry for a total of more than one (1) year.

The NN Tourism Department submitted three (3) budgets during the budget season. They are as follows: #1 Allocated budget amount of $128,576; #2 Unmet Needs Budget in the amount of $791,548; #3 Carry Forward Budget in the amount of $175,000. The Unmet Needs and Carry Forward Budget were not approved. Due to these two budgets not being approved put the Tourism Department in a situation where there would be no personnel and operating funds for the department for FY 2022, therefore making it impossible for the department to meet its goals and objectives.

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NAVAJO NATION
OFFICE OF THE PRESIDENT
& VICE PRESIDENT

PART III. LIST ALTERNATIVE FUNDING SOURCES BEING PURSUED AND CONTINGENCY PLAN IF REQUEST IS NOT FUNDED:

The attached budget is to drawdown funds from account #510004, which is a combined funding source for the Hotel Occupancy Tax (HOT) fund for NN Tourism Department and NN Parks and Recreation Department. This fund holds the identified taxes that are collected throughout the year for hotel night stays by visitors. The total amount in this funding account is $4,217,157.

PART IV. AFFIRMATION IS PROVIDED THAT THE BUDGET AND PROPOSAL INFORMATION IS COMPLETE AND ACCURATE AND THE APPROPRIATE BRANCH CHIEF RECOMMENDS APPROVAL AS A PRIORITY.

12/17/2021

REVIEWED BY: Division Director's Signature / Date

RECOMMEND SUPLEMENTAL: Branch Chief's Signature / Date

FY 2022

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

BUDGET FORM 1

PART I. Business Unit No.: 510003 Program Title: Tourism Department Division/Branch: Economic Development

Prepared By: Arval T McCabe Phone No.: 928-810-8501 Email Address: arvaltmccabe@discovernavajo.com

PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total
UUFB	10/01/2021-09/30/2022	900,000.00	100%
	TOTAL:	$900,000.00	100%

PART III. BUDGET SUMMARY	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
2001 Personnel Expenses	5	115,411	241,321	356,732
3000 Travel Expenses	5	0	26,999	26,999
3500 Meeting Expenses	5		0	0
4000 Supplies	5	0	27,692	27,692
5000 Lease and Rental	5	0	6,775	23,362
5500 Communications and Utilities	5	0	7,991	7,991
6000 Repairs and Maintenance	5	0	14,000	14,000
6500 Contractual Services	5	13,165	189,419	202,584
7000 Special Transactions	5	0	145,803	145,803
8000 Public Assistance		0		0
9000 Capital Outlay	5	0	240,000	240,000
9500 Matching Funds		0		0
9500 Indirect Cost		0		0
TOTAL		128,576	$900,000	1,028,576

PART IV. POSITIONS AND VEHICLES	(D)	(E)
Total # of Positions Budgeted:	1.5	4
Total # of Vehicles Budgeted:	1	1

PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.

SUBMITTED BY: Arval T. McCabe
Program Manager's Printed Name
Program Manager's Signature and Date 10/20/21

APPROVED BY: JT Willie
Division Director / Branch Chief's Printed Name
Division Director / Branch Chief's Signature and Date 10/20/2021

EXHIBIT B

FY 2022

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

BUDGET FORM 4

PART I. PROGRAM INFORMATION:

Program Name/Title: Tourism Department **Business Unit No.:** 510003

PART II. DETAILED BUDGET:

(A) Object Code (LOD 6)	(B) Object Code Description and Justification (LOD 7)		(C) Total by DETAILED Object Code (LOD 6)	(D) Total by MAJOR Object Code (LOD 4)
	2001 PERSONNEL EXPENSES			241,321
	Employees salary and fringe benefits. Adjustments/Salary increase not paid by the Personnel Lapse Fund. Merit Payment for eligible personnel.			
2110	REGULAR		168,309	
	.2120 Four (4) Regular Full-Time positions	168,309		
	.2120 .50 Regular Full-Time Cost Share	-		
2900	2900 - Fringe Benefits		73,012	
	2900 Regular 168,309 43.38%	73,012		
		TOTAL	241,321	241,321

FY 2022

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

BUDGET FORM 4

PART I. PROGRAM INFORMATION:

Program Name/Title: Tourism Department **Business Unit No.:** 510003

PART II. DETAILED BUDGET:

(A)	(B)				(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)				Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
	3000 TRAVEL EXPENSES					26,999
	Monthly mileage and fleet rental. Meals, lodging and air fare directly related to program business and other miscellaneous travel expenses.					
3110	FLEET		6% Sales Tax	Total	11,333	
	.3111 - Monthly/Perm: (Group A, Class XIII Sedan) $431/month x 12 months = $5,172		$310	$5,482		
	.3113 - Mileage: (Group A) 2,000 miles x 0.23 mi. x 12 months = $5,520		$331	$5,851		
3210	VEHICLE RENTAL (OFF RESERVATION)				400	
	3220 - Vehicle Rental (off reservation)	$400				
3230	PERSONAL TRAVEL				11,265	
	.3240 $55/Daily Per Diem x 12 days for 3 staff	$1,980				
	.3240 $76/Daily Per Diem x 3 days for 3 staff	$684				
	.3250 $94/Night Per Diem x 8 nights for 3 staff	$2,256				
	.3250 $166/Night Per Diem x 8 nights for 3 staff	$3,984				
	.3260 POV @ 250 mi. x .575 x 12 mo	$1,725				
	.3290 Other Incidental Travel Expense	$636				
3810	AIR				4,001	
	.3320 - Commercial Air	$4,001				
				TOTAL	26,999	26,999

FY 2022

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

BUDGET FORM 4

PART I. PROGRAM INFORMATION:

Program Name/Title: Tourism Department **Business Unit No.:** 510003

PART II. DETAILED BUDGET:

(A) Object Code (LOD 6)	(B) Object Code Description and Justification (LOD 7)		(C) Total by DETAILED Object Code (LOD 6)	(D) Total by MAJOR Object Code (LOD 4)
	4000 SUPPLIES			27,692
	Stationary, envelopes, binders, labels, folders, pens and pencils, staplers/staples. Computer/Xerox toner cartridges, photocopying, publication, subscription. Non-Capital items that have a value of less than $5,000 and other supplies that are necessary for the day operation of the program.			
4120	OFFICE SUPPLIES		5,000	
	.4130 General Office Supplies	$5,000		
4200	NON CAPITAL ASSETS		3,000	
	.4210 Non Cap Furniture and Equipment	$1,000		
	.4230 Non Cap Computer Equipment	$2,000		
4410	OPERATING SUPPLIES		19,692	
	.4420 General Operating Supplies	$5,021		
	.4440 Non Cap Computer Software	$1,000		
	.4450 Postage, Courier, Shipping	$3,000		
	.4490 Custodial Supplies	$715		
	.4500 Medical Supplies	$3,429		
	.4520 Bulk Paper - Xerox paper	$1,500		
	.4530 Printing/Binding/Photocopying	$4,527		
	.4450 Media Supplies	$500		
		TOTAL	27,692	27,692

FY 2022

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

BUDGET FORM 4

PART I. PROGRAM INFORMATION:

Program Name/Title: Tourism Department **Business Unit No.:** 510003

PART II. DETAILED BUDGET:

(A) Object Code (LOD 6)	(B) Object Code Description and Justification (LOD 7)		(C) Total by DETAILED Object Code (LOD 6)	(D) Total by MAJOR Object Code (LOD 4)
	5000 LEASE AND RENTAL			6,775
	Office space lease for 12 months. Rental of meeting room and media equipment for committee, work sessions and special meetings. Trade			
5110	BUILDING (Lease)		-	
	.5120 Office Space: Lease with Division of Economic Development at $16587/Yearly Rate			
5360	EQUIPMENT			
	.5170 Office Equipment	$447	447	
5160	BUILDING SPACE		6,328	
	.5320 Meeting Space: Staff and RDC meetings at $150/8 mos	$1,200		
	.5330 Storage Space: $83.50 mo x 12 mo	$1,002		
	.5340 Booth/Trade Show Rental	$4,000		
	.5350 Other Space Rental	$126		
	5500 COMMUNICATIONS AND UTILITIES			7,991
	Basic telephone services and line charges, install telephone hardware, installation and service changes for DSL line. Internet service/connectivity.			
5520	TELEPHONE		1,996	
	.5530 Basic Services: $35/mo x 12 mos	$420		
	.5540 Long Distance Service: $63/mo x 12 mos	$756		
	.5550 Optional Charges: $26.67 x 12 mo	$320		
	.5560 Hardware Install	$500		
5570	INTERNET		- 5,995	
	.5600 Internet Services: 6 staff X $83.26 X 12 = $5,995	$5,995.00		
		TOTAL	14,766	14,766

FY 2022

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

BUDGET FORM 4

PART I. PROGRAM INFORMATION:

Program Name/Title: Tourism Department **Business Unit No.:** 510003

PART II. DETAILED BUDGET:

(A) Object Code (LOD 6)	(B) Object Code Description and Justification (LOD 7)		(C) Total by DETAILED Object Code (LOD 6)	(D) Total by MAJOR Object Code (LOD 4)
	6000 REPAIRS AND MAINTENANCE			14,000
	Furniture/Equipment repairs and maintenance for supplies and services; and computer services maintenance.			
6300	TECHNOLOGY		14,000	
	.6310 Computer Hardware R&M	$6,000		
	.6320 Software Support	$6,000		
	.6330 Communication R&M	$2,000		
		TOTAL	14,000	14,000

FY 2022

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

BUDGET FORM 4

PART I. PROGRAM INFORMATION:

Program Name/Title: Tourism Department **Business Unit No.:** 510003

PART II. DETAILED BUDGET:

(A) Object Code (LOD 6)	(B) Object Code Description and Justification (LOD 7)		(C) Total by DETAILED Object Code (LOD 6)	(D) Total by MAJOR Object Code (LOD 4)
	6500 CONTRACTUAL SERVICES			189,419
	Professional and consultant services of particular profession to determine project viability on commercial, industrial, tourism development projects; Non-capital archaeological and design services; Archaeological, assessments, legal surveys, appraisals, feasibility studies, testing, inspection, clearance of business sites or leases.			
6520	CONSULTING		130,590	
	.6530 Fees	$90,590		
	.6540 Expenses	$40,000		
6810	ARCHITECTURE/DESIGN (NON CAP)		11,329	
	.6813 Fees	$8,000		
	.6814 Expenses	$3,329		
6820	GEO TECH SERVICES (NON CAP)		7,500	
	.6823 Fees	$5,000		
	.6824 Expenses	$2,500		
6830	OTHER TECHNICAL SERVICES		40,000	
	.6840 Feasibility Studies	$20,000		
	.6845 Environmental Assessment/Survey	$20,000		
		TOTAL	189,419	189,419

FY 2022

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

BUDGET FORM 4

PART I. PROGRAM INFORMATION:

Program Name/Title: Tourism Department **Business Unit No.:** 510003

PART II. DETAILED BUDGET:

(A) Object Code (LOD 6)	(B) Object Code Description and Justification (LOD 7)		(C) Total by DETAILED Object Code (LOD 6)	(D) Total by MAJOR Object Code (LOD 4)
	7000 SPECIAL TRANSACTIONS			145,803
	Program initiatives; staff development career enhancements; insurance premiums. Promotional iems, appreciation gifts, contribution, catering,			
7110	PROGRAMS		81,501	
	.7130 Promotional Items	$22,501		
	.7140 Gifts and Awards	$20,000		
	.7150 Charitable Contributions	$33,000		
	.7180 Catering	$4,000		
	.7190 Refreshments	$2,000		
7410	MEDIA		56,703	
	.7440 Print Advertisting	$40,269		
	NTD partners with the Arizona Office of Tourism, Utah Tourism Department, & NM Tourism Department in			
	.7450 Radio Advertising	$16,434		
	NTD utilizeds radio stations to publish tourist related events with KYAT from Gallup, NM, KNDN from Farmington,			
7510	TRAINING & PROFESSIONAL DUES		5,784	
	.7520 Training and Registration Fees	$5,090		
	.7550 Mandatory Professional Dues	$694		
7710	INSURANCE PREMIUMS		1,815	
	.7720 Property: Contents 50,000/1,000x0.71 = $35.50			
	.7740 Vehicle - Auto Liability			
	.7750 Vehicle - Auto Physical Damage (vehicle under 1 ton)			
	.7765 Policy Payment (General Liability) $241,321/100x0.25 =	$603.30		
	.7767 - Workers Comp (less fringe) $168,309/100x0.72 =	$1,211.82		
		TOTAL	145,803	145,803

FY 2022

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

BUDGET FORM 4

PART I. PROGRAM INFORMATION:

Program Name/Title: Tourism Department **Business Unit No.:** 510003

PART II. DETAILED BUDGET:

(A) Object Code (LOD 6)	(B) Object Code Description and Justification (LOD 7)		(C) Total by DETAILED Object Code (LOD 6)	(D) Total by MAJOR Object Code (LOD 4)
	9000 CAPITAL OUTLAY			240,000
	Construction of infrastructure (water, sewer, power, gas, phone, data lines, roads) to serve commercial, industrial and other economic development projects to create employment and business opportunities, goods and services, generate revenue and create multiplier effects of Navajo spending dollars. Infrastructure development is a critical stage to overall development of business projects to leverage tourist spending on the Navajo Nation.			
9020	INFRASTRUCTURE		90,000	
	.9036 Communications	$ 10,000		
	.9038 Waterlines	$30,000		
	.9040 Power lines	$30,000		
	.9042 Water/Wastewater	$20,000		
9050	BUILDING		150,000	
	.9060 Construction in Progress	$150,000		
		TOTAL	240,000	240,000

FY 2022

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

BUDGET FORM 2

PART I. PROGRAM INFORMATION:

Business Unit No.: 510003 **Program Name/Title:** Tourism Department

PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:

RDCO-055-19: The Department is established to promote and develop tourism related business thereby creating jobs and business opportunities.

PART III. PROGRAM PERFORMANCE CRITERIA:	1st QTR		2nd QTR		3rd QTR		4th QTR	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Goal Statement:								
Develop tourism related projects, prerequisite planning and development activities.								
Program Performance Measure/Objective:								
Complete development requirement per project i.e., feasibility studies, surveys, EA archeological clearances.	3		3		3		3	
2. Goal Statement:								
Complete funding applications for tourism related development projects.								
Program Performance Measure/Objective:								
Prepare and submit two funding applications per quarter to secure project funds.	2		2		2		2	
3. Goal Statement:								
Conduct community based tourism development planning.								
Program Performance Measure/Objective:								
Complete 8 tourism development presentations and/or workshops (2) per quarter.	2		2		2		2	
4. Goal Statement:								
Develop partnership for sustainable tourism.								
Program Performance Measure/Objective:								
Complete four communication and educational tools that will help tourism industry improve performance.	1		1		1		1	
5. Goal Statement:								
Promote and market Navajo Nation in tourism industry, locally and worldwide.								
Program Performance Measure/Objective:								
Per quarter: (2) Trade Shows; (3) Magazine Advertisement; (4) Maintain Website; (20) Social Media Posts	29		29		29		29	

PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.

Arval T MCCabe
Program Manager's Printed Name

10/20/21
Program Manager's Signature and Date

JT Willie
Division Director/Branch Chief's Printed Name

10/20/2021
Division Director/Branch Chief's Signature and Date

FY 202[illegible]

THE NAV[illegible]O NATION
LISTING OF POSITIONS AND A[illegible]GNMENTS BY BUSINESS UNIT

DPM Certified /14/2021 Date

SUB ACCT	POS NO	JOB TYPE	POSITION TITLE	EMP ID	WORK SITE	FY 2021 ACTUAL			FY 2022 PROPOSED			
						G/S	H/R	SALARY	HOURS	BUDGET PERIOD		BUDGET
510003 - PDD-TOURISM PROGRAM												
~~1101~~	~~211654~~	~~1230~~	~~Department Manager I~~	~~15591~~	~~STM~~	~~BJ68A~~	~~29.52~~	~~61,637.76~~	~~2,088~~	~~10/01/2021~~	~~09/30/2022~~	~~61,638.00~~
1108	256453	3402	Senior Economic Development Specialist	12743	SRN	BJ66C	26.37	55,060.56	2,088	10/01/2021	09/30/2022	55,061.00
1109	244169	3407	Marketing Specialist KAB	299393	STM	BJ66A	24.84	51,865.92	2,088	10/01/2021	09/30/2022	51,866.00
1110	244170	3407	Marketing Specialist CB	181993	STM	BJ66A	24.84	51,865.92	2,088	10/01/2021	09/30/2022	51,866.00
1111	244167	3407	Marketing Specialist	163874	STM	BJ66A	24.84	51,865.92	2,088	10/01/2021	09/30/2022	51,866.00
~~1112~~	~~159760~~	~~1260~~	~~Administrative Assistant~~	~~241718~~	~~STM~~	~~BJ62A~~	~~18.06~~	~~37,709.28~~	~~1,044~~	~~10/01/2021~~	~~09/30/2022~~	~~18,855.00~~
								2110 - SUBTOTAL:			**$**	~~291,152.00~~
								BUSINESS UNIT TOTAL:			**$**	~~291,152.00~~

$210,659

EXHIBIT C

EXHIBIT
D

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

Memorandum:

To: 2 NNC § 164 Reviewers

Delegates & 2 NNC '164 Reviewers
Navajo Nation Government

Arvil McCabe, Department Manager
The Navajo Nation Tourism Department

From: Robert Willie, Accounting Manager
Office of the Controller

Date: October 27, 2021

Subject: Tourism request to increase budget in the amount of $900,000

The Office of the Controller has reviewed the above referenced document.

1. The Tourism fund is seeking $900,000 additional dollars from the Tourism Fund Balance due to the department having no operating budget and funds are needed to complete FY 22 goals and objectives.

2. There is an unaudited balance of $4,217,157 within the Fund Balance for Tourism(see Exhibit A) as of August 31, 2021. It is unknown how much is reserved for the Parks and Recreation department.

3. This would be access to fund balance to fund FY 22 unmet budget needs within the Tourism Fund. There is sufficient funding available. Program would need to get oversight approval to increase their budget. The Business Unit this would be utilized in would be 510003 which is PDD-Tourism Program.

If you should have any questions, you can contact me at tribal extension X6125.

EXHIBIT
E

Document No. 017505 Date Issued: 10-20-21

EXECUTIVE OFFICIAL REVIEW

Title of Document: Undesignated Unreserved Fund Balance Contact Name: MCCABE, ARVAL T

Program/Division: DIV. OF ECONOMIC DEVELOPMENT

Email: arvaltmccabe@discovernavajo.com Phone Number: 928-810-8501

			Sufficient	Insufficient
☐ **Business Site Lease**				
1. Division:		Date:	☐	☐
2. Office of the Controller:		Date:	☐	☐
(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)				
3. Office of the Attorney General:		Date:	☐	☐
☐ **Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions**				
1. Division:		Date:	☐	☐
2. Office of the Attorney General:		Date:	☐	☐
☒ **Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications**				
1. Office of Management and Budget:	DBryant	Date: 11-1-21	☑	☐
2. Office of the Controller:	Rob Willie	Date: 10/27/21	☑	☐
3. Office of the Attorney General:		Date: 11/10/21	☑	☐
☐ **Navajo Housing Authority Request for Release of Funds**				
1. NNEPA:		Date:	☐	☐
2. Office of the Attorney General:		Date:	☐	☐
☐ **Lease Purchase Agreements**				
1. Office of the Controller: (recommendation only)		Date:	☐	☐
2. Office of the Attorney General:		Date:	☐	☐
☐ **Grant Applications**				
1. Office of Management and Budget:		Date:	☐	☐
2. Office of the Controller:		Date:	☐	☐
3. Office of the Attorney General:		Date:	☐	☐
☐ **Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval**				
1. Division:		Date:	☐	☐
2. Office of the Attorney General:		Date:	☐	☐
☐ **Relinquishment of Navajo Membership**				
1. Land Department:		Date:	☐	☐
2. Elections:		Date:	☐	☐
3. Office of the Attorney General:		Date:	☐	☐

Pursuant to 2 N.N.C. § 164 and Executive Order Number 07-2013

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax Number: (928) 871-7576



Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO: Hon. Delegate Wilson Stewart, Jr.
Resources and Development Committee
24th Navajo Nation Council

FROM: Luralene D. Tapahe
Luralene D. Tapahe, Principal Advocate
Office of Legislative Counsel

DATE: January 12, 2022

SUBJECT: **AN ACT RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAA'BIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; ALLOCATING $900,000 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUFB") TO THE DIVISION OF ECONOMIC DEVELOPMENT/ TOURISM DEPARTMENT FOR PERSONNEL AND OPERATING EXPENSES FOR THE REMAINDER OF FY2022; WAIVING 12 N.N.C. §820(E), §820(F), AND §820(J) TO ALLOW USE OF THE UUFB FOR RECURRING EXPENSES**

Per your request, the Office of Legislative Counsel has prepared the above-referenced proposed legislation and related summary sheet. Based on existing Navajo Nation law and other applicable laws, and upon review of all supporting documents submitted to OLC, this legislation as drafted is legally sufficient. However, as with any action of government, this legislation may be subject to review by the Navajo Nation courts in the event of proper legal challenge.

Please ensure that this legislation is precisely what you want. You are encouraged to review this proposed legislation to ensure that it is drafted to your satisfaction.

OLC has reviewed the appropriate standing committees' authorities to consider this legislation, based on the standing committees' powers and responsibilities set forth in Title 2 of the Navajo Nation Code. Based on its review, OLC has listed those committees in the title of this legislation. Nevertheless, the Speaker of the Navajo Nation Council may assign this legislation to committee(s) other than those shown in the title, pursuant to his authority under 2 N.N.C. §164(A)(5).

If you find this document unacceptable for any reason, please immediately contact me at the Office of Legislative Counsel (at extension 7166) and advise me of the changes you would like made to this proposed legislation. Thank you.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0003-22__ **SPONSOR: Wilson C. Stewart, Jr.**

TITLE: An Act Relating to Resources and Development, Budget and Finance, and Naabik'íyáti' Committees, and Navajo Nation Council; Allocating $900,000 from the Unreserved, Undesignated Fund Balance ("UUFB") to the Division of Economic Development/Tourism Department for Personnel and Operating Expenses for the Remainder of FY2022; Waiving 12 N.N.C. § 820(E), § 820(F), and § 820(J) to Allow Use of the UUFB for Recurring Expenses

***Date posted*: January 12, 2022 at 5:42PM**

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.*

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0003-22

SPONSOR: Honorable Wilson C. Stewart, Jr.

TITLE: An Act Relating to Resources and Development, Budget and Finance, and Naabik'íyáti' Committees, and Navajo Nation Council; Allocating $900,000 from the Unreserved, Undesignated Fund Balance ("UUFB") to the Division of Economic Development/Tourism Department for Personnel and Operating Expenses for the Remainder of FY2022; Waiving 12 N.N.C. § 820(E), § 820(F), and § 820(J) to Allow Use of the UUFB for Recurring Expenses

Posted: January 12, 2022 at 5:42 PM

5 DAY Comment Period Ended: January 17, 2022

Digital Comments received:

Comments Supporting	***None***
Comments Opposing	***None***
Comments/Recommendations	***None***

Legislative Tracking Secretary
Office of Legislative Services

Jan. 18, 2022; 7:25 AM
Date/Time

RESOURCES AND DEVELOPMENT COMMITTEE
24th NAVAJO NATION COUNCIL

FOURTH YEAR 2022

COMMITTEE REPORT

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

> **LEGISLATION #0003-22:** AN ACT RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; ALLOCATING $900,000 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUFB") TO THE DIVISION OF ECONOMIC DEVELOPMENT/TOURISM DEPARTMENT FOR PERSONNEL AND OPERATING EXPENSES FOR THE REMAINDER OF FY2022; WAIVING 12 N.N.C. § 820(E), § 820(F), AND § 820(J) TO ALLOW USE OF THE UUFB FOR RECURRING EXPENSES.
> *Sponsor: Honorable Wilson C. Stewart, Jr.*

Has had it under consideration and reports a **DO PASS** with no amendments.

And thereafter the legislation was referred to Budget & Finance Committee.

Respectfully submitted,



Rickie Nez, *Chairperson*
Resources and Development Committee of
the 24th Navajo Nation Council

Date: January 18, 2022 – Special Meeting (Teleconference)
Location: Resources and Development Committee also called in via teleconference from their location within the boundary of the Navajo Nation.

Main Motion:

M: Mark A. Freeland **S:** Herman M. Daniels **V:** 5-0-1 (CNV)
In Favor: Thomas Walker, Jr.; Kee Allen Begay, Jr.; Herman M. Daniels; Mark A. Freeland; Wilson C. Stewart, Jr.
Opposition: None
Excuse: None
Not Voting: Rickie Nez, *Chairperson*

(NOTE: VOTE TALLY attached hereto)

RESOURCES AND DEVELOPMENT COMMITTEE
24th Navajo Nation Council

FOURTH YEAR 2022

ROLL CALL
VOTE TALLY SHEET

LEGISLATION #0003-22: AN ACT RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; ALLOCATING $900,000 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUFB") TO THE DIVISION OF ECONOMIC DEVELOPMENT/TOURISM DEPARTMENT FOR PERSONNEL AND OPERATING EXPENSES FOR THE REMAINDER OF FY2022; WAIVING 12 N.N.C. § 820(E), § 820(F), AND § 820(J) TO ALLOW USE OF THE UUFB FOR RECURRING EXPENSES.
Sponsor: Honorable Wilson C. Stewart, Jr.

Date: January 18, 2022 – Special Meeting (Teleconference)
Location: Resources and Development Committee also called in via teleconference from their location within the boundary of the Navajo Nation.

Main Motion:

M: Mark A. Freeland **S:** Herman M. Daniels **V:** 5-0-1 (CNV)
In Favor: Thomas Walker, Jr.; Kee Allen Begay, Jr.; Herman M. Daniels; Mark A. Freeland; Wilson C. Stewart, Jr.
Opposition: None
Excuse: None
Not Voting: Rickie Nez, *Chairperson*

Honorable Rickie Nez, *Chairperson*
Resources and Development Committee

Rodney L. Tahe

Rodney L. Tahe, *Legislative Advisor*
Office of Legislative Services

24th NAVAJO NATION COUNCIL

Fourth Year 2022

Mr. Speaker:

The **BUDGET & FINANCE COMMITTEE** to whom has been assigned

NAVAJO LEGISLATIVE BILL # 0003-22:

An Act Relating to Resources and Development, Budget and Finance, and Naabikiyati Committees and the Navajo Nation Council; Allocating $900,000 from the Unreserved, Undesignated Fund Balance (UUFB) to the Division of Economic Development; Tourism Department for Personnel and Operating Expense for the Remainder of FY2022; Waiving 12 N.N. C. §820(E), §820(F) and §820(J) to Allow Use of the UUBF Recurring Expenses *Sponsored by Wilson C. Stewart, Jr., Council Delegate*

has had it under consideration and reports the same with the recommendation that It **Do Pass** without amendment.

And, therefore referred to the **NAABIKIYATI** Committee

Respectfully submitted,

Jamie Henio, Chairman

Adopted: _____ Not Adopted: _____
Legislative Advisor Legislative Advisor

19 January 2022

The vote was **3** in favor **1** opposed *yeas: Raymond Smith, Jr., Elmer P. Begay, Jimmy Yellowhair nays: Nathaniel Brown; Amber K. Crotty not voting*
Main Motion: Raymond Smith, Jr.
Second: Jimmy Yellowhair

BUDGET AND FINANCE COMMITTEE
19 January 2022
Special Meeting

VOTE TALLY SHEET:

Legislation No. 0003-22: An Act Relating to Resources and Development, Budget and Finance, and Naabikiyati Committees and the Navajo Nation Council; Allocating $900,000 from the Unreserved, Undesignated Fund Balance (UUFB) to the Division of Economic Development; Tourism Department for Personnel and Operating Expense for the Remainder of FY2022; Waiving 12 N.N. C. §820(E), §820(F) and §820(J) to Allow Use of the UUBF Recurring Expenses *Sponsored by Wilson C. Stewart, Jr., Council Delegate*
Motion: Raymond Smith, Jr.
Second: Jimmy Yellowhair
Vote: 3-1, Chairman not voting

Final Vote Tally:

Jamie Henio		
Raymond Smith Jr.	**yea**	
Elmer P. Begay	**yea**	
Nathaniel Brown		**nay**
Amber K. Crotty		
Jimmy Yellowhair	**yea**	

Absent: Amber K. Crotty

Jamie Henio, Chairman
Budget & Finance Committee

Peggy Nakai, Legislative Advisor
Budget & Finance Committee

24th NAVAJO NATION COUNCIL
NAABIK'ÍYÁTI' COMMITTEE REPORT
Fourth Year 2022

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0003-22

An Act Relating to Resources and Development, Budget and Finance, and Naabik'íyáti' Committees, and Navajo Nation Council; Allocating $900,000 from the Unreserved, Undesignated Fund Balance ("UUFB") to the Division of Economic Development/Tourism Department for Personnel and Operating Expenses for the Remainder of FY2022; Waiving 12 N.N.C. § 820(E), § 820(F), and § 820(J) to Allow Use of the UUFB for Recurring Expenses

Sponsored by: Honorable Wilson C. Stewart, Jr.

Has had it under consideration and reports the same that the legislation **WAS PASSED AND REFERRED TO THE NAVAJO NATION COUNCIL.**

Respectfully Submitted,

Honorable Seth Damon, Chairperson
NAABIK'ÍYÁTI' COMMITTEE

21 January 2022

MAIN MOTION
Motioned by: Honorable Herman M. Daniels, Jr.
Seconded by: Honorable Mark A. Freeland
Vote: 15 In Favor, 01 Opposed (Chairman Damon Not Voting)

NAVAJO NATION

1189

1/21/2022

Naa'bik'iyati' Committee Special Meeting

07:03:02 PM

Amd# to Amd#	New Business: Item H.	PASSED
MOT Daniels	Legislation 0003-22: Allocating	
SEC Freeland, M	$900,000 from the Unreserved,	
	Undesignated Fund Balance to...	

Yeas : 15 **Nays : 1** **Excused : 3** **Not Voting : 4**

Yea : 15

Begay, E	Freeland, M	Smith	Tso, O
Begay, P	Halona, P	Stewart, W	Wauneka, E
Charles-Newton	James, V	Tso, C	Yellowhair
Daniels	Nez, R	Tso, D	

Nay : 1

Brown

Excused : 3

Yazzie	Slater, C	Tso, E

Not Voting : 4

Begay, K	Henio, J	Crotty	Walker, T

Presiding Speaker: Damon

24th NAVAJO NATION COUNCIL
ACTION REPORT
Fourth Year 2022

The **NAVAJO NATION COUNCIL** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0003-22

An Act Relating to Resources and Development, Budget and Finance, and Naabik'íyáti' Committees, and Navajo Nation Council; Allocating $900,000 from the Unreserved, Undesignated Fund Balance ("UUFB") to the Division of Economic Development/Tourism Department for Personnel and Operating Expenses for the Remainder of FY2022; Waiving 12 N.N.C. § 820(E), § 820(F), and § 820(J) to Allow Use of the UUFB for Recurring Expenses

Sponsored by: Honorable Wilson C. Stewart, Jr.

Has had it under consideration and reports the same that the legislation **WAS DELETED OFF THE AGENDA**.

Respectfully Submitted,

Honorable Seth Damon, Speaker
24th NAVAJO NATION COUNCIL

26 JANUARY 2022

MOTION TO AMEND THE AGENDA*
Motion to Delete Legislation 0003-22 off the agenda.
Motioned by: Honorable Wilson C. Stewart, Jr.
Seconded by: Honorable Daniel E. Tso
Vote: 22 In Favor, 00 Opposed (Speaker Damon Not Voting)

** 2 N.N.C. § 163 (C), Agenda: C. Once an agenda is adopted, it shall be amended only by two thirds (2/3) vote of the Council.*

NAVAJO NATION

973

1/26/2022

Navajo Nation Council 2022 Winter Session

02:36:52 PM

Amd# to Amd# Revise Agenda; PASSED

MOT Stewart, W Delete Legislation 0003-22

SEC Tso, D

Yeas : 22 **Nays : 0** **Excused : 1** **Not Voting : 0**

Yea : 22

Begay, E	Freeland, M	Smith	Tso, E
Begay, K	Halona, P	Stewart, W	Walker, T
Begay, P	Henio, J	Tso	Wauneka, E
Brown	James, V	Tso, C	Yazzie
Charles-Newton	Nez, R	Tso, D	Yellowhair
Daniels	Slater, C		

Nay : 0

Excused : 1

Crotty

Not Voting : 0

Presiding Speaker: Damon

24th NAVAJO NATION COUNCIL
ACTION REPORT
Fourth Year 2022

The **NAVAJO NATION COUNCIL** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0003-22

An Act Relating to Resources and Development, Budget and Finance, and Naabik'íyáti' Committees, and Navajo Nation Council; Allocating $900,000 from the Unreserved, Undesignated Fund Balance ("UUFB") to the Division of Economic Development/Tourism Department for Personnel and Operating Expenses for the Remainder of FY2022; Waiving 12 N.N.C. § 820(E), § 820(F), and § 820(J) to Allow Use of the UUFB for Recurring Expenses

Sponsored by: Honorable Wilson C. Stewart, Jr.

Has had it under consideration and reports the same that the legislation **WAS REFERRED BACK TO THE NAABIK'ÍYÁTI' COMMITTEE.**

Respectfully Submitted,

Honorable Seth Damon, Speaker
24th NAVAJO NATION COUNCIL

20 April 2022

REFERRAL MOTION
Motion to Refer Legislation 0003-22 to the Naabik'íyáti' Committee for further discussion.
Motioned by: Honorable Carl R. Slater
Seconded by: Honorable Jimmy Yellowhair
Vote: 20 In Favor, 02 Opposed (Speaker Damon Not Voting)

MAIN MOTION
Motioned by: Honorable Raymond Smith, Jr.
Seconded by: Honorable Edison J. Wauneka
Vote: VOTE PENDING

NAVAJO NATION

1031 4/20/2022

Navajo Nation Council 2022 Spring Session 01:36:02 PM

Amd# to Amd# Refer Legislation 0003-21 to PASSED

MOT Slater, C Naabikiyati Committee

SEC Yellowhair

Yeas : 20 **Nays : 2** **Excused : 0** **Not Voting : 1**

Yea : 20

Begay, E	Crotty	Nez, R	Tso, E
Begay, K	Daniels	Slater, C	Walker, T
Begay, P	Freeland, M	Smith	Wauneka, E
Brown	Halona, P	Stewart, W	Yazzie
Charles-Newton	Henio, J	Tso, C	Yellowhair

Nay : 2

Tso James, V

Excused : 0

Not Voting : 1

Tso, D

Presiding Speaker: Damon