

LEGISLATIVE SUMMARY SHEET

Tracking No. 0141-20

DATE: June 18, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE TOTAL AMOUNT OF FOUR HUNDRED FORTY-SEVEN THOUSAND ONE HUNDRED AND SIXTY-SIX DOLLARS (\$447,166) TO THE NAVAJO ELECTION ADMINISTRATION OFFICE; WAIVING 12 N.N.C. §§ 820 (E) AND 820 (F) OF THE APPROPRIATIONS ACT

PURPOSE: The purpose of this resolution is approve the \$447,166 in supplemental funding to the Navajo Election Administration.

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

5-DAY BILL HOLD PERIOD: Hudson
Website Posting Time/Date: 7:00pm 06-26-20
Posting End Date: 07-01-20
Eligible for Action: 07-02-20

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

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL – Second Year, 2020

INTRODUCED BY

 _____ 
(Prime Sponsor)

TRACKING NO. 0141-20

AN ACTION

RELATING TO BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES,
AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING
FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE TOTAL
AMOUNT OF FOUR HUNDRED FORTY-SEVEN THOUSAND ONE HUNDRED
AND SIXTY-SIX DOLLARS (\$447,166) TO THE NAVAJO ELECTION
ADMINISTRATION OFFICE; WAIVING 12 N.N.C. §§ 820 (E) AND 820 (F) OF THE
APPROPRIATIONS ACT

BE IT ENACTED:

SECTION 1. AUTHORITY

- A. The Budget and Finance Committee is 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).
- B. A proposed resolution that requires final action by the Navajo Nation Council shall be assigned to the Naabik'iyáti' Committee. 2 N.N.C. §§ 164 (A)(9).
- C. The Navajo Nation Council is the governing of body of the Navajo Nation. 2 N.N.C. § 102(A).

1 D. The Navajo Nation Council has the authority to approve supplemental appropriations. 12
2 N.N.C. § 820(L). Pursuant to 12 N.N.C. § 820 (L), “[t]he Navajo Nation Council may
3 adopt and approve supplemental appropriations to the Annual Comprehensive Budget
4 during the fiscal year. Supplemental appropriations of General Funds within the current
5 fiscal year are permitted, if and when additional sources of revenues above and beyond
6 the initial or current revenue projections are projected and which are also in excess of the
7 reserve amount set forth at § 820(J).”

8 E. The Title 12 Finance Act Supplemental Appropriation requirements include:

- 9 1. All requests for annual operating funds and supplemental funds shall be submitted
10 to the Office of Management and Budget for budget impact analysis. 12 N.N.C.
11 § 820(M).
- 12 2. When the Controller identifies additional sources of revenues above and beyond
13 the initial or current revenue projections, supplemental appropriations may be
14 approved by the Navajo Nation Council. 12 N.N.C. § 820(L).
- 15 3. Supplemental Appropriations made from non-recurring revenues shall only be
16 made for non-recurring operations or purposes, as set forth at § 820(F). The
17 Controller of the Navajo Nation shall be responsible for designation recurring and
18 non-recurring revenues. 12 N.N.C. § 820(L).
- 19 4. The Nation shall budget all recurring operating expenses, including capital
20 maintenance, from recurring revenues. Long term debt shall not be used to finance
21 recurring operating expenses. 12 N.N.C. §820(E).
- 22 5. The Navajo Nation Code provides, “[t]he Nation shall restrict non-recurring
23 revenues to budget non-recurring expenditures. In addition, non-recurring revenues
24 will be budgeted only after an examination by the Controller to determine whether
25 or not the revenues are subsidizing an imbalance between recurring revenues and
26 expenditures, and expenditures may be authorized only if a long-term (three-five
27 year) forecast shows that the operating deficit will not continue. Otherwise, non-
28 recurring revenues will be added to the Unreserved, Undesignated Fund balance.
29 This provision may be amended or waived by a two-thirds vote of the full Navajo
30 Nation Council.” 12 N.N.C. § 820(F).

1
2 **SECTION 2. FINDINGS**

- 3 A. The Navajo Election Administration Office has requested a supplemental
4 appropriation for the purpose of holding elections throughout the Navajo Nation.
5 B. The supplemental funding will fund payments to poll officials, election supplies,
6 printing ballots, postage for absentee ballots, photocopying, hardware installation,
7 tabulator parts and supplies, catering for poll workers, and advertising.
8 C. This supplemental appropriation is requested in the total amount of Four Hundred
9 Forty-Seven Thousand One Hundred and Sixty-Six Dollars (\$447,166). The budget
10 documents are attached as **Exhibit A**.
11 D. The budget forms have been presented to the Office of Budget and Management and
12 is awaiting the required review in accordance with 12 N.N.C. 820 (M).
13 E. The budget forms have been presented to the Office of the Controller and is awaiting
14 the required review in accordance with 12 N.N.C. § 820 (L).
15

16 **SECTION 3. WAIVING 12 N.N.C. §§ 820 (E) AND 820 (F) REGARDING**
17 **MATCHING RECURRING REVENUES WITH RECURRING EXPENSES (12**
18 **N.N.C. § 820(E)) AND LIMITING THE APPROPRIATION OF FUNDS FROM**
19 **THE UNRESERVED, UNDESIGNATED FUND TO NON-RECURRING**
20 **EXPENDITURES (12 N.N.C. § 820(F))**

21 The Navajo Nation Council hereby waives 12 N.N.C. §§ 820 (E) and 820 (F) in order to
22 allow UUFB funds to be used for recurring expenditures.
23

24 **SECTION 4. APPROVING SUPPLEMENTAL FUNDING FROM THE**
25 **UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF**
26 **FOUR HUNDRED FORTY-SEVEN THOUSAND ONE HUNDRED AND SIXTY-**
27 **SIX DOLLARS (\$447, 166) TO THE NAVAJO ELECTION ADMINISTRATION**
28 **OFFICE**

- 29 A. This supplemental appropriation of \$447,166 shall be from that amount of funds that
30 exceeds the minimum fund balance of the Unreserved, Undesignated Fund Balance as

1 determined by the Office of the Controller and as indicated the documents in **Exhibit**
2 **A.**

3 B. The Navajo Nation hereby approves supplemental funding from the Unreserved,
4 Undesignated Fund Balance in the amount of \$447,166 for emergency funds as
5 indicated in the documents in **Exhibit A.**
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**THE NAVAJO NATION
SUPPLEMENTAL FUNDING PROPOSAL SUMMARY**

PART I. Business Unit No.: 101021 **Program Title:** Election Administration Office
Division/Branch: Legislative **Amount Requested:** \$447,166 **Phone No.:** 871-7263
Prepared By: Jonah Roanhorse **Email Address:** jonahroanhorse@navajo-nsn.gov

PART II. REASON FOR REQUEST AND STATEMENT OF NEED:

The program's funding through the appropriation is limited to a base of \$1,190,257 which is insufficient for a primary election and approximately 6 months of program operational costs.

The unmet needs included is poll officials payments, election supplies, absentee ballot postage, printing of ballots & forms & xeroxing, tabulator parts & supp hardware install, catering for workers, advertising (print & radio).

Administrative shortfall is office supplies, operational supplies, custodial supplies, equipment rental, gifts & awards, refreshments and recruitment expenses. Additionally, the estimated ballot cost for the general election and absentee ballot postage is included due to the general election occurring thirty-four days after the fiscal year ends. The ballots have to be printing at a minimum of fifteen day prior to early absentee walk-in voting which begins on October 5. This is five days into the next fiscal year and financial activity and books are closed early in September.

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

The other alternative is to seek funds from the carryover.

**PART IV. AFFIRMATION IS PROVIDED THAT THE PROPOSAL INFORMATION IS COMPLETE AND ACCURATE AND THE APPROPRIATE
BRANCH CHIEF RECOMMENDS APPROVAL.**

Hoag Lee 2-27-20
REVIEWED BY: Division Director's Signature / Date

[Signature] 3-13-2020
RECOMMEND APPROVAL: Branch Chief's Signature / Date

FY 2020THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIAPage 2 of 4
BUDGET FORM 2

PART I. PROGRAM INFORMATION:

Business Unit No.: 101021Program Name/Title: Election Administration Office

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

2 NNC 876 To implement and carryout provisions of the election code and conduct electionsDC-68-89

PART III. PROGRAM PERFORMANCE CRITERIA:

1. Goal Statement:

Elections

Program Performance Measure:

To prepare for and conduct all elections

1st QTR		2nd QTR		3rd QTR		4th QTR	
Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual

						1	
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2. Goal Statement:

Program Performance Measure:

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3. Goal Statement:

Program Performance Measure:

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4. Goal Statement:

Program Performance Measure:

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5. Goal Statement:

Program Performance Measure:

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

Murray Lee, Interim Director

Program Manager's Printed Name

Murray Lee 2-27-20
Program Manager's Signature and DateHon. Seth Damon, Speaker of the NN Council

Division Director/Branch Chief's Printed Name

[Signature] 3/3/2020
Division Director/Branch Chief's Signature and Date

FY 2020

**THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION**

Page 3 of 4
BUDGET FORM 4

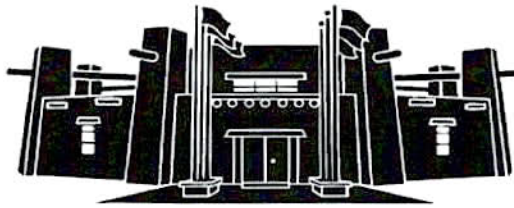
PART I. PROGRAM INFORMATION:				
Program Name/Title:		Election Administration Office		Business Unit No.: 101021
PART II. DETAILED BUDGET:				
(A)	(B)	(C)	(D)	
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)	
	3500 MEETING EXPENSES			
	Poll Officials pay for election day work, training and CPJ mileage.			104,940
3810	Meetings			
3811	Stipend - M/L	104,940		
	440 PO x \$120 = \$52,800			
	440 PO training x \$60 = \$26,400			
	110 CPJ training x \$60 = \$6,600			
3813	Mileage			
	110 CPJ x 2 RT x 150 mi. x \$0.58/mi. = \$19,140			
	4000 SUPPLIES			
	Operational supplies, postage and printing.			261,640
4410	Operating Supplies			
4420	General Operating Supplies	261,640		
4450	Postage, Courier, Shipping			
4530	Printing/Binding/Photocopying			
	110 chapters x \$100 = \$11,000			
	Ballots: 8,500 x \$1.55/ea. = \$13,175; Ballots: 10,500 x \$1.55/ea. = \$16,275			
	Forms: 4 ea. X \$360/ea. X 2 purchases = \$3,040			
	Primary Ballots: 75,000 x \$1.30/ea. = \$97,500			
	33,000 xerox x \$0.15/ea. = \$4,950			
	General Ballots: 89,000 x \$1.30/ea. = \$115,700			
	5500 COMMUNICATIONS & UTILITIES			
	Telephone and DSL temporary installation.			936
5520	Telephone			
5550	Hardware/Install	936		
	9 lines x \$104/ea. = \$936			
TOTAL		367,516		367,516

FY 2020

**THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION**

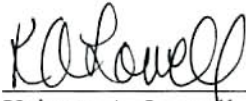
Page 4 of 4
BUDGET FORM 4

PART I. PROGRAM INFORMATION:				
Program Name/Title:		Election Administration Office		Business Unit No.: 101021
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)	
	6000 REPAIRS & MAINTENANCE			
	Tabulator parts and services.			
6110	Supplies			4,625
6120	Furn&Equip R&M Supplies 15 x \$75/ea. = \$1,125	1,125		
6130	Services			
6140	Furn&Equip R&M Services 10 x \$350/ea. = \$3,500	3,500		
	7000 SPECIAL TRANSACTIONS			
	Catering and advertising.			75,025
7110	Program			
7150	Catering \$625	625		
7410	Media			
7440	Print Advertising 8 full page x \$2,250 x 2 outlets = \$36,000	74,400		
7450	Radio Advertising \$30 x 8/ds. X 4 outlets x 40 days = \$38,400			
TOTAL		79,650		79,650



MEMORANDUM

TO: Honorable Edison J. Wauneka
24th Navajo Nation Council

FROM: 
Kristen A. Lowell, Principal Attorney
Office of Legislative Counsel

DATE: June 18, 2020

SUBJECT: AN ACTION RELATING TO BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE TOTAL AMOUNT OF FOUR HUNDRED FORTY-SEVEN THOUSAND ONE HUNDRED AND SIXTY-SIX DOLLARS (\$447,166) TO THE NAVAJO ELECTION ADMINISTRATION OFFICE; WAIVING 12 N.N.C. §§ 820 (E) AND 820 (F) OF THE APPROPRIATIONS ACT

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

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

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees' powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0141-20__

SPONSOR: Edison J. Wauneka

TITLE: An Action Relating To Budget And Finance And NAABIK'IYATI' Committees, And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Total Amount Of Four Hundred Forty-Seven Thousand One Hundred And Sixty-Six Dollars (\$447,166) To The Navajo Election Administration Office; Waiving 12 N.N.C. §§ 820 (E) And 820 (F) Of The Appropriations Act

Date posted: June 26, 2020 at 7:00 PM

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.: 0141-20

SPONSOR: Honorable Edison J. Wauneka

TITLE: An Action Relating To Budget And Finance And NAABIK'IYATI' Committees, And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Total Amount Of Four Hundred Forty-Seven Thousand One Hundred And Sixty-Six Dollars (\$447,166) To The Navajo Election Administration Office; Waiving 12 N.N.C. §§ 820 (E) And 820 (F) Of The Appropriations Act

Posted: June 26, 2020 at 7:00 PM

5 DAY Comment Period Ended: July 01, 2020

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	1) Willie Tracey, Jr., Ganado Chapter
Inconclusive Comments	1) Martha TateChee



**Legislative Tracking Secretary
Office of Legislative Services**

07/02/20 7:44 AM

Date/Time

Legislation No. 0141-20

Ganado Chapter ganado@navajochapters.org

Mon 6/29/2020 9:48 AM

To:comments <comments@navajo-nsn.gov>;

1. Was it not already programmed for FY20 Elections when the NN comprehensive budget was being considered for approval?

2. Only one election will happening this year, but in prior times two (2) elections (Primary & General) were planned for why couldn't the 2 approved funding be combined to coordinate the elections?

Vote RED, if you vote GREEN only correcting someone else's incorrect planning.

Willie Tracey Jr., Chapter Manager

GANADO CHAPTER ADMINISTRATION

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Legislation 141-20

Martha Tate martha.tate1835@gmail.com

Mon 6/29/2020 9:16 PM

To: comments <comments@navajo-nsn.gov>;

Each election year the Navajo Election Office comes to the NN Council For funds at the eleventh hour. Why isn't the Navajo Election office never ready at the beginning of the Fiscal year of the elections with their proposed budget?

How much is the carryover total from Each of the last 4 years? There is no transparency in the disclosure of the carryover budgets at the end of each physical year.

The carryover amount for the Election Department should be calculated first before this budget request is addressed.

The danger of the COVID19 virus is still outstanding in our communities. The immediate concern is the exposure to the COVID19. For the overall safety of the voting public, especially the 55 plus constituents.

My community of Ts'ah Bii Kin has been affected greatly with the loss of our relatives.

The secretary/treasure of Ts'ah Bii Kim just lost his uncle and aunt this past week. The president of Ts'ah Bii Kin lost her younger brother to COVID19 last week plus our Honorable Council Delegate Herman Daniel's family has been greatly impacted by COVID 19 virus within the last month too.

Therefore it is in the best interest of our people to postpone this election until all voting sites are safe for all of our voters, this virus will continue, which is predicted to the end of December 2020.

The message sent from the OPVP AND THE speaker of the NN Council is to practice "Shelter in Place" which would be broken if this election is to be held. The current voting sites (110 chapter administration offices) are closed per the OPVP's Executive Order.

Safety should be the foremost factor in this decision.

Ahe'hee for your time in reading my comments on Legislation 141-20.

Martha TateChee

Ts'ah Bii Kim Chapter President

Submitted on June 29, 2020

Sent from my iPhone

WARNING: External email. Please verify sender before opening attachments or clicking on links.

24th NAVAJO NATION COUNCIL

Second Year 2020

Mr. Speaker:

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

NAVAJO LEGISLATIVE BILL #0141-20:

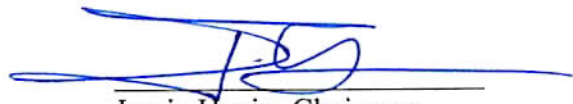
An Action Relating to Budget and Finance and Naabikiyati Committees, and Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Total Amount of Four Hundred Forty-Seven Thousand One Hundred and Sixty-Six Dollars (\$447,166) to the Navajo Election Administration Office; Waiving 12 N.N.C. §§ 820(E) and 820(F) of the Appropriations Act
Sponsored by Edison J. Wauneka, Pernell Halona, and Carl Slater, Council Delegates

has had it under consideration and reports the same with the recommendation that It **Do Pass** with 2 amendments.

1. On Page 3 line 12, paragraph D; delete language ~~is awaiting the required review~~ insert "a memorandum is provided" in accordance with 12 NNC 820(M), as Ex. B.
M: Raymond Smith Jr. S: Jimmy Yellowhair Vote: 4-0 Yeas: Jimmy Yellowhair, Raymond Smith, Jr., Amber K. Crotty, Nathaniel Brown; Elmer P. Begay not voting
2. On Page 4, Line 7 Insert new section as follows:
SECTION 5. APPROVAL OF CARRYOVER OF FUNDS INTO FISCAL YEAR 2021
The Navajo Nation Council authorizes and approves the carryover funds into Fiscal Year 2021 for this supplemental appropriation
M: Raymond Smith, Jr. S: Jimmy Yellowhair Vote: 4-1 Yeas: Jimmy Yellowhair, Raymond Smith, Jr., Amber K. Crotty, Nathaniel Brown Nays: Elmer P. Begay

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

Respectfully submitted,


Jamie Henio, Chairman

Adopted: 
Legislative Advisor

Not Adopted: _____
Legislative Advisor

7 JULY 2020

The vote was **5** in favor **0** opposed yeas: *Jimmy Yellowhair, Raymond Smith, Jr., Amber K. Crotty, Nathaniel Brown, Elmer P. Begay*
Main Motion: *Jimmy Yellowhair*
Second: *Nathaniel Brown*

BUDGET AND FINANCE COMMITTEE

7 July 2020
Regular Meeting

VOTE TALLY SHEET:

Legislation No. 0141-20: An Action Relating to Budget and Finance and Naabikiyati Committees, and Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Total Amount of Four Hundred Forty-Seven Thousand One Hundred and Sixty-Six Dollars (\$447,166) to the Navajo Election Administration Office; Waiving 12 N.N.C. §§ 820(E) and 820(F) of the Appropriations Act *Sponsored by Edison J. Wauneka, Pernell Halona, and Carl Slater, Council Delegates*

Motion: Jimmy Yellowhair

Second: Nathaniel Brown

Vote: 5-0, Chairman not voting; 2 Amendments

Final Vote Tally:

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



Jamie Henio, Chairman
Budget & Finance Committee



Peggy Nakai, Legislative Advisor
Budget & Finance Committee