LEGISLATION SUMMARY SHEET

TRACKING NO. 0229-21

DATE: October 28, 2021

TITLE OF LEGISLATION: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF $600,00 TO THE NAVAJO NATION VETERANS ADMINISTRATION

PURPOSE OF THIS LEGISLATION: to approve an allocation of $600,000 in UUFB funds to the Navajo Nation Veterans Administration for the purchase of two modular buildings.

OLC No. 21-367-1

5-DAY BILL HOLD PERIOD: Vsrednase
Website Posting Time/Date: Nov. 9, 2021 7:00 pm
Posting End Date: November 9, 2021
Eligible for Action: November 10, 2021

Health Education & Human Services Committee
Thence
Resources & Development Committee
Thence
Budget & Finance Committee
Thence
Naabik'íyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL – Third Year, 2021

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0229-21

AN ACTION

RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF $600,000 TO THE NAVAJO NATION VETERANS ADMINISTRATION

BE IT ENACTED:

SECTION ONE. AUTHORITY

(A) The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council with the authority to review and recommend legislation relating to veterans. 2 N.N.C. § 401(B)(6).

(B) The Navajo Nation established the Budget and Finance Committee as a Navajo Nation Council standing committee with the enumerated power to recommend to the Navajo Nation Council the management of all funds. 2 N.N.C. §§ 300(A) and 301(B)(2).

(C) The Navajo Nation Council established the Naabik'íyáti' Committee as a standing committee who is required to hear proposed legislation 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 with the authority to approve supplemental appropriations. 2 N.N.C. § 102(A) and 12 N.N.C. § 820(L).

(E) Pursuant to 12 N.N.C. § 820(L), "[t]he 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)."

(F) The Title 12 Supplemental Appropriation requirements include:

1. All requests for annual operating funds and supplemental funds shall be submitted to the Office of Management and Budget (OMB) for budget impact analysis. 12 N.N.C. § 820(M).
2. When the controller identifies additional sources of revenues above and beyond the initial or current revenue projections, supplemental appropriations may be approved by the Navajo Nation Council. 12 N.N.C. § 820(L).
3. Supplemental Appropriations made from non-recurring revenues shall only be made for non-recurring operations or purposes, as set forth at § 820(F). The Controller of the Navajo Nation shall be responsible for designation of recurring and non-recurring revenues. 12 N.N.C. § 820(L).
4. The Nation shall budget all recurring operating expenses, including capital maintenance, from recurring revenues. Long term debt shall not be used for finance recurring operating expenses. 12 N.N.C. § 820(E).
5. The Navajo Nation Code provides, "[t]he Nation shall restrict non-recurring revenues to budget non-recurring expenditures. In addition, 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).

SECTION TWO. FINDINGS

(A) The Navajo Nation Veterans Administration submitted a Supplemental Funding Proposal Summary on August 11, 2021, seeking supplemental funding in the amount of $600,000 out of the Unreserved, Undesignated Fund Balance to purchase two modular buildings. Supplemental Funding Proposal Summary Appendix K attached as **Exhibit A**.

(B) The detailed description of need is contained within the Supplemental Funding Proposal Summary Appendix K, supplemental funding proposal, budget forms and related documents are attached as **Exhibit B**.

(C) The memorandum from the Office of the Controller will be provided when this legislation is being considered, to satisfy the requirements under 12 N.N.C. § 820(L).

(D) The memorandum from the Office of Management and Budget will be provided when the legislation is being considered, to satisfy the requirements under 12 N.N.C. § 820(M).

SECTION THREE. APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE

(A) The Navajo Nation hereby approves $600,000 in supplemental funding from the Unreserved, Undesignated Fund Balance to the Navajo Nation Veterans Administration to purchase two modular buildings.

(B) This supplemental appropriation of $600,000 shall be from the amount of funds that exceeds the minimum fund balance of the Unreserved, Undesignated Fund Balance as determined by the Office of the Controller.

SECTION FOUR. EFFECTIVE DATE

The provisions of this Act shall become effective in accordance with 2 N.N.C. § 221(B) and 2 N.N.C. § 164(A)(17).

SECTION FIVE. SAVING CLAUSE

If any provision of this legislation is determined invalid by the Supreme Court of the Navajo Nation or by any Navajo Nation District Court, without appeal to the Navajo Nation Supreme Court, the remainder of this legislation shall remain valid as the law of the Navajo Nation.



Appendix K

THE NAVAJO NATION
SUPPLEMENTAL FUNDING PROPOSAL SUMMARY

PART I. Business Unit No.:	103015	**Program Title:**	Navajo Nation Veterans Administration		
Division/Branch:	OPVP	**Amount Requested:**	$600,000.00	**Prepared By:**	James Zwierlein
Phone No.:	505.371.8467	**Email Address:**	jameszwierlein@navajo-nsn.gov		

PART II. REASON FOR REQUEST AND STATEMENT OF NEED:

The NNVA is being asked by Council Delegate Eugenia Charles-Newton to build a model home of the new design in Shiprock. This building will be used by the Shiprock Veterans Organization after its service as a model home is complete. Also requesting funding to pay for model home constructed in Tse Bonito, NM. Prior funding was awarded under legislation CMA-13-21 resulting in a signed contract then funding was pulled by legislation CAP-27-21 leaving work in progress and unpaid for.

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

No alternative fundings sources at this time. No contingency plan if not funded.

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.

James Zwierlein, Executive Director 8/4/21

REVIEWED BY: Division Director's Signature / Date

Paulson Chaco, Chief of Staff 08/16/21

RECOMMEND SUPLEMENTAL: Branch Chief's Signature / Date

FY ___2021___

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

BUDGET FORM 1

PART I. Business Unit No.: 103015 Program Title: Navajo Nation Veterans Administration Division/Branch: OPVP

Prepared By: James Zwierlein, Executive Director Phone No.: 505.371.8467 Email Address: jameszwierlein@navajo-nsn.gov

PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total
UUFB	10/1/20-9/30/21	600,000.00	100%
TOTAL:		$600,000.00	100%

PART III. BUDGET SUMMARY	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
2001 Personnel Expenses				
3000 Travel Expenses				
3500 Meeting Expenses				
4000 Supplies				
5000 Lease and Rental				
5500 Communications and Utilities				
6000 Repairs and Maintenance				
6500 Contractual Services				
7000 Special Transactions				
8000 Public Assistance				
9000 Capital Outlay			600,000	
9500 Matching Funds				
9500 Indirect Cost				
TOTAL		$0.00	600,000.00	0

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

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

SUBMITTED BY: James Zwierlein, Executive Director
Program Manager's Printed Name

Program Manager's Signature and Date — 7/11/21

APPROVED BY: Paulson Chaco, Chief of Staff
Division Director / Branch Chief's Printed Name

Division Director / Branch Chief's Signature and Date — 7/16/21

tabbies EXHIBIT B

FY __2021___

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

BUDGET FORM 2

PART I. PROGRAM INFORMATION:

Business Unit No.: 103015 **Program Name/Title:** Navajo Nation Veterans Administration

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

PART III. PROGRAM PERFORMANCE CRITERIA:

	1st QTR		2nd QTR		3rd QTR		4th QTR	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Goal Statement: Construct Model Homes **Program Performance Measure/Objective:** Construct two model homes for display to the Navajo people	N/A		N/A		N/A		2	
2. Goal Statement: **Program Performance Measure/Objective:**								
3. Goal Statement: **Program Performance Measure/Objective:**								
4. Goal Statement: **Program Performance Measure/Objective:**								
5. Goal Statement: **Program Performance Measure/Objective:**								

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

James Zwierlein, Executive Director
Program Manager's Printed Name

Program Manager's Signature and Date 8/11/24

Paulson Chaco, Chief of Staff
Division Director/Branch Chief's Printed Name

Division Director/Branch Chief's Signature and Date 08/16/24

FY __2021___

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

BUDGET FORM 4

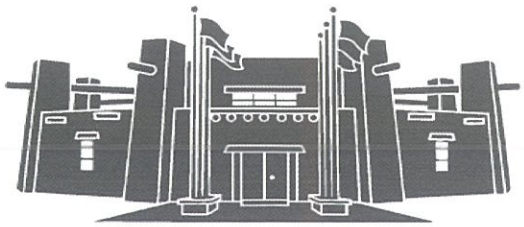
PART I. PROGRAM INFORMATION:

Program Name/Title: Navajo Nation Veterans Administration **Business Unit No.:** 103015

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)
9050	BUILDING		600,000
	9054- Building Improvement	600,000	
	TOTAL	600,000	600,000

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 Eugenia Charles-Newton, Chairperson
Law and Order Committee
24th Navajo Nation Council

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

DATE: October 28, 2021

SUBJECT: **AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF $600,00 TO THE NAVAJO NATION VETERANS ADMINISTRATION**

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: _0229-21__ **SPONSOR: Eugenia Charles-Newton**

TITLE: An Action Relating to the Resources and Development, Budget and Finance, and Naabik'íyáti' Communities, and the Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of $600,000 to the Navajo Nation Veterans Administration

***Date posted*: November 4, 2021 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.: 0229-21

SPONSOR: Honorable Eugenia Charles-Newton

TITLE: An Action Relating to the Resources and Development, Budget and Finance, and Naabik'íyáti' Communities, and the Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of $600,000 to the Navajo Nation Veterans Administration

Posted: November 04, 2021 at 7:00 PM

5 DAY Comment Period Ended: November 9, 2021

Digital Comments received:

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

A Johnson
Legislative Tracking Secretary
Office of Legislative Services

11/10/21 8:47AM
Date/Time