

LEGISLATIVE SUMMARY SHEET

Tracking No. 0017-21

DATE: January 29, 2021

TITLE OF RESOLUTION: AN ACT RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAA'BIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$1,616,413 FOR THE 110 NAVAJO NATION CHAPTERS' COMMUNITY EMERGENCY RESPONSE PLANS; WAIVING 12 N.N.C. §§ 820(E), (F), AND (J)

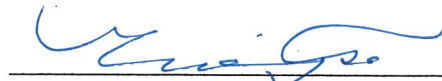
PURPOSE: The purpose of this resolution is to appropriate \$1,616,413 from the UUFB to the 110 Navajo Nation Chapters for their community emergency response plans.

5-DAY BILL HOLD PERIOD: Applusean
Website Posting Time/Date: 8:39pm 01-29-21
Posting End Date: 02-03-21
Eligible for Action: 02-04-21

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

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL – Third Year, 2021

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0017-21

AN ACT

RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE,
AND NAA'BIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL;
APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED,
UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$1,616,413 FOR THE
110 NAVAJO NATION CHAPTERS' COMMUNITY EMERGENCY RESPONSE
PLANS; WAIVING 12 N.N.C. §§ 820(E), (F), AND (J)

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation established the Resources and Development Committee (RDC) as a Navajo Nation Council standing committee and as such gave RDC oversight over Navajo Nation Chapters. 2 N.N.C. §§ 164(A)(9), 500(A), and 501(C)(1).
- B. The Navajo Nation established the Budget and Finance Committee (BFC) as a Navajo Nation Council standing committee and as such empowered BFC to review and recommend to the Navajo Nation Council the management of all funds. 2 N.N.C. §§ 164(A)(9), 300(A), and 301(B)(2).
- C. The Navajo Nation Council established the Naabik'iyáti' Committee as a Navajo Nation standing committee and as such proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naabik'iyáti' Committee. 2 N.N.C. §§ 164(A)(9) and 700(A).

1 D. The Navajo Nation Council is the governing of body of the Navajo Nation. 2 N.N.C. §
2 102(A).

3
4 **SECTION TWO. TITLE 12 APPROPRIATIONS ACT SUPPLEMENTAL**
5 **APPROPRIATION REQUIREMENTS**

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

13 B. All requests for annual operating funds and supplemental funds shall be submitted to
14 the Office of Management and Budget for budget impact analysis. 12 N.N.C. § 820(M).

15 C. When the Controller identifies additional sources of revenues above and beyond the
16 initial or current revenue projections, supplemental appropriations may be approved by
17 the Navajo Nation Council. 12 N.N.C. § 820(L).

18 D. Supplemental Appropriations made from non-recurring revenues shall only be made for
19 non-recurring operations or purposes, as set forth at § 820(F). The Controller of the
20 Navajo Nation shall be responsible for the designation of recurring and non-recurring
21 revenues. 12 N.N.C. § 820(L).

22 E. The Nation shall budget all recurring operating expenses, including capital maintenance,
23 from recurring revenues. Long term debt shall not be used to finance recurring operating
24 expenses. 12 N.N.C. §820(E).

25 F. The Navajo Nation Code provides, “[t]he Nation shall restrict non-recurring revenues
26 to budget non-recurring expenditures. In addition, non-recurring revenues will be
27 budgeted only after an examination by the Controller to determine whether or not the
28 revenues are subsidizing an imbalance between recurring revenues and expenditures,
29 and expenditures may be authorized only if a long-term (three-five year) forecast shows
30 that the operating deficit will not continue. Otherwise, non-recurring revenues will be

1 added to the Unreserved, Undesignated Fund Balance. This provision may be amended
2 or waived by a two-thirds vote of the full Navajo Nation Council.” 12 N.N.C. § 820(F).
3

4 **SECTION THREE. FINDINGS**

5 A. The U.S. Department of Health and Human Services declared a Public Health Emergency
6 related to the novel coronavirus (“COVID-19”) outbreak on January 31, 2020; and the
7 World Health Organization declared a global pandemic due to COVID-19 on March 11,
8 2020.

9 B. The Navajo Nation Commission on Emergency Management, with the concurrence of
10 Navajo Nation President Jonathan Nez, declared a Public Health State of Emergency on
11 the Navajo Nation on March 11, 2020 due to COVID-19 in Resolution No. CEM 20-
12 03-11. The Navajo Nation Department of Health has subsequently issued numerous
13 Public Health Emergency Orders. Public Health Emergency Orders 2020-001 through
14 2021-02 (“Public Health Emergency Orders”) are incorporated by reference into this
15 resolution.

16 C. COVID-19 is a highly contagious and potentially fatal respiratory virus, that has severely
17 impacted the Navajo Nation’s Chapter communities, and has had a devastating impact
18 upon the welfare of the Navajo People. Hundreds have experienced job loss and resulting
19 financial hardship. Chapters have responded to the pandemic by purchasing and
20 providing essential items, such as food, water, fuel, and including COVID-19 prevention
21 equipment and supplies, for the health and well-being of needy individuals and families
22 in their communities.

23 D. Due to the 2020-2021 winter weather, the 110 Chapters have faced heavy snowfall and
24 frigid temperatures, requiring Navajo Nation-wide emergency protective and mitigation
25 activities for all Chapter communities, such as purchasing and supplying food, water,
26 fuel, livestock feed, etc. to protect life, health, livestock, and property of the Navajo
27 People.

28 E. On behalf of the 110 Navajo Nation Chapters, the Navajo Nation Division of Community
29 Development has requested a supplemental appropriation of \$1,616,413 to bring all 110
30 Chapters back to a minimum \$25,000 level of reserved funding for their community

1 emergency response plans. The budget documents regarding this requested funding are
2 attached as **Exhibit A**. The amounts requested per agency are as follows:

- 3 1. Eastern Navajo Agency - \$ 598,958
- 4 2. Fort Defiance Agency - \$ 339,544
- 5 3. Northern Navajo Agency - \$ 321,020
- 6 4. Western Navajo Agency - \$ 206,708
- 7 5. Chinle Agency - \$ 150,183

8 TOTAL AMOUNT: \$1,616,413

9 F. The Office of the Controller was requested to provide a memorandum to satisfy 12
10 N.N.C. § 820(L). The memorandum was not ready at the time of drafting this resolution,
11 but will be included as an exhibit when it becomes available.

12 G. The Office of Management and Budget was requested to provide a memorandum to
13 satisfy 12 N.N.C. § 820(M). The memorandum was not ready at the time of drafting this
14 resolution, but will be included as an exhibit when it becomes available.

15
16 **SECTION FOUR. APPROVING SUPPLEMENTAL FUNDING FROM THE**
17 **UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF**
18 **\$1,616,413 FOR 110 NAVAJO NATION CHAPTERS**

19 A. The Navajo Nation hereby approves supplemental funding from the Unreserved,
20 Undesignated Fund Balance in the amount of \$1,616,413 for the 110 Navajo Nation
21 Chapters' community emergency response plans.

22 B. This supplemental appropriation of \$1,616,413 shall be from that amount of funds that
23 exceeds the minimum fund balance of the Unreserved, Undesignated Fund Balance as
24 determined by the Office of the Controller.

25 C. The supplemental funding to the 110 Navajo Nation Chapters shall be allocated as shown
26 in **Exhibit B**.

27 D. The supplemental funding will be deposited with each of the 110 Navajo Nation Chapters
28 in accordance with **Exhibit B**.

1 **SECTION FIVE. WAIVING 12 N.N.C. §§ 820(E), (F), AND (J) TO THE EXTENT**
2 **THESE PROVISIONS PREVENT THE UNRESERVED, UNDESIGNATED FUND**
3 **BALANCE TO BE USED TO FUND RECURRING EXPENDITURES OR**
4 **GOVERNMENT OPERATIONS**

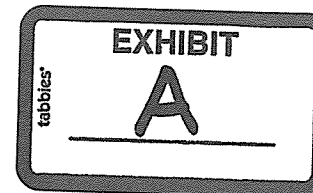
5 The Navajo Nation Council hereby waives 12 N.N.C. §§ 820 (E), (F) and (J) in order to allow
6 UUFB funds to be used for recurring expenditures and government operations.
7

8 **SECTION SIX. EFFECTIVE DATE**

9 The provisions of this Action shall become effective in accordance with 2 N.N.C. § 221(B).
10

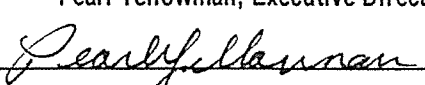
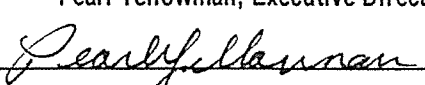
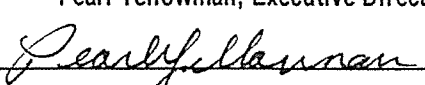
11 **SECTION SEVEN. SAVING CLAUSE**

12 Should any provision(s) of this Act be determined invalid by the Navajo Nation Supreme
13 Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation
14 Supreme Court, the remainder of the Act shall remain the law of the Navajo Nation.
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Appendix K

THE NAVAJO NATION
SUPPLEMENTAL FUNDING PROPOSAL SUMMARY

PART I. Business Unit No.:	<u>108014-108123</u>	Program Title:	<u>NAVAJO NATION CHAPTER EMERGENCY FUNDS</u>							
Division/Branch:	<u>Community Development/Executive</u>	Amount Requested:	<u>\$ 1,616,413.00</u>	Prepared By: <u>Lsandoval/Rjumbo</u>						
Phone No.:	<u>(928) 871-7172</u>	Email Address:	<u>lsandoval@nndcd.org</u>							
PART II. REASON FOR REQUEST AND STATEMENT OF NEED: The 2021 winter weather with heavy snowfall and frigid temperatures have caused severe impact in the Navajo Nation communities. The communities will require extensive emergency protective measures and response with supplies (food, fuel, water) including snow removal to protect life, health, livestock, and property. The Navajo Nation Chapters must have financial security as a safety net to meet emergency needs.										
PART III. LIST ALTERNATIVE FUNDING SOURCES BEING PURSUED AND CONTINGENCY PLAN IF REQUEST IS NOT FUNDED: 1. Undesignated, Unreserve Fund Balance - General Funds.										
PART IV. AFFIRMATION IS PROVIDED THAT THE PROPOSAL INFORMATION IS COMPLETE AND ACCURATE AND THE APPROPRIATE BRANCH CHIEF RECOMMENDS APPROVAL. <table><tr><td>Pearl Yellowman, Executive Director</td><td>Paulson Chaco, Chief of Staff</td></tr><tr><td> <u>1.28.21</u></td><td></td></tr><tr><td>REVIEWED BY: Division Director's Signature / Date</td><td>RECOMMEND APPROVAL: Branch Chief's Signature / Date</td></tr></table>					Pearl Yellowman, Executive Director	Paulson Chaco, Chief of Staff	 <u>1.28.21</u>		REVIEWED BY: Division Director's Signature / Date	RECOMMEND APPROVAL: Branch Chief's Signature / Date
Pearl Yellowman, Executive Director	Paulson Chaco, Chief of Staff									
 <u>1.28.21</u>										
REVIEWED BY: Division Director's Signature / Date	RECOMMEND APPROVAL: Branch Chief's Signature / Date									

**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

PART I. Business Unit No.: 108014-108123		Navajo Nation Chapters Emergency Funds		Division/Branch: <u>COMMUNITY DEVELOPMENT/EXECUTIVE</u>	
Prepared By: <u>LSANDOVAL/RJUMBO</u>		Phone No.: 928.871.7172		Email Address: <u>LESLIE@NNDCD.ORG</u>	

PART II. FUNDING SOURCE(S)		Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY			Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Total
UUFB		10/1/20-09/30/21	1,616,413.00	100%							
					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				1,616,413		1,616,413
					9000 Capital Outlay						
					9500 Matching Funds						
					9500 Indirect Cost						
			TOTAL:		TOTAL				\$0.00	1,616,413.00	1,616,413

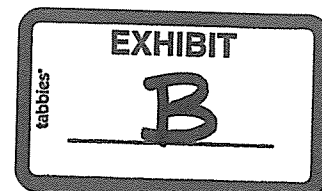
PART IV. POSITIONS AND VEHICLES		(D)	(E)
Total # of Positions Budgeted:			0
Total # of Vehicles Budgeted:			0

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

SUBMITTED BY: <u>SONLATSA JIM-MARTIN, DEPARTMENT MANAGER II</u> Program Manager's Printed Name	APPROVED BY: <u>PEARL YELLOWMAN, EXECUTIVE DIRECTOR</u> Division Director / Branch Chief's Printed Name <u>1.28.21</u> Division Director / Branch Chief's Signature and Date
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THE NAVAJO NATION PROGRAM PERFORMANCE CRITERIA

PART I. PROGRAM INFORMATION: Business Unit No.: 108014-108123		Program Name/Title: NAVAJO NATION CHAPTER EMERGENCY FUNDS									
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM: CAP-34-08: To direct the Chapter Administration and management control system, by promoting efficiency and accountability to the Chapter membership, and to effectuate plans of action to improve the standard of living for the Chapter membership.											
PART III. PROGRAM PERFORMANCE CRITERIA:											
1. Goal Statement:		Secure NN Chapters with financial resource for community emergency response.									
Program Performance Measure:		Implement emergency management plan with financial resources appropriated.									
2. Goal Statement:											
Program Performance Measure:											
3. Goal Statement:											
Program Performance Measure:											
4. Goal Statement:											
Program Performance Measure:											
5. Goal Statement:											
Program Performance Measure:											
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.											
SONLATSA JIM-MARTIN Program Manager's Printed Name						PEARL YELLOWMAN, EXECUTIVE DIRECTOR Division Director/Branch Chief's Printed Name					
_____ Program Manager's Signature and Date						_____ Division Director/Branch Chief's Signature and Date					



Fiscal Year 2021
Navajo Nation Chapter Emergency Allocations for \$1,616,413

	Business Unit	Chapter Name	Fund Balance as of 12/31/2020	Threshold Amount	Allocation Amount
CHINLE AGENCY					
1	108014	Black Mesa	\$ 22,100	\$ 25,000	\$ 2,900
2	108015	Chinle	\$ -	\$ 25,000	\$ 25,000
3	108016	Forest Lake	\$ 44,554	\$ 25,000	\$ -
4	108017	Hardrock	\$ 35,450	\$ 25,000	\$ -
5	108018	Lukachukai	\$ 28,675	\$ 25,000	\$ -
6	108019	Many Farms	\$ 2,013	\$ 25,000	\$ 22,987
7	108020	Nazlini	\$ 5,135	\$ 25,000	\$ 19,865
8	108021	Pinon	\$ 463	\$ 25,000	\$ 24,537
9	108022	Round Rock	\$ 3,418	\$ 25,000	\$ 21,582
10	108023	Tse Chizhi (Rough Rock)	\$ 21,500	\$ 25,000	\$ 3,500
11	108024	Tachee/Blue Gap	\$ 15,175	\$ 25,000	\$ 9,825
12	108025	Tsaile/Wheatfields	\$ 9,318	\$ 25,000	\$ 15,682
13	108026	Tselani/Cottonwood	\$ 32,011	\$ 25,000	\$ -
14	108027	Whippoorwill	\$ 20,695	\$ 25,000	\$ 4,305
		SUBTOTAL	\$ 240,507		\$ 150,183

Fiscal Year 2021
Navajo Nation Chapter Emergency Allocations for \$1,616,413

	Business Unit	Chapter Name	Fund Balance as of 12/31/2020	Threshold Amount	Allocation Amount
EASTERN AGENCY					
15	108028	Alamo	\$ 1,541	\$ 25,000	\$ 23,459
16	108029	Baca/Prewitt	\$ 6,098	\$ 25,000	\$ 18,902
17	108030	Becenti	\$ 25,670	\$ 25,000	\$ -
18	108031	Baahaali (Breadsprings)	\$ 7,162	\$ 25,000	\$ 17,838
19	108032	Tohajiilee	\$ (65,297)	\$ 25,000	\$ 90,297
20	108033	Casamero Lake	\$ 608	\$ 25,000	\$ 24,392
21	108034	Chichiltah	\$ 5,465	\$ 25,000	\$ 19,535
22	108035	Churchrock	\$ 1,899	\$ 25,000	\$ 23,101
23	108036	Counselor	\$ 81,473	\$ 25,000	\$ -
24	108037	Crownpoint	\$ 5,315	\$ 25,000	\$ 19,685
25	108038	Huerfano	\$ 23,944	\$ 25,000	\$ 1,056
26	108039	Iyanbito	\$ 16,195	\$ 25,000	\$ 8,805
27	108040	Lake Valley	\$ 7,499	\$ 25,000	\$ 17,501
28	108041	Littlewater	\$ 3,723	\$ 25,000	\$ 21,277
29	108042	Manuelito	\$ 4,181	\$ 25,000	\$ 20,819
30	108043	Mariano Lake	\$ 3,075	\$ 25,000	\$ 21,925
31	108044	Nageezi	\$ 8,969	\$ 25,000	\$ 16,031
32	108045	Nahodishgish	\$ 10,578	\$ 25,000	\$ 14,422
33	108046	Ojo Encino	\$ 27,856	\$ 25,000	\$ -
34	108047	Pinedale	\$ 7,036	\$ 25,000	\$ 17,964
35	108048	Pueblo Pintado	\$ 24,094	\$ 25,000	\$ 906
36	108049	Ramah	\$ (4,205)	\$ 25,000	\$ 29,205
37	108050	Red Rock	\$ 36,681	\$ 25,000	\$ -
38	108051	Rock Springs	\$ 28,067	\$ 25,000	\$ -
39	108052	Smith Lake	\$ 1,241	\$ 25,000	\$ 23,759
40	108053	Standing Rock	\$ 6,884	\$ 25,000	\$ 18,116
41	108054	Thoreau	\$ (62,838)	\$ 25,000	\$ 87,838
42	108055	Torreón	\$ 14,844	\$ 25,000	\$ 10,156
43	108056	Tsayatoh	\$ 12,644	\$ 25,000	\$ 12,356
44	108057	White Horse Lake	\$ 3,513	\$ 25,000	\$ 21,487
45	108058	White Rock	\$ 6,874	\$ 25,000	\$ 18,126
		SUBTOTAL	\$ 250,789		\$ 598,958

Fiscal Year 2021
Navajo Nation Chapter Emergency Allocations for \$1,616,413

	Business Unit	Chapter Name	Fund Balance as of 12/31/2020	Threshold Amount	Allocation Amount
FORT DEFIANCE AGENCY					
46	108059	Cornfields	\$ 1	\$ 25,000	\$ 24,999
47	108060	Coyote Canyon	\$ 21,425	\$ 25,000	\$ 3,575
48	108061	Crystal	\$ 22,108	\$ 25,000	\$ 2,892
49	108062	Dilkon	\$ (31,889)	\$ 25,000	\$ 56,889
50	108063	Fort Defiance	\$ 24,860	\$ 25,000	\$ 140
51	108064	Ganado	\$ 9,415	\$ 25,000	\$ 15,585
52	108065	Houck	\$ 10,924	\$ 25,000	\$ 14,076
53	108066	Indian Wells	\$ 15,362	\$ 25,000	\$ 9,638
54	108067	Jeddito	\$ 20,124	\$ 25,000	\$ 4,876
55	108068	Kinlichee	\$ 7,471	\$ 25,000	\$ 17,529
56	108069	Klagetoh	\$ 25,803	\$ 25,000	\$ -
57	108070	Low Mountain	\$ 857	\$ 25,000	\$ 24,143
58	108071	Greasewood Springs	\$ 8,729	\$ 25,000	\$ 16,271
59	108072	Lupton	\$ 10,785	\$ 25,000	\$ 14,215
60	108073	Mexican Springs	\$ 27,241	\$ 25,000	\$ -
61	108074	Naschitti	\$ 11,563	\$ 25,000	\$ 13,437
62	108075	Oak Springs	\$ 27,782	\$ 25,000	\$ -
63	108076	Red Lake #18	\$ 18,283	\$ 25,000	\$ 6,717
64	108077	Sawmill	\$ 9,904	\$ 25,000	\$ 15,096
65	108078	St. Michaels	\$ 50,830	\$ 25,000	\$ -
66	108079	Steamboat	\$ 13,062	\$ 25,000	\$ 11,938
67	108080	Teesto	\$ 137	\$ 25,000	\$ 24,863
68	108081	Tohatchi	\$ 12,135	\$ 25,000	\$ 12,865
69	108082	Bahastl'ah (Twin Lakes)	\$ 11,912	\$ 25,000	\$ 13,088
70	108083	Whitecone	\$ 19,825	\$ 25,000	\$ 5,175
71	108084	Wide Ruins	\$ 18,153	\$ 25,000	\$ 6,847
72	108085	Nahata Dziil	\$ 310	\$ 25,000	\$ 24,690
		SUBTOTAL	\$ 367,112		\$ 339,544

Fiscal Year 2021
Navajo Nation Chapter Emergency Allocations for \$1,616,413

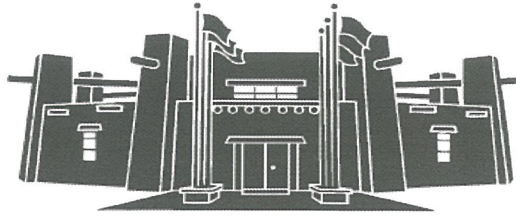
	Business Unit	Chapter Name	Fund Balance as of 12/31/2020	Threshold Amount	Allocation Amount
SHIPROCK AGENCY					
73	108086	Aneth	\$ 55,618	\$ 25,000	\$ -
74	108087	Beclabito	\$ 54,695	\$ 25,000	\$ -
75	108088	Tiis Tsoh Sikaad (Burnham)	\$ 16,822	\$ 25,000	\$ 8,178
76	108089	Cove	\$ 17,051	\$ 25,000	\$ 7,949
77	108090	Gadiiahi/Tokoi	\$ 20,659	\$ 25,000	\$ 4,341
78	108091	Upper Fruitland	\$ 22,084	\$ 25,000	\$ 2,916
79	108092	Tse Daa Kaan (Hogback)	\$ 7,630	\$ 25,000	\$ 17,370
80	108093	Mexican Water	\$ (73,284)	\$ 25,000	\$ 98,284
81	108094	Nenahnezad	\$ 36,798	\$ 25,000	\$ -
82	108095	Newcomb	\$ 7,112	\$ 25,000	\$ 17,888
83	108096	Red Mesa	\$ 5,437	\$ 25,000	\$ 19,563
84	108097	Red Valley	\$ 54,766	\$ 25,000	\$ -
85	108098	Rock Point	\$ 11,546	\$ 25,000	\$ 13,454
86	108099	San Juan	\$ 22,226	\$ 25,000	\$ 2,774
87	108100	Sanostee	\$ (25,672)	\$ 25,000	\$ 50,672
88	108101	Sheep Springs	\$ 3,374	\$ 25,000	\$ 21,626
89	108102	Shiprock	\$ 6,923	\$ 25,000	\$ 18,077
90	108103	Tolikan (Sweetwater)	\$ 18,068	\$ 25,000	\$ 6,932
91	108104	Teec Nos Pos	\$ 19,004	\$ 25,000	\$ 5,996
92	108105	Toadlena/Two Grey Hills	\$ -	\$ 25,000	\$ 25,000
		SUBTOTAL	\$ 280,857		\$ 321,020

Fiscal Year 2021
Navajo Nation Chapter Emergency Allocations for \$1,616,413

	Business Unit	Chapter Name	Fund Balance as of 12/31/2020	Threshold Amount	Allocation Amount
WESTERN AGENCY					
93	108106	Birdsprings	\$ 7,344	\$ 25,000	\$ 17,656
94	108107	Bodaway/Gap	\$ 16,200	\$ 25,000	\$ 8,800
95	108108	Cameron	\$ 27,307	\$ 25,000	\$ -
96	108109	Chilchinbeto	\$ 15,975	\$ 25,000	\$ 9,025
97	108110	Coalmine Canyon	\$ 15,700	\$ 25,000	\$ 9,300
98	108111	Coppermine	\$ -	\$ 25,000	\$ 25,000
99	108112	Dennehotso	\$ 16,660	\$ 25,000	\$ 8,340
100	108113	Tsah Bii Kin (Inscription House)	\$ 6,153	\$ 25,000	\$ 18,847
101	108114	Kaibeto	\$ (631)	\$ 25,000	\$ 25,631
102	108115	Kayenta	\$ 39,762	\$ 25,000	\$ -
103	108116	LeChee	\$ 5,447	\$ 25,000	\$ 19,553
104	108117	Leupp	\$ 18,520	\$ 25,000	\$ 6,480
105	108118	Navajo Mountain	\$ 36,543	\$ 25,000	\$ -
106	108119	Oljato	\$ 36,433	\$ 25,000	\$ -
107	108120	Tonalea	\$ 26,039	\$ 25,000	\$ -
108	108121	Shonto	\$ 5,612	\$ 25,000	\$ 19,388
109	108122	Tolani Lake	\$ 6,987	\$ 25,000	\$ 18,013
110	108123	To Nanees Dizi (Tuba City)	\$ 4,325	\$ 25,000	\$ 20,675
		SUBTOTAL	\$ 284,376		\$ 206,708

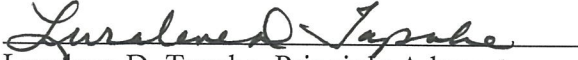
Grand Total	\$ 1,423,641		\$ 1,616,413
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Chinle Agency	\$ 150,183
Eastern Agency	\$ 598,958
Fort Defiance Agency	\$ 339,544
Shiprock Agency	\$ 321,020
Western Agency	\$ 206,708
Grand Total	\$ 1,616,413



MEMORANDUM

TO : Honorable Eugene Tso, Delegate
24th Navajo Nation Council

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

DATE : January 29, 2021

SUBJECT : **AN ACT RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAA'BIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$1,616,413 FOR THE 110 NAVAJO NATION CHAPTERS' COMMUNITY EMERGENCY RESPONSE PLANS; WAIVING 12 N.N.C. §§ 820(E), (F), AND (J)**

I have prepared the above referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution drafted is legally sufficient. However, as with any legislation, it can be subject to review by the courts in the event of a proper challenge. Also, please understand that the Speaker is authorized to refer this proposed resolution to other committees than those stated in the title.

You are advised and encouraged to review the proposed resolution to ensure it is drafted to your satisfaction. If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment.

If the proposed legislation 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. Ahe'he'.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0017-21__

SPONSOR: Eugene Tso

TITLE: An Act Relating to Resources and Development, Budget and Finance, and Naabik'iyáti' Committees, and Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of \$1,616,413 for the 110 Navajo Nation Chapters' Community Emergency Response Plans; Waiving 12 N.N.C. §§ 820(E), (F), and (J)

Date posted: January 29, 2021 at 8:39PM

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.: 0017-21

SPONSOR: Honorable Eugene Tso

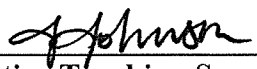
TITLE: An Act Relating to Resources and Development, Budget and Finance, and Naabik'íyáti' Committees, and Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of \$1,616,413 for the 110 Navajo Nation Chapters' Community Emergency Response Plans; Waiving 12 N.N.C. §§ 820(E), (F), and (J)

Posted: January 29, 2021 at 8:39 PM

5 DAY Comment Period Ended: February 03, 2021

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>



Legislative Tracking Secretary
Office of Legislative Services

02/04/21 11:23Am

Date/Time

**RESOURCES AND DEVELOPMENT COMMITTEE
24th NAVAJO NATION COUNCIL**

**THIRD YEAR 2021
COMMITTEE REPORT**

Mr. Speaker,

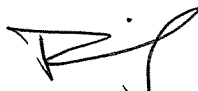
The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

LEGISLATION # 0017-21: AN ACTION RELATING TO RESOURCES, BUDGET AND FINANCE AND NAABIK'IYATI COMMITTEES AND THE NAVAJO NATION COUNCIL; APPROVING A SUPPLEMENTAL APPROPRIATION FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE TOTAL AMOUNT OF \$1,616,413 FOR THE 110 NAVAJO NATION CHAPTERS' COMMUNITY EMERGENCY RESPONSE PLANS; WAIVING 12 N.N.C. §§ 820 (E), (F), AND (J) OF THE APPROPRIATIONS ACT. *Sponsor: Honorable Eugene Tso; Co-Sponsors: Honorable Seth Damon and Honorable Raymond Smith, Jr.*

Has had it under consideration and reports a DO PASS with no amendment

and thereafter the legislation was referred to Budget and Finance Committee.

Respectfully submitted,



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

Date: February 5, 2021 –Special Meeting (Teleconference)
Meeting Location: (RDC members called in via teleconference from their location within the boundary of the Navajo Nation.)

Main Motion:

Motion: Mark A. Freeland S: Thomas Walker, Jr. Vote: 5-0-1 (CNV)

In Favor: Mark A. Freeland, Wilson C. Stewart, Jr., Kee Allen Begay, Jr., Herman M. Daniels and Thomas Walker, Jr.

Oppose: NONE

Excuse: NONE

Not Voting: Presiding Chairperson Rickie Nez

(NOTE: Vote Tally attached.)

RESOURCES AND DEVELOPMENT COMMITTEE
24th Navajo Nation Council

THIRD YEAR 2021

ROLL CALL
VOTE TALLY SHEET:

LEGISLATION # 0017-21: AN ACTION RELATING TO RESOURCES, BUDGET AND FINANCE AND NAABIK'IYATI COMMITTEES AND THE NAVAJO NATION COUNCIL; APPROVING A SUPPLEMENTAL APPROPRIATION FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE TOTAL AMOUNT OF \$1,616,413 FOR THE 110 NAVAJO NATION CHAPTERS' COMMUNITY EMERGENCY RESPONSE PLANS; WAIVING 12 N.N.C. §§ 820 (E), (F), AND (J) OF THE APPROPRIATIONS ACT. *Sponsor: Honorable Eugene Tso; Co-Sponsors: Honorable Seth Damon and Honorable Raymond Smith, Jr.*

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Main Motion:

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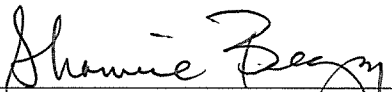
Oppose: NONE

Excuse: NONE

Not Voting: Presiding Chairperson Rickie Nez



Honorable Rickie Nez, Presiding Chairperson
Resources and Development Committee



Shammie Begay, Legislative Advisor
Office of Legislative Services

24th NAVAJO NATION COUNCIL

Third Year 2021

Mr. Speaker:

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

NAVAJO LEGISLATIVE BILL # 0017-21:

An Action Relating to Resources and Development, Budget and Finance and Naabikiyati Committees and the Navajo Nation Council; Approving a Supplemental Appropriation from the Unreserved, Undesignated Fund Balance in the Total Amount of \$1,616,413 for the 110 Navajo Nation Chapters' Community Emergency Response Plans; Waiving 12 N.N.C. §§ 820 (E), (F) and (J) of the Appropriations Act
Sponsored by: Eugene Tso, Seth Damon and Raymond Smith, Jr., Council Delegates

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

1. On Page 4, Line 15, insert new paragraph H. as follows:
H. In its approval of the Navajo Nation Budget Instruction Manual ("BIM") for Fiscal Year 2021, the Budget and Finance Committee recognized the difficulties involved in obtaining signatures on budget forms related to requests for appropriation. The Fiscal Year 2021 BIM, therefore, reflects that divisions and departments are encouraged, rather than required, to have written concurrence from the appropriate Branch Chief or Division Director. Navajo Nation BIM, Fiscal Year 2021, Section XII.B.1.a.i.
2. On Page 5, Line 8, Insert new Section Six as indicated below:
SECTION SIX. WAIVING 12 N.N.C. § 820(O) PERTAINING TO CHAPTER DISTRIBUTIONS
The Navajo Nation Council waives 12 N.N.C. § 820(O) to allow for the chapters to receive the distributions as indicated in the budget forms and allocation schedule set forth in Exhibits A and B, respectively.
3. On Page 4, Line 2, after Exhibit A, add the words and B, as follows:
...attached as **Exhibits A and B**.
4. On Page 4, line 26, insert new language, as follows:
in **Exhibits A and B**.
5. On Page 4, Line 28, insert new language, as follows:
in accordance with **Exhibits A and B**.
6. On Page 4, Lines 12-14, make the changes as indicated:
~~G. The Office of the Management and Budget was requested to provide a memorandum to satisfy the requirements in 12 N.N.C. § 820 (M). The memorandum was not ready at the time of drafting this resolution, but will be included as an exhibit when it is available.~~
G. The Office of the Management and Budget has provided a memorandum, attached as Exhibit C, to satisfy the requirement of 12 N.N.C. § 820(M) for a budget impact analysis.
7. Insert the Office of Management and Budget memo dated February 8, 2021, as new **Exhibit C**.
8. The Office of Legislative Services and the Office of Legislative Counsel shall coordinate to recalculate cumulative totals, if needed.
9. Renumber or re-letter succeeding paragraphs, sections, and exhibits, accordingly, if necessary. This amendment shall supersede inconsistent language contained in any other committee amendment, which shall

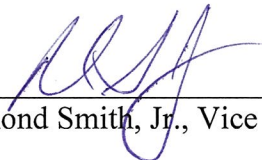
be conformed to the intent or language of this amendment. The Office of Legislative Services, with notice to the sponsor(s) of the Legislation, is hereby authorized to make necessary grammatical changes.

Amendment 1 Motion: Amber K. Crotty Second: Nathaniel Brown Vote: 5-0 Yeas: Jimmy Yellowhair, Raymond Smith, Jr., Amber K. Crotty, Nathaniel Brown, Elmer P. Begay, Chairman not voting

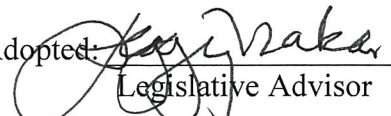
1. On Page 4, Lines 9-11, make the changes as indicated below:
~~F. The Office of the Controller was requested to provide a memorandum to satisfy the requirements in 12 N.N.C. § 820 (L). The memorandum was not ready at the time of drafting this resolution, but will be included as an exhibit when it is available.~~
F. The Office of the Controller has provided a memorandum, attached as **Exhibit C**, to satisfy the requirements of 12 N.N.C. § 820(L). The Office of the Controller has indicated the request is non-recurring and the balance in the UUFB as of January 20, 2021 is \$63,795,352.
2. Add the Office of the Controller memo dated February 9, 2021 as **Exhibit C**.
3. Rename **Exhibit C** in Amendment 1 as **Exhibit D**.
4. On Page 5, Lines 1-6, Delete Section Five as follows:
~~SECTION FIVE. — WAIVING 12 N.N.C. §§ 820 (E), (F), AND (J), TO THE EXTENT THESE PROVISIONS PREVENT THE UNRESERVED, UNDESIGNATED FUND BALANCE TO BE USED TO FUND RECURRING EXPENDITURES~~
~~The Navajo Nation Council hereby waives 12 N.N.C. §§ 820(E), (F) and (J) to allow UUFB funds to be used for recurring expenditures.~~
5. Renumber or re-letter succeeding paragraphs, sections, or exhibits accordingly, if necessary. This amendment shall supersede inconsistent language contained in any other committee amendment, which shall be conformed to the intent or language of this amendment. The Office of Legislative Services, with notice to the sponsor(s) of the Legislation, is hereby authorized to make necessary grammatical changes.
Amendment 1 Motion: Elmer P. Begay Second: Jimmy Yellowhair Vote: 5-0 Yeas: Jimmy Yellowhair, Amber K. Crotty, Nathaniel Brown, Elmer P. Begay, Jamie Henio, Vice Chair not voting

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

Respectfully submitted,



Raymond Smith, Jr., Vice Chairman

Adopted: 

Legislative Advisor

Not Adopted: _____
Legislative Advisor

9 February 2021

The vote was **4** in favor **1** opposed yeas: Jimmy Yellowhair, Raymond Smith Jr., Nathaniel Brown, Elmer P. Begay nays: Amber K. Crotty
Main Motion: Raymond Smith, Jr.
Second: Elmer P. Begay

BUDGET AND FINANCE COMMITTEE

9 February 2021

Special Meeting

VOTE TALLY SHEET:

Legislation No. 0017-21: An Action Relating to Resources and Development, Budget and Finance and Naabikiyati Committees and the Navajo Nation Council; Approving a Supplemental Appropriation from the Unreserved, Undesignated Fund Balance in the Total Amount of \$1,616,413 for the 110 Navajo Nation Chapters' Community Emergency Response Plans; Waiving 12 N.N.C. §§ 820 (E), (F) and (J) of the Appropriations Act *Sponsored by: Eugene Tso, Seth Damon and Raymond Smith, Jr. Council Delegates*

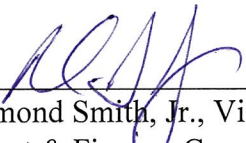
Motion: Raymond Smith, Jr.

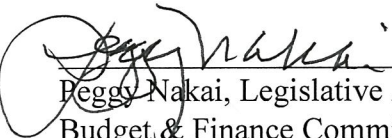
Second: Elmer P. Begay

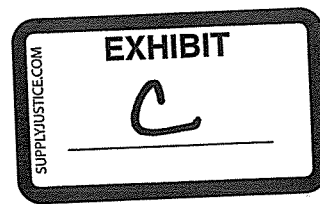
Vote: 4-1, Vice Chairman not voting, with 2 amendments

Final Vote Tally:

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


Raymond Smith, Jr., Vice Chairman
Budget & Finance Committee


Peggy Nakai, Legislative Advisor
Budget & Finance Committee



THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



Memorandum:

To: 2 NNC § 164 Reviewers
Delegates & 2 NNC '164 Reviewers
Navajo Nation Government

From: 
Pearline Kirk, Controller
Office of the Controller

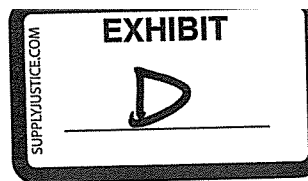
Date: February 9, 2021

Subject: Legislation 0017-21-UUFB in the amount of \$1,616,413 for the 110 Navajo Chapters' Community Emergency Response Plans.

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

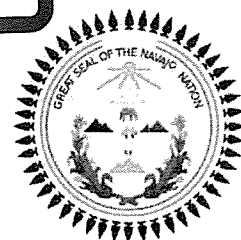
1. The balance of the UUFB is \$63,795,352 as of January 20, 2021. As per the Controllers Report dated January 25, 2021.
2. This supplemental request to bring the 110 Navajo Chapters back to a minimum \$25,000 level of reserved funding for their community emergency response plans.
3. Exhibit B shows the balances of the chapters as of December 31, 2020.
4. This request would be considered NON-RECURRING.

If you should have any questions you can contact me at tribal extension X6308.



THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



MEMORANDUM

TO: Navajo Nation 164 Reviewers

FROM:

Dominic Beyer, Executive Director
Office of Management and Budget

DATE: February 8, 2021

SUBJECT: Review of Legislation No. 0017-21, Division of Community Development for 110 Navajo Nation Chapters' emergency response plans in amount of \$1,616,413 from UUFB.

Pursuant to 12 NNC 820 (M) requiring OMB reviewed the subject document and provides the following information

1. Are the Chapter Fund Balances from Navajo Nation FMIS or Navajo Nation Chapters' Wind System? OMB does not have access to Navajo Nation Chapters' Wind System to verify the fund balances on all 110 Navajo Nation Chapters. In previous years the Auditor General's office monitored Chapter expenditures and provided periodic reports.
2. The Appropriation Act, Section 820, O; Distributions to Chapter, provides guidance on this. The language is: "Where not otherwise prohibited by existing law, any appropriation intended for distribution to all chapters of the Navajo Nation shall be allocated as follows: fifty percent (50%) of the appropriation shall be divided equally among all chapters and the remaining fifty percent (50%) shall be divided proportionately among the chapters using a percentage equal to that figure which the number of registered voters in each chapter bears to the whole of registered Navajo Nation voters as determined by the most current voter registration figures available as of the date of the appropriation...." As proposed, a waiver of this section may be required. DOJ should advise.
3. Some Chapters have deficit spending; e.g. Tohajiilee-\$65,297, Thoreau-\$62,388, Dilkon-\$31,889, Mexican Water-\$73,284, Sanostee-\$25,672. The additional funding would cover these deficits and leave a balance of \$25,000. How do these deficits occur?
4. Some Chapters have balances far exceeding the \$25,000 threshold amount; e.g. Forest Lake \$44,554, Counselor \$81,473, St. Michaels \$50,830, and etc., there are others.

Contact OMB at (928) 871-6570 if there are any questions and/or concerns regarding this memorandum.

xc: OMB file
DCD