LEGISLATIVE SUMMARY SHEET
Tracking No. 0224-20

DATE: September 11, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO BUDGET AND FINANCE COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE, AND NAVAJO NATION COUNCIL; APPROVING THE NAVAJO NATION FISCAL YEAR 2021 COMPREHENSIVE BUDGET; WAIVING 12 N.N.C. §§ 820(I) AND 860, 12 N.N.C. §§ 2001 *et seq.*, AND 12 N.N.C. § 840(B)

PURPOSE: The purpose of this resolution is to approve Navajo Nation Comprehensive Budget for Fiscal Year 2021.

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: JJohnson
Website Posting Time/Date: 6:55pm 09-11-20
Posting End Date: 09-16-20
Eligible for Action: 09-17-20

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

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL – Second Year, 2021

INTRODUCED BY

Amber Kanazbah Crotty (Primary Sponsor)

TRACKING NO. 0224-20

AN ACTION

RELATING TO BUDGET AND FINANCE COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE, AND NAVAJO NATION COUNCIL; APPROVING THE NAVAJO NATION FISCAL YEAR 2021 COMPREHENSIVE BUDGET; WAIVING 12 N.N.C. §§ 820(I) AND 860, 12 N.N.C. §§ 2001 *et seq.*, AND 12 N.N.C. § 840(B)

BE IT ENACTED:

Section One. Authority

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

B. The Naabik'íyáti' Committee is assigned proposed resolutions that require final action by the Navajo Nation Council. 2 N.N.C. §164(A)(9).

C. The Budget and Finance Committee shall make recommendations concerning the budget and submit it to the Navajo Nation Council for deliberation and approval. 12 N.N.C. §840(A).

Section Two. Adopting Navajo Nation Fiscal Year 2021 Budget

The Navajo Nation hereby adopts the Navajo Nation Fiscal Year 2021 Comprehensive Budget as follows:

A. The Navajo Nation approves the appropriation of 12% of the Fiscal Year 2021 revenue in the amount of $19,011,000 to the Navajo Nation Permanent Fund; 4% of Fiscal Year 2021 revenue in the amount of $6,337,000 to the Navajo Veterans Trust Fund; 2% of Fiscal Year 2021 revenue in the amount of $3,168,000 to the Navajo Nation Land Acquisition Trust Fund; $2,000,000 of Fiscal Year 2021 revenue to the Capital Outlay Match Funding Special Revenue Fund; $2,000,000 of Fiscal Year 2021 revenue to the Water Rights Claim Fund; and $12,400,000 of Fiscal Year 2021 revenue to the Diné Higher Education Grant Fund.

B. The Navajo Nation hereby approves the appropriation of $1,244,353,093 as the Navajo Nation Fiscal Year 2021 Operating Budget, as set forth in the attached **Exhibit A**, which constitutes $167,142,583 of General Funds, $22,500,000 Indirect Cost Credit; $12,400,000 in Higher Education set aside funds; $ 0 Personnel Savings; $86,500,386 Proprietary Fund; $81,875,155 Fiduciary Funds; $40,376,371 Special Revenue Internal Funds; $3,800,000 External Cash Match Funds (General Funds); $ 3,000,000 Capital Outlay Match Funds; and $826,758,598 Special Revenue External Funds, summarized as follows:

1. Legislative Branch: $16,410,204 as the Navajo Nation Fiscal Year 2021 Operating Budget, as set forth in the attached **Exhibit B**, which includes $15,335,322 General Fund Revenue; $1,072,882 Indirect Cost Credit; $2,000 Proprietary Funds; $0 Personnel Savings Fund; $ 0 Fiduciary Funds, $ 0 Special Revenue Internal Funds; $ 0 Special Revenue External Funds, for the Navajo Nation Council, various Standing Committees, boards, commissions, offices, programs, and activities within the Legislative Branch.
2. Judicial Branch: $19,923,325 as the Navajo Nation Fiscal Year 2021 Operating Budget, as set forth in the attached **Exhibit C**, which includes $16,624,653 of General Funds; $130,107 Indirect Cost Credit; $ 0 Proprietary Funds; $ 0 Fiduciary Funds; $ 0 Special Revenue Internal Funds and $ 3,168,565 Special Revenue External Funds, for the Navajo Nation Supreme Court, district courts, family courts, various offices, programs and activities within the Judicial Branch.

3. Executive Branch: $1,181,834,512 as the Navajo Nation Fiscal Year 2021 Operating Budget, as set forth in the attached **Exhibit D**, which includes $119,367,464 of General Funds; $13,927,103 Indirect Cost Credit; $12,400,000 Higher Education Set Aside Funds; $0 Personnel Savings Fund; $86,498,386 Proprietary Funds; $81,875,155 Fiduciary Funds; $3,800,000 External Fund Cash Match; $40,376,371 Special Revenue Internal Funds; and, $823,590,033 Special Revenue External Funds; for the various divisions, departments, programs and offices within the Executive Branch.
4. Fixed Costs: $23,185,052 which includes $15,815,144 General Funds, $7,369,908 Indirect Cost Credit; and $0 Personnel Savings Fund as set forth in the attached **Exhibit E**.
5. Capital Improvement Funds which includes $3,000,000 Capital Outlay Match, to be used at the Chapter's discretion, with the exception that these funds are not to be used for recurring expenses, as set forth in the attached **Exhibit F**.
6. Chapter Non-Administrative Costs: $11,998,969 for non-administrative costs. This does not include chapter official's stipends, permanent personnel costs, and travel expenses of chapter officials and chapter staff.
7. External Funds Cash Match: $3,800,000 for external funds cash match obligations for grant agreements and contracts.

The FY 2020 External Fund Cash Match, BU# 118024, unexpended fund balance shall be carried over to FY 2021 to maintain a fund balance for cash match needs during the 2021 Fiscal Year.

C. The Navajo Nation Resolution, CF-07-11, titled, "Establishing and Designating the Personnel Accounts Savings as Restricted Carryover Funds to be Used for Administering and Maintaining the Classification and Pay Plans by the Department of Personnel Management and Further, Implementing a Moratorium on Any Future Proposed Budget Revisions and/or Re-Allocations From the General Fund Personnel Accounts Saving", established a moratorium on any future proposed Budget Revisions and/or Reallocations from the General Funds Personnel Accounts Savings and required those Savings go to an annual General Wage Adjustment, step increase and other salary

adjustments to the Pay Plan; in addition, that any excess or surplus funds shall be deposited to the Unreserved, Undesignated Fund Balance (UUFB).

The Navajo Nation Controller projects the Personnel Lapse amount is $ 13,083,541. The Navajo Nation adopts a General Wage Adjustment, **Exhibit G**, and waives the requirement of excess and surplus funds deposit to the UUFB and hereby approves funding from the Fiscal Year 2021 Personnel Savings Fund as follows:

1. General Wage Adjustment – 3% (Exhibit G) $ 3,846,992

D. The Navajo Nation hereby approves the carryover of excess Indirect Cost Credit, if any, from Navajo Nation Fiscal Year 2020 into Fiscal Year 2021.

E. The Navajo Nation hereby approves the carryover of unexpended Capital Improvement Project Funds from Fiscal Year 2020 to Fiscal Year 2021.

F. The Navajo Nation Council and its standing committees, through its oversight authorities, are responsible to the Navajo Nation to ensure that the Navajo Nation Divisions, Departments and Programs provide timely, professional, updated, appropriate services to the Navajo People. One very pragmatic, effective method to assure quality services is to prompt the Divisions, Departments and Programs through the use of Conditions of Appropriations. Condition of Appropriation means a condition placed on an appropriation or expenditure by the Navajo Nation Council at the time the appropriation or expenditure is made, which requires performance of a specific task by a program within a specific time period within the fiscal year. The condition requires the performance of specific tasks within the time period set out by the Navajo Nation Council. Failure to perform within the specified time period may result in restrictions on future expenditure of the funds until the condition is met. 12 N.N.C. §810(I), amended by CS-52-17.

The Navajo Nation Council has included Conditions of Appropriation in the 2021 Comprehensive Budget. The Navajo Nation Council hereby adopts the Conditions of Appropriation identified in **Exhibit H.**

G. The Navajo Nation hereby approves the Legislative Concerns for Navajo Nation Fiscal Year 2021, as set forth in the attached **Exhibit I.**

H. The Navajo Nation hereby acknowledges that all federal, state, and local government funds addressed in the Navajo Nation Fiscal Year 2021 Comprehensive Budget are provided primarily for information purposes, as directed in the Budget Instructions Manual, and should not be deemed to limit the expenditure authority for any program, provided additional funds are accepted pursuant to 2 N.N.C. §164(B), 2 N.N.C. §301(B)(15), and 2 N.N.C. §701(A)(10).

I. The Navajo Nation hereby authorizes monthly drawdowns of all funds deposited into BIA Account, PL7341701, Navajo Tribe, Arizona/New Mexico, which are considered Navajo Nation General Funds as part of the overall revenue projection for support of the operations of the Navajo Nation Government.

J. The Navajo Nation hereby authorizes the Office of Management and Budget to carry-over available budget amounts to cover any prior year open contracts carried into Fiscal Year 2021 by the Office of the Controller. Further, the Office of the Controller shall ensure that the budgeted funds carried over are used specifically, and only for, those open encumbrances. The Office of the Controller shall also inform the Office of Management and Budget, in writing, of any cancelled or reduced prior year open encumbrances so that the Office of Management and Budget can make the appropriate budget adjustments.

K. The Navajo Nation hereby waives 12 N.N.C. §§ 820(I) and 860 for the purpose of passing a comprehensive budget because the Capital Improvement Plan is not available.

L. The Navajo Nation hereby waives 12 N.N.C. §§ 2001 *et seq.* in order to allow chapters to use Capital Outlay Match Funds as described in paragraph B.5, above.

M. The Navajo Nation waives the provision in 12 NNC. § 840(B) that requires the Navajo Nation Council to adopt the comprehensive budget no less than twenty (20) days prior to the expiration of each fiscal year.

N. The Navajo Nation hereby approves the Fiscal Year 2021 Budget Detail, included as **Exhibit J**.

Section Three. Directive to the Office of Management and Budget

A. The Navajo Nation directs the Office of Management and Budget to recalculate the final monetary totals such that the figures conform to the amendments passed by the Navajo Nation.

B. The Navajo Nation directs the Office of Management and Budget to make any other changes to the exhibits such that they conform to the amendments passed by the Navajo Nation Council.

Section Four. Directive to the Division Community Development

To develop the Navajo Nation Capital improvement plan in accordance with the plans capital improvement plans submitted by each chapter by the end of the first quarter of Fiscal Year 2021.

Section Five. Effective Date

The Navajo Nation Fiscal Year 2021 Comprehensive Budget enacted herein shall be effective pursuant to 2 N.N.C. §§ 164(A)(17) and 221(B).

EXHIBIT A

The Navajo Nation
Fiscal Year 2021 Budget Summary

	A	B	C	D	E	F	G	H	I	J	K	L
	Business Unit	Description	Navajo Nation General Fund	Indirect Cost Fund	Higher Education Setaside	External Funds Cash Match	Capital Outlay Match Funds	Proprietary Fund	Fiduciary Fund	Special Revenue Fund - Internal	Special Revenue Fund - External	Total
1	100xxx	Executive Branch	119,367,464	13,927,103	12,400,000	3,800,000		86,498,386	81,875,155	40,376,371	823,590,033	1,181,834,512
2	101xxx	Legislative Branch	15,335,322	1,072,882				2,000				16,410,204
3	102xxx	Judicial Branch	16,624,653	130,107							3,168,565	19,923,325
4	118xxx	Fixed Costs	15,815,144	7,369,908								23,185,052
5	50xxxx	Capital Projects					3,000,000					3,000,000
6		**Total:**	**167,142,583**	**22,500,000**	**12,400,000**	**3,800,000**	**3,000,000**	**86,500,386**	**81,875,155**	**40,376,371**	**826,758,598**	**1,244,353,093**

Note: 1) The External Funds listed are for informational purposes only.

Prepared by OMB
Updated 9/11/2020

EXHIBIT B

The Navajo Nation
Fiscal Year 2021 Legislative Branch Budget Summary

	A	B	C	D	E	F	G	H	I
	Business Unit	Program	Navajo Nation General Fund	Indirect Cost Fund	Proprietary Fund	Fiduciary Fund	Special Revenue Fund - Internal	Special Revenue Fund - External	Total
1	101001	Navajo Nation Council	2,037,885	269,002					2,306,887
2	101003	Budget and Finance Committee	63,921	10,179					74,100
3	101014	Navajo Nation Labor Commission	276,400	29,773					306,173
4	101015	Ofc of the Speaker	2,066,442	228,194					2,294,636
5	101016	Ofc of Government Development	502,593	53,281					555,874
6	101017	Ofc of Legislative Counsel	1,505,136	120,087					1,625,223
7	101018	Navajo Utah Commission	293,757						293,757
8	101019	Ofc of Legislative Services	1,629,553	178,537					1,808,090
9	101020	Ethics and Rules Office	541,394	76,511					617,905
10	101021	Ofc of Election Administration	1,098,804						1,098,804
11	101022	Board of Elections Supervisors	126,716						126,716
12	101023	Black Mesa Review Board	25,512						25,512
13	101024	Ofc of the Auditor General	1,295,815	33,014					1,328,829
14	101025	Navajo-Hopi Land Commission	186,094						186,094
15	101026	Commission on Emergency Mgmt	8,000						8,000
16	101027	Eastern Agency Land Commission	108,018						108,018
17	101028	Office of Eastern Navajo Land Commis	308,541						308,541
18	101029	Human Rights Commission	632,414						632,414
19	101030	Health, Educ. and Human Services Co	48,189	16,138					64,327
20	101031	Resources and Development Committ	57,662	12,014					69,676
21	101032	Law and Order Committee	52,691	11,636					64,327
22	101033	Nabik'iyatii Committee	141,520	34,516					176,036
23	101034	Legislative District Assistants	1,885,682						1,885,682
24	NEW	Elections	442,583						442,583
25	901001	Navajo Nation Code Enterprise			2,000				2,000
26		**Total:**	**15,335,322**	**1,072,882**	**2,000**	**0**	**0**	**0**	**16,410,204**

The Navajo Nation
Fiscal Year 2021 Judicial Branch Budget Summary

EXHIBIT C

	A	B	C	D	E	F	G	H	I
	Business Unit	**Program**	**Navajo Nation General Fund**	**Indirect Cost Fund**	**Proprietary Fund**	**Fiduciary Fund**	**Special Revenue Fund - Internal**	**Special Revenue Fund - External**	**Total**
1	102001	Administrative Office of the Courts	2,188,449	130,107				3,168,565	5,487,121
2	102002	Chinle Judicial District	1,134,707						1,134,707
3	102003	Crownpoint Judicial District	955,169						955,169
4	102004	Window Rock Judicial District	1,193,259						1,193,259
5	102005	Shiprock Judicial District	1,130,207						1,130,207
6	102006	Tuba City Judicial District	1,098,543						1,098,543
7	102007	Ramah Judicial District	545,116						545,116
8	102008	Supreme Court	1,372,561						1,372,561
9	102009	Peacemaker Division	1,276,659						1,276,659
10	102010	Kayenta Judicial District	881,440						881,440
11	102011	Dilkon Judicial District	783,719						783,719
12	102012	Utah Judicial District	655,035						655,035
13	102013	Tohajillee Judicial District	673,786						673,786
14	102014	Alamo Judicial District	187,814						187,814
15	102015	Dziil Yijiin Judicial District	465,896						465,896
16	102017	Pueblo Pintado Circuit Court	214,348						214,348
17	102018	Probation Services	1,827,251						1,827,251
18	102019	Judicial Conduct Commission	40,694						40,694
19		**Total:**	**16,624,653**	**130,107**	**0**	**0**	**0**	**3,168,565**	**19,923,325**

The Navajo Nation
Fiscal Year 2021 Executive Branch Budget Summary

EXHIBIT D

A	B	C	D	E	F	G	H	I	J	K
Business Unit	Program	General Fund	Indirect Cost Fund	Higher Education Setaside	External Fund Cash Match Need	Proprietary Fund	Fiduciary Fund	Special Revenue Fund - Internal	Special Revenue Fund - External	Total
103xxx	Executive Offices	8,396,337	1,378,978				7,401,960			17,177,275
104xxx	Department of Justice	6,546,470	1,893,724						2,120,014	10,560,208
105xxx	Office of Management and Budget	1,431,153	1,017,922							2,449,075
106xxx	Office of Navajo Tax Commission	1,424,404								1,424,404
107xxx	Office of the Controller	4,119,633	2,830,066			1,105,838	26,083,945	6,525,913		40,665,395
108xxx	Division of Community Developmen	4,975,707	678,069						8,957,160	14,610,936
108xxx	Navajo Nation Chapters	26,952,028						2,057,300		29,009,328
109xxx	Department of Dine' Education	8,149,902	324,755	12,400,000	1,850,616		600,000	7,718,325	92,499,534	123,543,132
110xxx	Division of Economic Development	5,065,311	402,142			250,000		1,165,220		6,882,673
111xxx	Environmental Protection Agency	1,312,945	106,013		162,013			3,680,413	4,313,502	9,574,886
112xxx	Division of General Services	4,170,524	2,528,348		859,480	77,427,548			12,533,577	97,519,477
113xxx	Department of Health	11,128,209	133,166		474,336		257,100		157,433,902	169,426,713
114xxx	Division of Human Resources	2,669,100	1,485,239		453,555	20,000	47,532,150		35,321,326	87,481,370
115xxx	Division of Natural Resources	18,458,631	241,536			7,470,000		4,746,000	72,055,857	102,972,024
116xxx	Division of Public Safety	7,946,408	320,152			70,000		7,300,000	106,392,089	122,028,649
117xxx	Division of Social Services	4,161,183	402,834						158,719,914	163,283,931
120xxx	Office of Gaming Regulatory					150,000				150,000
121xxx	Navajo Division of Transportation	2,459,519	184,159			5,000		7,183,200	173,243,158	183,075,036
	Total:	119,367,464	13,927,103	12,400,000	3,800,000	86,498,386	81,875,155	40,376,371	823,590,033	1,181,834,512

The Navajo Nation
Fiscal Year 2021 Fixed Costs Budget Summary

EXHIBIT E

	A	B	C	D	E	F	G	H	I
	Business Unit	**Description**	**Navajo Nation General Fund**	**Indirect Cost Fund**	**Proprietary Fund**	**Fiduciary Fund**	**Special Revenue Fund - Internal**	**Special Revenue Fund - External**	**Total**
1	118001	Annual Audit - OOC	343,241	686,504					1,029,745
2	118004	Insurance Premiums - DGS	2,642,349	1,584,015					4,226,364
3	118005	Utilities - DGS	3,243,731	1,862,138					5,105,869
4	118007	Telecommunications - DGS	426,275	962,954					1,389,229
5	118008	Radio Communications - DGS	201,337	336,076					537,413
6	118010	FMIS Debt Service - OOC	982,744						982,744
7	118013	Hopi Partitioned Land Rental - NHLCO	121,400						121,400
	118007	Indirect Cost Plan - OMB	23,107						23,107
8	118018	Retirement Plan Account - DHR	0						0
9	118019	NN Integrated Justice Info. Sharing - JB	375,000						375,000
10	118020	Fixed Cost Investment Fees - OOC	150,000						150,000
11	118022	FMIS Maintenance Services - OOC	1,278,960	564,848					1,843,808
12	118023	Fixed Cost - Facility Maintenance	627,000	1,373,373					2,000,373
14	118XXX	Fixed Cost - Information Technology	400,000						400,000
15	N01000	Fixed Cost Litigation - DOJ	5,000,000						5,000,000
16		**Total:**	**15,815,144**	**7,369,908**					**23,185,052**

The Navajo Nation
Fiscal Year 2021 Capital Budget Summary

EXHIBIT F

	A	B	C	D	E	F	G	H	I
	Business Unit	**Description**	**Navajo Nation General Fund**	**Indirect Cost Fund**	**Proprietary Fund**	**Fiduciary Fund**	**Special Revenue Fund - Internal**	**Special Revenue Fund - External**	**Total**
1	50XXXX	Capital Outlay (NN Chapters)					3,000,000		3,000,000
2		**Total:**	**0**	**0**	**0**	**0**	**3,000,000**	**0**	**3,000,000**

EXHIBIT
tabbies
G

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

Memorandum:

Date: September 9, 2020

To: Honorable Jonathan Nez, President
Office of the President/Vice President

Honorable Seth Damon, Speaker
Navajo Nation Council

Honorable JoAnne Jayne, Chief Justice
Judicial Branch

Honorable Jamie Henio, Chairperson
Budget and Finance Committee

Through: Dominic Beyal, Director
Office of Management and Budget

Reycita Toddy, Delegated Human Resource Director
Department of Personnel Management

From: Pearline Kirk, Controller
Office of Controller

Subject: Personnel Lapse Projection

The Office of the Controller has compiled the above referenced document (**Exhibit A**).

1. As of September 4, 2020 the projected Personnel Lapse amount is $13,083,541.

The Assumptions in which this schedule takes into account are as follows:

a. This schedule is based upon the assumption that the vacant positions will continue to stay vacant until 09/30/20.

b. This schedule assumes that all the Department of Youth temporary employees will utilize all the dollars currently budgeted in their programs.
c. This schedule also assumes that all the overtime, and special duty pay currently budgeted will be utilized fully.
d. This schedule reserves the remaining budget available for the Headstart supplemental. There are a number of permanent positions within this business unit.
e. Also, this schedule is taking into consideration any judgments or settlements related to payroll that General Fund programs may incur before the end of the year.
f. Any budgeted amount within the Merit pay or bonus pay or step increase line items are also considered to be fully utilized before the end of the year.

2. In addition with discussions with the Office of Management and Budget and Department of Personnel Management there are three general wage adjustment (GWA)options available. The attached **Exhibit B** there are the three options for consideration for Fiscal Year 2021. The option we recommend is option # 2 which is the 2.5% GWA.

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

CC: Paulson Chaco, Chief of Staff, Office of President Vice President
Lashawna Tso, Chief of Staff, Office of the Speaker
Stephen Etsitty, Court Administrator, Judicial Branch.
File

EXHIBIT A

THE NAVAJO NATION

Estimated Personnel Savings-Budget vs Actual- GENERAL FUND

Fiscal Year 2020

September 4, 2020

Analysis of 24 PPE's (10/01 - 8/28/2020)

	Gross Budget	24 Actual Gross Payroll	Projected Year End Expenses	Projected Year End Balances
LEGISLATIVE:				
Personnel	9,117,393	7,046,080	7,738,093	1,379,300
Taxes/Benefits	4,281,765	2,880,548	3,163,454	1,118,311
Sub-total	13,399,157	9,926,628	10,901,547	2,497,611
JUDICIAL:				
Personnel	9,400,039	7,561,466	8,304,097	1,095,942
Taxes/Benefits	4,824,569	3,287,771	3,610,672	1,213,897
Sub-total	14,224,608	10,849,237	11,914,768	2,309,839
EXECUTIVE				
Personnel	57,692,957	45,202,998	49,642,497	8,050,460
Taxes/Benefits	28,117,382	19,319,821	21,217,269	6,900,113
Sub-total	85,810,339	64,522,819	70,859,766	14,950,573
GRAND TOTAL	**$113,434,104**	**$85,298,684**	**$93,676,081**	**$19,758,024**

DOY - Temporary	$842,158	(1)
OT/Holiday/Bonus/Merit	$4,657,168	(2)
Headstart	$775,156	
Contingencies	$400,000	
Estimated Personnel Lapse	**$13,083,541**	

(1) Includes 9.95% fringe benefits

(2) Includes 43.85% fringe benefits

NOTE: If there is a vacant position that gets filled personnel lapse amount will decrease.

SUBJECT TO CHANGE. THIS IS JUST AN ESTIMATE.

EXHIBIT B

DEPARTMENT OF PERSONNEL MANAGEMENT FY'21 PAY PLAN OPTIONS - GENERAL FUNDS					
BRANCH	**GWA %**	**TOTAL POS**	**GWA AMT**	**TOTAL FRINGE AMT**	**TOTAL AMOUNT**
	OPTION 1				
GWA 3.0%					
Executive Branch	3.00%	1457	2,041,724	958,158	2,999,882
Judicial Branch	3.00%	195	302,403	157,780	460,183
Legislative Branch	3.00%	156	262,773	124,154	386,927
TOTAL		**1808**	**2,606,900**	**1,240,092**	**3,846,992**
	OPTION 2				
GWA 2.5%					
Executive Branch	2.50%	1457	1,703,049	799,207	2,502,256
Judicial Branch	2.50%	195	252,003	131,483	383,486
Legislative Branch	2.50%	156	219,082	103,513	322,595
TOTAL		**1808**	**2,174,134**	**1,034,203**	**3,208,337**
	OPTION 3				
GWA 2.0%					
Executive Branch	2.00%	1457	1,359,688	637,994	1,997,682
Judicial Branch	2.00%	195	201,602	105,187	306,789
Legislative Branch	2.00%	156	175,047	82,719	257,766
TOTAL		**1808**	**1,736,337**	**825,900**	**2,562,237**

EXHIBIT H

FY 2021
CONDITION OF APPROPRIATIONS

Condition of Appropriation means a condition placed on an appropriation or expenditure by the Navajo Nation Council at the time the appropriation or expenditure is made, which requires performance of a specific task by a program within a specific time period within the fiscal year. The condition may require that failure to perform the specific tasks within the time period set out by the Navajo Nation Council will result in restrictions on future expenditure of the funds until the condition is met. 12 N.N.C. §810(I), Amended by CS-52-17.

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

1. Based on the quarterly COA Status Report, the Office of Management & Budget (OMB) will immediately report a program's non-compliance to the respective Division Director, appropriate Branch Chief, appropriate oversight Committee and the Budget and Finance Committee;

2. The OMB will notify the Budget and Finance Committee of any non-compliance. After consultation with the program director, the Office of the Controller, the OMB, and on recommendation of the appropriate oversight Committee, the Budget and Finance Committee may, by resolution, vote to:

   (1) implement a freeze on the program's expenditure of travel funds, or withhold up to 10 percent of the program director's gross salary,

   (2) extend the time period for the program to fulfill the condition, or

   (3) vacate the condition if it is infeasible for the program to fulfill.

3. The Controller shall immediately freeze the program's travel funds or, withhold 10% of the gross salary of the program director of the responsible program after 10 working days of the Budget and Finance Committee's action provided that there has been no filing with the Office of Hearings and Appeals.

4. Prior to the approval of a COA in the comprehensive budget resolution, per 12 N.N.C. § 820 (R)(4), the Navajo Nation Council shall consult with the director of the program required to fulfill the condition, as well as the Office of the Controller, and the Office of Management and Budget. The consultation shall include a discussion of the feasibility of

the program fulfilling the condition within the time frame proposed by Council, and any possible alternatives to the proposed condition.

Condition of Appropriation 1

The Veterans Administration Executive Director, BU #103015, shall submit a plan as to how Chapter Veterans Organizations can maintain involvement in the distribution of funds to HEHSC by the end of the 1st quarter of FY 2021.

If this Condition of Appropriation is not complied with by the end of the stated quarter, the Office of the Controller and Office of Management and Budget, by oversight Committee Resolution, shall freeze the Responsible Entity's travel funds. If this Condition of Appropriation is not complied with by the end of the stated quarter the withholding will be forfeited.

Responsible Entity: Veterans Administration Executive Director

Condition of Appropriation 2

The Veterans Administration Executive Director, BU #103015, shall submit an updated Veterans count for each agency and chapter by the end of the 1st quarter of FY 2021.

If this Condition of Appropriation is not complied with by the end of the stated quarter, the Office of the Controller and Office of Management and Budget, by oversight Committee Resolution, shall freeze the Responsible Entity's travel funds. If this Condition of Appropriation is not complied with by the end of the stated quarter the withholding will be forfeited.

Responsible Entity: Veterans Administration Executive Director

EXHIBIT I

FISCAL YEAR 2021
LEGISLATIVE CONCERNS

Legislative Concern means a comment, directive or recommendation made by the Navajo Nation Council, by virtue of it legislative oversight authority and pursuant to its authority as the governing body of the Navajo Nation, raising an issue of concern with respect to the internal functioning of the three Branches. Such concerns are advisory in nature, and do not create legal conditions precedent to the expenditure of appropriated funds. In order for a particular legislative concern to be appended to a budget resolution, it must be voted upon and adopted by a majority of the Navajo Nation Council. Legislative concerns which are not voted upon, will not be appended to the budget resolution, but will be referred to the appropriate Branch Chief in memorandum form by the Speaker of the Navajo Nation Council. 12 N.N.C. § 810(M).

LEGISLATIVE CONCERN NO. 1
Division of Community Development
Administrative Service Centers
The Administrative Service Centers are to provide technical assistance to the chapter staff. The Department Manager and Division Director shall the prepare a plan and provide a report, in writing and orally, to both the Resources and Development Committee and the Budget and Finance Committee at the end of the first and second quarters. The Resources and Development Committee and the Budget and Finance committee may choose to have a joint work session on this matter at the committees' discretion.

LEGISLATIVE CONCERN NO. 2
Office of the Auditor General
The Auditor General shall prepare a plan on how to expand the number of audits to include more chapters and programs into its annual work plan. In the plan, the Office of the Auditor General shall emphasize chapters and programs that have not been audited in more than three (3) years. The Office of Auditor General shall provide its plan, in writing and orally, to the Budget and Finance Committee by the end of the first quarter of FY 2021.

LEGISLATIVE CONCERN NO. 3
Division of Human Resources
Department of Personnel Management
The Department of Personnel Management is to provide a report on the total dollar amount of vacant positions to the Budget and Finance Committee by the end of the first quarter of FY 2021.

LEGISLATIVE CONCERN NO. 4
Division of Human Resources
Department of Personnel Management

The Department of Personnel Management shall examine its Policies and Procedures for hiring regarding the classification of positions and report to the Health, Education and Human Services Committee by the end of the first quarter of FY 2021.

LEGISLATIVE CONCERN NO. 5
Division of Public Safety
The Division of Public Safety is to station an officer at the Newlands sub-office and at To'hajiilee by the end to the first quarter of FY 2021 in accordance with the 638 contract for public safety services.

LEGISLATIVE CONCERN NO. 6
Division of Public Safety
The Division of Public Safety shall fully implement the Enhanced 911 service throughout the Navajo Nation by the end of the first quarter of FY2021. The Division of Public Safety shall submit a written report to the Law and Order and Budget and Finance Committees when this has been completed.

LEGISLATIVE CONCERN NO. 7
Division of Public Safety
The Division of Public Safety shall provide a written and oral report on establishing a Missing Persons Unit within the Division of Public Safety to the Law and Order and Budget and Finance Committees by the end of the first quarter of FY 2021.

LEGISLATIVE CONCERN NO. 8
Division of Public Safety
The Division of Public Safety shall establish a Medical Examiner position in accordance with LOCD- 20-18, within the Department of Criminal Investigations by the end of the first quarter of FY 2021.

LEGISLATIVE CONCERN NO. 9
Division of Public Safety
The Division of Public Safety shall develop a plan to attract and recruit high school students within the Navajo Nation into the Police Officer training program. This plan shall be presented in writing and orally to the Law and Order Committee by the end of the first quarter.

LEGISLATIVE CONCERN NO. 10
Division of Public Safety
The Division of Public Safety shall re-establish the Drug and Gang Task Force. This task force is to be re-established by the end of the first quarter.

LEGISLATIVE CONCERN NO. 11
Division of Public Safety
The Division of Public Safety shall develop a plan for all Navajo Nation Police Officers, Rangers, Forestry, and Fish and Wildlife Officers to be Navajo Nation certified in the Police Officer Standards Training program by the end of the second quarter of FY 2021. The Division

of Public Safety shall provide an update to the Law and Order Committee on its progress by the end of the first quarter of FY 2021.

LEGISLATIVE CONCERN NO. 12
Office of Legislative Counsel
The Office of Legislative Counsel shall prepare a work plan to update the Navajo Nation Code by the end of the second quarter of FY 2021. This work plan shall include a proposal for remaining current with amendments to the Navajo Nation Code.

LEGISLATIVE CONCERN NO. 13
Navajo Hopi Land Commission Office
The Navajo Hopi Land Commission Office shall coordinate with the Office of Navajo Hopi Indian Relocation to remediate the dilapidated homes and buildings in East Mills, Little Silversmith area of New Lands, Hard Rock area, and the Coalmine Mesa Chapter House. The Navajo Hopi Land Commission Office shall provide its report to the Navajo Hopi Land Commission by the end of the second quarter of FY 2021.

LEGISLATIVE CONCERN NO. 14
Navajo Hopi Land Commission Office
The Navajo Hopi Land Commission Office shall coordinate with the Office of Navajo Hopi Indian Relocation to repair Road 8031 in the Hard Rock area. The Navajo Hopi Land Commission Office shall provide its report to the Navajo Hopi Land Commission by the end of the second quarter of FY 2021.

LEGISLATIVE CONCERN 15
Office of the Speaker
The Office of the Speaker shall present a draft version of a policies and procedures for the Office of the Speaker, as well as recommended amendments to its enabling legislation, and present a report on such to NABI by the end of the second quarter of FY 2021.

LEGISLATIVE CONCERN 16
Division of Social Services
The Division of Social Services Executive Director shall develop a comprehensive plan to address the increase in domestic violence within and around the Navajo Nation. Such plan shall include, but not be limited to, preventive, as well as protective measures. The Executive Director shall present the comprehensive plan to the Health, Education and Human Services Committee by the end of the second quarter of FY 2021.

LEGISLATIVE CONCERN 17
The Division of Social Services Executive Director shall evaluate whether there are duplicate services being provided by Work Force Development and Department of Self-Reliance and report such duplicate services to the Health, Education and Human Services Committee by the end of the second quarter of FY 2021. The Executive Director shall further provide a plan to eliminate the duplicate services, if any, to the Health, Education and Human Services Committee by the end of the third quarter of FY 2021.

LEGISLATIVE CONCERN 18
The Department of Family Services shall provide training to agency staff to enhance the provision of direct services through evidence-based practices. The Department of Family Services shall report quarterly to the Health, Education and Human Services Committee on the number, as well as the content of such trainings, provided to agency staff each quarter.

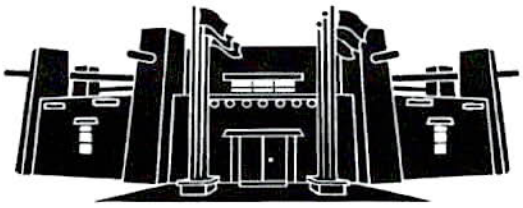
LEGISLATIVE CONCERN 19
The Division of General Services and Navajo Air Transportation Department shall perform a cost-benefits analysis on the existing air transportation program versus alternatives, including but not limited to, air charter services to determine the most effective way for the Nation to provide air transportation. The Division of General Services and Navajo Air Transportation Department shall report, in both written and oral formats, the findings of their analysis to the Health, Education and Human Services Committee by the end of the second quarter of FY 2021.

LEGISLATIVE CONCERN 20
Department of Dine Education
The Navajo Nation Board of Education shall provide enabling legislation a revised Plan of Operation to the Health, Education and Human Services Committee by the end of the second quarter of FY 2021.

LEGISLATIVE CONCERN 21
Office of Management and Budget
The Office of Management and Budget shall provide an update to the Budget and Finance Committee on the progress of the Budget Policies Manual by the end of the first quarter of FY2021. The Office of Management and Budget shall present this report orally and in writing.

LEGISLATIVE CONCERN 22
Department of Health
Department of Aging and Long Term Care Services
The Department Manager shall provide a report and a plan on the repairs and maintenance needs of existing facilities and capital improvement needs by the end of the third quarter of FY 2021. The program is encouraged to work with all potential funds from various resources. This report shall be present to the Health, Education and Human Services Committee, both orally and in writing.

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



Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO: Honorable Jamie Henio
24th Navajo Nation Council

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

DATE: September 11, 2020

SUBJECT: AN ACTION RELATING TO BUDGET AND FINANCE COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE, AND NAVAJO NATION COUNCIL; APPROVING THE NAVAJO NATION FISCAL YEAR 2021 COMPREHENSIVE BUDGET; WAIVING 12 N.N.C. §§ 820(I) AND 860, 12 N.N.C. §§ 2001 *et seq.*, AND 12 N.N.C. § 840(B)

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: _0224-20__ **SPONSOR: Jamie Henio**

TITLE: An Action Relating To Budget And Finance Committee, Naabik'íyáti' Committee, And Navajo Nation Council; Approving The Navajo Nation Fiscal Year 2021 Comprehensive Budget; Waiving 12 N.N.C. §§ 820(I) And 860, 12 N.N.C. §§ 2001 et seq. And 12 N.N.C. § 840(B)

***Date posted*: September 11, 2020 at 6:55 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.*