

## **SUMMARY OF PROPOSED LEGISLATION**

Tracking No. 0238-22

Date: December 6, 2022

**Re: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; APPROVING \$1,875,231 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUFBS") TO REPLENISH THE 110 CHAPTERS' EMERGENCY FUND ACCOUNTS; WAIVING 12 N.N.C. §820(O)**

### **Purpose of this Legislation:**

to approve \$1,875,231 from the UUFBS to replenish all 110 Chapters' emergency fund accounts; waiving 12 N.N.C. §820(O).

OLC No. 22-297-1

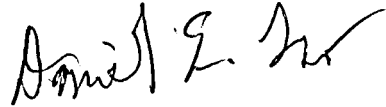
5-DAY BILL HOLD PERIOD: Johnson  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 12-11-22  
Eligible for Action: 12-12-22

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

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
24<sup>th</sup> NAVAJO NATION COUNCIL – Fourth Year, 2022

Introduced by:

(Prime Sponsor)



Tracking No. 0238-22

**AN ACTION**

**RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND  
FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO  
NATION COUNCIL; APPROVING \$1,875,231 FROM THE UNRESERVED,  
UNDESIGNATED FUND BALANCE ("UUF") TO REPLENISH THE 110  
CHAPTERS' EMERGENCY FUND ACCOUNTS; WAIVING 12 N.N.C. §820(O)**

BE IT ENACTED:

**SECTION ONE. AUTHORITY.**

- A. The Resources and Development Committee is a standing committee with oversight authority over the 110 Navajo Nation Chapters. 2 N.N.C. §500(C).
- B. The Navajo Nation established the Budget and Finance Committee is a standing committee with the authority to review and recommend to the Navajo Nation Council the management of all funds. 2 N.N.C. §164(A)(9); 2 N.N.C. §300(A), §301(B)(2).
- C. The Naabik'iyáti' Committee has the responsibility to review all final action by the Navajo Nation Council. 2 N.N.C. §164(A)(9); 2 N.N.C. §700(A).
- D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A). As such, the Council may approve supplemental appropriations 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

1 projections are projected and which are also in excess of the reserve amount set forth at  
2 §820(J).” 12 N.N.C. §820(L).

3 E. A “supplemental appropriation” is defined as: “[a]n appropriation of funds from the UUFB  
4 during the fiscal year, outside of the annual Comprehensive Budget Process.” See Section  
5 XIV.33 of the FY2023 Budget Instructions Manual.

6 F. The Title 12 restrictions on supplemental appropriations from the UUFB include:

7 1. Payment of recurring government operating expenses shall be from recurring revenues,  
8 and payment of nonrecurring expenses shall be from nonrecurring revenues such as UUFB  
9 funds. 12 N.N.C. §820(E), §820(F).

10 2. Specifically, the UUFB shall not be used for recurring government expenditures or  
11 operations. 12 N.N.C. §820(J), §820(L).

12 3. UUFB funds may be used only after the Controller determines whether or not such  
13 revenues are subsidizing an imbalance between the Navajo Nation’s recurring revenues  
14 and expenditures, and government expenditures shall only be authorized if a long-term  
15 (3-year to 5-year year) forecast shows that the operating deficit will not continue;  
16 otherwise, nonrecurring revenues are added to the UUFB account. 12 N.N.C. §820(F).

17 4. The above provisions in Title 12 may be amended or waived by a two-thirds vote of the  
18 full membership of the Navajo Nation Council. 12 N.N.C. §820(F), §880.

19 5. Pursuant to 12 N.N.C. §820(F) all UUFB funding requests must be reviewed by the  
20 Controller. Such review is also required because the Controller determines which  
21 revenues and expenses are recurring and which are non-recurring. 12 N.N.C. §820(L).

22 6. Pursuant to 12 N.N.C. §820(M) all UUFB funding requests must be submitted to the  
23 Office of Management and Budget (“OMB”) for a budget impact analysis.  
24

## 25 **SECTION TWO. FINDINGS**

26 A. Due to the heavy rainfall and snowfall expected for Winter 2022-23, all 110 Navajo Nation  
27 Chapters have a vital and urgent need to replenish their emergency funds accounts, so they  
28 all have the capacity to quickly respond to weather-related emergencies at the local level.

29 B. On behalf of the Chapters, the Division of Community Development (“DCD”) has submitted  
30 a Supplemental Funding Proposal Summary (BIM-Appendix K), requesting \$1,875,231

(rounded up) from the Unreserved, Undesignated Fund Balance to provide the Chapters sufficient funds to replenish each of their Emergency Fund accounts back to the established amount of \$25,000. **EXHIBIT A.**

C. A comprehensive list showing each Chapters' individual funding need is attached hereto as **EXHIBIT B.** If the requested \$1,875,231 is approved, the Chapters will receive different dollar amounts as shown in **EXHIBIT B**, but all 110 Chapters will end up with the same balance of \$25,000 in their Emergency Fund accounts.

D. On behalf of the Chapters, DCD has provided the required Navajo Nation Budget Forms, attached hereto as **EXHIBIT C.**

E. The Office of the Controller's memorandum required by 12 N.N.C. §820(L) is attached as **EXHIBIT D.** The Controller has indicated that the proposed expenditures are considered "non-recurring" expenses; therefore approval of the requested UUFB funds complies with 12 N.N.C. §820(E) and §820(F).

F. The Office of Management and Budget has provided a budget impact analysis as required by 12 N.N.C. §820(M), attached as **EXHIBIT E.**

### **SECTION THREE.**

A. The Navajo Nation hereby approves an appropriation of \$1,875,231 from the Unreserved, Undesignated Fund Balance for the 110 Navajo Nation Chapters Emergency Fund accounts. Each Chapter shall receive the designated dollar amount as shown in **EXHIBIT B**, so as to bring each Chapter's Emergency Fund account balance to \$25,000.

B. In accordance with 12 N.N.C. §820(J), this UUFB appropriation shall be from that amount of funds that exceeds the minimum fund reserve balance in the UUFB as determined by the Controller.

C. Pursuant to 12 N.N.C. §820(N), the UUFB funds approved herein shall not lapse at the end of Fiscal Year 2023, so long as each Chapter budgets these funds in the subsequent fiscal year for the same emergency purposes.

D. The Navajo Nation hereby waives 12 N.N.C. §820(O) (the Chapter 50/50 formula) to allow for this supplemental appropriation of UUFB funds to all 110 Chapters, in the dollar amounts specified in **EXHIBIT B.**

1   **SECTION FOUR. EFFECTIVE DATE**

2   The provisions of this Action shall become effective in accordance with 2 N.N.C. §221(B) and  
3   with 2 N.N.C. §164(A)(17).  
4

5   **SECTION FIVE. SAVINGS CLAUSE**

6   If any provision of this Action is determined invalid by the Supreme Court of the Navajo Nation  
7   or by any Navajo Nation District Court, without appeal to the Navajo Nation Supreme Court,  
8   the remainder of this Action shall remain valid as the law of the Navajo Nation.  
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# Appendix K

# EXHIBIT A

## THE NAVAJO NATION SUPPLEMENTAL FUNDING PROPOSAL SUMMARY

RECEIVED  
OCT 20 2022  
NAVJO NATION  
COMMUNITY DEVELOPMENT

PART I. Business Unit No.: 108014-108123 Program Title: Navajo Nation Chapter Emergency Funds  
Division/Branch: Community Development/Executive Amount Requested: \$1,875,230.64 Prepared By: Lydell Davis  
Phone No.: (928) 871-7246 Email Address: ldavis@nndcd.org

### PART II. REASON FOR REQUEST AND STATEMENT OF NEED:

Provide financial resources to the Navajo Nation Chapters that are in need of Emergency funding. Emergency funding will be used for seasonal emergencies allowing Chapters to provide protective measures and remediation. Replenishing Chapter Emergency budgets code 17 to support Chapters with disaster relief funds in the event of seasonal emergencies, such as the recent monsoon weather.

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

UUFB

### 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.

Pearl J. Johnson 10.26.22 [Signature] 28 OCT 22  
REVIEWED BY: Division Director's Signature / Date RECOMMEND SUPPLEMENTAL: Branch Chief's Signature / Date

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>Agency/Chapter</b>	<b>WIND Balances Month End 9/30/2022</b>	<b>\$25,000 Threshold</b>	<b>Amount Needed to bring Column B to \$25,000 threshold:</b>

**Central Agency**

Black Mesa	22,156.00	25,000.00	2,844.00
Blue Gap/Tachee	20,943.00	25,000.00	4,057.00
Chinle	-	25,000.00	25,000.00
Forest Lake	56,399.00	25,000.00	-
Hard Rock	31,392.00	25,000.00	-
Lukachukai	32,772.00	25,000.00	-
Many Farms	113.00	25,000.00	24,887.00
Nazlini	305.00	25,000.00	24,695.00
Pinon	-	25,000.00	25,000.00
Round Rock	6,354.00	25,000.00	18,646.00
Tsaile/Wheatfields	47,779.00	25,000.00	-
Tse Ch'izhi (Rough Rock)	20,900.00	25,000.00	4,100.00
Tselani/Cottonwood	18,525.00	25,000.00	6,475.00
Whippoorwill	8,876.00	25,000.00	16,124.00
<b>Total:</b>	<b>266,514.00</b>		<b>151,828.00</b>

**Wind System Balances as of 6/30/2022**

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>Agency/Chapter</b>	<b>WIND Balances Month End 9/30/2022</b>	<b>\$25,000 Threshold</b>	<b>Amount Needed to bring Column B to \$25,000 threshold:</b>

**Eastern Agency**

Alamo	11,817.00	25,000.00	13,183.00
Baahaali	6,110.00	25,000.00	18,890.00
Baca-Prewitt	3,721.00	25,000.00	21,279.00
Becenti	12,325.00	25,000.00	12,675.00
Casamero Lake	(80.00)	25,000.00	25,080.00
Chichiltah	15,635.00	25,000.00	9,365.00
Church Rock	(9,672.00)	25,000.00	34,672.00
Counselor	78,849.00	25,000.00	-
Crownpoint	(30,791.00)	25,000.00	55,791.00
Huerfano	11,236.00	25,000.00	13,764.00
Iyanbito	(16,195.00)	25,000.00	41,195.00
Lake Valley	2,278.00	25,000.00	22,722.00
Littlewater	(4,190.00)	25,000.00	29,190.00
Manuelito	4,482.00	25,000.00	20,518.00
Mariano Lake	14,036.00	25,000.00	10,964.00
Nageezi	1,858.00	25,000.00	23,142.00
Nahodishgish	13,078.00	25,000.00	11,922.00
Ojo Encino	20,876.00	25,000.00	4,124.00
Pinedale	935.00	25,000.00	24,065.00
Pueblo Pintado	20,876.00	25,000.00	4,124.00
Ramah	(4,044.00)	25,000.00	29,044.00
Rock Springs	25,202.00	25,000.00	-
Smith Lake	(14,092.00)	25,000.00	39,092.00
Thoreau	(99,689.00)	25,000.00	124,689.00
Tohajiilee	(67,286.00)	25,000.00	92,286.00
Torreón/Star Lake	14,844.00	25,000.00	10,156.00
Tsayatoh	2,880.00	25,000.00	22,120.00
Tse' li'Ahi (Standing Rock)	(6,437.00)	25,000.00	31,437.00
Tse Lichii (Red Rock)	1,648.00	25,000.00	23,352.00
White Horse Lake	4,131.00	25,000.00	20,869.00
White Rock	3,000.12	25,000.00	21,999.88
<b>Total:</b>	<b>17,341.12</b>		<b>811,709.88</b>



Wind System Balances as of 6/30/2022

A	B	C	D
Agency/Chapter	WIND Balances Month End 9/30/2022	\$25,000 Threshold	Amount Needed to bring Column B to \$25,000 threshold:

**Fort Defiance Agency**

Bahastl'ah' (Twin Lakes)	9,345.00	25,000.00	15,655.00
Cornfields	1.00	25,000.00	24,999.00
Coyote Canyon	8,166.00	25,000.00	16,834.00
Crystal	17,829.00	25,000.00	7,171.00
Dilkon	(46,802.00)	25,000.00	71,802.00
Fort Defiance	14,974.00	25,000.00	10,026.00
Ganado	1,020.00	25,000.00	23,980.00
Greasewood Springs	4,437.33	25,000.00	20,562.67
Houck	1,659.00	25,000.00	23,341.00
Indian Wells	5,574.50	25,000.00	19,425.50
Jeddito	7,370.41	25,000.00	17,629.59
Kin Dah Lichii (Kinlichee)	3,723.00	25,000.00	21,277.00
Klagetoh	25,803.00	25,000.00	-
Low Mountain	37.00	25,000.00	24,963.00
Mexican Springs	8,579.00	25,000.00	16,421.00
Nahata Dziil	25,954.00	25,000.00	-
Naschitti	13,156.00	25,000.00	11,844.00
Oak Springs	9,917.00	25,000.00	15,083.00
Red Lake #18	25,988.00	25,000.00	-
Sawmill	3,235.00	25,000.00	21,765.00
St. Michaels	42,206.00	25,000.00	-
Steamboat	8,098.00	25,000.00	16,902.00
Teesto	-	25,000.00	25,000.00
Tohatchi	454.00	25,000.00	24,546.00
Tse' Si Ani (Lupton)	4,360.00	25,000.00	20,640.00
White Cone	26,595.00	25,000.00	-
Wide Ruins	13,562.00	25,000.00	11,438.00

<b>Total:</b>	<b>235,241.24</b>		<b>461,304.76</b>
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**Wind System Balances as of 6/30/2022**

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>Agency/Chapter</b>	<b>WIND Balances Month End 9/30/2022</b>	<b>\$25,000 Threshold</b>	<b>Amount Needed to bring Column B to \$25,000 threshold:</b>

**Northern Agency**

Aneth	63,687.00	25,000.00	-
Beclabito	68,039.00	25,000.00	-
Cove	16,729.00	25,000.00	8,271.00
Gadii' Ahi/To'koi	29,949.00	25,000.00	-
Mexican Water	-	25,000.00	25,000.00
Nenahnezad	36,768.00	25,000.00	-
Newcomb	5,188.00	25,000.00	19,812.00
Red Mesa	10,027.00	25,000.00	14,973.00
Red Valley	69,273.00	25,000.00	-
Rock Point	4,496.00	25,000.00	20,504.00
San Juan	12,146.00	25,000.00	12,854.00
Shiprock	4,113.00	25,000.00	20,887.00
Teec Nos Pos	27,022.00	25,000.00	-
Tiis Tsoh Sikaad (Burnham)	6,361.00	25,000.00	18,639.00
Toadlena/Two Grey Hills	14,495.00	25,000.00	10,505.00
Tolikan (Sweetwater)	12,518.00	25,000.00	12,482.00
Tooh' Haltsooi (Sheep Springs)	12,209.00	25,000.00	12,791.00
Tse Alnaozt'ii (Sanostee)	27,260.00	25,000.00	-
Tse Daa Kaan (Hogback)	21,607.00	25,000.00	3,393.00
Upper Fruitland	23,321.00	25,000.00	1,679.00
<b>Total:</b>	<b>465,208.00</b>		<b>181,790.00</b>

Wind System Balances as of 6/30/2022

A	B	C	D
Agency/Chapter	WIND Balances Month End 9/30/2022	\$25,000 Threshold	Amount Needed to bring Column B to \$25,000 threshold:

**Western Agency**

Bodaway-Gap	12,700.00	25,000.00	12,300.00
Cameron	25,301.00	25,000.00	-
Chilchinbeto	13,696.00	25,000.00	11,304.00
Coalmine Canyon	15,585.00	25,000.00	9,415.00
Coppermine	-	25,000.00	25,000.00
Dennehotso	9,453.00	25,000.00	15,547.00
Kai' Bii To (Kaibeto)	(631.00)	25,000.00	25,631.00
Kayenta	32,567.00	25,000.00	-
LeChee	-	25,000.00	25,000.00
Leupp	371.00	25,000.00	24,629.00
Navajo Mountain	28,237.00	25,000.00	-
Oljato	57,749.00	25,000.00	-
Shonto	5,612.00	25,000.00	19,388.00
To' Nanees' Dizi'	-	25,000.00	25,000.00
Tolani Lake	1,136.00	25,000.00	23,864.00
Tonalea/Red Lake	20,900.00	25,000.00	4,100.00
Ts'ah Bii Kin (Inscription House)	1,470.00	25,000.00	23,530.00
Tsidii To'ii (Birdsprings)	1,110.00	25,000.00	23,890.00
<b>Total:</b>	<b>225,256.00</b>		<b>268,598.00</b>

**Grand TOTAL      1,209,560.36**

**1,875,230.64**

Agency	Amount Needed
Central Agency	151,828.00
Eastern Agency	811,709.88
Fort Defiance Agency	461,304.76
Northern Agency	181,790.00
Western Agency	268,598.00
<b>Grand Total:</b>	<b>1,875,230.64</b>

PART I. Business Unit No.: 108014-108123		Program Title: NN Chpater Emergency Replenishment Funds		Division/Branch: Division of Community Development/Executive	
Prepared By: Lydell Davis		Phone No.: (928) 871-7246		Email Address: ldavis@nndcd.org	
PART II. FUNDING SOURCE(S)		Fiscal Year /Term	Amount	% of Total	
UUF8		FY23	1,875,230.64	100%	
PART III. BUDGET SUMMARY					
		Fund Type Code	(A) NNC 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		1,875,231	1,875,231
		9000 Capital Outlay			
		9500 Matching Funds			
		9500 Indirect Cost			
TOTAL			\$0.00	1,875,230.64	1,875,231
PART IV. POSITIONS AND VEHICLES					
			(D)	(E)	
Total # of Positions Budgeted:				0	
Total # of Vehicles Budgeted:				0	
TOTAL: \$1,875,230.64					100%
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.					
SUBMITTED BY: Sonlata Jim-Marlin, ASC Department Manager II		APPROVED BY: Pearl Yellowman, Executive Director		Division Director / Branch Chief's Printed Name	
Program Manager's Printed Name		10/25/2022		Division Director / Branch Chief's Signature and Date	
Sonlata Jim-Marlin				Pearl Yellowman 10.26.22	

**PART I. PROGRAM INFORMATION:**

Business Unit No.: 108014-108123 Program Name/Title: NN Chipater Emergency Replenishment 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:**

	1st QTR		2nd QTR		3rd QTR		4th QTR	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Goal Statement: Secure NN Chapters with financial resource for community emergency response. Program Performance Measure/Objective: Implement emergency management plan with financial resources appropriated.	110				110			

2. Goal Statement:  Program Performance Measure/Objective:								
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3. Goal Statement:  Program Performance Measure/Objective:								
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4. Goal Statement:  Program Performance Measure/Objective:								
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5. Goal Statement:  Program Performance Measure/Objective:								
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**PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.**

Sonlata Jim-Martin, ASC Department Manager II  
Program Manager's Printed Name  
10/25/2022  
Program Manager's Signature and Date

Pearl Yellowman, Executive Director  
Division Director/Branch Chief's Printed Name  
10-26-22  
Division Director/Branch Chief's Signature and Date

<b>PART I. PROGRAM INFORMATION:</b> Program Name/Title: <u>NN Chpater Emergency Replenishment Funds</u> Business Unit No.: <u>108014-108123</u>			
<b>PART II. DETAILED BUDGET:</b>			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
8705	8000 ASSISTANCE  Chapter 8715 Grant Funds to assist the Chapters with monsoon relief efforts.  CNA Chapters      151,828.00 ENA Chapters      811,709.88 FDA Chapters      461,304.76 NNA Chapters      181,790.00 WNA Chapters      268,598.00 <hr/> 1,875,230.64	1,875,230.64	1,875,230.64
<b>TOTAL</b>		1,875,230.64	1,875,230.64

# THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT   MYRON LIZER | VICE PRESIDENT

## Memorandum:

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

From: Robert Willie, Accounting Manager  
Office of the Controller

Date: December 2, 2022

Subject: UUFB- NN Chapters Emergency Funds

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

1. The un-audited balance of the UUFB is \$22,165,889 as of October 31, 2022.
2. This request is for funding chapters to bring their emergency funds account back to \$25,000. A total amount needed is not given in the letter requesting the balance of the UUFB.
3. This request would be considered NON-RECURRING for funding level for emergency funds for the chapters.

If you should have any questions, you can contact me at tribal extension X6070.

# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT   MYRON LIZER | VICE PRESIDENT



## Memorandum:

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

From: Robert Willie, Accounting Manager  
Office of the Controller

Date: November 9, 2022

Subject: 0164-019704-UUFB- NN Chapters Emergency Funds - \$1,875,230.64

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

1. The un-audited balance of the UUFB is \$22,165,889 as of October 31, 2022.
2. This request is for a total of \$1,875,230.64 for the Navajo Nation Chapters Emergency Replenishment. Amounts are determined by the WIND system as of 09/30/22 and bringing the chapters up to the funding level of \$25,000. Funding will be utilized for emergency needs of the chapters. Request states that the funding will be used for seasonal emergencies allowing chapters to provide protective measures and remediation. The next line states to support chapters with disaster relief funds in the event of seasonal emergencies.
3. This request would be considered **Non-RECURRING** for preventive measures and providing emergencies funding needs for the Navajo Nation Chapters, however if this request is made each year it would become a recurring cost.

If you should have any questions, you can contact me at tribal extension X6070.



# THE NAVAJO NATION

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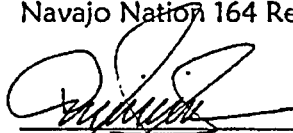
JONATHAN NEZ | PRESIDENT   MYRON LIZER | VICE PRESIDENT



## MEMORANDUM

TO: Navajo Nation 164 Reviewers

FROM:

  
Dominic Beyer, Executive Director  
Office of Management and Budget

DATE: December 1, 2022

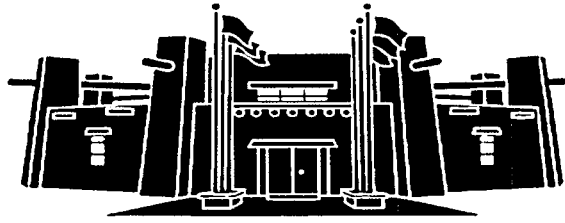
SUBJECT: Review of 164 document #019704, Division of Community Development for 110 Navajo Nation Chapters' emergency funds in amount of \$1,875,230.64 from UUFB.

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

1. Chapter Fund Balances from Navajo Nation FMIS or Navajo Nation Chapters' Wind System is as of 9/30/22, end of FY 2022. FY 2023 started October 1, 2022 and all Chapters were allocated General Funds. In previous years the Auditor General's office monitored Chapter expenditures and provided periodic reports. New Chapters expenditure is not available yet.
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-\$67,286, Thoreau-\$99,609, Smith Lake-\$14,092, Standing Rock-\$6,437, Ramah-\$4,044, Iyanbito-\$16,195, Crownpoint-\$30,791, Churchrock-\$9,672, and Dilkon-\$46,802. 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 \$55,399, Counselor \$78,849, Beclabito-\$68,039, St. Michaels \$42,206, and etc., there are others.

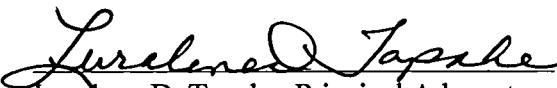
Contact OMB at (928) 871-6570 if there are any questions and/or concerns regarding this memorandum.

xc: OMB file  
DCD



## MEMORANDUM

To: Hon. Eugene Tso, Member  
Law & Order Committee  
24<sup>th</sup> Navajo Nation Council

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

Date: December 6, 2022

Subject: **AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; APPROVING \$1,875,231 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUF") TO REPLENISH THE 110 CHAPTERS' EMERGENCY FUND ACCOUNTS; WAIVING 12 N.N.C. §820(O)**

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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 regarding your request that were submitted to OLC, this legislation as drafted is legally sufficient. However, as with any action of government, this legislation may be subject to judicial review in the event of a legal challenge.

**Please review this legislation to make sure it is drafted to your satisfaction, and that all necessary and appropriate supporting documents have been provided and all attached Exhibits are correct.**

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. However, the Speaker may assign this legislation to any committee(s) other than those shown in the title, pursuant to his authority under 2 N.N.C. §164(A)(5).

If you find anything unacceptable, please let me know immediately and advise me of your desired changes. I can be reached at phone no. (928)871-7166 or by email at: [LuraleneTapahe@navajo-nsn.gov](mailto:LuraleneTapahe@navajo-nsn.gov)

Thank you for your cooperation.