

RESOLUTION OF THE
BUDGET AND FINANCE COMMITTEE
OF THE NAVAJO NATION COUNCIL

24TH NAVAJO NATION COUNCIL - Second Year, 2020

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE AND
BUDGET AND FINANCE COMMITTEE; RESCINDING BFAP-11-14, WHICH
IMPOSED SANCTIONS UPON THE DEPARTMENT MANAGER OF THE NAVAJO
DEPARTMENT OF WORKFORCE DEVELOPMENT; RELEASING ALL SALARY
PAYMENTS WITHHELD PURSUANT TO BFAP-11-14

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Department of Workforce Development is a department within the Navajo Nation Division of Human Resources. The Health, Education and Human Services Committee is the oversight committee for the Navajo Division of Human Resources. 2 N.N.C. § 400(C)(1).
- B. The Budget and Finance Committee is charged with receiving and approving audit reports from the Auditor General. 12 N.N.C. § 6(A) and 12 N.N.C. § 7(D). The Budget and Finance Committee also, "determines what action should be taken" after the follow-up review conducted by the Auditor General and based on any recommendations by the oversight committee. 12 N.N.C. § 7(I).

SECTION TWO. FINDINGS

- A. The Budget and Finance Committee approved the Navajo Department of Workforce Development's ("NDWD") Corrective Action Plan pursuant to Budget and Finance Committee resolution BFCF-03-09. "Accepting the Special Review of the Navajo Department of Workforce Development Submitted by the Office of the Auditor General and Approving the Corrective Action Plan Submitted by the Navajo Department of Workforce Development," on February 17, 2009, which is attached as **Exhibit A**.

- B. The Budget and Finance Committee imposed sanctions upon the NDWD Department Manager on April 1, 2014 through Resolution BFAP-11-14, "Accepting the Follow-Up Review of the Navajo Department of Workforce Development Corrective Action Plan Implementation and Imposing Sanctions Against the Department Manager." This resolution is attached as **Exhibit B**.
- C. The Office of the Auditor General's Plan of Operation provides, "[o]nce proof of implementation of the corrective action plan is demonstrated, the Auditor General shall immediately report this compliance to the Controller and, where applicable, the chapter government, who shall then release the withheld salary to the director of the program, division, enterprise or entity or to the chapter official." 12 N.N.C. § 9(C).
- D. To date, NDWD has been unable to successfully implement the corrective action plan. As a result, the Auditor General is not able to report its compliance to the Controller.
- E. The Department Manager, who was sanctioned in 2009, is no longer employed with the Navajo Nation and is unable to oversee the implementation of NDWD's corrective action plan. As a result, all payments withheld pursuant to Resolution BFAP-11-14 shall be returned.

SECTION THREE. RESCINDING BFAP-11-14, "ACCEPTING A FOLLOW-UP REVIEW OF THE NAVAJO DEPARTMENT OF WORKFORCE DEVELOPMENT CORRECTIVE ACTION PLAN IMPLEMENTATION AND IMPOSING SANCTIONS AGAINST THE DEPARTMENT MANAGER"

The Navajo Nation hereby rescinds BFAP-11-14, which imposed sanctions on the Department Manager of NDWD.

SECTION FOUR. DIRECTIVE TO THE OFFICE OF THE AUDITOR GENERAL TO CONDUCT A FOLLOW-UP REVIEW


The Navajo Nation hereby directs the Office of the Auditor General to conduct a follow-up review upon NDWD within six months from the date this resolution is approved and to make recommendations to the oversight committee and to the Budget and Finance Committee.

SECTION FIVE. DIRECTIVE TO THE OFFICE OF THE CONTROLLER TO
RETURN PAYMENTS HELD PURSUANT TO BFAP-11-14

The Office of the Controller is directed to release all salary payments withheld pursuant to BFAP-11-14 to all individuals impacted by BFAP-11-14 at the earliest possible pay cycle after the approval of this legislation.

CERTIFICATION

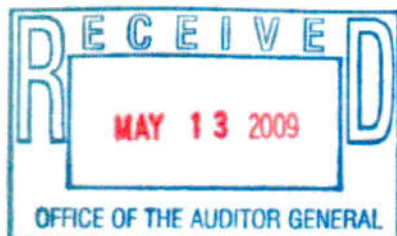
I, hereby, certify that the foregoing resolution was duly considered by the Budget and Finance Committee of the Navajo Nation Council at a duly called meeting held at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 3 in favor and 0 opposed, this 21st day of January 2020.

A handwritten signature in blue ink, appearing to read 'J. Henio', with a horizontal line extending to the right.

Jamie Henio, Chairperson
Budget and Finance Committee

Motion: Honorable Elmer P. Begay
Second: Honorable Amber K. Crotty

BFCF-03-09



**RESOLUTION OF THE
BUDGET AND FINANCE COMMITTEE
OF THE NAVAJO NATION COUNCIL**

21ST NAVAJO NATION COUNCIL – THIRD YEAR, 2009

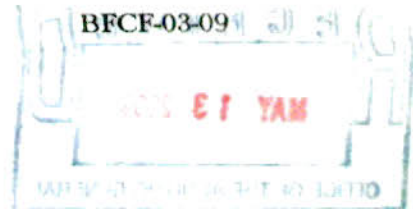
AN ACTION

RELATING TO FINANCE; ACCEPTING THE SPECIAL REVIEW OF THE NAVAJO DEPARTMENT OF WORKFORCE DEVELOPMENT SUBMITTED BY THE OFFICE OF THE AUDITOR GENERAL AND APPROVING THE CORRECTIVE ACTION PLAN SUBMITTED BY THE NAVAJO DEPARTMENT OF WORKFORCE DEVELOPMENT

BE IT ENACTED:

1. The Navajo Nation hereby accepts Audit Report No. 08-27, the Special Review of the Navajo Department of Workforce Development, and approves the Navajo Department of Workforce Development corrective action plan, hereto attached as Exhibits A and B, respectively.
2. The Navajo Nation hereby directs that copies of the Navajo Department of Workforce Development corrective action plan be provided to the Office of the President/Vice-President, and the Human Services Committee, as part of their oversight responsibilities for the Navajo Department of Workforce Development.
3. The Navajo Nation hereby directs the Navajo Department of Workforce Development to submit a written status report on their progress in implementation of the corrective action plan to the Office of the Auditor General six months after the approval of this resolution.
4. The Navajo Nation hereby directs the Office of the Auditor General to review the written status report to be submitted by the Navajo Department of Workforce Development and report to the Human Services Committee, as well as the Budget and Finance Committee.
5. The Navajo Nation hereby directs the Office of the Auditor General to conduct a follow-up review twelve months after the approval of this resolution to verify actions claimed to have been taken by the Navajo Department of Workforce Development, to issue a written follow-up report indicating the Navajo Department of Workforce Development progress in implementing the corrective action plan, and to make recommendations to the Human Services Committee, as well as the Budget and Finance Committee.

CERTIFICATION



I hereby certify that the foregoing resolution was duly considered by the Budget and Finance Committee of the Navajo Nation Council at a duly called meeting held at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 6 in favor, 0 opposed, this 17th day of February, 2009

LoRenzo C. Bates, Chairman
Budget and Finance Committee

Motion: Hoskie Kee
Second: Ralph Bennett, Jr.

BFAP-11-14

RESOLUTION OF THE
BUDGET AND FINANCE COMMITTEE
OF THE NAVAJO NATION COUNCIL

22ND NAVAJO NATION COUNCIL - Fourth Year, 2014

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE;
ACCEPTING THE FOLLOW UP REVIEW OF THE NAVAJO DEPARTMENT OF
WORKFORCE DEVELOPMENT CORRECTIVE ACTION PLAN IMPLEMENTATION AND
IMPOSING SANCTIONS AGAINST THE DEPARTMENT MANAGER IN ACCORDANCE
WITH 12 N.N.C. SECTIONS 9(B) AND (C) FOR FAILURE TO IMPLEMENT
THE CORRECTIVE ACTION PLAN

BE IT ENACTED:

1. The Navajo Nation hereby accepts the Follow Up Review of the Navajo Department of Workforce Development Correction Action Plan Implementation, attached hereto as Exhibit A, which was implemented pursuant to BFCF-03-09, attached hereto as Exhibit B.
2. The Navajo Nation hereby imposes sanctions against the Department Manager for failure to implement the Corrective Action Plan in accordance with 12 N.N.C. §§ 9(B) and 9(C).

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Budget and Finance Committee of the Navajo Nation Council at a duly called meeting held at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 3 in favor, 2 opposed, this 1st day of April, 2014.


LoRenzo C. Bates, Chairperson
Budget and Finance Committee

BUDGET AND FINANCE COMMITTEE

21 January 2020

Regular Meeting

VOTE TALLY SHEET:

Legislation No. 0368-19: An Action Relating to Health, Education and Human Services Committee and Budget and Finance Committee; Rescinding BFAP-11-14, Which Imposed Sanctions Upon the Department Manager of the Navajo Department of Workforce Development; Releasing All Salary Payments Withheld Pursuant to BFAP-11-14 *Sponsored by Vince James, Council Delegate*

Motion: Elmer P. Begay

Second: Amber K. Crotty

Vote: 3-0, Chairman not voting with 1 Amendment

Vote Tally:

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

Absent: Jimmy Yellowhair, Raymond Smith, Jr.



Jamie Henio, Chairman
Budget & Finance Committee



Peggy Nakai, Legislative Advisor
Budget & Finance Committee