

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

24TH NAVAJO NATION COUNCIL - First Year, 2019

AN ACT

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND THE BUDGET AND
FINANCE COMMITTEE; A RECOMMENDATION BY THE OVERSIGHT COMMITTEE
TO THE BUDGET AND FINANCE COMMITTEE TO VACATE CERTAIN
CONDITIONS OF APPROPRIATION (COA'S) AS THEY PERTAIN TO UPDATES
OF CERTAIN PLANS OF OPERATION FOR PROGRAMS WITHIN THE
LEGISLATIVE BRANCH AS REQUIRED IN CS-68-18, NAVAJO NATION
COMPRHENSIVE BUDGET FOR FISCAL YEAR 2019 AND ACCEPTANCE BY THE
BUDGET AND FINANCE COMMITTEE OF THE OVERSIGHT COMMITTEE
RECOMMENDATION

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council and exercises oversight over the offices, programs, commissions, boards or task forces under the Legislative Branch of the Navajo Nation Government. 2 N.N.C. § 701(A)(5).
- B. The Budget and Finance Committee has the authority to review and recommend to the Navajo Nation Council the budgeting, appropriation, investment and management of all funds. 2 N.N.C. § 301(B)(2).

SECTION TWO. FINDINGS

- A. The Navajo Nation Comprehensive Budget for Fiscal Year 2019, CS-68-18, established a Condition of Appropriation, COA-No. 1, requiring all Departments and Programs who's plan of operations which have been identified, to present to their respective oversight committees amendments to their respective plans of operation and to bring the plans of operation up-to-date by the end of the 2nd quarter. See Exhibit No. 1.

- B. The programs within the Legislative Branch affected by this COA-No.1, include the following: Office of the Speaker, Office of Legislative Counsel, Office of Navajo Government Development, Election Administration Office, Navajo Board of Supervisors, Black Mesa Review Board, Office of Auditor General, Navajo-Hopi Land Commission, Commission on Emergency Management, Eastern Navajo Land Commission and the Navajo Nation Human Rights Commission. See Exhibit No. 1.
- C. The statutory authorities that represent the plans of operation for many of these programs continue to be legally sufficient for continued operation of the programs and do not need to be changed for the sake of change.
- D. In those cases where the statutory authorities representing plans of operation for programs needing revision, such change in many cases requires action by the Navajo Nation Council in regular session which occurs only four times a year. 2 N.N.C. § 162.
- E. The legal requirements make timely compliance by many of the programs listed both impractical and infeasible to fulfill at this point in time.
- F. In the matter of noncompliance with a Condition of Appropriation the following procedure applies (per CS-68-18 Exhibit 1, See Exhibit No. 1):

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:

- a) Implement a freeze on the program's expenditure of travel funds, or withhold up to 10 percent of the program director's gross salary,
 - b) Extend the time period for the program to fulfill the condition, or
 - c) Vacate the condition if it is infeasible for the programs to fulfill.
- G. The Naabik'íyáti' Committee as oversight of the Legislative Branch programs so affected finds it to be in

the best interest of the Navajo Nation to recommend to the Budget and Finance Committee that the Condition of Appropriation No. 1 (COA-1) be vacated as infeasible for those programs whose plans of operation are statutorily established.

- H. The Budget and Finance Committee finds it to be in the best interest of the Navajo Nation to accept the recommendation of the Naabik'íyáti Committee as oversight of the Legislative Branch programs whose plans of operation are statutorily established and so affected and vacate COA-1.

SECTION THREE. APPROVAL

The Budget and Finance Committee of the Navajo Nation Council accepts the recommendation of the Naabik'íyáti' Committee as oversight of the Legislative Branch programs so affected and hereby vacates COA-1 as infeasible for those programs within the Legislative Branch whose plans of operation are statutorily established.

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 LeChee, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 5 in favor and 0 opposed, this 5th day of November 2019.



Jamie Henio, Chairperson
Budget and Finance Committee

Motion: Honorable Nathaniel Brown
Second: Honorable Jimmy Yellowhair



FY 2019
CONDITION OF APPROPRIATIONS

Exhibit I
to CS-68-18

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

RESULT for noncompliance with the following Conditions of Appropriation (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:
 - a) implement a freeze on the program's expenditure of travel funds, or withhold up to 10 percent of the program director's gross salary,
 - b) extend the time period for the program to fulfill the condition, or
 - c) 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 No. 1

All Departments and Programs whose plans of operation, which have been identified to be updated in Exhibit I-1, shall present to their respective oversight committees amendments to their respective plans of operation and to bring the plans of operation up-to-date by the end of the 2nd quarter.

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: Affected Departments and Programs

Condition of Appropriation No. 2

The Chief of Staff, Office of the President, BU #103001, by the end of the first quarter, shall conduct a salary study on how to bring the Office of Hearings and Appeals' Hearing Officer's salary commensurate with Navajo Nation judges.

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 10% of the Chief of Staff's gross salary. If this Condition of Appropriation is not complied with by the end of the stated quarter the withholding will be forfeited.

Responsible Entity: Chief of Staff, Office of the President and Vice-President

Condition of Appropriation No. 3

The Hazardous Substance Program, BU #511007, by the end of the first quarter, shall develop a plan to address the prevention of unauthorized transport of uranium across the Navajo Nation.

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 10% of the program director's gross salary. If this Condition of Appropriation is not complied with by the end of the stated quarter the withholding will be forfeited.

Responsible Entity: Program Manager, Hazardous Substance Program

Condition of Appropriation No. 4

The Air & Toxic Program, BU #111002, by the end of the first quarter, shall develop a plan to construct or place an additional 10 air monitoring stations across the Navajo Nation.

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 10% of the program director's gross salary. If this Condition of Appropriation is not complied with by the end of the stated quarter the withholding will be forfeited.

Responsible Entity: Program Manager, Air Quality Program

Condition of Appropriation No. 5

The Tourism Department, BU #510003, in coordination with the Parks and Recreation Department, by the end of the second quarter, shall develop a revised Plan of Operation with an emphasis on economic development and tourism.

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: Program Manager, Tourism Department

Condition of Appropriation No. 6

The Water Resources Program, BU #115011, by the end of the first quarter, shall develop a plan to repair or replace windmills and to repair earthen dams, at each quarter shall report on the location of the repaired or replaced windmills and the location of the repaired earthen dams, and shall establish a quarterly goal of the number of repaired or replaced windmills and repaired earthen dams. The plan and report shall be given to the Resources and Development Committee and the Budget and Finance Committee.

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: Water Resources Program

Condition of Appropriation No. 7

The Navajo Nation Environmental Protection Agency BU #111001, BU #111002, BU #111004, and BU #111014, by the end of the first quarter, shall prioritize completion of the "tribal environmental plan" and NNEPA departments and programs are directed to collaborate with all stakeholders including other essential Navajo Nation, Federal, and State offices.

If this Condition of Appropriation is not complied with by the end of the stated quarter, the Office of the Controller and the Office of Management and Budget, by Oversight Committee Resolution, shall withhold 10% of the Navajo Nation Environmental Protection Agency General Assistance Program Manager's gross salary. If this Condition of Appropriation is not complied with by the end of the stated quarter, withholding will be forfeited.

Responsible Entity: Navajo Nation Environmental Protection Agency General Assistance Program Manager

Condition of Appropriation No. 8

All LGA-Certified Chapters of the Navajo Nation, by the end of the second quarter of Fiscal Year 2019, shall commence their respective Chapter audit if the chapter has not completed such within the past 2 years prior to September 30, 2018.

If this Condition of Appropriation is not complied with by the end of each quarter stated, the Office of the Controller and Office of Management and Budget, by Oversight Committee Resolution, shall withhold 10% of the Chapter Services Coordinator/Chapter Administrator or Chapter Manager's salary. If this Condition of Appropriation is not complied with by the end of each stated quarter, the withholding will be forfeited.

Responsible Entity: Chapter Services Coordinator/Chapter Administrator or Chapter Manager

Condition of Appropriation No. 9

All non-LGA-Certified Chapters of the Navajo Nation, prior to the disbursement of Fiscal Year 2019 appropriations, shall present a Chapter budget to the Division of Community Development and the Office of the Controller.

If this Condition of Appropriation is not complied with by the time stated, the Office of the Controller and Office of Management and Budget, by Oversight Committee Resolution, shall not disperse the Chapter's FY 2019 appropriation and shall freeze the Community Services Coordinator's travel funds until the condition is met.

Responsible Party: Community Services Coordinator

Condition of Appropriation No. 10

All LGA-Certified Chapters of the Navajo Nation, prior to the disbursement of Fiscal Year 2019 appropriations, shall present a Chapter budget to the Division of Community Development and the Office of the Controller.

If this Condition of Appropriation is not complied with by the time stated, the Office of the Controller and Office of Management and Budget, by Oversight Committee Resolution, shall not

disperse the Chapter's FY 2019 appropriation and shall freeze the Chapter Services Coordinator/Chapter Administrator or Chapter Manager's travel funds until the condition is met.

Responsible Entity: Chapter Services Coordinator/Chapter Administrator or Chapter Manager

The Navajo Nation



Nabikiyati Committee Fiscal Year 2020 Budget Hearings

Legislative Branch

Navajo Nation OMB Report

July 18, 2019



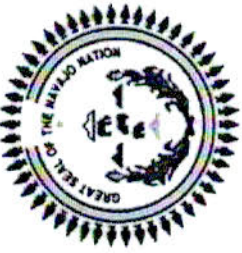


Table of Contents



- A. FY 2020 Fund Type Budget Summary
- B. FY 2019 Budget Status Report
- C. FY 2019 Performance Assessment Report
- D. FY 2019 Plans of Operation Status Report
- E. FY 2019 Condition of Appropriation Summary Report
- F. FY 2019 External Funds Expenditure Report
- G. FY 2018 External Funds Single Audit Report (None)





D. FY 2019 Plans of Operation Status Report



**NAVAJO NATION
PLANS OF OPERATION REPORT
FY 2019 2nd Quarter**

LEGISLATIVE BRANCH

#	Business Unit Number	Program Title	Statutory Reference	Year Adopted
1	101001	Navajo Nation Council	CAP-10-11	2011
2	101003	Budget & Finance Committee	CAP-10-11 / 2 NNC \$300	2011
3	101014	Navajo Nation Labor Commission	LOCMY-01-14	2014
4	101015	Office of the Speaker	CD-68-89 / 2 NNC \$281	1989
5	101016	Office of Navajo Government Development	CO-37-07 / 2 NNC \$970-978	2007
6	101017	Office of Legislative Counsel	CF-3-89 / 2 NNC \$960	1989
7	101018	Navajo Utah Commission	NABIAP-21-15	2015
8	101019	Office of Legislative Services	CO-52-13	2013
9	101020	Ethics & Rules Office	LOCJA-02-13	2013
10	101021	Election Administration Office	CD-68-89 / 2 NNC \$876	1989
11	101022	Navajo Board of Election Supervisors	CD-68-89 / 2 NNC \$871	1989
12	101023	Black Mesa Review Board	ACS-178-89 / 2 NNC \$851	1989
13	101024	Office of the Auditor General	CD-80-02	2002
14	101025	Navajo/Hopi Land Commission	CD-68-89 / 2 NNC \$851	1989
15	101026	Commission on Emergency Management	CJY-51-90 / 2 NNC \$881	1990
16	101027	Eastern Navajo Land Commission	CAP-11-08 / 2 NNC \$861	2008
17	101028	Office of the Eastern Navajo Land Commission	IGRAP-64-04	2004
18	101029	NN Human Rights Commission	CJN-15-08	2008
19	101030	Health, Education & Human Services Committee	CAP-10-11 / 2 NNC \$400	2011
20	101031	Resources & Development Committee	CAP-10-11 / 2 NNC \$500	2011
21	101032	Law & Order Committee	CAP-10-11 / 2 NNC \$600	2011
22	101033	Nabi ki yati Committee	CAP-10-11 / 2 NNC \$700	2011
23	101034	OLS/Legislative District Assistants	NABIMY-38-16	2016
24	901001	Navajo Nation Code Enterprise	CF-3-89 / 2 NNC \$960-964	1989

NOTE: Full copies of this report are updated/disseminated each quarter

NAVAJO NATION **PLANS OF OPERATION REPORT** **FY 2019 2nd Quarter**

NAVAJO NATION COUNCIL RESOLUTIONS - LEGISLATIVE BRANCH

CD-68-89 Amending Title Two (2) of the Navajo Tribal Code and Related Actions
CO-37-07 Relating to Legislative Branch; Approving the Navajo Government Development Act of 2007; Amending 2 NNC §§970-978
CF-3-89 Establishing the Office of Legislative Counsel and Office of Special Prosecutor
CD-80-02 Amending the Plan of Operation for the Office of the Auditor General 12 NNC §1 et. Seq.
CJY-51-90 Amending the Plan of Operation for the Commission on Emergency Management and Amending Title 2 of the Navajo Tribal Code to allow for the Establishment of the Commission on Emergency Management
CJN-15-08 Relating to Intergovernmental Relations; Approving the Navajo Nation Human Rights Commission Plan of Operation
CAP-10-11 An Act relating to the NNC.; Amending certain sections of the Navajo Nation Code, Title 2 §§ 101 and 836, to confirm to the establishment of the 24 member NNC by making revisions to the legislative process and the standing committee structure.

CAP-11-08 Relating to Gov't Services, Resource and Intergovernmental Relations; Amending 2 NNC §§861-865 to Change the Eastern Navajo Land and Commission Plan of Operation.
CO-52-13 Relating to Law and Order and Naabik'iyati; Amending 2 N.N.C. §§ 953 ETSEQ, The Office of Legislative Services
NABIMY-38-16 Relating to Naabik'iyati' committee; approving the Plan of Operation for the Legislative District Assistants program within the Legislative Branch.
NABIAP-21-15 Relating to the Naabik'iyati Committee; Amending IGRMA-38-99 the Plan of Operation for the Navajo Utah Commission to place all three NN Council Delegates representing Utah Navajo Nation Chapters on the Navajo Utah Commission and to replace the Intergovernmental Relations Committee with the Naabik'iyati Committee in the Navajo Utah Commission Plan of Operation

ADVISORY (defunct) / IGR (defunct) COMMITTEE RESOLUTIONS - LEGISLATIVE BRANCH

IGRAP-64-04 Adopting the Plan of Operation for the Office of the Eastern Navajo Land Commission
ACS-178-89 Approving a Revised Plan of Operation for the Black Mesa Review Board and Amending Title 2 NNC§ 3671-3676 to confirm with the New Plan of Operation

LAW AND ORDER COMMITTEE RESOLUTIONS - LEGISLATIVE BRANCH

LOC-JA-02-13 Relating to Law and Order; Amending The Plan of Operation for the Navajo Nation Ethics and Rules Office
LOCMY-01-14 Relating to Law & Order: Amending Plan of Operation for Navajo Nation Labor Commission

NOTE: Full copies of this report are updated/disseminated each quarter



E. FY 2019 Condition of Appropriation Summary Report



FY 2019
Conditions of Appropriation
Summary Information

COA	CONDITION/ASSIGNED DEPARTMENT	BUSINESS UNIT	DUE DATE	2nd QTR RESPONSE(S)	STATUS
COA #1	All Departments & Programs whose plans of operation, which have been identified to be updated in Exhibit I-1, shall present to their respective oversight committees amendments to their respective plans of operation and to bring the plans of operation up-to-date by the end of the 2nd quarter.		End of 2nd Qtr.		
	Responsible Entity: Appropriate Divisions (Written responses submitted to OMB for COA #1)				
	Legislative Branch				
	Office of the Speaker			NR	Non-Compliance
	Office of Legislative Counsel			NR	Non-Compliance
	Office of Navajo Government Development			NR	Non-Compliance
	Election Administration Office			NR	Non-Compliance
	Navajo Board of Election Supervisors			NR	Non-Compliance
	Black Mesa Review Board			NR	Non-Compliance
	Office of Auditor General			✓	Non-Compliance
	Navajo-Hopi Land Commission			✓	Non-Compliance
	Commission on Emergency Management			NR	Non-Compliance
	Eastern Navajo Land Commission			NR	Non-Compliance
	Office of the Eastern Navajo Land Commission			NR	Non-Compliance
	Navajo Nation Human Rights Commission			NR	Non-Compliance

Tuesday

BUDGET AND FINANCE COMMITTEE

5 November 2019

Regular Meeting

VOTE TALLY SHEET:

Legislation No. 0253-19: An Act Relating to the Naabikiyati Committee and Budget and Finance Committee; A Recommendation by the Oversight Committee to the Budget and Finance Committee to Vacate Certain Conditions of Appropriation (COA's) as they Pertain to Updates of Certain Plans of Operation for Programs within the Legislative Branch as Required in CS-68-18, Navajo Nation Comprehensive Budget for Fiscal Year 2019 and Acceptance by the Budget and Finance Committee of the Oversight Committee Recommendation *Sponsored by Raymond Smith, Jr., Council Delegate*

Motion: Nathaniel Brown

Second: Jimmy Yellowhair

Vote: 5-0, Chairman not voting

Vote Tally:

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



Jamie Henio, Chairman
Budget & Finance Committee



Peggy Nakai, Legislative Advisor
Budget & Finance Committee