



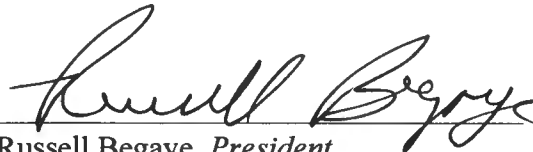
THE NAVAJO NATION

RUSSELL BEGAYE **PRESIDENT**
JONATHAN NEZ **VICE PRESIDENT**

MEMORANDUM

TO: Honorable LoRenzo Bates, Speaker
Navajo Nation Council

FROM:


Russell Begaye, *President*
THE NAVAJO NATION

DATE: May 7, 2018

SUBJECT: Resolution No. CAP-34-18. An Action Relating To Health, Education And Human Services, Budget And Finance, Naabik'iyati', And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of Two Hundred Thirty-Four Thousand, Five Hundred Thirty-Eight Dollars (\$234,538.00) To The Department Of Diné Education To Maintain The Navajo Education Information System

Pursuant to 2 N.N.C. 1005 (C)(10), action for Resolution No. CAP-34-18 is being submitted to the Navajo Nation Council, through the Office of the Speaker within the ten (10) days requirement. Furthermore, the Navajo Nation President has line item veto authority for budget items within the Supplemental Appropriations, which are not subject to override by the Navajo Nation Council. 2 N.N.C. 164 (A)(17).

After thorough review of Resolution No. CAP-34-18, I hereby exercise my line-veto to:

1. **Section Four. Approving Supplemental Appropriation from the Unreserved, Undesignated Fund Balance in the Amount Of \$234,538.00 to the Navajo Nation Department Of Diné Education in order to maintain the Navajo Education Information System**
2. **EXHIBIT "A". SUPPLEMENTAL FUNDING PROPOSAL SUMMARY. PART I. Amount Requested: \$234,538.**
3. **EXHIBIT "A". PROGRAM BUDGET SUMMARY PART III. BUDGET SUMMARY: 3000 Travel Expenses in the amount of 8,500; 4000 Supplies; 6000 Repairs and Maintenance in the amount of 85,038.**

5. **EXHIBIT "A". DETAILED BUDGET AND JUSTIFICATION, PART II. DETAILED BUDGET: 3000 TRAVEL EXPENSES in the amount of 8,500; 3230 Travel Expenses in the amount of 6,500; 3240 Per Diem Meals in the amount of 2000; 3250 Lodging in the amount of 2000; 3260 POV Mileage in the amount of 2000; 3290 Travel in the amount of 500; 3310 Air in the amount of 2,000; 3320 Commercial in the amount of 2,000; 4230 Non-Cap Computer Equipment in the amount of 60,000; 4410 Operating Supplies in the amount of 33,000; 4440 Non-Cap Computer Software in the amount of 28,000; 4530 Printing/Binding/Photocopying in the amount of 5,000.**
6. **EXHIBIT "A". DETAILED BUDGET AND JUSTIFICATION. PART II. DETAILED BUDGET: 6500 CONTRACTUAL SERVICES in the amount of 85,038; Contractual services for internet, service maintenance, infrastructure design, software development, website maintenance, and other professional services to maintain secure internet/data/data sharing service in the amount of 85,038; 6520 Consulting in the amount of 85038.**

The Navajo Nation President has line item veto authority for budget items within the annual Navajo Nation Comprehensive Budget or Supplemental Appropriations, which are not subject to override by the Navajo Nation Council. 2 N.N.C. 164 (A)(17). The justification and details for use of the President's line-item veto are set forth below:

First, the budget is incorrect as it appropriates 85,038 to the Repairs and Maintenance in BUDGET FORM 1 and 85,063 to CONTRACTUAL SERVICES in BUDGET FORM 4. Thirdly, UUFB monies are needed to prepare and address the impending drought and other unforeseeable emergencies. As the President of the Navajo Nation, I must protect to the best present and future interests of the Navajo People to the best of my ability.

Therefore, I must exercise my line-item veto authority.

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL -- Fourth Year, 2018

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE, NAABIK'ÍYÁTI', AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF TWO HUNDRED THIRTY-FOUR THOUSAND, FIVE HUNDRED THIRTY-EIGHT DOLLARS (\$234,538.00) TO THE DEPARTMENT OF DINÉ EDUCATION TO MAINTAIN THE NAVAJO EDUCATION INFORMATION SYSTEM AND WAIVING 12 N.N.C. §820 (E) AND (F)

BE IT ENACTED:

Section One. Authority

- A. The Navajo Nation established the Health, Education and Human Services Committee as a Navajo Nation Council standing committee and as such gave the Committee oversight over matters impacting the health of the Navajo Nation and its tribal organizations, entities, and enterprises. 2 N.N.C. § 401(B)(1).
- B. The Navajo Nation established the Budget and Finance Committee (BFC) as a Navajo Nation Council standing committee and as such empowered BFC to review and recommend to the Navajo Nation Council the management of all funds. 2 N.N.C. §§ 164 (A)(9), 300 (A), 301 (B)(2).
- C. The Navajo Nation Council established the Naabik'íyáti' Committee as a Navajo Nation standing committee and as such proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee. 2 N.N.C. §§ 164 (A)(9), 700 (A).

Section Two. Findings

- A. The Title 12 Finance Act Supplemental Appropriation requirements include:
 - 1. Pursuant to 12 N.N.C. § 820(L), when the Controller identifies additional sources of revenues above and beyond the initial or current revenue projections, supplemental appropriations may be allocated by the Navajo Nation Council.
 - 2. Pursuant to 12 N.N.C. § 820 (L), "Supplemental appropriations made from non-recurring revenues shall

only be made for non-recurring operations or purposes, as set forth at § 820 (F). The Controller of the Navajo Nation shall be responsible for designating recurring and non-recurring revenues and purposes."

3. Pursuant to 12 N.N.C. § 820(M), all requests for annual operating funds and supplemental funds shall be submitted to the Office of Management and Budget ("OMB") for budget impact analysis.
- B. This is a funding request for a supplemental appropriation from the Unreserved, Undesignated Fund Balance in the amount of \$234,538.00.
- C. The Navajo Nation Department of Diné Education has requested this funding to maintain the Navajo Education Information System ("NEIS"). See **Exhibit A**.
- D. The Navajo Department of Diné Education will use the supplemental funding for supplies, personnel training, internet connectivity and contractual services. *Id.*
- E. The NEIS requires internet connection in order to avoid data alteration, computer viruses, hacking, breaks in connectivity and computer malfunction. *Id.*
- F. Supplemental funding is needed to avoid using lower-quality computers and software to store student and education data which may not be Family Educational Rights and Privacy Act ("FERPA") compliant. *Id.*
- G. The supplemental funding request forms are attached as **Exhibit A**.
- H. The Office of Management and Budget has been informed of this request in order to provide a Budget Impact Analysis as required by 12 N.N.C. § 820(M).
- I. The Office of the Controller has provided a memorandum dated April 13, 2018, indicating the balance in the Unreserved, Undesignated Fund Balance as of April 11, 2018 is \$10,073,560. This memorandum is provided to meet the requirements of 12 N.N.C. 820 (L); the Controller of the Navajo Nation has designated the funds as recurring. This memorandum is attached as **Exhibit B**.
- J. The Navajo Nation finds it in the best interest of the Navajo people to approve this supplemental appropriation request.

Section Three. Approving the Waiver of 12 N.N.C. §820 (E) and (F).

With the Controller's designation of this appropriation as a recurring cost, the Navajo Nation waives 12 N.N.C. §820 (E) and (F) regarding the restriction on recurring and non-recurring costs.

Section Four. Approving the Supplemental Appropriation from the Unreserved, Undesignated Fund Balance in the Amount of \$234,538.00 to the Navajo Nation Department of Diné Education in order to maintain the Navajo Education Information System

- A. This supplemental appropriation of \$234,538.00 shall be from that amount of funds that exceeds the minimum fund balance of the Unreserved, Undesignated Fund Balance as determined by the Office of the Controller and to Business Unit Number 109001.
- B. The Navajo Nation hereby approves the supplemental appropriation from the Unreserved, Undesignated Fund Balance to the Navajo Nation Department of Diné Education for Business Unit 109001 for \$234,538.00.

Section Five. Effective Date

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

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 17 in favor and 04 opposed, on this 17th day of April 2018.



LoRenzo C. Bates, Speaker
23rd Navajo Nation Council

4-27-18

Date

Motion: Honorable Nelson S. BeGaye
Second: Honorable Kee Allen Begay, Jr.

Speaker Bates not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (c)(10), on this _____ day of _____ 2018.

Russell Begaye, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (c)(11), on this _____ day of _____ 2018 for reason(s) expressed in the attached letter to the Speaker

Russell Begaye, President
Navajo Nation

3. I hereby exercise line item veto pursuant to the 2010, certified Initiative, over the supplemental appropriations approved herein by the Navajo Nation Council; on this 7th day of May 2018.



Russell Begaye, President
Navajo Nation

**THE NAVAJO NATION
SUPPLEMENTAL FUNDING PROPOSAL SUMMARY**

PART I. Business Unit No.: 109001 **Program Title:** Department of Diné Education-Administration
Division/Branch: Executive/Education **Amount Requested:** \$234,538 **Phone No.:** 928-871-7475
Prepared By: Joseph Kaulaity, Accountant **Email Address:** JosephKaulaity@nndode.org

PART II. REASON FOR REQUEST AND STATEMENT OF NEED:

In Fiscal Year 2017, Department of Diné Education received a one-time supplemental funding request NEIS award of \$300,000. That money was used for NEIS services to DODE including computer networking, internet connectivity, computer repair and maintenance, server repair and maintenance, computer/server equipment, software subscriptions/renewals, a Systems and Programming Manager permanent position, and consulting for arising computer issues and maintenance. In Fiscal Year 2018, that award was not included in the FY2018 President's recommended budget. DODE included the Systems and Programming Manager position into a permanent position housed with Administration, which took a cut into our operating budget.

PART III. CONTINGENCY PLAN IF REQUEST IS NOT FUNDED:

If not granted, DODE will perform advanced technology functions with public internet and computer services. These services will be vulnerable to data alteration, computer viruses, hacking, breaks in internet connectivity, malfunction of computer software like Microsoft Outlook and Word. Also, we will need to seek lower-quality computer software services, or the Navajo Nation DIT services. DIT services are non-FERPA compliant, which might be an audit item in meeting Federal regulations for housing educational data.

PART IV. ALTERNATIVE FUNDING SOURCES BEING PURSUED:

We will continue to seek supplemental funding throughout the year to properly secure our technology needs and services.

PART V. AFFIRMATION IS PROVIDED THAT THE PROPOSAL INFORMATION IS COMPLETE AND ACCURATE AND THE APPROPRIATE BRANCH CHIEF RECOMMENDS APPROVAL.

Dr. Tommy Lewis, Superintendent of Schools/DODE

Clara Pratte, Chief of Staff/OPVP

REVIEWED BY: Division Director's Signature / Date

RECOMMEND APPROVAL: Branch Chief's Signature / Date

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

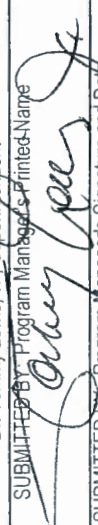

FY 2018

PART I. Business Unit No.: 109001		Program Title: Department of Dine Education - Administration		Division/Branch: Executive/Education	
Prepared By: Joseph Kaulaity		Phone No.: 928-871-7475		Email Address: josephkaulaity@nndode.org	

PART II. FUNDING SOURCE(S)		Fiscal Year Term	Amount	% of Total	PART III. BUDGET SUMMARY			Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference (Column B - A)
UUF REQUEST		10-01-17 to 09-30-18	234,538.00	100							
					2001	Personnel Expenses	1	810,614			810,614
					3000	Travel Expenses	1	56,789		8,500	65,289
					3500	Meeting Expenses	1			0	0
					4000	Supplies	1	16,600		93,000	109,600
					5000	Lease and Rental	1	24,000		0	24,000
					5500	Communications and Utilities	1	24,000		48,000	72,000
					6000	Repairs and Maintenance	1	20,236		85,038	105,274
					6500	Contractual Services	1			0	0
					7000	Special Transactions	1			0	0
					8000	Public Assistance	1			0	0
					9000	Capital Outlay	1			0	0
					9500	Matching Funds	1			0	0
					9500	Indirect Cost	1			0	0
TOTAL									\$952,239.00	234,538.00	1,186,777

PART IV. POSITIONS AND VEHICLES		(D)	(E)
Total # of Positions Budgeted:		9	0
Total # of Permanently Assigned Vehicles:		2	0

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

Dr. Tommy Lewis, Jr., Superintendent SUBMITTED BY: Program Manager's Printed Name 	Clara Pratte, Chief of Staff APPROVED BY: Division Director/Branch Chief's Printed Name  4/17/18 APPROVED BY: Division Director/Branch Chief's Signature and Date
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PART I. PROGRAM INFORMATION:

Business Unit No.: 109001

Program Name/Title: Department of Diné Education - Administration (NEIS Unmet Need)

PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:

HEHSCN-29-17: The Department of Diné Education is empowered with the authority to implement and enforce the education laws of the Navajo Nation and to work cooperatively with all schools serving the Navajo Nation

PART III. PROGRAM PERFORMANCE CRITERIA:

1. Program Performance Area:

Develop Stakeholder Engagement (federal, state, local education agencies).

Goal Statement:

Develop strategies to include collaborative, consultative and governance organization structure.

1st QTR		2nd QTR		3rd QTR		4th QTR	
Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual

2. Program Performance Area:

NEIS technical and Data Modeling Architectural Design (business analytics, cloud services, business intelligence).

Goal Statement:

Implement ETL/DTS process and business/technical rules, documentations, measure design and management.

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3. Program Performance Area:

Identify additional revenue opportunities.

Goal Statement:

Ensure the requisite scalability and on-going resource requirements of technology related assets.

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4. Program Performance Area:

Creation of Data Management, IT, and Project Governance (NEIS Technology Policies).

Goal Statement:

Develop privacy statutes, compliance structure and data ownership/stewardship definitions.

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5. Program Performance Area:

Develop NEIS accountability system.

Goal Statement:


Implement change and configuration management strategies.

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PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.

Dr. Tommy Lewis, Superintendent of Schools/DODE

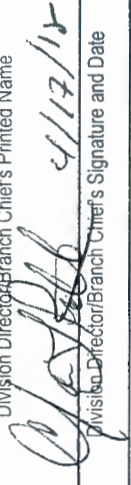
Program Manager's Printed Name



Program Manager's Signature and Date

Clara Pratte, Chief of Staff/OPVP

Division Director/Branch Chief's Printed Name



Division Director/Branch Chief's Signature and Date

PART I. PROGRAM INFORMATION:			
Program Name/Title:		Business Unit No.:	
Department of Diné Education - Administration		109001	
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code
3000 TRAVEL EXPENSES			8,500
	Monthly mileage, air and fleet rental		
3230	Travel Expenses	6,500	
	3240 Per Diem Meals 2000		
	3250 Lodging 2000		
	3260 POV Mileage 2000		
	3290 Travel 500		
3310	Air	2,000	
	3320 Commercial		
4000 SUPPLIES			93,000
4200	General supplies - Computer networking equipment to house DODE internet server, data warehouse, school data, and DODE network-compatible desktop and laptop computers	60,000	
	4230 Non-Cap Computer Equipment 60,000		
4410	Operating Supplies	33,000	
	4440 Non-Cap Computer Software 28,000		
	4530 Printing/Binding/Photocopying 5,000		
TOTAL		101,500	101,500

PART I. PROGRAM INFORMATION:			
Program Name/Title:		Business Unit No.:	
Department of Diné Education - Administration		109001	
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code
5500 COMMUNICATIONS	Internet connectivity for the NNODE & programs including Internet services required for the Navajo Education Information System, data warehouse, and data sharing.		48,000
• 5570	Internet	48,000	
6500 CONTRACTUAL SERVICES	Contractual services for internet, server maintenance, infrastructure design, software development, website maintenance, and other professional services to maintain secure internet/data sharing service.	85,038	85,038
• 6520	Consulting		
TOTAL		133,038	133,038



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE-PRESIDENT

Memorandum:

To: Navajo Nation Delegates
Navajo Nation Government

From: *Robert Willie*
Robert Willie, Accounting Manager
Office of the Controller

Date: April 13, 2018

Subject: Legislation 0450-17-UUFB \$234,538 to Dept. of Dine Ed. to maintain Information System

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

1. The un-audited balance of the UUFB is \$10,073,560 as of April 11, 2018; there are a number of other supplemental requests that will be considered by the Navajo Nation Council in the near future. This supplemental request is for a total of \$234,538 to fund for supplies, personnel training, internet connectivity and contractual services. This is an unmet need request which was not approved during the NNC Budget Session. Also please be reminded that the UUFB balance is unaudited and is subject to change pending the completion of the FY 2017 audit.
2. The costs for this request we determined are RECURRING costs.
3. Important Note: Our office is currently monitoring the Nation's actual minerals revenue to-date versus the projected revenues for FY 2018. Additionally, our office has started the revenue projection task for the upcoming 2019 operating budgets. Being that minerals revenue levels are decreasing, we recommend the Nation spend the UUFB in a prudent and conservative manner for these reasons The Navajo Nation actual minerals revenue to date vs. the projection for FY 2018 is a real concern going forward as well as for the upcoming Fiscal 2019 therefore is this type of spending prudent as there may be possible shortfall in revenue in the near future which would affect the UUFB.

If you should have any questions you can contact me at tribal extension X6125.

NAVAJO NATION

RCS# 1063

Spring Session

4/17/2018
09:39:18 PM

Amd# to Amd#

Legislation 0450-17:

PASSED

MOT BeGaye, N

Approving Supplemental Funding

SEC Begay, K

from the UUFB \$234,538 to DODE

Navajo Education Information Sys

Yea : 17

Nay : 4

Excused : 0

Not Voting : 3

Yea : 17

Begay, K

Chee

Hale

Slim

Begay, NM

Crotty

Jack

Smith

Begay, S

Daniels

Perry

Tso

BeGaye, N

Filfred

Pete

Yazzie

Brown

Nay : 4

Witherspoon

Phelps

Damon

Bennett

Excused : 0

Not Voting : 3

Shepherd

Bates

Tsosie