

# THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



January 9, 2023

Hon. Otto Tso  
Office of the Speaker  
Post Office Box 3390  
Window Rock, AZ 86515

RE: CD-65-22, *An Act Relating to Budget and Finance and Naabik'iyáti' Committees, and to the Navajo Nation Council; Approving \$244,749 from the Unreserved, Undesignated Fund Balance ("UUFB") for the Legislative District Assistants Program and Waiving 12 N.N.C. § 820 (E), § 820 (F), § 820 (J), and § 820 (L)*

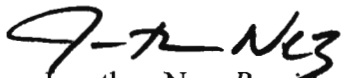
Dear Speaker Tso,

We are appreciative of the hard work, long hours, and dedication the Legislative District Assistants (LDA) provide to their respective Council Delegates. Their service and support is very important and we say Thank You to the LDA's.

It is unfortunate that the unmet needs budget of the LDA program was not addressed in the FY23 comprehensive budget deliberations. In the future, this recurring expense should be budgeted with adequate funds to avoid supplemental funding requests. We are approving this appropriation to avoid disruption of service to the in-coming 25<sup>th</sup> Navajo Nation Council and in the interest of continuity of overall government service.

Pursuant to the authority vested in the Navajo Nation President, I am signing Resolution CD-65-22 into law.

Sincerely,

  
Jonathan Nez, President  
THE NAVAJO NATION

  
Myron Lizer, Vice President  
THE NAVAJO NATION

RESOLUTION OF THE  
NAVAJO NATION COUNCIL  
24<sup>th</sup> NAVAJO NATION COUNCIL - FOURTH YEAR, 2022

AN ACT

RELATING TO THE BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; APPROVING \$244,749 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUFb") FOR THE LEGISLATIVE DISTRICT ASSISTANTS PROGRAM AND WAIVING 12 N.N.C. § 820(E), § 820(F), § 820(J), AND § 820(L)

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation established the Budget and Finance Committee as a Navajo Nation Council standing committee with the authority to review and recommend to the Navajo Nation Council the management of all funds, including the Navajo Nation's Unreserved, Undesignated Fund Balance ("UUFb"). 2 N.N.C. § 164(A)(9); 2 N.N.C. § 300(A); 2 N.N.C. § 301(B)(2).
- B. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee, and all proposed legislation that requires final action by the Navajo Nation Council is assigned to the Naabik'íyáti' Committee for its review and consideration. 2 N.N.C. § 164(A)(9); 2 N.N.C. § 700(A).
- C. 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 projections are projected and which are also in excess of the reserve amount set forth at § 820(J)." 12 N.N.C. § 820(L). Generally, supplemental funding is appropriated from the UUFb.
- D. The Title 12 restrictions on supplemental appropriations from the UUFb, include:
  - 1. Payment of recurring government operating expenses shall be from recurring revenues, and payment of nonrecurring expenses shall be from nonrecurring revenues such as UUFb

funds. 12 N.N.C. § 820(E); 12 N.N.C. § 820(F).

2. Specifically, the UUFb shall not be used for recurring government expenditures or operations. 12 N.N.C. § 820(J); 12 N.N.C. § 820(L).
3. Nonrecurring revenues such as UUFb funds may be used only after the Controller determines whether or not such revenues are subsidizing an imbalance between the Navajo Nation's recurring revenues and expenditures, and government expenditures shall only be authorized if a long-term (3-year to 5-year) forecast shows that the operating deficit will not continue; otherwise, nonrecurring revenues will be added to the Unreserved, Undesignated Fund Balance. 12 N.N.C. § 820(F).
4. The above provisions in Title 12 may be amended or waived by a two-thirds (2/3) vote of the full membership of the Navajo Nation Council. 12 N.N.C. § 820(F); 12 N.N.C. § 880.
5. Pursuant to 12 N.N.C. § 820(F) all UUFb funding requests must be reviewed by the Controller. Such review is also required because the Controller determines which revenues and expenses are recurring and which are non-recurring. 12 N.N.C. § 820(L).
6. Pursuant to 12 N.N.C. § 820(M) all UUFb funding requests must be submitted to the Office of Management and Budget ("OMB") for a budget impact analysis.

## SECTION TWO. FINDINGS

- A. In the Navajo Nation Council's deliberation and approval of the FY 2023 Comprehensive Budget, the Legislative District Assistant's ("LDA") Program had unmet needs due to a funding shortage; however, the LDA Program was not included in the Budget discussions. Thus, the LDA Program's unmet needs were not funded in the FY2023 Comprehensive Budget Resolution No. CS-49-21.
- B. The LDA Program is now requesting \$244,749 from the UUFb to fund the LDA Program's unmet needs and continue its daily operations for the remainder of FY 2023. This request includes changes to LDA's fringe benefits and insurance policy rates for each position. The LDA Program's request is attached as EXHIBIT A.
- C. The LDA Program's required budget forms are attached as EXHIBIT B. The LDA Program's required Appendix K "Supplemental Funding

Proposal Summary" is attached as EXHIBIT C.

- D. The Office of the Controller issued a memorandum dated November 9, 2022, to satisfy the requirements in 12 N.N.C. § 820(L). EXHIBIT D. The Controller has identified the LDA Program's expenditures as *recurring* and therefore a waiver of 12 N.N.C. § 820(E), § 820(F), and § 820(J) is required.
- E. The Office of Management and Budget has provided its budget impact analysis pursuant to 12 N.N.C. § 820(M). EXHIBIT E.

**SECTION THREE. APPROVING \$244,749 FROM THE UUFB FOR THE LEGISLATIVE DISTRICT ASSISTANTS PROGRAM AND WAIVING 12 N.N.C. § 820(E), § 820(F), § 820(J), AND § 820(L)**

- A. The Navajo Nation Council hereby approves a supplemental appropriation of \$244,749 from the UUFB for the LDA Program, as explained in the attached EXHIBITS A-C.
- B. This supplemental appropriation shall be from those funds that exceed the minimum fund reserve balance in the UUFB required by 12 N.N.C. § 820(J), as determined by the Controller.
- C. This supplemental appropriation shall not lapse at the end of the fiscal year, as would otherwise occur pursuant to 12 N.N.C. § 820(N). However, any UUFB funds not spent or encumbered within 12 months of the date the funds are provided to the LDA Program shall revert to the UUFB, unless otherwise approved prior to such reversion by both the Budget and Finance Committee and the Naabik'íyáti' Committee of the Navajo Nation Council.
- D. The Navajo Nation Council hereby waives 12 N.N.C. § 820(E), § 820(F), § 820(J), and § 820(L) to allow use of the UUFB for the LDA Program as described in EXHIBITS A-C. These waivers are necessary because the proposed expenditures are considered recurring.

**SECTION FOUR. EFFECTIVE DATE**

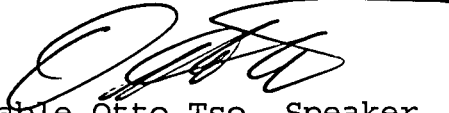
This Act shall become effective as provided in 2 N.N.C. § 221(B) and 2 N.N.C. § 164(A) (17).

**SECTION FIVE. SAVING CLAUSE**

If any portion of this Act is determined invalid by the Navajo Nation Supreme Court, or by a District Court of the Navajo Nation without appeal to the Navajo Nation Supreme Court, the remainder of this Act shall be the law of the Navajo Nation.

## CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 24<sup>th</sup> 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 21 in Favor, and 00 Opposed, on this 29<sup>th</sup> day of December 2022.



Honorable Otto Tso, Speaker  
24<sup>th</sup> Navajo Nation Council

12.30.2022

DATE

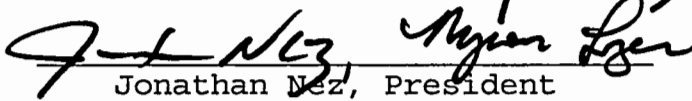
Motion: Honorable Jamie Henio

Second: Honorable Eugene Tso

Speaker Otto Tso 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 9th day of January, 2023.

  
Jonathan Nez, President  
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this \_\_\_\_\_ day of \_\_\_\_\_, 2022 for the reason(s) expressed in the attached letter to the Speaker.

\_\_\_\_\_  
Jonathan Nez, President  
Navajo Nation

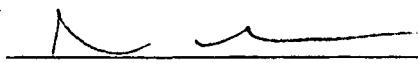
3. I, hereby, exercise line-item veto pursuant to the budget line-item veto authority delegated to the President by vote of the Navajo People in 2009, on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

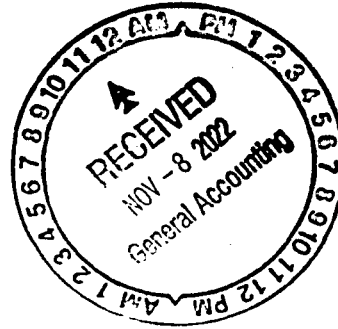
\_\_\_\_\_  
Jonathan Nez, President  
Navajo Nation

**MEMORANDUM**

**TO:** Elizabeth Begay, Acting Controller  
Office of the Controller

Dominic Beyal, Executive Director  
Office of Management & Budget

**FROM:**   
Manuel Rico, Jr., Executive Director  
Office of Legislative Services



**DATE:** November 7, 2022

**SUBJECT:** Proposed UUFBS Supplemental Funding Request: Legislative District Assistants Program

Please accept this memorandum as a formal request for review and response to the attached proposed UUFBS Supplemental Funding Request for the Legislative District Assistants (LDA) Program. Pursuant to 12 N.N.C. § 820 (F) and (M), UUFBS funding requests must be reviewed by the Controller and Office of Management and Budget (OMB) to determine which revenues and expenses are recurring and/or non-recurring, as well as, for a budget impact analysis respectively.

During the Fiscal Year 2022 Budget Process, the LDA Program was not included within the Unmet Needs source of funding. Therefore, as indicated in the attached Supplemental Funding Proposal Summary (Appendix K), supplemental funding is needed to continue operations as needed.

Your timely review and response are greatly appreciated. If you should have any further questions or concerns, please feel free to contact me.

**Cc:** Robert Willie, Accounting Manager, OOC  
Nannette Francisco, Sr. Budget Analyst, OMB  
Clarinda Begay, ASO, OLS  
Sherylene Yazzie, Chief of Staff

THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

FY 2023

PART I. Business Unit No.: 101034		Program Title:		Legislative District Assistants		Division/Branch:		Legislative Branch	
Prepared By: Michelle Wilson		Phone No.:		(928) 874-7254		Email Address:		michellewilson@navajo-nsn.gov	

PART II. FUNDING SOURCE(S)			PART III. BUDGET SUMMARY			Fund Type Code		(A) NNC Approved Original Budget		(B) Proposed Budget		(C) Difference or Total	
Fiscal Year /Term	Amount	% of Total											
UUFB 10/01/22-09/30/23	\$244,749	100%	2001 Personnel Expenses	1	1	\$1,954,794		\$95,073			2,049,867		
			3000 Travel Expenses	1	1	\$24,257		\$120,000			144,257		
			3500 Meeting Expenses			0		0			0		
			4000 Supplies	1	1	0		\$7,500			7,500		
			5000 Lease and Rental			0		0			0		
			5500 Communications and Utilities	1	1	0		\$21,600			21,600		
			6000 Repairs and Maintenance			0		0			0		
			6500 Contractual Services			0		0			0		
			7000 Special Transactions	1	1	\$11,847		\$576			12,423		
			8000 Public Assistance			0		0			0		
			9000 Capital Outlay			0		0			0		
			9500 Matching Funds			0		0			0		
			9500 Indirect Cost			0		0			0		
TOTAL:			TOTAL			\$1,990,898		\$244,749			2,235,647		

PART IV. POSITIONS AND VEHICLES		(D)		(E)	
Total # of Positions Budgeted:		28		27	
Total # of Vehicles Budgeted:		0		0	

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

APPROVED BY: \_\_\_\_\_

Seth Damon, Speaker, 24th Navajo Nation Council

Division Director / Branch Chief's Printed Name

11/3/2022

Division Director's Signature and Date

Manuel Rico, Jr., Executive Director

Program Manager's Printed Name

11-01-2022

Program Manager's Signature and Date



PART I. PROGRAM INFORMATION:		Legislative District Assistants																			
Business Unit No.: 101034		Program Name/Title:		1st QTR		2nd QTR		3rd QTR		4th QTR											
		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual										
<b>PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:</b> NABIP-36-17: The Legislative District Assistants shall provide services from within their respective chapters, a central office located in Window Rock, Arizona, and throughout the Navajo Nation as required by their duties and responsibilities and as assigned by their respective Council Delegate.																					
<b>PART III. PROGRAM PERFORMANCE CRITERIA:</b>																					
<b>1. Goal Statement:</b> Attend 500 Chapter and Agency Council Meetings (125/quarter). <b>Program Performance Measure/Objective:</b> Represent Council Delegate at meetings. <table border="1"> <tr> <td>125</td> <td></td> <td></td> <td>125</td> <td></td> <td></td> <td>125</td> <td></td> <td></td> <td>125</td> </tr> </table>												125			125			125			125
125			125			125			125												
<b>2. Goal Statement:</b> Provide 240 constituents technical assistance on local projects (60/quarter). <b>Program Performance Measure/Objective:</b> Provide Council Delegates' constituents technical support. <table border="1"> <tr> <td>60</td> <td></td> <td></td> <td>60</td> <td></td> <td></td> <td>60</td> <td></td> <td></td> <td>60</td> </tr> </table>												60			60			60			60
60			60			60			60												
<b>3. Goal Statement:</b> Assist Council Delegates with 160 special projects to advance Council Delegates' priority projects (40/quarter). <b>Program Performance Measure/Objective:</b> Council Delegates' special projects. <table border="1"> <tr> <td>40</td> <td></td> <td></td> <td>40</td> <td></td> <td></td> <td>40</td> <td></td> <td></td> <td>40</td> </tr> </table>												40			40			40			40
40			40			40			40												
<b>4. Goal Statement:</b> Submit a monthly activity to document progress of projects/assignments (60/quarter). <b>Program Performance Measure/Objective:</b> Monthly activity reports. <table border="1"> <tr> <td>60</td> <td></td> <td></td> <td>60</td> <td></td> <td></td> <td>60</td> <td></td> <td></td> <td>60</td> </tr> </table>												60			60			60			60
60			60			60			60												
<b>5. Goal Statement:</b> Individual LDA staff participate in training workshops, etc. (20/quarter). <b>Program Performance Measure/Objective:</b> Staff development. <table border="1"> <tr> <td>20</td> <td></td> <td></td> <td>20</td> <td></td> <td></td> <td>20</td> <td></td> <td></td> <td>20</td> </tr> </table>												20			20			20			20
20			20			20			20												
<b>PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.</b>																					
Program Manager's Printed Name Manuel Rico, Jr., Executive Director				Division Director/Branch Chief's Printed Name Seth Damon, Speaker, 24th Navajo Nation Council 11/3/2022																	
Program Manager's Signature and Date 				Division Director/Branch Chief's Signature and Date 																	

PART I. PROGRAM INFORMATION:			
Program Name/Title:		Legislative District Assistants	Business Unit No.: 101034
PART II. DETAILED BUDGET:			
(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)
2001	PERSONNEL EXPENSES Cover general wage adjustments and fringe benefits for twenty-four (24) * Political Appointee Positions per Budget Form 3. * Note: three (3) LDA positions are at half-time Salary Adjustment 2220 GWA Difference: \$2463.84 x 24 =		95,073
2200	Fringe Benefits 2900 GWA: \$59,132.16 x 60.78% =	\$59,132.16	
2900		\$35,941	
3000	TRAVEL EXPENSES Mileage expenses for LDAs to conduct daily business		120,000
3230	Personal Travel 3260 Mileage 800 Miles/Month x \$0.625/Mile x 24 LDAs x 10 months =	\$120,000.00	
4000	SUPPLIES General office supplies for LDAs: paper, pens, etc		7,500
4120	Office Supplies 4130 General Office Supplies	\$7,500.00	
5500	COMMUNICATIONS AND UTILITIES Cellular phone payments for LDAs to conduct business		21,600
5610	Wireless 5620 Cellular: \$2,160 / month x 10 months =	\$21,600.00	
TOTAL		244,173	244,173

THE NAVAJO NATION  
DETAILED BUDGET AND JUSTIFICATION

FY 2023

PART I. PROGRAM INFORMATION:		Business Unit No.: 101034	
Program Name/Title: Legislative District Assistants			
PART II. DETAILED BUDGET:			
(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)
7710	7000 SPECIAL TRANSACTIONS Insurance Coverage for Staff Insurance Premiums 7765 \$95.073 / 100 x .17 = 7767 \$59.132 / 100 x .70 =	576	576
TOTAL		576	576

# Appendix K

# EXHIBIT C

## THE NAVAJO NATION SUPPLEMENTAL FUNDING PROPOSAL SUMMARY

PART I. Business Unit No.: 101034 Program Title: Legislative District Assistants Program  
Division/Branch: Legislative Branch Amount Requested: \$244,749 Prepared By: Michelle Wilson  
Phone No.: (928) 871-7254 Email Address: michellewilson@navajo-nsn.gov

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

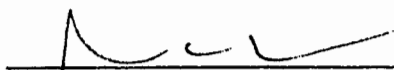
The Legislative District Assistants (LDA) Program was established to provide general administrative and technical support to the Navajo Nation Council Delegates and his/her respective chapters. During the approval of the fiscal year 2023 comprehensive budget the LDA Program had unmet needs due to a shortage in program funding; however, unmet needs were not addressed. Therefore, additional funding is requested for travel (\$120,000) as the 24 LDA positions must cover all chapters represented by their respective Council Delegate, supplies (\$7,500) and cellular phones (\$21,600) as LDAs do not have an office of their own and must provide their own supplies and equipment when assisting and communicating at the chapters or surrounding areas.

Lastly, as political appointees, LDAs do not automatically get a general wage adjustment (GWA); however, OLS requests that this be included in the amount of \$95,649 to cover all 24 positions

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

Currently, no other Navajo Nation funding sources have been pursued. The Office of Legislative Services and Office of the Speaker will assist the LDA program as much as possible.

### 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.

 11.01.2022

REVIEWED BY: Division Director's Signature / Date

 11/3/2022

RECOMMEND APPROVAL: Branch Chief's Signature / Date

# 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: UUFB- Supplemental Funding Request: Legislative District Assistants  
Program - \$244,749

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 \$244,749 for the Legislative District Assistants Program.  
Funding will be for GWA, travel expenses, supplies, and communications expenses.
3. This request would be considered RECURRING for un-met needs for Legislative District Assistants Program.

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

# THE NAVAJO NATION

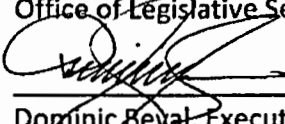
## EXHIBIT E

JONATHAN NEZ | PRESIDENT    MYRON LIZER | VICE PRESIDENT



### MEMORANDUM

TO: Manuel Rico, Executive Director  
Office of Legislative Services

FROM:   
Dominic Beyer, Executive Director  
Office of Management and Budget

DATE: November 22, 2022

SUBJECT: Supplemental Funding Budget Proposal in the amount of \$244,749 from UUFB for Legislative District Assistants Program

1. OMB has reviewed the Budget Forms and finds them to be in good order.
2. The FY 2023 General Fund allocation to the Legislative Branch was \$1,489,419 more than FY 2022. This particular need could have been budgeted and covered then.
3. The Naabiki'yati' Committee budget resolution NABIAU-27-22, on the FY 2023 budget recommendations for the Legislative Branch does not include any unmet need budget recommendations. This need for more LDA funding is not included.
4. The Appropriation Act, 12 NNC Chapter 7-Appropriations provides for OMB budget impact analysis when budget legislation is introduced. At that time OMB may have additional comments and recommendations to make.

Contact OMB at (928) 871-6470 if there are any questions and/or concerns regarding this memorandum.



# NAVAJO NATION

1271

12/29/2022

Navajo Nation Council Special Session

05:09:11 PM

Amd# to Amd#

New Business: (Item L.)

PASSED

MOT Henio, J

CONSENT AGENDA-(12)Legislations:

SEC Tso, E

0221-22,0234-22,0239-22,0262-22,

0263-22,0265-22,0268-22,. . .

Yeas : 21

Nays : 0

Excused : 2

Not Voting : 0

Yea : 21

Begay, E

Damon

James, V

Tso, E

Begay, K

Daniels

Nez, R

Walker, T

Begay, P

Freeland, M

Smith

Wauneka, E

Brown

Halona, P

Stewart, W

Yazzie

Charles-Newton

Henio, J

Tso, D

Yellowhair

Crotty

Nay : 0

Excused : 2

Tso, C

Slater, C

Not Voting : 0

Presiding Speaker: Tso