

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



October 17, 2022

Hon. Seth Damon
Office of the Speaker
Post Office Box 3390
Window Rock, AZ 86515

RE: CS-46-22, *An Act Relating to an Emergency; Approving \$89,480 from the Unreserved, Undesignated Fund Balance ("UUFB") for a New HVAC System for the Oljato Chapter Senior Center*

Dear Speaker Damon,

Pursuant to the authority vested in the Navajo Nation President, I am signing Resolution CS-46-22 into law. We appreciate the Navajo Nation Council for presenting this emergency legislation. The health and well-being of our elders is very important and the safe operation of our Nation's chapter senior centers is of the utmost concern. With the upcoming winter months upon us, reliable adequate heating is essential. We also thank the dedicated staff that provide daily services such as meals and social activities for our senior.

We understand the Oljato Senior Center is on the Division of Community Development's shortfall list and we are awaiting a comprehensive listing in order to systematically address the needs of Chapters, senior centers and other facilities. As with all UUFB funding requests we consider exigent needs versus requests that can be met with proper planning and external sources. With that in mind, we are approving CS-46-22.

Sincerely,


Jonathan Nez, President
THE NAVAJO NATION


Myron Lizer, Vice President
THE NAVAJO NATION

RESOLUTION OF THE
NAVAJO NATION COUNCIL
24th NAVAJO NATION COUNCIL - FOURTH YEAR, 2022

AN ACT

RELATING TO AN EMERGENCY; APPROVING \$89,480 FROM THE UNRESERVED,
UNDESIGNATED FUND BALANCE ("UUF") FOR A NEW HVAC SYSTEM FOR THE
OLJATO CHAPTER SENIOR CENTER

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. 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 whenever additional sources of revenues above current revenue projections are anticipated and such revenues exceed the required reserve amount. 12 N.N.C. § 820(L).
- B. The Navajo Nation Council may approve emergency legislation to address any matter "constituting an emergency [that] shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council." 2 N.N.C. § 164 (A) (16).
- C. At this time, this Act is being considered as an emergency measure because the Oljato Chapter Senior Center has been without a functioning central heating and air conditioning/cooling system ("HVAC") for over a year's time. The lack of heat in the winter and adequate air conditioning/cooling during the summer months has created extremely uncomfortable and dangerous conditions at the Senior Center. There is a high risk for this facility to be closed at this time. Despite these conditions, the staff has worked to keep providing services to the elderly residents of the Oljato Community. The imminent shutdown of the Senior Center would deny many Navajo elders of the dire services, especially daily meals, that they have come to rely upon. Given this situation, there is a pressing public need for the Council to approve this Act.

D. The restrictions on supplemental appropriations, including all monies from the Navajo Nation's Unreserved, Undesignated Fund Balance, 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), § 820(F).
2. Specifically, the UUFB shall not be used for recurring government expenditures or operations. 12 N.N.C. § 820(J), § 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 vote of the full Navajo Nation Council. 12 N.N.C. § 820(F), 12 N.N.C. § 880.
5. In compliance with 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. In compliance with 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.
7. Supplemental funding such as UUFB appropriations shall lapse at the end of the current fiscal year unless the Navajo Nation Council decides otherwise. 12 N.N.C. § 820(N).

SECTION TWO. FINDINGS

- A. As stated above, the Oljato Chapter Senior Center has been without central heating and air conditioning for over a year's time. This has created extremely uncomfortable and dangerous conditions at the Senior Center, and the facility faces imminent shutdown.

- B. The Oljato Chapter Senior Center is requesting \$89,480 in UUFB funds to pay for the installation of a new HVAC system at the Center. EXHIBIT A.
- C. The Oljato Chapter has submitted completed Budget Forms for its proposed expenditures, attached as EXHIBIT B, as well as the required Appendix K "Supplemental Funding Proposal Funding Summary," attached as EXHIBIT C.
- D. The Controller has provided a memorandum regarding this funding request, in compliance with 12 N.N.C. § 820(F) and § 820(L). EXHIBIT D. The Controller has indicated that the proposed expenditures by ARQ are *nonrecurring* expenses; therefore, a waiver of 12 N.N.C. § 820(E), § 820(F), § 820(J), or § 820(L) is not necessary.
- E. The Office of Management and Budget has provided a memorandum regarding this funding request, in compliance with 12 N.N.C. § 820(M). EXHIBIT E.
- F. The Navajo Nation Council has determined that approving the requested UUFB funds for the Oljato Chapter Senior Center is an urgent and critical priority for the Navajo Nation. The proposed HVAC system is urgently needed and will provide the facility with safe and comfortable conditions for the many Oljato Community Navajo elders, as well as all staff and visitors, who use the Center every day and rely upon the many services provided.

SECTION THREE. APPROVAL OF \$89,480 FROM THE UUFB FOR A NEW HVAC SYSTEM FOR THE OLJATO CHAPTER SENIOR CENTER

- A. The Navajo Nation hereby approves \$89,480 from the UUFB for the installation of a new HVAC system for the Oljato Chapter Senior Center.
- B. The approved UUFB funds shall be from those revenues that exceed the 10% minimum balance of the UUFB which must be maintained according to 12 N.N.C. § 820(J).
- C. The approved UUFB funds shall not lapse at the end of Fiscal Year 2022, as would otherwise occur pursuant to 2 N.N.C. § 820(N), so long as such funds are used for the installation of the HVAC system at the Oljato Chapter Senior Center, as provided for herein.

- D. Upon the effective date of this Act, the Controller shall promptly transfer the approved UUFb funds to the Division of Community Development ("DCD").
- E. Upon receipt of the approved UUFb funds, the DCD shall then arrange for the expenditure of these funds for the installation of a new HVAC system for the Oljato Chapter Senior Center, in accordance with the EXHIBIT B and EXHIBIT C, and in accordance with DCD's regular procedures and requirements that apply to expenditures for non-LGA-certified Chapters.
- F. The approved UUFb funds shall be used strictly to pay for the Oljato Chapter Senior Center's HVAC system, as described in EXHIBIT A, EXHIBIT B and EXHIBIT C.

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 SIX. 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 24th 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 22 in Favor, and 00 Opposed, on this 29th day of September 2022.


Honorable Seth Damon, Speaker
24th Navajo Nation Council

Oct 7, 2022
DATE

Motion: Honorable Jimmy Yellowhair
Second: Honorable Wilson C. Stewart, Jr.

Speaker Seth Damon 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 17 day of October, 2022.

Jonathan Nez, Myan Ezer
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



24TH NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER



HONORABLE SETH DAMON

Speaker, 24th Navajo Nation Council

MEMORANDUM

TO: Dominic Beyer, Executive Director
OFFICE OF MANAGEMENT AND BUDGET

FROM: 
Seth Damon, Speaker
24TH NAVAJO NATION COUNCIL

DATE: July 26, 2022

RE: UUFB Fund Request

This memorandum serves as notification a legislation will go through the legislative process for approval to address the Oljato Senior Citizen Center in the amount of \$ 89,480.00 to replace the HVAC unit that has been out of commission for more than one year. Furthermore, the review of all attached budget forms is attached for your analysis. Please see the amounts below:

Oljato Senior Citizen Center	\$ 89,480.00
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Thank you for your assistance and should there be any questions, please contact the Chief of Staff, Sherylene Yazzie, sheryleneyazzie@navajo-nsn.gov. Ahe hee'

FY 2022

**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

APPENDIX B

BUDGET FORM 1

PART I. Business Unit No.: _____		NEW		Program Title: _____		OLJATO SENIOR CENTER		Division/Branch: _____		Executive _____	
Prepared By: _____		Phone No.: _____		Email Address: _____							
PART II. FUNDING SOURCE(S)		Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY		Fund Type Code	(A) NNC Original Budget	(B) Proposed Budget	(C) Difference or Total	
FY 22 UUFB		10/1/2021-09/30/2022	89,480.00	100%							
					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		1		87,480	87,480	
					7000 Special Transactions		1		2,000	2,000	
					8000 Public Assistance						
					9000 Capital Outlay						
					9500 Matching Funds						
					9500 Indirect Cost						
					TOTAL			\$0.00	89,480.00	89,480	
					PART IV. POSITIONS AND VEHICLES			(D)	(E)		
					Total # of Positions Budgeted:						
					Total # of Vehicles Budgeted:						
TOTAL:			\$89,480.00	100%							

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

SUBMITTED BY: _____ **APPROVED BY:** _____

Chief of Staff-Sherylene Yazzie
 Program Manager's Printed Name

 Program Manager's Signature and Date

Speaker-Seth Damon
 Division Director / Branch Chief's Printed Name

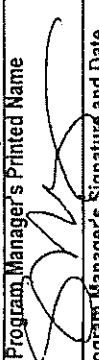
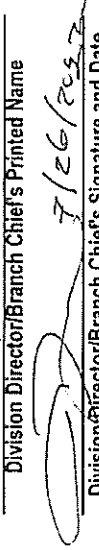
 Division Director / Branch Chief's Signature and Date

EXHIBIT

B

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

FY 2022

PART I. PROGRAM INFORMATION:		Business Unit No.: NEW		Program Name/Title: OJATO SENIOR CITIZEN CENTER	
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:					
December 8, 1979, the Ojato Chapter passes a resolution to start a Senior Citizens Program at the Ojato Chapter, and will take the responsibility to maintain services, and provide better service delivery to prevent premature unnecessary institutionalization. January 1, 1980, the transition of funds was granted from the State of Utah to the Navajo Nation Area Agency on Aging (now known as the Division of Aging & Long Term Care Support) to administer the program in the Utah area. As a Nation, we must maintain the current level of services to what we agreed upon. The Ojato Chapter of the Navajo Nation respectfully support the request of the					
PART III. PROGRAM PERFORMANCE CRITERIA:					
1. Goal Statement:		1st QTR	2nd QTR	3rd QTR	4th QTR
		Goal	Actual	Goal	Actual
Program Performance Measure:					
2. Goal Statement:					
Program Performance Measure:					
3. Goal Statement:					
Program Performance Measure:					
4. Goal Statement:					
Program Performance Measure:					
5. Goal Statement:					
Program Performance Measure:					
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.					
Chief of Staff: Sherylene Yazzie		Speaker: Seth Damon			
Program Manager's Printed Name		Division Director/Branch Chief's Printed Name			
					
Program Manager's Signature and Date		Division Director/Branch Chief's Signature and Date			

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

FY 2022

PART I. PROGRAM INFORMATION: Program Name/Title: <u>Ojato Senior Citizen Center</u>		Business Unit No.: <u>NEW</u>	
PART II. DETAILED BUDGET:			
(A)		(B)	(C)
Object Code (LOD 6)		Object Code Description and Justification (LOD 7)	Total by MAJOR Object Code (LOD 4)
6200	EXTERNAL CONTRACTORS		87,480
	6230-HVAC		
	Replacement of HVAC Unit 20 ton, 400,000 BTU's for Ojato Senior Center		
7410	MEDIA		2,000
	7440-Print Advertising		
		TOTAL	89,480

Appendix K

EXHIBIT

C

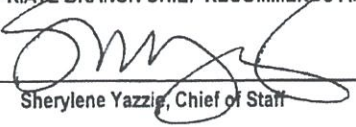

THE NAVAJO NATION SUPPLEMENTAL FUNDING PROPOSAL SUMMARY

PART I. Business Unit No.:	NEW	Program Title:	OLJATO SENIOR CITIZENS CENTER	
Division/Branch:	Executive	Amount Requested:	\$89,480.00	Prepared By:
Phone No.:		Email Address:		

PART II. REASON FOR REQUEST AND STATEMENT OF NEED:
The purpose of this request is to provide emergency assistance to the Oljato Senior Citizens Center, which has been without adequate air conditioning for more than one year, by replacing their obsolete unit with a functioning new HVAC unit so that they may provide necessary services to the elderly population within the community. Oljato Senior Citizen Center has remained open throughout the pandemic, despite the obstacles they've encountered, have preserved to provide meals and necessary services to their community elders. Currently, the facility is at risk of closure which could cease vital services that the elderly rely so heavily upon.

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

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.

 Sherylene Yazzie, Chief of Staff	 Honorable Seth Damon, Speaker
REVIEWED BY: Division Director's Signature / Date	RECOMMEND SUPPLEMENTAL: Branch Chief's Signature / Date

EXHIBIT

D


THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



Memorandum:

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

From: 
Robert Willie, Accounting Manager
Office of the Controller

Date: July 26, 2022

Subject: UUFB- Oljato Senior Center \$89,480

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

1. The unaudited balance of the UUFB as of July 1, 2022, is \$15,966,288. Legislation 0051-22 for Elections office was passed during the Navajo Nation Council Summer session in the amount of \$1,614,018. If signed by the President the balance of the UUFB will be \$14,352,270.
2. UUFB to fund the replace the HVAC unit at the Oljato Senior Citizen Center in the amount of \$89,480.
3. The budget form included do not have any goals on Form 2. The budget forms have the line items for external contractors and media. The responsible program appears to be Legislative Branch.
4. This request would be considered NON-RECURRING.

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

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



September 2, 2022

MEMORANDUM

TO : Sherilene Yazzie, Chief of Staff
Office of the Speaker

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

SUBJECT : Proposed Budget for Oljato Senior Citizens Center

Pursuant to request by the Office of the Speaker the proposed budget forms have been reviewed. Comments are as follows:

1. The budget is for \$89,480 from the Undesignated Unreserved Fund Balance for an HVAC unit for the Oljato Senior Citizens Center.
2. OMB understands the Senior Citizen Centers are administered and managed by the Navajo Department of Health, Division of Aging and Long Term Care Support (DALTCS), within the Executive Branch. Accordingly, the authorized signators of the budget documents should be from DALTCS, NDOH, and/or OPVP to ensure review, coordination, and prioritization of the need. However, the budgets are signed by the Office of the Speaker.
3. The budget forms, otherwise, are in order.

xc: JJim, NDOH
PChaco, OPVP



OFFICE OF MANAGEMENT AND BUDGET

POST OFFICE BOX 646 | WINDOW ROCK, AZ 86515 | PHONE: (928) 871-6570 | FAX: (928) 871- 6567

NAVAJO NATION

1183

9/29/2022

Navajo Nation Council Special Session

05:23:38 PM

Amd# to Amd#	Legislation 0165-22: Approving	PASSED
MOT Yellowhair	\$89,480 from the Unreserved,	
SEC Stewart, W	Undesignated Fund Balance	
	("UUFB") for a New HVAC....	

Yeas : 22

Nays : 0

Excused : 0

Not Voting : 1

Yea : 22

Begay, E	Freeland, M	Smith	Tso, E
Begay, K	Halona, P	Stewart, W	Walker, T
Begay, P	Henio, J	Tso	Wauneka, E
Brown	James, V	Tso, C	Yazzie
Charles-Newton	Nez, R	Tso, D	Yellowhair
Daniels	Slater, C		

Nay : 0

Excused : 0

Not Voting : 1

Crotty

Presiding Speaker: Damon