

**LEGISLATIVE SUMMARY SHEET**  
**Tracking No. 0278-18**

**DATE:** August 15, 2018

**TITLE OF RESOLUTION:** AN ACTION RELATING TO BUDGET AND FINANCE COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE, AND NAVAJO NATION COUNCIL; APPROVING THE NAVAJO NATION FISCAL YEAR 2019 COMPREHENSIVE BUDGET; WAIVING 12 N.N.C. §§ 820(I) AND 860 AND CF-07-11

**PURPOSE:** This resolution adopts and approves the FY 2019 Comprehensive Budget for the Navajo Nation and will waive 12 N.N.C. § 820(I) and 860 regarding the Capital Improvement Project expenditure plan and CF-07-11 regarding the Personnel Accounts Savings as restricted carryover funds.

The waivers impose a 2/3rds majority vote of the full membership of the Navajo Nation Council for passage of the legislation.

**This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.**

5-DAY BILL HOLD PERIOD: 11/1/18  
Website Posting Time/Date: 5:08pm 8/16/18  
Posting End Date: 8/20/2018  
Eligible for Action: 8/21/2018

Budget & Finance Committee  
Thence  
Naa'bik'íyáti' Committee  
Thence  
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
23<sup>rd</sup> NAVAJO NATION COUNCIL – Third Year, 2018

INTRODUCED BY



(Primary Sponsor)

TRACKING NO. 0278-18

*Dwight Withaspoon*

AN ACTION  
RELATING TO BUDGET AND FINANCE COMMITTEE, NAABIK'ÍYÁTI'  
COMMITTEE, AND NAVAJO NATION COUNCIL;  
APPROVING THE NAVAJO NATION FISCAL YEAR 2019 COMPREHENSIVE  
BUDGET; WAIVING 12 N.N.C. §§ 820(I) AND 860 AND CF-07-11

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).
- B. The Naabik'íyáti' Committee is assigned proposed resolutions that require final action by the Navajo Nation Council. 2 N.N.C. §164(A)(9).
- C. The Budget and Finance Committee shall make recommendations concerning the budget and submit it to the Navajo Nation Council for deliberation and approval. 12 N.N.C. §840(A).

**Section Two. Adopting Navajo Nation Fiscal Year 2019 Budget**

The Navajo Nation hereby adopts the Navajo Nation Fiscal Year 2019 Comprehensive Budget as follows:

1 A. The Navajo Nation approves the appropriation of 12% of the Fiscal Year 2019  
2 revenue in the amount of \$24,692,000 to the Navajo Nation Permanent Fund; 4% of  
3 Fiscal Year 2019 revenue in the amount of \$8,231,000 to the Navajo Veterans Trust  
4 Fund; 2% of Fiscal Year 2019 revenue in the amount of \$4,115,000 to the Navajo  
5 Nation Land Acquisition Trust Fund; \$2,000,000 of Fiscal Year 2019 revenue to the  
6 Capital Outlay Match Funding Special Revenue Fund; \$2,000,000 of Fiscal Year 2019  
7 revenue to the Water Rights Claim Fund; and \$12,400,000 of Fiscal Year 2019  
8 revenue to the Diné Higher Education Grant Fund.

9  
10 B. The Navajo Nation hereby approves the appropriation of \$767,606,125 as the Navajo  
11 Nation Fiscal Year 2019 Operating Budget, as set forth in the attached **Exhibit A**,  
12 which constitutes \$168,813,082 of General Funds, \$21,500,000 Indirect Cost Credit;  
13 \$12,400,000 in Higher Education set aside funds; \$7,543,170 Personnel Savings;  
14 \$62,828,841 Proprietary Fund; \$77,800,009 Fiduciary Funds; \$35,820,059 Special  
15 Revenue Internal Funds; and \$377,100,964 Special Revenue External Funds,  
16 summarized as follows:

17  
18 1. Legislative Branch: \$16,163,890 as the Navajo Nation Fiscal Year 2019  
19 Operating Budget, as set forth in the attached **Exhibit B**, which includes  
20 \$14,643,003 General Fund Revenue; \$1,234,417 Indirect Cost Credit; \$60,000  
21 Proprietary Funds; \$226,470 Personnel Savings Fund; \$\_\_0\_\_ Fiduciary Funds,  
22 \$\_\_0\_\_ Special Revenue Internal Funds; \$\_\_0\_\_ Special Revenue External  
23 Funds, for the Navajo Nation Council, various Standing Committees, boards,  
24 commissions, offices, programs, and activities within the Legislative Branch.

25  
26 2. Judicial Branch: \$16,085,825 as the Navajo Nation Fiscal Year 2019 Operating  
27 Budget, as set forth in the attached **Exhibit C**, which includes \$14,373,994 of  
28 General Funds; \$143,432 Indirect Cost Credit; \$\_\_0\_\_ Proprietary Funds; \$\_\_0\_\_  
29 Fiduciary Funds; \$\_\_0\_\_ Special Revenue Internal Funds and \$1,568,399 Special  
30

Revenue External Funds, for the Navajo Nation Supreme Court, district courts, family courts, various offices, programs and activities within the Judicial Branch.

3. Executive Branch: \$704,553,266 as the Navajo Nation Fiscal Year 2019 Operating Budget, as set forth in the attached **Exhibit D**, which includes \$117,671,389 of General Funds; \$13,843,703 Indirect Cost Credit; \$12,400,000 Higher Education Set Aside Funds; \$4,316,700 Personnel Savings Fund; \$62,768,841 Proprietary Funds; \$77,800,009 Fiduciary Funds; \$35,820,059 Special Revenue Internal Funds; and, \$375,532,565 Special Revenue External Funds; for the various divisions, departments, programs and offices within the Executive Branch.

4. Fixed Costs: \$27,003,144 which includes \$17,724,696 General Funds, \$6,278,448 Indirect Cost Credit; and \$3,000,000 Personnel Savings Fund as set forth in the attached **Exhibit E**.

5. Capital Improvement Funds which includes \$3,800,000 Capital Outlay Match, to be used at the Chapter's discretion, with the exception that these funds are not to be used for recurring expenses, as set forth in the attached **Exhibit F**.

6. Chapter Non-Administrative Costs: \$12,040,299 for non-administrative costs. This does not include chapter official's stipends, permanent personnel costs, and travel expenses of chapter officials and chapter staff.

7. External Funds Cash Match: \$4,400,000 for external funds cash match obligations for grant agreements and contracts.

The FY 2018 External Fund Cash Match, BU# 118024, unexpended fund balance shall be carried over to FY 2019 to maintain a fund balance for cash match needs during the 2019 Fiscal Year.

1 C. The Navajo Nation Resolution, CF-07-11, *Establishing and Designating the*  
2 *Personnel Accounts Savings as Restricted Carryover Funds to be Used for*  
3 *Administering and Maintaining the Classification and Pay Plans by the Department of*  
4 *Personnel Management and Further, Implementing a Moratorium on Any Future*  
5 *Proposed Budget Revisions and/or Re-Allocations From the General Fund Personnel*  
6 *Accounts Saving*, established a moratorium on any future proposed Budget Revisions  
7 and/or Reallocations from the General Funds Personnel Accounts Savings and  
8 required those Savings go to an annual General Wage Adjustment, step increase and  
9 other salary adjustments to the Pay Plan; in addition, that any excess or surplus funds  
10 shall be deposited to the Unreserved, Undesignated Fund Balance (UUFB).

11 The Navajo Nation Controller projects the Personnel Lapse amount is \$9,268,518. The  
12 Navajo Nation adopts a General Wage Adjustment, **Exhibit G**, and waives the  
13 requirement of excess and surplus funds deposit to the UUFB and hereby approves  
14 funding from the Fiscal Year 2019 Personnel Savings Fund as follows:

- |    |  |             |
|----|--|-------------|
| 15 | 1. General Wage Adjustment (Exhibit G)             | \$1,725,348 |
| 16 | 2. Retirement Plan Account, BU #118018             | \$3,000,000 |
| 17 | 3. ISD-Group Health Benefit Fund, BU #112015       | \$2,000,000 |
| 18 | 4. Scholarship, BU #109008                         | \$1,600,000 |
| 19 | 5. Department of Justice, BU #104001               |             |
| 20 | a. To address unmet need for attorney salary       | \$ 600,000  |
| 21 | 6. Office of Management and Budget, BU #105001     |             |
| 22 | a. To address staff salary adjustment              | \$ 116,700  |
| 23 | 7. Office of the Speaker, BU # 101015              |             |
| 24 | a. To address preparation for 2020 U.S. Census     | \$ 126,470  |
| 25 | 8. Navajo Election Administration, BU # 101021     |             |
| 26 | a. To address education for voter participation in |             |
| 27 | elections at national, state and Tribal levels     | \$ 100,000  |

28  
29 D. The Navajo Nation hereby approves the carryover of excess Indirect Cost Credit, if  
30 any, from Navajo Nation Fiscal Year 2018 into Fiscal Year 2019.



1  
2 E. The Navajo Nation hereby approves the carryover of unexpended Capital  
3 Improvement Project Funds from Fiscal Year 2018 to Fiscal Year 2019.  
4

5 F. The Navajo Nation hereby approves any carryover of General Fund unexpended  
6 balances from Navajo Nation Fiscal Year 2018 into Fiscal Year 2019:

7 1. \$4,500,000 for the Government Branches (Executive, Legislative, Judicial) from  
8 their respective unexpended balances, if available, as follows:

9 a) Executive: \$2,500,000

10 b) Legislative: \$1,500,000

11 c) Judicial: \$ 500,000

12 2. Other unexpended operating fund balances for Divisions, Departments and  
13 Programs listed in **Exhibit H**.  
14

15 G. The Navajo Nation hereby approves \$3,345,918 from the Permanent Fund Income for  
16 deposit into the Permanent Fund Five-Year Contingency Fund to be used as needed for  
17 subsequent fiscal years. 12 N.N.C. § 2601 et seq., CO-54-16.  
18

19 H. The Navajo Nation Council and its standing committees, through its oversight  
20 authorities, are responsible to the Navajo Nation to ensure that the Navajo Nation  
21 Divisions, Departments and Programs provide timely, professional, updated,  
22 appropriate services to the Navajo People. One very pragmatic, effective method to  
23 assure quality services is to prompt the Divisions, Departments and Programs through  
24 the use of Conditions of Appropriations. Condition of Appropriation means a  
25 condition placed on an appropriation or expenditure by the Navajo Nation Council at  
26 the time the appropriation or expenditure is made, which requires performance of a  
27 specific task by a program within a specific time period within the fiscal year. The  
28 condition requires the performance of specific tasks within the time period set out by  
29 the Navajo Nation Council. Failure to perform within the specified time period may  
30

1 result in restrictions on future expenditure of the funds until the condition is met. 12  
2 N.N.C. §810(I), Amended by CS-52-17

3 The Navajo Nation Council has included Conditions of Appropriation in the 2019  
4 Comprehensive Budget. These Conditions of Appropriations are attached as **Exhibit**  
5 **I.** The Navajo Nation Council hereby adopts the Conditions of Appropriation  
6 identified in **Exhibit I.**

7  
8 I. The Navajo Nation hereby approves the Legislative Concerns for Navajo Nation  
9 Fiscal Year 2019, as set forth in the attached **Exhibit J.**

10  
11 J. The Navajo Nation hereby acknowledges that all federal, state, and local government  
12 funds addressed in the Navajo Nation Fiscal Year 2019 Comprehensive Budget are  
13 provided primarily for information purposes, as directed in the Budget Instructions  
14 and Policies Manual, and should not be deemed to limit the expenditure authority for  
15 any program, provided additional funds are accepted pursuant to 2 N.N.C. §164(B), 2  
16 N.N.C. §301(B)(15), and 2 N.N.C. §701(A)(10).

17  
18 K. The Navajo Nation hereby authorizes monthly drawdowns of all funds deposited into  
19 BIA Account, PL7341701, Navajo Tribe, Arizona/New Mexico, which are considered  
20 Navajo Nation General Funds as part of the overall revenue projection for support of  
21 the operations of the Navajo Nation Government.

22  
23 L. The Navajo Nation hereby authorizes the Office of Management and Budget to carry-  
24 over available budget amounts to cover any prior year open contracts carried into  
25 Fiscal Year 2019 by the Office of the Controller. Further, the Office of the Controller  
26 shall ensure that the budgeted funds carried over are used specifically, and only for,  
27 those open encumbrances. The Office of the Controller shall also inform the Office of  
28 Management and Budget, in writing, of any cancelled or reduced prior year open  
29 encumbrances so that the Office of Management and Budget can make the appropriate  
30 budget adjustments.

1  
2 M. The Navajo Nation hereby directs the Branch Chiefs of the Executive, Legislative and  
3 Judicial Branches to prioritize the unmet needs of their respective branches and to  
4 prepare appropriate budgets for such prioritized needs for consideration by the  
5 appropriate Standing Committee with oversight for potential supplemental  
6 appropriations in Fiscal Year 2019, in accordance with 12 N.N.C. § 820(L).

7  
8 N. The Navajo Nation hereby waives 12 N.N.C. §§ 820(I) and 860 for the purpose of  
9 passing a comprehensive budget because the Capital Improvement Plan is not  
10 available.

11  
12 O. The Navajo Nation hereby approves the Fiscal Year 2019 Budget Detail, included as  
13 **Exhibit K.**

14  
15 **Section Three. Directive to the Office of Management and Budget**

16 A. The Navajo Nation directs the Office of Management and Budget to recalculate the  
17 final monetary totals such that the figures conform to the amendments passed by the  
18 Navajo Nation.

19 B. The Navajo Nation directs the Office of Management and Budget to make any other  
20 changes to the exhibits such that they conform to the amendments passed by the  
21 Navajo Nation Council.

22  
23 **Section Four. Effective Date**

24 The Navajo Nation Fiscal Year 2019 Comprehensive Budget enacted herein shall be  
25 effective pursuant to 2 N.N.C. §§ 164(A)(17) and 221(B).



Fiscal Year 2019

The Navajo Nation  
Fiscal Year 2019 Budget Summary

EXHIBIT A

	A	B	C	D	E	F	G	H	I	J	K	L	M
	Business Unit	Description	Navajo Nation General Fund	Indirect Cost Fund	Higher Education Setaside	External Funds Cash Match	Personnel Savings Fund	Capital Outlay Match Funds	Proprietary Fund	Fiduciary Fund	Special Revenue Fund - Internal	Special Revenue Fund - External	Total
1	100xxx	Executive Branch	117,671,389	13,843,703	12,400,000	4,400,000	4,316,700		62,768,841	77,800,009	35,820,059	375,532,565	704,553,266
2	101xxx	Legislative Branch	14,643,003	1,234,417			226,470		60,000				16,163,890
3	102xxx	Judicial Branch	14,373,994	143,432								1,568,399	16,085,825
4	118xxx	Fixed Costs	17,724,696	6,278,448			3,000,000						27,003,144
5	50xxxx	Capital Projects						3,800,000					3,800,000
6		Total:	164,413,082	21,500,000	12,400,000	4,400,000	7,543,170	3,800,000	62,828,841	77,800,009	35,820,059	377,100,964	767,606,125

Note: 1) The External Funds listed are for informational purposes only.

Fiscal Year 2019

**The Navajo Nation**  
**Fiscal Year 2019 Legislative Branch Budget Summary**

EXHIBIT B

	A	B	C	D	E	F	G	H	I	J
	Business Unit	Program	Navajo Nation General Fund	Indirect Cost Fund	Personnel Savings Fund	Proprietary Fund	Fiduciary Fund	Special Revenue Fund - Internal	Special Revenue Fund - External	Total
1	101001	Navajo Nation Council	2,103,956	305,583						2,409,539
2	101003	Budget & Finance Committee	110,058	9,481						119,539
3	101014	Navajo Nation Labor Commission	265,880	44,846						310,726
4	101015	Ofc of the Speaker	1,936,691	219,977	126,470					2,283,138
5	101016	Ofc of Government Development	486,767	49,057						535,824
6	101017	Ofc of Legislative Counsel	1,187,774	126,036						1,313,810
7	101018	Navajo Utah Commission	277,943							277,943
8	101019	Ofc of Legislative Services	1,512,234	220,079						1,732,313
9	101020	Ethics & Rules Office	481,820	129,186						611,006
10	101021	Ofc of Election Administration	1,069,865	19,485	100,000					1,189,350
11	101022	Board of Elections Supervisors	126,687							126,687
12	101023	Black Mesa Review Board	18,170							18,170
13	101024	Ofc of the Auditor General	1,569,376	29,377						1,598,753
14	101025	Navajo-Hopi Land Commission	193,000							193,000
15	101026	Commission on Emergency Mgmt	12,499							12,499
16	101027	Eastern Agency Land Commission	99,617							99,617
17	101028	Office of Eastern Navajo Land Commis	302,402							302,402
18	101029	Human Rights Commission	653,640							653,640
19	101030	Health, Educ. and Human Services Co	119,129	13,686						132,815
20	101031	Resources and Development Committ	128,014	8,273						136,287
21	101032	Law and Order Committee	109,020	10,647						119,667
22	101033	Nabik'iyatii Committee	325,612	48,704						374,316
23	101034	Legislative District Assistants	1,552,849							1,552,849
24	901001	Navajo Nation Code Enterprise				60,000				60,000
25	<b>Total:</b>		<b>14,643,003</b>	<b>1,234,417</b>	<b>226,470</b>	<b>60,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>16,163,890</b>

Fiscal Year 2019

**The Navajo Nation**  
**Fiscal Year 2019 Judicial Branch Budget Summary**

EXHIBIT C

	A	B	C	D	E	F	G	H	I
	Business Unit	Program	Navajo Nation General Fund	Indirect Cost Fund	Proprietary Fund	Fiduciary Fund	Special Revenue Fund - Internal	Special Revenue Fund - External	Total
1	102001	Administrative Office of the Courts	1,356,821	143,432				1,568,399	3,068,652
2	102002	Chinle Judicial District	1,031,750						1,031,750
3	102003	Crownpoint Judicial District	877,257						877,257
4	102004	Window Rock Judicial District	1,091,009						1,091,009
5	102005	Shiprock Judicial District	1,050,159						1,050,159
6	102006	Tuba City Judicial District	849,179						849,179
7	102007	Ramah Judicial District	573,110						573,110
8	102008	Supreme Court	1,158,398						1,158,398
9	102009	Peacemaker Division	1,171,751						1,171,751
10	102010	Kayenta Judicial District	805,259						805,259
11	102011	Dilkon Judicial District	717,051						717,051
12	102012	Utah Judicial District	599,048						599,048
13	102013	Tohajilee Judicial District	594,488						594,488
14	102014	Alamo Judicial District	166,808						166,808
15	102015	Dził Yijiin Judicial District	406,770						406,770
16	102017	Pueblo Pintado Circuit Court	180,827						180,827
17	102018	Probation Services	1,695,984						1,695,984
18	102019	Judicial Conduct Commission	48,325						48,325
19	<b>Total:</b>		<b>14,373,994</b>	<b>143,432</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,568,399</b>	<b>16,085,825</b>

**The Navajo Nation**  
**Fiscal Year 2019 Executive Branch Budget Summary**

A	B	C	D	E	F	G	H	I	J	K	L
Business Unit	Program	General Fund	Indirect Cost Fund	Higher Education Setaside	External Fund Cash Match	Personnel Savings Fund	Proprietary Fund	Fiduciary Fund	Special Revenue Fund - Internal	Special Revenue Fund - External	Total
103xxx	Executive Offices	8,972,549	937,920				15,000	8,978,702			18,904,171
104xxx	Department of Justice	6,034,637	1,302,044			600,000					7,936,681
105xxx	Office of Management and Budget	1,349,163	1,042,016			116,700					2,507,879
106xxx	Office of Navajo Tax Commission	1,482,140									1,482,140
107xxx	Office of the Controller	3,462,296	2,881,861				1,130,598	20,729,986	6,179,914		34,384,655
108xxx	Division of Community Development	4,827,906	1,006,462							20,122,958	25,957,326
108xxx	Navajo Nation Chapters	25,486,058							2,465,200		27,951,258
109xxx	Department of Dine' Education	7,909,030	274,241	12,400,000	1,858,736	1,600,000		847,737	4,927,765	51,302,822	81,120,331
110xxx	Division of Economic Development	5,270,626	573,893				257,000		1,245,580		7,347,099
111xxx	Environmental Protection Agency	1,366,163	115,343		207,418			3,805,384		3,910,496	9,404,804
112xxx	Division of General Services	4,084,207	2,670,980		962,779	2,000,000	48,613,243			6,959,940	65,291,149
113xxx	Department of Health	11,266,007	90,495		643,057			293,200		61,368,252	73,661,011
114xxx	Division of Human Resources	2,385,054	1,869,075		448,359		40,500	43,145,000		15,998,416	63,886,404
115xxx	Division of Natural Resources	19,131,000	205,579				12,105,000		5,749,200	11,737,741	48,928,520
116xxx	Division of Public Safety	7,922,252	324,412				75,500		8,471,000	28,622,430	45,415,594
117xxx	Division of Social Services	4,033,638	381,140				140,000			76,977,492	81,532,270
120xxx	Office of Gaming Regulatory						350,000				350,000
121xxx	Navajo Division of Transportation	2,688,663	168,242		279,651		42,000		6,781,400	98,532,018	108,491,974
Total:		117,671,389	13,843,703	12,400,000	4,400,000	4,316,700	62,768,841	77,800,009	35,820,059	375,532,565	704,553,266

Fiscal Year 2019

**The Navajo Nation**  
**Fiscal Year 2019 Fixed Costs Budget Summary**

EXHIBIT E

A	B	C	D	E	F	G	H	I	J
Business Unit	Description	Navajo Nation General Fund	Indirect Cost Fund	Personnel Saving Fund	Proprietary Fund	Fiduciary Fund	Special Revenue Fund - Internal	Special Revenue Fund - External	Total
1	118001 Annual Audit - OOC	934,169	765,831						1,700,000
2	118004 Insurance Premiums - DGS	2,471,057	1,528,943						4,000,000
3	118005 Utilities - DGS	2,362,448	1,737,552						4,100,000
4	118007 Telecommunications - DGS	784,833	715,167						1,500,000
5	118008 Radio Communications - DGS	217,421	282,579						500,000
6	118010 FMIS Debt Service - OOC	982,744							982,744
7	118013 Hopi Partitioned Land Rental - NHLCO	120,400							120,400
8	118018 Retirement Plan Account - DHR	1,000,000		3,000,000					4,000,000
9	118019 NN Integrated Justice Info. Sharing - JB	350,000							350,000
10	118020 Fixed Cost Investment Fees - OOC	150,000							150,000
11	118022 FMIS Maintenance Services - OOC	789,744	610,256						1,400,000
12	118023 Fixed Cost - Facility Maintenance	961,880	638,120						1,600,000
13	118025 Lease Cost - Large Equipment - OOC	1,400,000							1,400,000
14	118XXX Fixed Cost - Information Technology	200,000							200,000
15	N01000 Fixed Cost Litigation - DOJ	5,000,000							5,000,000
16	<b>Total:</b>	<b>17,724,696</b>	<b>6,278,448</b>	<b>3,000,000</b>					<b>27,003,144</b>



Fiscal Year 2019

The Navajo Nation  
Fiscal Year 2019 Capital Budget Summary

EXHIBIT F

A	B	C	D	E	F	G	H	I
Business Unit	Description	Navajo Nation General Fund	Indirect Cost Fund	Proprietary Fund	Fiduciary Fund	Special Revenue Fund - Internal	Special Revenue Fund - External	Total
1	50XXXX Capital Outlay Match (NN Chapters)					3,800,000		3,800,000
2	Total:	0	0	0	0	3,800,000	0	3,800,000



THE NAVAJO NATION

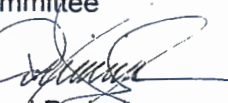

RUSSELL BEGAYE PRESIDENT  
JONATHAN NEZ VICE-PRESIDENT

**Memorandum:**

Date: August 7, 2018

To: Honorable Russell Begaye, President  
Office of the President/Vice President /  
  
Honorable Lorenzo Bates, Speaker  
Navajo Nation Council  
  
Honorable JoAnne Jayne, Chief Justice  
Judicial Branch

Honorable Seth Damon, Chairperson  
Budget and Finance Committee

Through: Dominic Beyal, Director   
Office of Management and Budget  
  
  
Dr. Sharon Begay McCabe, Human Resource Director  
Department of Personnel Management

From:   
Pearline Kirk, Controller  
Office of Controller

Subject: Personnel Lapse Projection and General Wage Adjustment

The Office of the Controller has compiled the above referenced document (Exhibit A).

1. As of August 2, 2018 the projected Personnel Lapse amount is \$9,268,518.

The Assumptions in which this schedule takes into account are as follows:

- a. This schedule is based upon the assumption that the vacant positions will continue to stay vacant until 09/30/18.
- b. This schedule assumes that all the Department of Youth temporary employees will utilize all the dollars currently budgeted in their programs.

- c. This schedule also assumes that all the overtime currently budgeted will be utilized fully.
  - d. Also, this schedule is taking into consideration any judgments or settlements related to payroll that General Fund programs may incur before the end of the year.
  - e. Any budgeted amount within the Merit pay or bonus pay or step increase line items are also considered to be fully utilized before the end of the year.
  - f. This schedule does not include a recommended allocation of \$3,000,000 for retirement from the Three Branch Chiefs Agreement. The Budget and Finance Committee should make this determination.
  - g. Within the schedule there are two extra days that are accounted for which reflect the number of extra days that the Navajo Nation works in this fiscal year.
2. In addition with discussions with the Office of Management and Budget and Department of Personnel Management there are five options for a possible Fiscal Year 2019 General Wage Adjustment as shown in attached Exhibit B.

If you should have any questions you can contact me at tribal extension X6308.

CC: Robert Joe, Chief of Staff, Office of President Vice President  
Pete Ken Atcitty, Chief of Staff, Office of the Speaker  
Stephen Etsitty, Court Administrator, Judicial Branch.  
File

**THE NAVAJO NATION**

**Estimated Personnel Savings-Budget vs Actual- GENERAL FUND  
Fiscal Year 2018  
July 31, 2018**

**Analysis of 21 PPE's (10/01 - 7/20/2018)**

	<u>Gross Budget</u>	<u>21 Actual Gross Payroll</u>	<u>Projected Year End Expenses</u>	<u>Projected Year End Balances</u>
<b>LEGISLATIVE:</b>				
Personnel	8,557,021	6,491,424	8,098,824	458,197
Taxes/Benefits	3,446,255	2,824,215	3,523,545	(77,290)
Sub-total	12,003,276	9,315,639	11,622,369	380,907
<b>JUDICIAL:</b>				
Personnel	8,700,848	6,670,063	8,321,698	379,150
Taxes/Benefits	3,792,098	3,178,183	3,965,162	(173,064)
Sub-total	12,492,946	9,848,246	12,286,859	206,087
<b>EXECUTIVE</b>				
Personnel	61,184,397	40,671,588	50,742,648	10,441,749
Taxes/Benefits	24,172,512	19,787,822	24,687,664	(515,152)
Sub-total	85,356,909	60,459,411	75,430,312	9,926,597
<b>GRAND TOTAL</b>	<b>\$109,853,131</b>	<b>\$79,623,296</b>	<b>\$99,339,540</b>	<b>\$10,513,590</b>

<b>DOY - Temporary</b>	\$567,602 (1)
<b>Overtime</b>	\$607,407 (2)
<b>Merit/Bonus</b>	\$70,063 (2)
<b>Judgements/Settlements</b>	\$500,000 (3)

**Estimated Personnel Lapse** **\$9,268,518**

**Retirement Allocation** \$3,000,000 (4)

(1) Includes 9.95% fringe benefits

(2) Includes 41.10% fringe benefits

(3) Judgements/Settlements

(4) Three Branch Chief Agreement-Fixed Cost Retirement Allocation(not approved)

NOTE: If there is a vacant position that gets filled personnel lapse amount will decrease.

SUBJECT TO CHANGE. THIS IS JUST AN ESTIMATE.

**DEPARTMENT OF PERSONNEL MANAGEMENT  
FY'19 PAY PLAN - GENERAL FUNDS  
GENERAL WAGE ADJUSTMENT (GWA)**

BRANCH	GWA %	TOTAL EMP	TOTAL AMT	TOTAL FRINGE AMT	TOTAL AMOUNT
<b>Employees with Salaries \$35,000 or Less</b>					
Executive Branch	2.50%	693	471,435.22	206,961.52	678,396.74
Judicial Branch	2.50%	9	5,550.00	2,434.00	7,984.00
Legislative Branch	2.50%	61	38,392.44	19,983.50	58,375.94
<b>TOTAL</b>		<b>763</b>	<b>515,377.66</b>	<b>229,379.02</b>	<b>744,756.68</b>
<b>Employees with Salaries \$35,001 &amp; Above</b>					
Executive Branch	1.50%	560	460,908.93	207,008.58	667,917.51
Judicial Branch	1.50%	183	133,672.00	63,204.00	196,876.00
Legislative Branch	1.50%	95	78,215.90	37,582.32	115,798.22
<b>TOTAL</b>		<b>838</b>	<b>672,796.83</b>	<b>307,794.90</b>	<b>980,591.73</b>
<b>OVERALL TOTAL</b>					
Executive Branch		1,253	932,344.15	413,970.10	1,346,314.25
Judicial Branch		192	139,222.00	65,638.00	204,860.00
Legislative Branch		156	116,608.34	57,565.82	174,174.16
<b>OVERALL TOTAL</b>		<b>1,601</b>	<b>1,188,174.49</b>	<b>537,173.92</b>	<b>1,725,348.41</b>



## FY 18 Fund Carryovers Into FY 19

All carryover amounts will be from the remaining non-personnel balances in the relevant business unit after reconciliation of balances occurs.

	BU#	Division	Program Title	Amount
1	105001	OMB	Office of Management and Budget	Remaining operating balance
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4	107021	OOC	Property Mgt. Dept.	Remaining balance up to \$483,156
5	107022	OOC	Administration	Up to \$815,126
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10	112009	DGS	Dept. of Info Technology	Remaining operating balance
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25	117023	DSS	General Assistance & Welfare Assistance	Remaining operating balance
26	118001	OOC	Fixed Cost - Annual Audit	Remaining operating balance
27	118022	OOC	Fixed Cost - FMIS Maintenance	Remaining operating balance

FY2019  
CONDITION OF APPROPRIATIONS

*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 2<sup>nd</sup> 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 Office of the Controller, BU #107022 and Air Transportation Department, BU #112007, by the end of the second quarter, shall arrange the purchase of airplanes for the Navajo Nation, begin the process for a Purchase Agreement or other such document to complete the purchase of airplanes, and in coordination with the Division of General Services restore the Air Transportation Program.

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. If, by the end of the stated quarter, the review is delayed in the Executive Review process, the purchase is not approved by the Navajo Nation Council, or the resolution is vetoed by the Navajo Nation President then the Condition of Appropriation shall be void.

Responsible Entity: Controller, Office of the Controller

**Condition of Appropriation No. 7**

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. 1 Updating Plan of Operation**

- A. Legislative Branch – Office of the Speaker
  - Office of Legislative Counsel
  - Office of Navajo Government Development
  - Election Administration Office
  - Navajo Board of Election Supervisors
  - Black Mesa Review Board
  - Office of the Auditor General
  - Navajo/Hopi Land Commission
  - Commission on Emergency Management
  - Eastern Navajo Land Commission
  - Office of the Eastern Navajo Land Commission
  - Navajo Nation Human Rights Commission
- B. Judicial Branch – Administration Office of the Courts
- C. Executive Offices – Office of the President/Vice President
  - Navajo Nation Washington Office
  - Navajo-Hopi Land Commission Office
  - Office Hearing and Appeals
  - Office of Miss Navajo Nation
  - Executive Protection Services Program
  - Office of the Public Defender
  - Department of Veterans Affairs & Agency Offices
- D. Office of the Controller/Administration/Financial Services
  - Property Management Department
  - Navajo Nation Permanent Fund
  - Credit Services Home Loan Program
  - Credit Services Personal Loan Program
  - Scholarship Plan for Finance and Accounting
- E. Fixed Cost – Annual Audit OOC
  - Insurance Premium DGS
  - Office Machine/Furniture/Building Maintenance OOC
  - FMIS OOC
  - Hopi Partitioned Land Rental NHLCO
  - Indirect Cost Plan OMB
  - Investment Fees OOC
  - FMIS Fixed Cost Maintenance Service OOC
  - Lease Cost – Large Equipment OOC
  - NN Integrated Justice Judicial
  - Litigation DOJ

F. Office of Management & Budget

G. Division of General Services – Administration

- Insurance Services Department
- ISD –Safety & Loss Control
- ISD – Risk Management Program
- ISD – Employee Benefit Plan
- ISD – Worker’s Compensation Program
- Records Management Department
- RMD – Duplicating Services Program
- Navajo Transit System Fixed Routes Services

H. Division of Human Resources – Office of Navajo Women & Families

- Navajo Occupational Safety & Health Administration
- Navajo Office of Vital Records & Identification

I. Division of Public Safety – Department of Emergency Medical Services

J. Department of Justice – Office of the Attorney General

- Navajo – Hopi Legal Services Program
- Office of the Prosecutor of the Navajo Nation
- Juvenile Justice

K. Department of Dine Education – OSERS Food Service Vending Program

- OSERS Tuba City Laundry
- OSERS Navajo Nation Trust Fund Handicapped Services
- Office of Dine Standards, Curriculum & Assessment
- Navajo Traditional Apprenticeship Project
- Office of Dine School Improvement
- Navajo Nation Board of Education

L. Division of Economic Development – Administration

- Business Regulatory Department
- Project Development Department
- PDD – Tourism Department
- PDD – Tourism Department/Parks & Recreation
- Small Business Development Department & 6 RBDOS
- Support Services Department
- Real Estate Department
- Karigan Professional Office

M. Navajo Gaming Regulatory

FISCAL YEAR 2019  
LEGISLATIVE CONCERNS

*Legislative Concern means a comment, directive or recommendation made by the Navajo Nation Council, by virtue of its legislative oversight authority and pursuant to its authority as the governing body of the Navajo Nation, raising an issue of concern with respect to the internal functioning of the three Branches. Such concerns are advisory in nature, but do not create legal conditions precedent to the expenditure of appropriated funds. In order for a particular legislative concern to be appended to a budget resolution, it must be voted upon and adopted by a majority of the Navajo Nation Council. Legislative concerns which are not voted upon, will not be appended to the budget resolution, but will be referred to the appropriate Branch Chief in memorandum form by the Speaker of the Navajo Nation Council. 12 N.N.C. § 810(M)*

LEGISLATIVE CONCERN NO. 1

Division of Aging and Long Term Care Support

To prevent delay in services to elders the DALTC will submit timely invoices to the Office of the Controller for payment to vendors. The DALTC will report to the Health, Education and Human Services Committee and the Budget and Finance Committee each quarter.

LEGISLATIVE CONCERN NO. 2

Division of Aging and Long Term Care Support

The Chapters have raised concerns regarding senior citizen's care and to resolve the concerns the DALTC will identify and attempt to resolve the concerns raised by Chapters and the Senior Centers. The DALTC will report to the Health, Education and Human Services Committee and the Budget and Finance Committee each quarter.

LEGISLATIVE CONCERN NO. 3

Department of Diné Education – Navajo Technical University and Diné College

The Navajo Technical University and Diné College will each conduct a study on the reasons for their low graduation rate. The report will be presented to the Health, Education and Human Services Committee and the Budget and Finance Committee by the end of the second quarter.

LEGISLATIVE CONCERN NO. 4

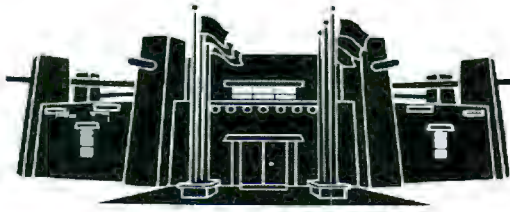
Office of the Controller

The Office of the Controller will report on the backlog of the Department of Health's invoice payment requests to the Health, Education and Human Services Committee and the Budget and Finance Committee.

LEGISLATIVE CONCERN NO. 5

Office of the Controller

The Office of the Controller will report on the plan for upgrading the pay scale for Accountants. The report will be presented to the Budget and Finance Committee by the end of the first quarter.



## MEMORANDUM

**TO:** Honorable Seth Damon  
23<sup>rd</sup> Navajo Nation Council

**FROM:**   
Levon B. Henry, Chief Legislative Counsel  
Office of Legislative Counsel

**DATE:** August 15, 2018

**SUBJECT:** AN ACTION RELATING TO BUDGET AND FINANCE COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE, AND NAVAJO NATION COUNCIL; APPROVING THE NAVAJO NATION FISCAL YEAR 2019 COMPREHENSIVE BUDGET; WAIVING 12 N.N.C. §§ 820(I) AND 860 AND CF-07-11

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law and review of the documents submitted, the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge.

NOTE: the waivers included in the legislation impose a 2/3rds vote requirement for passage.

The Office of Legislative Council confirms the Navajo Nation Council and appropriate standing committee(s) reviews based on the legislative powers outlined in 2 N.N.C. §§ 102 and 164(A)(9) and 12 N.N.C. § 840(B). Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. § 164(A)(5).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0278-18\_\_

SPONSOR: Seth Damon

**TITLE: An Action Relating To Budget And Finance Committee, NAABIK'IYATI' Committee, And Navajo Nation Council; Approving The Navajo Nation Fiscal Year 2019 Comprehensive Budget; Waiving 12 N.N.C. §§ 820 (I) And 860 And CF-07-11**

***Date posted: August 15, 2018 at 5:08 PM***

**Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)**

**Written comments may be mailed to:**

**Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7586**

**Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.**

**Please note:** This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*



**THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY**

**LEGISLATION NO.:** 0278-18

**SPONSOR:** Honorable Seth Damon

**TITLE:** An Action Relating to Budget And Finance Committee, NAABIK'IYATI' Committee, And Navajo Nation Council; Approving The Navajo Nation Fiscal Year 2019 Comprehensive Budget; Waiving 12 N.N.C. §§ 820 (I) And 860 And CF-07-11

**Posted:** August 15, 2018 at 5:08 PM

**5 DAY Comment Period Ended:** August 20, 2018

**Digital Comments received:**

<b>Comments Supporting</b>	<i>None</i>
<b>Comments Opposing</b>	<i>None</i>
<b>Inconclusive Comments</b>	<i>None</i>

  
\_\_\_\_\_  
**Legislative Secretary II  
Office of Legislative Services**

8/21/2018 8:16am  
\_\_\_\_\_  
**Date/Time**

## 23<sup>rd</sup> NAVAJO NATION COUNCIL

Fourth Year 2018

Mr. Speaker:

The **BUDGET & FINANCE COMMITTEE** to whom has been assigned

### NAVAJO LEGISLATIVE BILL # 0278-18:

An Action relating to Budget and Finance Committee, Naabikiyati Committee and Navajo Nation Council; Approving the Navajo Nation Fiscal Year 2019 Comprehensive Budget; Waiving 12 N.N.C. §§ 820(I) and 860 and CF-07-11  
*Sponsored by Seth A. Damon, Council Delegate*

has had it under consideration and reports the same with the recommendation that It **Do Pass** with 2 amendments.

1. Swap out Exhibit H "FY 18 Fund Carryovers into FY 19"  
*Motion: Tuchoney Slim, Jr. Second: Lee Jack, Sr. Vote: 5-0 yeas: Tuchoney Slim, Jr., Lee Jack, Sr., Leonard Tsosie, Seth A. Damon, Tom T. Chee*
2. On page 5, lines 7, strike \$4,500,000 and replace with "\$3,500,000"; on line 9 reduce \$2,500,000 to \$1,500,000 for Executive  
*Motion: Seth Damon Second: Tuchoney Slim, Jr. Vote: 5-0 Yeas: Leonard Tsosie, Seth A. Damon, Lee Jack, Sr., Tuchoney Slim, Jr., Tom T. Chee*

And therefore, referred to the **NAABIKIYATI** Committee

Respectfully submitted,

  
Dwight Witherspoon, Vice Chairman

Adopted:  Legislative Advisor      Not Adopted: \_\_\_\_\_  
Legislative Advisor      Legislative Advisor

**21 August 2018**

The vote was **5** in favor **0** opposed *yea votes: Lee Jack, Sr., Leonard Tsosie, Tom T. Chee, Tuchoney Slim, Jr., Seth A. Damon Nay votes: 0*  
*Motion: Tuchoney Slim, Jr.*  
*Second: Tom T. Chee*

## BUDGET AND FINANCE COMMITTEE

August 21, 2018

Special Meeting

### VOTE TALLY SHEET:

#### Legislation No. 0278-18:

An Action relating to Budget and Finance Committee, Naabikiyati Committee and Navajo Nation Council; Approving the Navajo Nation Fiscal Year 2019 Comprehensive Budget; Waiving 12 N.N.C. §§ 820(I) and 860 and CF-07-11 *Sponsored by Seth A. Damon, Council Delegate*

*Motion: Tuchoney Slim, Jr.*

*Second: Tom T. Chee*

*Vote: 5-0, Vice Chairman not voting*

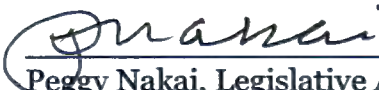
#### Vote Tally:

Seth A. Damon	<b>Yea</b>	
Dwight Witherspoon		
Tom T. Chee	<b>Yea</b>	
Lee Jack, Sr.	<b>Yea</b>	
Leonard Tsosie	<b>Yea</b>	
Tuchoney Slim, Jr.	<b>Yea</b>	

Absent:



Dwight Witherspoon, Vice Chairman  
Budget & Finance Committee



Peggy Nakai, Legislative Advisor  
Budget & Finance Committee

## FY 18 Fund Carryovers Into FY 19

All carryover amounts will be from the remaining non-personnel balances in the relevant business unit after reconciliation of balances occurs.

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19	114001	DHR	Administration	Remaining operating balance in object codes 6520 and 9010
20	114007	DHR	Navajo Occupational Safety and Health Admin.	Remaining operating balance in object code 6520
21	114009	DHR	Department of Personnel Management	Remaining operating balance in object code 6520
22	115017	DNR	NN Museum/Treaty of 1868 Exhibit	Up to \$155,765
23	115026	DNR	F&W - Animal Control Program (ACP)	Remaining balance up to \$129,000
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26	118001	OOC	Fixed Cost - Annual Audit	Remaining operating balance
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**23<sup>rd</sup> NAVAJO NATION COUNCIL  
NAABIK'ÍYÁTI' COMMITTEE  
Fourth Year 2018**

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

**NAVAJO LEGISLATIVE BILL #0278-18**

An Action Relating to Budget and Finance Committee, Naabik'iyati' Committee, and Navajo Nation Council; Approving the Navajo Nation Fiscal Year 2019 Comprehensive Budget; Waiving 12 N.N.C. §§ 820 (I) and 860 and CF-07-11

*Sponsored by: Honorable Seth Damon*

Has had it under consideration and reports the same **PASSED WITH FOUR AMENDMENTS/ONE DIRECTIVE AND FORWARDED TO THE NAVAJO NATION COUNCIL**

Respectfully Submitted,



*Honorable Jonathan L. Hale, Chairman Pro Tem  
NAABIK'ÍYÁTI' COMMITTEE*

**22 AUGUST 2018**

**AMENDMENT #1:**

To meet the unmet needs that the Office of Miss Navajo Nation is requesting.

From BU #103001 (OPVP) to BU #103005 (Office of Miss Navajo Nation)

From: 7130 – Promo Items	\$5,500	To: 3230 – Personal Travel	\$13,000
7140 – Gifts	\$5,000	4120 – Supplies	\$5,000
7180 – Catering	\$5,000	7130 – Promo Items	\$3,000
7190 – Refreshments	\$5,500		
<b>TOTAL</b>	<b>\$21,000</b>	<b>TOTAL</b>	<b>\$21,000</b>



*Motioned by: Honorable Amber Kanazbah Crotty*  
*Seconded by: Honorable Norman M. Begay*

*Vote: 17 in Favor, 00 Opposed (Chairman Pro Tem Hale Not Voting)*

**AMENDMENT #2:**

To transfer \$1,000,000 from Fixed Cost for Litigation to Water Right Litigation

From: BU #N01000 Fixed Cost Litigation	To: BU #NEW Water Rights Litigation/DOJ
From: 6660 - \$1,000,000	To: 6600 – Attorneys \$1,000,000
TOTAL \$1,000,000	TOTAL \$1,000,000

*Motioned by: Honorable Leonard Tsosie*  
*Seconded by: Honorable Jonathan Perry*

*Vote: 9 in Favor, 2 Opposed (Chairman Pro Tem Hale Not Voting)*

*NOTE: Vote was taken utilizing 2 N.N.C. § 700 (D); “A quorum of the committee shall be satisfied by the presence of two (2) members of each Standing Committee”*

**AMENDMENT #3:**

1. Carryover for Animal Control in the Amount of \$255,000 (Exhibit H)
2. Renumber or re-letter succeeding paragraphs or sections accordingly, if necessary; and this amendment shall supersede inconsistent language contained in any other committee amendment, which shall be conformed to the intent or language of this amendment. Office of Legislative Services is hereby authorized to make grammatical changes or correct typographical errors with notice to the sponsor.

*Motioned by: Honorable Steven Begay*  
*Seconded by: Honorable Jonathan Perry*

*Vote: 12 in Favor, 00 Opposed (Chairman Pro Tem Hale Not Voting)*

## **DIRECTIVE MOTION:**

1. OMB to include memo from Delegate Kee Allen Begay, Jr., dated August 22, 2018 regarding chapter and veterans unmet needs to attach to OMB Unmet Needs memorandum dated August 22, 2018.
2. Allow other chapters to be included within this motion.

*Motioned by: Honorable Kee Allen Begay, Jr.*

*Seconded by: Honorable Raymond Smith, Jr.*

*Vote: 06 in Favor, 05 Opposed (Chairman Pro Tem Hale Not Voting)*

*NOTE: Vote was taken utilizing 2 N.N.C. § 700 (D); "A quorum of the committee shall be satisfied by the presence of two (2) members of each Standing Committee"*

## **AMENDMENT #4:**

Mr. Chairman Pro Tem and members of the Naabik'íyáti' Committee, I request the following amendment(s) to Legislation No. 0278-18 (Exhibit I):

1. Condition of Appropriations No. 8

The Navajo Nation Environmental Protection Agency BU #111001, 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

2. Renumber or re-letter succeeding paragraphs or sections accordingly, if necessary; and this amendment shall supersede inconsistent language contained in any other committee amendment, which shall be conformed to the intent or language of this amendment. The Office of Legislative Services, with notice to the sponsor(s) of the Legislation, is hereby authorized to make necessary grammatical changes.

*Motioned by: Honorable Walter Phelps*  
*Seconded by: Honorable Dwight Witherspoon*

*Vote: 11 in Favor, 00 Opposed (Chairman Pro Tem Hale Not Voting)*

*NOTE: Vote was taken utilizing 2 N.N.C. § 700 (D); "A quorum of the committee shall be satisfied by the presence of two (2) members of each Standing Committee"*

**MAIN MOTION:**

*Motioned by: Honorable Davis Filfred*  
*Seconded by: Honorable Jonathan Perry*

*Vote: 11 in Favor, 00 Opposed (Chairman Pro Tem Hale Not Voting)*

*NOTE: Vote was taken utilizing 2 N.N.C. § 700 (D); "A quorum of the committee shall be satisfied by the presence of two (2) members of each Standing Committee"*

# NAVAJO NATION

RCS# 979

8/22/2018

Naa'bik'iyati Committee

12:56:08 PM

Amd#1 to Amd#  
MOT Crotty  
SEC Begay, NM  
OP/VP \$21,000 to Miss Navajo  
Nation tp Personal travel,  
Supplies and Promo Items  
\$21,000

PASSED

**Yea : 17**

**Nay : 0**

**Excused : 0**

**Not Voting : 7**

**Yea : 17**

Begay, K  
Begay, NM  
Begay, S  
BeGaye, N  
Brown

Crotty  
Damon  
Perry  
Pete

Phelps  
Shepherd  
Slim  
Smith

Tso  
Tsosie  
Witherspoon  
Yazzie

**Nay : 0**

**Excused : 0**

**Not Voting : 7**

Bates  
Bennett

Chee  
Daniels

Filfred  
Hale

Jack

# NAVAJO NATION

RCS# 983

Naa'bik'iyati Committee

8/22/2018

03:41:36 PM

Amd#2 to Amd# Fixed Cost Litigation  
MOT Tsosie \$1,000,000 to Water Rights  
SEC Perry Litigation/DOJ

PASSED

Yea : 9

Nay : 2

Excused : 0

Not Voting : 13

Yea : 9

Begay, K  
Begay, S  
Perry

Phelps  
Shepherd

Slim  
Smith

Tso  
Tsosie

Nay : 2

Witherspoon

Damon

Excused : 0

Not Voting : 13

Bates  
Begay, NM  
BeGaye, N  
Bennett

Brown  
Chee  
Crotty

Daniels  
Filfred  
Hale

Jack  
Pete  
Yazzie



# NAVAJO NATION

RCS# 984

Naa'bik'iyati Committee

8/22/2018

03:45:28 PM

Amd#3 to Amd# Carryover for Animal Control  
MOT Begay, S \$255,000 - new item 28  
SEC Perry

PASSED

**Yea : 12**

**Nay : 0**

**Excused : 0**

**Not Voting : 12**

**Yea : 12**

Begay, K  
Begay, S  
Crotty

Damon  
Perry  
Phelps

Shepherd  
Slim  
Smith

Tso  
Tsosie  
Witherspoon

**Nay : 0**

**Excused : 0**

**Not Voting : 12**

Bates  
Begay, NM  
BeGaye, N

Bennett  
Brown  
Chee

Daniels  
Filfred  
Hale

Jack  
Pete  
Yazzie

# NAVAJO NATION

RCS# 985

8/22/2018

Naa'bik'iyati Committee

04:35:48 PM

Amd#4 to Amd#

Directive to OMB to include  
chapters unmet

PASSED

MOT Begay, K

SEC Smith

**Yea : 6**

**Nay : 5**

**Excused : 0**

**Not Voting : 13**

**Yea : 6**

Begay, K  
BeGaye, N

Damon  
Slim

Smith

Witherspoon

**Nay : 5**

Perry  
Phelps

Shepherd

Tso

Tsosie

**Excused : 0**

**Not Voting : 13**

Bates  
Begay, NM  
Begay, S  
Bennett

Brown  
Chee  
Crotty

Daniels  
Filfred  
Hale

Jack  
Pete  
Yazzie

# NAVAJO NATION

RCS# 986

Naa'bik'iyati Committee

8/22/2018

04:41:07 PM

Amd#5 to Amd#

COA No. 8

PASSED

MOT Phelps

NNEPA, by the end of the first

SEC Witherspoon

quarter, shall prioritize

completion of the "tribal envir.

**Yea : 11**

**Nay : 0**

**Excused : 0**

**Not Voting : 13**

**Yea : 11**

Begay, K  
Begay, S  
Damon

Perry  
Phelps  
Shepherd

Slim  
Smith  
Tso

Tsosie  
Witherspoon

**Nay : 0**

**Excused : 0**

**Not Voting : 13**

Bates  
Begay, NM  
BeGaye, N  
Bennett

Brown  
Chee  
Crotty

Daniels  
Filfred  
Hale

Jack  
Pete  
Yazzie

# NAVAJO NATION

RCS# 988

Naa'bik'iyati Committee

8/22/2018  
04:48:55 PM

Amd# to Amd#      Legislation No. 0278-18  
MOT Filfred      Approving the Navajo Nation  
SEC Perry      Fiscal Year 2019 Comprehensive  
                         Budget; Waiving 12 N.N.C. Sec.

PASSED

**Yea : 11**

**Nay : 0**

**Excused : 0**

**Not Voting : 13**

## **Yea : 11**

Begay, S  
BeGaye, N  
Damon

Perry  
Phelps  
Shepherd

Slim  
Smith  
Tso

Tsosie  
Witherspoon

## **Nay : 0**

## **Excused : 0**

## **Not Voting : 13**

Bates  
Begay, K  
Begay, NM  
Bennett

Brown  
Chee  
Crotty

Daniels  
Filfred  
Hale

Jack  
Pete  
Yazzie