SUMMARY OF PROPOSED LEGISLATION

DATE: January 22, 2024

RE: AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; APPROVING \$1,304,652.64 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUFB") FOR THE 110 NAVAJO NATION CHAPTERS TO REPLENISH THEIR EMERGENCY FUND ACCOUNTS SO THEY ARE READY TO ADDRESS EMERGENCIES IN THEIR COMMUNITIES; WAIVING 12 N.N.C. §820(E), §820(F), §820(J), AND §820(L) TO ALLOW USE OF THE UUFB FOR RECURRING EXPENSES

Purpose of this Legislation:

to approve \$1,304,652.64 from the UUFB for the 110 Chapters' Emergency Fund accounts.

PROPOSED NAVAJO NATION COUNCIL RESOLUTION 25th NAVAJO NATION COUNCIL - Second Year, 2024

Introduced by:

(Prime Sponsor)

Tracking No. <u>0018-24</u>

AN ACTION

RELATING TO AN EMERGENCY FOR THE NAVAJO NATION
COUNCIL; APPROVING \$1,304,652.64 FROM THE UNRESERVED,
UNDESIGNATED FUND BALANCE ("UUFB") FOR THE 110 NAVAJO
NATION CHAPTERS TO REPLENISH THEIR EMERGENCY FUND
ACCOUNTS SO THEY ARE READY TO ADDRESS EMERGENCIES
IN THEIR COMMUNITIES; WAIVING 12 N.N.C. §820(E), §820(F), §820(J),
AND §820(L) TO ALLOW USE OF THE UUFB FOR RECURRING EXPENSES

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 consider emergency legislation. 2 N.N.C. §164(A)(16). "[M]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief 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).
- B. As the governing body of the Navajo Nation, the Council may approve supplemental appropriations during the fiscal year. "Supplemental appropriations of General Funds within

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- 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).
- C. A "supplemental appropriation" is defined as: "[a]n appropriation of funds from the UUFB during the fiscal year, outside of the annual Comprehensive Budget Process." See Section XIV.33 of the FY2023 Budget Instructions Manual.
- D. Further Title 12 restrictions on supplemental appropriations, including all amounts from the UUFB include:
 - 1. Payment of recurring government operating expenses shall be from recurring revenues, and payment of nonrecurring government 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 if 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 year) forecast shows that the operating deficit will not continue; otherwise, nonrecurring revenues will be added to the UUFB. 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 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, to ensure compliance with 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.
- E. This resolution is being offered as an emergency action because, due to heavy precipitation this winter, the 110 Navajo Nation Chapters have significantly depleted their Emergency Fund accounts by various amounts, and some accounts are completely exhausted. These critical Emergency Fund accounts are used by the 110 Chapters to respond to weather-related and other emergency situations in their communities.

SECTION TWO. FINDINGS

- A. After recent snowstorms and heavy precipitation, the 110 Navajo Nation Chapters have depleted their Emergency Fund accounts, which are used by the Chapters to respond to weather-related and other emergency situations in their communities.
- B. As soon as possible, these Chapter accounts need to be replenished to the usual minimum amount for each Chapter, because further emergencies are expected across the Navajo Nation due to anticipated winter weather, muddy roads, and other difficulties.
- C. The Division of Community Development ("DCD") has provided a list of the dollar amount needed by each of the 110 Chapters to replenish each Chapter's Emergency Fund account. This list prepared by DCD is attached hereto as **EXHIBIT 1**.
- D. For this UUFB funding request, the required Navajo Nation Budget Forms and the required Appendix J "Supplemental Funding Proposal Summary" from the FY2024 Budget Instructions Manual, are attached hereto as **EXHIBIT 2**.
- E. The Office of the Controller has provided a memorandum regarding the requested UUFB funding, as required by 12 N.N.C. §820(L). This memorandum indicates that the proposed expenditures are *recurring*. **EXHIBIT 3**.
- F. The Office of Management and Budget has provided a memorandum regarding the proposed expenditures for the 110 Chapters. 12 N.N.C. §820(M). **EXHIBIT 4**.
- G. This legislation is offered as an emergency measure because of the current "pressing public need" for this funding for all 110 Chapters. These funds will enable Chapters to provide local services to quickly mitigate dire weather-related emergencies and prevent potential disasters, property damage, and injury or loss of life to people and livestock.
- H. The Navajo Nation finds it in the best interest of the Navajo Nation and the Navajo People to approve the needed emergency funds from the UUFB for all 110 Navajo Nation Chapters.

SECTION THREE. APPROVING \$1,304,652.64 FROM THE UUFB FOR THE 110 NAVAJO NATION CHAPTERS TO REPLENISH THEIR EMERGENCY FUND ACCOUNTS

A. The Navajo Nation hereby approves \$1,304,652.64 from the UUFB to the Division of Community Development for the 110 Chapters' Emergency Fund accounts, with each

BU	CHAPTER	AMOUNT
108014	Black Mesa	6,550.00
108024	Blue Gap/Tachee	5,430.00
108015	Chinle	3,233.00
108016	Forest Lake	0.00
108017	Hard Rock	1,267.00
108018	Lukachukai	10,450.00
108019	Many Farms	29,541.00
108020	Nazlini	22,355.00
108021	Pinon	30,000.00
108022	Round Rock	24,457.00
108025	Tsaile/Wheatfields	0.00
108023	Tse Ch'izhí (Rough Rock)	565.00
108026	Tselani/Cottonwood	0.00
108027	Whippoorwill	29,721.00
	SUBTOTAL	163,569.00
BU	CHAPTER	AMOUNT
108028	Alamo	19,734.18
108031	Baahaali	20,202.00
108029	Baca-Prewitt	11,266.88
108030	Becenti	19,280.00
108033	Casamero Lake	24,779.65
108034	Chichiltah	13,699.00
108035	Church Rock	0.00
108036	Counselor	0.00
108037	Crownpoint	53,019.00
108038	Huerfano	6,777.76
108039	Iyanbito	13,607.26
108040	Lake Valley	22,699.86
108041	Littlewater	34,213.00
108042	Manuelito	5,645.23
108043	Mariano Lake	24,906.43
108044	Nageezi	6,570.00
108045	Nahodishgish	0.00
108046	Ojo Encino	6,663.54
108047	Pinedale	28,686.00
108048	Pueblo Pintado	0.00
108049	Ramah	16,747.23
108051	Rock Springs	5,402.00

108052	Smith Lake	15,010.18
108054	Thoreau	497.12
108032	Tohajiilee	2,988.41
108055	Torreon/Star Lake	0.00
108056	Tsayatoh	29,885.00
108053	Tse' Ii'Ahi (Standing Rock)	31,010.00
108050	Tse Lichií (Red Rock)	24,079.00
108057	White Horse Lake	13,154.00
108058	White Rock	16,719.00
	SUBTOTAL	467,241.73
BU	CHAPTER	AMOUNT
108082	Bahastl'ah' (Twin Lakes)	0.00
108059	Cornfields	29,999.00
108060	Coyote Canyon	0.00
108061	Crystal	19,919.04
108062	Dilkon	12,559.54
108063	Fort Defiance	0.00
108064	Ganado	20,148.10
108071	Greasewood Springs	12,929.62
108065	Houck	13,153.02
108066	Indian Wells	6,968.00
108067	Jeddito	18,013.00
108068	Kin Dah Lichii (Kinlichee)	14,272.00
108069	Klagetoh	20,000.00
108070	Low Mountain	14,394.73
108073	Mexican Springs	29,738.68
108085	Nahata Dziil	0.00
108074	Naschitti	0.00
108075	Oak Springs	0.00
108076	Red Lake #18	0.00
108077	Sawmill	0.00
108078	St. Michaels	0.00
108079	Steamboat	16,449.53
108080	Teesto	21,551.00
108081	Tohatchi	23,139.98
108072	Tse' Si Ani (Lupton)	22,982.00
108083	White Cone	8,062.54
108084	Wide Ruins	8,536.17
	SUBTOTAL	312,815.95

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BU	CHAPTER	AMOUNT				
108086	Aneth	0.00				
108087	Beclabito	0.00				
108089	Cove	14,654.31				
108090	Gadii' Ahi/To'koi	0.00				
108093	Mexican Water	14,781.00				
108094	Nenahnezad	0.00				
108095	Newcomb	28,717.57				
108096	Red Mesa	25,000.00				
108097	Red Valley	0.00				
108098	Rock Point	16,126.00				
108099	San Juan	12,290.40				
108102	Shiprock	22,411.33				
108104	Teec Nos Pos	0.00				
108088	Tiis Tsoh Sikaad (Burnham)	18,257.11				
108105	Toadlena/Two Grey Hills	15,314.80				
108103	Tolikan (Sweetwater)	19,622.00				
108101	Tooh' Haltsooi (Sheep Springs)	22,185.84				
108100	Tse Alnaozt'ii (Sanostee)	12,290.40				
108092	Tse Daa Kaan (Hogback)	0.00				
108091	Upper Fruitland	1,136.69				
	SUBTOTAL	222,787.45				
BU	CHAPTER	AMOUNT				
108107	Bodaway-Gap	0.00				
108108	Cameron	0.00				
108109	Chilchinbeto	9,900.00				
108110	Coalmine Canyon	0.00				
108111	Coppermine	6,564.15				
108112	Dennehotso	16,448.00				
108114	Kai' Bii To (Kaibeto)	2,792.00				
108115	Kayenta	0.00				
108116	LeChee	8,099.00				
108117	Leupp	7,211.00				
108118	Navajo Mountain	0.00				
108119	Oljato	0.00				
108121	Shonto	24,390.00				
108123	To' Nanees' Dizi'	0.00				
108122	Tolani Lake	19,666.36				

108120	Tonalea/Red Lake	10,000.00
108113	Ts'ah Bii Kin (Inscription House)	6,669.00
108106	Tsidii To'ii (Birdsprings)	26,499.00
	SUBTOTAL	138,238.51
	GRAND TOTAL	1,304,652.64

Central Agency	163,569.00
Eastern Agency	467,241.73
Fort Defiance Agency	312,815.95
Northern Agency	222,787.45
Western Agency	138,238.51
GRAND TOTAL	1,304,652.64

THE NAVAJO NATION PROGRAM BUDGET SUMMARY

Page 1 of 3 BUDGET FORM 1

ve ty	2	(C) Difference or	Total	0.00	0.00	0.00	0.00	0.00	0.00	00.0	0.00	0.00	1,304,652.64	0.00	0.00	0.00	1,304,652.64			racokes.	E	XH	IBIT		
Division of Community Development/Executive	heather.kinlacheeny@navajo-nsn.gov	(B)	Proposed Budget										1,304,653				1,304,652.64	(E)				NNC	nted Name	ا ا	
Division/Branch:_	heather.kinlac	(A) NNC Approved	Original Budget														\$0.00	(D)			CURATE.	Crystalyne Curley, Speaker, 25th NNC	Division Director / Branch Chief's Printed Name	Division Director / Branch Chief's Signature and Date	
	Email Address:	Fund	Code														TOTAL	•	3udgeted:	3ndgeted:	TE AND AC	Crystalyne	on Directo	Director /	
NN Chapter Emergency Funds	505-422-3444 Email	PART III. BUDGET SUMMARY		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	7000 Special Transactions	8000 Public Assistance	9000 Capital Outlay	9500 Matching Funds	9500 Indirect Cost		PART IV. POSITIONS AND VEHICLES	Total # of Positions Budgeted:	Total # of Vehicles Budgeted:	PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.	APPROVED BY:	Divisi	Division	
	No.:	% of Total	100%																	100%	NTAINED		•	2人2024 Date	
Program Title:	Phone No.	Amount	1,304,652.64																	\$1,304,652.64	FORMATION CO	hief of Staff	Printed Name	Program Manager's Signature and Date	
108014-108123	Heather Kinlacheeny	Fiscal Year /Term	FY 2024																	TOTAL	SE THAT THE IN	Manuel Rico, Jr, Chief of Staff	Program Manager's Printed Name	am Manager's St	
PART I. Business Unit No.: 108	Prepared By: Heather I	PART II. FUNDING SOURCE(S)	UUFB																		PART V. I HEREBY ACKNOWLEDO	SUBMITTED BY: FM I	E (Progri	

FY 2024

Page 2 of 3

THE NAVAJO NATION

FY 2024

BUDGET FORM 2 PROGRAM PERFORMANCE MEASURES PART I. PROGRAM INFORMATION:

Business Unit No.: 108014-108123 Progra	Program Name/Title:	NN Chapter Emergency Funds	ency Funds		
PART II. PROGRAM PERFORMANCE CRITERIA:		1st QTR Goal	2nd QTR Goal	3rd QTR Goal	4th QTR Goal
 Program Performance Measure: Secure NN Chapters with finanical resources for community emergency response. Implement emergency management plan with 	se. Implement emergency management plan with		5		
financial resources appropriated.		110			
2. Program Performance Measure:					
3. Program Performance Measure:					
4. Program Performance Measure:					
5. Program Performance Measure:		·			
PART III. CONCURRENCE/APPROVAL:					
Program Manager's Printed Name Program Manager's Signature and Date	Crystalyne Curley, Speaker, 25th NNC Division Director/Branch Chief's Signature and Date	Crystalyne Curley, Speaker, 25th NNC Division DirectorBranch Chief's Printed Name C/ / / C	th NNC rinted Name $O(-/2-2-2)$ nature and Date		

Page 3 of 3 BUDGET FORM 4

THE NAVAJO NATION DETAILED BUDGET AND JUSTIFICATION

	(D)	Total by MAJOR Object Code (LOD 4)	1,304,653		1,304,653
108014-108123	(2)	Total by DETAILED Object Code (LOD 6)	1,304,653		1,304,653
Business Unit No.: 10					TOTAL
NN Chapter Emergency Funds	(B)	Object Code Description and Justification (LOD 7)	1,304,653	163,569.00 467,241.73 312,815.95 222,787.45 1138,238.51 1,304,552.64	
PART I. PROGRAM INFORMATION: Program Name/Title:	DETAILED BUDGET:		8000 Assistance Chapter	Chinle Agency Chapters Eastern Agency Chapters Fort Defiance Agency Chapters Northern Agency Chapters Western Agency Chapters	
PART I. F	PART II. (A)	Object Code (LOD 6)	8705		

FY 2024

OFFICE OF THE SPEAKER 25TH NAVAJO NATION COUNCIL

MEMORANDUM

TO:

ALL CONCERNED

· FROM:

Manuel Rico, Chief of Staff

Office of the Speaker

DATE:

October 10, 2023

SUBJECT:

STANDING DELEGATION OF AUTHORITY

Effective October 10, 2023, the following shall be the Standing Delegation for the position of Chief of Staff:

Jared Touchin, Deputy COS Office of the Speaker

Mary Nez, Executive Assistant

Office of the Speaker

Clarinda Begay, Legislative Financial Advisor Office of the Speaker

Julissa Johnson, Interim Executive Director
Office of Legislative Services

This delegation will be in effect while I am on travel, on leave status or away from the office. The delegation shall cover personnel and administrative matters only and is not intended, nor does it, re-delegate any policy authority delegated to the Chief of Staff of the Office of the Speaker. Thank you for your understanding and cooperation.



LEGISLATIVE BRANCH

NAVAJO NATION

OFFICE OF THE SPEAKER 25TH NAVAJO NATION COUNCIL

MEMORANDUM

TO:

25th Navajo Nation Council

FROM:

Crystalyne Curley, Speaker

25th Navajo Nation Council

DATE:

January 8, 2024

SUBJECT:

Appointment of Speaker Pro Tem for January 9-12, 2024

I hereby appoint Honorable Danny Simpson, 25th Navajo Nation Council Delegate, to serve as Speaker Pro Tem starting Tuesday January 9, 2024 to end of business day Friday, January 12, 2024, while I am out of the office on official travel.

Pursuant to 2 N.N.C. §287(B), "The Speaker in his or her sole discretion, may appoint a Speaker Pro Tem to carry out administrative duties of the Office of the Speaker whenever the Speaker is both unavailable due to travel, illness, or any other reason deemed sufficient grounds by the Speaker. The appointment shall be made in writing and shall expire at the time designated by the Speaker, and shall, in any event, automatically expire in five working days after the date of appointment unless renewed in writing by the Speaker."

This delegation is for administrative purposes only and is not intended, nor does it re-delegate any policy authority of the Speaker of the 25th Navajo Nation Council. Should you have any questions or concerns please feel free to contact Chief of Staff Manuel Rico Jr. at mrico @navajo-nsn.gov or at (928)871-7160. Thank you for your understanding and cooperation.

AKNOWLEDGEMENT:

Honorable Danny Simpson

Resources & Development Committee 25th NNC

THE NAVAJO NATION SUPPLEMENTAL FUNDING PROPOSAL SUMMARY

PART I. Business Unit No.:	108014-108123	Program Title:	NN C	hapter Emergency	Funds
Division/Branch:	DCD / Executive	Amount Requested: _\$	1,304,652.64	Prepared By:	Clarinda Begay
Phone No.:	(928) 871-7160	Email Address:	clarinda	begay@navajo	o-nsn.gov
PART II. REASON FOR REQUES Requesting Unreserved, Undesign replenish the Navajo Nation Chapt	ated Fund Balance (UUFB) i	n the amount of \$1,304,652.64 i	or Navajo Nation (Chapters Emergenc	y fund. The amount will
PART III. LIST ALTERNATIVE FL Due to the emergency nature of the					
		AND DECEMBER INFORMAT	ION IS COMPLET	E AND ACCUPATE	AND THE
PART IV. AFFIRMATION IS PRO APPROPRIATE BRANC		APPROVAL AS A PRIORITY.	ON 15 COMPLET	E AND ACCURATE	AND THE
Manuel Rico, Jr., Chief of St.	aff 01.10	-2024 Crys	talyne Curley, Sp	eaker, 25th NNC	
REVIEWED BY: Division Dir	ector's Signature / Date	RECO	DMMEND SUPLE	MENTAL: Branch	Chief's Signature / Date





DR. BUU NYGREN PRESIDENT RICHELLE MONTOYA VICE PRESIDENT

The Navajo Nation | Yideeskáadi Nitsáhákees

Memorandum:

To:

2 NNC § 164 Reviewers

Delegates & 2 NNC '164 Reviewers

Navajo Nation Government

DocuSigned by:

From:

อีกเร**ื่อล้องMc**Cabe, Interim Controller

Office of the Controller

Date:

January 12, 2024

Subject:

UUFB request Chapter Emergency Funding \$1,304,652.64

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

- The unaudited balance of the UUFB as of November 16, 2023, is \$182,485,284.
- 2. Request is for the total amount for UUFB in the amount of \$1,304,652.64 for Chapter Emergency Funding. The schedule attached breaks down amounts per Chapters, some chapters have zero (0) amounts that they will be allocated. There is no indication on how the amounts were derived to be allocated to each chapter.
- 3. There was a similar request in the prior fiscal year in the amount of \$3,000,000 (CJA-03-23) This request would be considered **RECURRING** funding for emergency needs in Fiscal Year 2024.

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

The Navajo Nation Dr. Buu Nygrei Yideeską adi Nitsahakees RICHELLE MONTOYA

January 12, 2024

MEMORANDUM

TO

: Office of Legislative Services

FROM

Dominic Beyal, Executive Director Office of Management and Budget

SUBJECT

: Proposed Budget for \$1,304,652 UUFB Appropriation for Chapters

Emergencies

OMB received Budget Forms from the Legislative Branch for review. OMB's comments follow:

- a. The Budget Forms are not signed. They should be signed by the Administrative Services Center and/or Division of Community Development and then the Office of President/Vice-President. The ASC/DCD are the responsible offices for Chapter budgeting.
- b. OMB has requested information from Legislative Services and ASC/DCD on how the amounts were determined for each Chapters' allocations. No explanation has yet been provided.
 - Was the 50/50% rule used? How do the current balances affect the amounts? The allocations vary significantly.
- c. There is no proposed legislation with this documentation, so the packet is not complete.
- d. Therefore, because the documentation and information at this point are incomplete it is deemed insufficient.
- e. When the full documentation and legislation are available then OMB may do a revised review memorandum.

Xc: Dana Bobroff, OLC Arbin Mitchell, DCD Jaron Charley, ASC/DCD MRodis, DOJ



Office of Legislative Counsel Phone: (928) 871-7166

Fax: (928) 871-7576



Hon. Crystalyne Curley, Speaker 25th Navajo Nation Council 2023 - 2027

MEMORANDUM

To: Hon. George Tolth, Member

Health, Education, and Human Services Committee

25th Navajo Nation Council

From:

Luralene D. Tapahe, Principal Advocate

Office of Legislative Counsel

Date:

January 22, 2024

Subject:

AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION APPROVING \$1,304,652.64 **FROM** THE UNRESERVED, COUNCIL; UNDESIGNATED FUND BALANCE ("UUFB") FOR THE 110 NAVAJO NATION CHAPTERS TO REPLENISH THEIR EMERGENCY FUND ACCOUNTS SO **ADDRESS EMERGENCIES** IN THEY ARE READY TO THEIR

COMMUNITIES; WAIVING 12 N.N.C. §820(E), §820(F), §820(J), AND §820(L) TO

ALLOW USE OF THE UUFB FOR RECURRING EXPENSES

Pursuant to your request, the Office of Legislative Counsel has prepared the above-described proposed legislation. OLC finds this draft to be legally sufficient, but as with any action of the Navajo Nation government, it can be challenged under applicable laws.

The Speaker may assign this legislation to the appropriate committees, in accordance with her authority under Title 2 of the Navajo Nation Code.

Please review this legislation and all of its exhibits, to make sure that everything is satisfactory. You should contact me immediately if any edits are needed, or if you have any questions or other concerns. I can be reached at phone no. (928)871-7166 or by email at: LuraleneTapahe@navajo-nsn.gov

Thank you for your patience.