

LEGISLATIVE SUMMARY SHEET

Tracking No. 0058-21

DATE: March 25, 2021

TITLE OF RESOLUTION: AN ACT RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAA'BIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$1,244,913.00 FOR THE NAVAJO DEPARTMENT OF CRIMINAL INVESTIGATIONS TO CONTINUE PROVIDING EFFECTIVE SERVICES FOR THE NAVAJO NATION; WAIVING 12 N.N.C. §§ 820 (E), (F), AND (J)

PURPOSE: The purpose of this resolution is for the Navajo Nation to approve \$1,244,913.00 in supplemental funding out of the UUFB for the Navajo Department of Criminal Investigations.

5-DAY BILL HOLD PERIOD: 15/Redhorse
Website Posting Time/Date: 03-25-21 9:53 pm
Posting End Date: 03-30-2021
Eligible for Action: 03-31-2021

Law & Order Committee
Thence
Budget & Finance Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24th NAVAJO NATION COUNCIL – Third Year, 2021

3
4 INTRODUCED BY

5
6
7 (Prime Sponsor)

8
9 TRACKING NO. 0058-21

10
11 AN ACT

12 RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND
13 FINANCE, AND NAA'BIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO
14 NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE
15 UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF
16 \$1,244,913.00 FOR THE NAVAJO DEPARTMENT OF CRIMINAL
17 INVESTIGATIONS TO CONTINUE PROVIDING EFFECTIVE SERVICES
18 FOR THE NAVAJO NATION; WAIVING 12 N.N.C. §§ 820 (E), (F), AND (J)

19
20 BE IT ENACTED:

21
22 **SECTION ONE. AUTHORITY**

- 23 A. The Navajo Nation established the Law and Order Committee (“LOC”) as a Navajo
24 Nation Council standing committee, and as such gave LOC oversight over all
25 departments within the Navajo Division of Public Safety. 2 N.N.C. §§ 600(A),
26 600(C)(5).
- 27 B. The Navajo Nation established the Budget and Finance Committee (“BFC”) as a
28 Navajo Nation Council standing committee, and as such empowered BFC to review
29 and recommend to the Navajo Nation Council the management of all funds. 2 N.N.C.
30 §§ 300(A), and 301(B)(2).

1 C. The Navajo Nation Council established the Naabik'íyáti' Committee as a Navajo
2 Nation standing committee, and proposed legislation requiring final action by the
3 Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee. 2 N.N.C. §§
4 164(A)(9) and 700(A).

5 D. The Navajo Nation Council is the governing body of the Navajo Nation, with the
6 authority to approve supplemental appropriations. 2 N.N.C. § 102(A), 12 N.N.C. §
7 820(L).

8 E. Pursuant to 12 N.N.C. § 820(L), “[t]he Navajo Nation Council may adopt and approve
9 supplemental appropriations to the Annual Comprehensive Budget during the fiscal
10 year. Supplemental appropriations of General Funds within the current fiscal year are
11 permitted, if and when additional sources of revenues above and beyond the initial or
12 current revenue projections are projected and which are also in excess of the reserve
13 amount set forth at § 820(J).”

14 F. The Title 12 Supplemental Appropriation requirements include:

15 1. All requests for annual operating funds and supplemental funds shall be submitted
16 to the Office of Management and Budget (OMB) for budget impact analysis. 12
17 N.N.C. § 820(M).

18 2. When the Controller identifies additional sources of revenues above and beyond
19 the initial or current revenue projections, supplemental appropriations may be
20 approved by the Navajo Nation Council. 12 N.N.C. § 820(L).

21 3. Supplemental Appropriations made from non-recurring revenues shall only be
22 made for non-recurring operations or purposes, as set forth at § 820(F). The
23 Controller of the Navajo Nation shall be responsible for the designation of recurring
24 and non-recurring revenues. 12 N.N.C. § 820(L).

25 4. The Nation shall budget all recurring operating expenses, including capital
26 maintenance, from recurring revenues. Long term debt shall not be used to finance
27 recurring operating expenses. 12 N.N.C. §820(E).

28 5. The Navajo Nation Code provides, “[t]he Nation shall restrict non-recurring
29 revenues to budget non-recurring expenditures. In addition, non-recurring revenues
30 will be budgeted only after an examination by the Controller to determine whether

1 or not the revenues are subsidizing an imbalance between recurring revenues and
2 expenditures, and expenditures may be authorized only if a long-term (three-five
3 year) forecast shows that the operating deficit will not continue. Otherwise, non-
4 recurring revenues will be added to the Unreserved, Undesignated Fund balance.
5 This provision may be amended or waived by a two-thirds vote of the full Navajo
6 Nation Council.” 12 N.N.C. § 820(F).

7
8 **SECTION TWO. FINDINGS**

- 9 A. This request for supplemental funding seeks the amount of \$1,244,913.00 out of the
10 Unreserved, Undesignated Fund Balance, to assist the Navajo Department of Criminal
11 Investigations (“NDCI”) in continuing to provide its daily services in an efficient and
12 effective manner, while complying with required COVID-19 protocols. NDCI reports
13 that its FY2021 base funding allocation is not enough sufficient to meet NDCI’s
14 operational demands at all districts, due to increased financial burdens resulting from
15 the COVID-19 pandemic, with NDCI having to ensure proper safety protocols for its
16 staff and community members according to CDC and Navajo Nation guidelines.
- 17 B. The supplemental funding proposal, budget forms and related documents, including
18 Appendix K “Supplemental Funding Proposal Summary,” for NDCI are attached as
19 **Exhibit A**.
- 20 C. The Office of the Controller issued a memorandum dated March 17, 2021, to satisfy
21 the requirements in 12 N.N.C. § 820(L), attached as **Exhibit B**. The Controller has
22 identified the NDCI expenditures as RECURRING and therefore a waiver of 12
23 N.N.C. § 820(E), (F), and (J) is required.
- 24 D. The Office of Management and Budget issued a memorandum dated March 24, 2021,
25 to satisfy the requirements in 12 N.N.C. § 820(M), attached as **Exhibit C**.

26
27 **SECTION THREE. APPROVING SUPPLEMENTAL FUNDING FROM THE**
28 **UNRESERVED, UNDESIGNATED FUND BALANCE**

- 29 A. The Navajo Nation hereby approves \$1,244,913.00 in supplemental funding from the
30 Unreserved, Undesignated Fund Balance for the Navajo Department of Criminal

1 Investigations.

2 B. This supplemental appropriation of \$1,244,913.00 shall be from that amount of funds
3 that exceeds the minimum fund balance of the Unreserved, Undesignated Fund
4 Balance as determined by the Office of the Controller.

5
6 **SECTION FOUR. WAIVING 12 N.N.C. §§ 820(E), (F), AND (J)**

7 The Navajo Nation Council hereby waives 12 N.N.C. §§ 820(E), (F) and (J) in order to
8 allow funds out of the Unreserved, Undesignated Fund Balance to be used for recurring
9 expenditures and government operations.

10
11 **SECTION 5. SAVING CLAUSE**

12 Should any provision(s) of this Act be determined invalid by the Navajo Nation
13 Supreme Court or the District Courts of the Navajo Nation, without appeal to the Navajo
14 Nation Supreme Court, the remainder of the Act shall remain the law of the Navajo
15 Nation.

16
17 **SECTION 6. EFFECTIVE DATE**

18 The provisions of this Act shall become effective in accordance with 2 N.N.C. § 221.
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Appendix K

THE NAVAJO NATION
SUPPLEMENTAL FUNDING PROPOSAL SUMMARY

PART I. Business Unit No.: 116011 Program Title: Dept of Navajo Criminal Investigations
 Division/Branch: DPS / Executive Amount Requested: 1,244,913 Prepared By: Michael Henderson
 Phone No.: 928.871.6390 Email Address: sgravatt@navajo-nsn.gov

PART II. REASON FOR REQUEST AND STATEMENT OF NEED:

NDCI was allocated funds at the base of \$700,000 for FY2021. With increases of yearly fixed and recurring costs such as mileage, monthly maintenance costs, fringe benefits, workman's comp, basic phone services, and autopsy bills. It has become strenuous on meeting the operational needs to continue to comply with the requirements of the standard daily operations in ensuring the safety and welfare of the staff who are called upon to conduct critical investigations regarding; deaths with and/or without COVID, aggravated assaults, sexual assaults, and other egregious crimes that occur within the boundaries of the Navajo Nation. With this continuous pandemic in which the department has had to exert their efforts in cautiously ensuring proper safety protocols have been met within the CDC guidelines. It has taken a toll on the department's funding with having to safeguard proper supplies such as sanitation of offices and vehicles, and personnel protective equipment, and other crucial supplies needed has played a major impact within the department's needs which the base funding allocated cannot fulfill the demands at all districts. It has become difficult within the department on what would be a priority to assure compliance and to continue daily operations in the safe keeping of the investigative department's welfare.

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

At the present moment, NDCI has exhausted any and all external funding provided by the B.I.A. P.L. 93-638, due to the pandemic and having to pay for sanitation supplies, Personnel Protective Equipment, Special Duty Pay and Hazard Pay. If not funded, the possibility of limited services with prioritizing situation and circumstances of cases that are will be presented before each district.

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.


 Otto Tso, Vice Chair-Law Order Committee

 3/10/2021
 Seth Damon, Speaker, 24th Navajo Nation Council

REVIEWED BY: Division Director's Signature / Date

RECOMMEND SUPPLEMENTAL: Branch Chief's Signature / Date

FY 21

**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

Page 1 of 8
BUDGET FORM 1

PART I. Business Unit No.: 116011 Program Title: Navajo Department of Criminal Investigations Division/Branch: DPS/Executive
 Prepared By: Shannon Gravatt Phone No.: x6390 Email Address: sgravatt@navajo-nsn.gov

PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY				
				Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference (Column B - A)	
Supplemental Funding	10/1/20-9/30/21	1,244,913	100%					
			0%					
			0%	2001 Personnel Expenses	1	438,462	285,603	(152,859)
			0%	3000 Travel Expenses	1		346,010	346,010
			0%	3500 Meeting Expenses		17,200		(17,200)
			0%	4000 Supplies	1	2,600	335,200	332,600
			0%	5000 Lease and Rental	1	27,540	2,600	(24,940)
			0%	5500 Communications and Utilities	1	14,100	27,540	13,440
				6000 Repairs and Maintenance	1	165,313	52,000	(113,313)
				6500 Contractual Services	1	34,785	165,313	130,528
				7000 Special Transactions	1		30,647	30,647
				8000 Public Assistance				0
				9000 Capital Outlay				0
				9500 Matching Funds				0
				9500 Indirect Cost				0
				TOTAL		\$700,000	1,244,913.00	544,913
				PART IV. POSITIONS AND VEHICLES		(D)	(E)	
				Total # of Positions Budgeted:		0	0	
				Total # of Vehicles Budgeted:		38	41	
		TOTAL:	\$1,244,913	100%				

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

Otto Tso, Vice Chair-Law Order Committee
 SUBMITTED BY: Program Manager's Printed Name

 SUBMITTED BY: Program Manager's Signature and Date

Seth Damon, Speaker, 24th Navajo Nation Council
 APPROVED BY: Division Director/Branch Chief's Printed Name

 APPROVED BY: Division Director/Branch Chief's Signature and Date

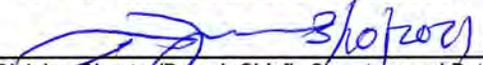
**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

PART I. PROGRAM INFORMATION:
 Business Unit No.: 116011 Program Name/Title: Navajo Department of Criminal Investigations

PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:
 (LOCMA-01-18) The purpose of the Navajo Department of Criminal Investigations is to provide efficient criminal investigative services within the territorial jurisdiction of the Navajo Nation as defined by Title 2 N.N.C. § 1151 on a twenty-four (24) hour basis. The application of these objectives are subject to available of funds.

External Funds K210711	1st QTR		2nd QTR		3rd QTR		4th QTR	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Goal Statement: Number of criminal cases received and opened								
Program Performance Measure: Respond to reported major crimes occurring on the Navajo Nation	200		200		200		200	
2. Goal Statement: number of criminal cases closed or suspended								
Program Performance Measure: Investigations of major crimes occurring on the Navajo Nation	85		85		85		85	
3. Goal Statement: Number of cases referred to the United States Attorney								
Program Performance Measure: Refer cases to U.S. Attorney for Federal Prosecution	50		50		50		50	
4. Goal Statement: Number of cases referred to Navajo Nation Prosecutor's Office								
Program Performance Measure: Refer cases to the Navajo Nation Prosecutor's Office for Tribal Prosecution	50		50		50		50	
5. Goal Statement: Meet training requirements for 37 commissioned officers								
Program Performance Measure: Obtain training hours per commissioned officer in accordance with B.I.A. P.L. 93-638 requirement	370		370		370		370	

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

<u>Otto Tso, Vice Chair-Law Order Committee</u> Program Manager's Printed Name  Program Manager's Signature and Date	<u>Seth Damon, Speaker, 24th Navajo Nation Council</u> Division Director/Branch Chief's Printed Name  Division Director/Branch Chief's Signature and Date
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**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

PART I. PROGRAM INFORMATION:				
am Name/Title: <u>Navajo Department of Criminal Investigations</u>		Business Unit No.: <u>116011</u>		
PART II. DETAILED BUDGET:				
(A)	(B)		(C)	(D)
External Funds K210711	Object Code Description and Justification (LOD 7)		4,186,716 DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
	2001 PERSONNEL EXPENSES			285,603
	Personnel expenses for overtime and holiday for individuals who are on-call to investigate or assist with additional technical situations which arise during COVID-19 and regular routine call-outs.			
2510	Overtime		123,000	
	.2520	Overtime Pay Regular		
		Regular Status Comm 27 x \$ 3,000	\$81,000	
		Regular Status Civ 14 - \$ 3,000	\$42,000	
		<u>\$123,000</u>		
2610	Regular		69,000	
	.2620	Double Holiday Comm 31 x \$1,500	\$46,500	
		Double Holiday Civ 15 x \$1,500	\$22,500	
		<u>\$69,000</u>		
2900	Fringe Benefits		93,603	
		Regular Status Comm \$81,000 x 49.86%	\$40,386.60	
		Double Holiday Comm \$46,500x 49.86%	\$23,184.90	
		<u>\$63,571.50</u>		
		Regular Status Civ \$42,000 x 46.56%	\$19,555.20	
		Double Holiday Civ \$22,500 x 46.56%	\$10,476.00	
		<u>\$30,031.20</u>		
TOTAL			285,603	285,603

**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

PART I. PROGRAM INFORMATION:					
1 Name/Title: <u>Navajo Department of Criminal Investigations</u>		Business Unit No.: <u>116011</u>			
PART II. DETAILED BUDGET:					
(A)	(B)			(C)	(D)
External Funds	Object Code Description and Justification (LOD 7)			4,186,716 DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
K210711					
	4000 SUPPLIES				335,200
	Desktop supplies, folders, envelopes, pens, pencils, binders and other daily supplies for the office. Computer toner, postal, shipping, medical supplies, uniforms, firearms & ammunition, custodial supplies, printing/binding/photocopying, books, periodicals, subscription, vehicle parts and supplies.				
4120	Office Supplies			42,000	
	4130	General Office Supplies	8 dist x \$5,250 <u>\$42,000.00</u>		
4200	Non Capital Assets			35,200	
	4210	Non Cap Furniture & Equip	8 dist x \$2200 \$17,600.00		
	4230	Non Cap Computer Equip	8 dist x \$2200 \$17,600.00 <u>\$35,200.00</u>		
4410	Supplies			258,000	
	.4420	General Operating Supplies	8 dist x \$5500 \$44,000.00		
	.4440	Non Cap Computer Software	52 staff x 500 \$26,000.00		
	.4450	Postage, Courier, Shipping	8 dist x \$2500 \$20,000.00		
	.4480	Firearms & Ammo	8 dist x \$5000 \$40,000.00		
	.4490	Custodial Supplies	8 dist x \$5500 \$44,000.00		
	.4500	Medical Supplies	8 dist x \$10500 \$84,000.00 <u>\$258,000.00</u>		
TOTAL				335,200	335,200

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**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

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BUDGET FORM 1

PART I. PROGRAM INFORMATION:				
1 Name/Title: <u>Navajo Department of Criminal Investigations</u>		Business Unit No.: <u>116011</u>		
PART II. DETAILED BUDGET:				
(A)	(B)	(C)	(D)	
External Funds	Object Code Description and Justification (LOD 7)	4,186,716 DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)	
K210711				
	5000 LEASE & RENTAL			2,600
	Building space, meeting space, storage space, postal space, equipment and supply rental fees for training or other leasing for the district(s)			
5310	Building / Space	2,600		
	.5320 Meeting Space \$500			
	.5330 Storage Space \$1,500			
	.5350 Other Space Rental \$600			
	<u>\$2,600</u>			
	5500 COMMUNICATION & UTILITIES			27,540
	Basic telephone services and line charges, services for DSL, internet, wireless, and two-way radio			
5520	Telephone	11,200		
	.5530 Basic Services \$10,000			
	.5550 Optional Charges \$200			
	.5560 Hardware/Install \$1,000			
	<u>\$11,200</u>			
5570	Internet	8,640		
	.5580 DSL 6 dist x 120 x 12 \$8,640			
	<u>\$8,640</u>			
5610	Wireless	7,700		
	.5620 Cellular \$600 x 12 \$7,200			
	.5630 Two Way Radio \$500			
	<u>\$7,700</u>			
TOTAL		30,140		30,140

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**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

Page 7 of 8
BUDGET FORM 1

PART I. PROGRAM INFORMATION:				
n Name/Title: <u>Navajo Department of Criminal Investigations</u>		Business Unit No.: <u>116011</u>		
PART II. DETAILED BUDGET:				
(A)	(B)	(C)	(D)	
External Funds K210711	Object Code Description and Justification (LOD 7)	4,186,716 DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)	
	6000 REPAIRS & MAINTENANCE		52,000	
	Repairs and maintenance fees for equipment and other computers and or upgrade of hardware			
6300	Technology	52,000		
	.6310 Computer Hardware R&M 52 Staff x \$1000	<u>\$52,000</u>		
	6500 CONTRACTUAL SERVICES		165,313	
	Bring training to staff to enhance and meet training hour requirements. Pay for Towing Fees, Comprehensive Toxicologies, Comprehensive Drugs, Autopsies and other mediological testings.			
6910	Other Contractual Services	165,313		
	.6921 Other Services (Autopsy) 65313.38+100000	\$165,313		
		<u>\$165,313.38</u>		
TOTAL		217,313	217,313	

**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

PART I. PROGRAM INFORMATION:				
1 Name/Title: <u>Navajo Department of Criminal Investigations</u>		Business Unit No.: <u>116011</u>		
PART II. DETAILED BUDGET:				
(A)	(B)	(C)	(D)	
External Funds	Object Code Description and Justification (LOD 7)	4,186,716 DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)	
	7000 SPECIAL TRANSACTIONS			30,647
	Provide and support training, meandatory professional dues, and insurances. Program needing items for community outreach as well as using during man-hunts or search and rescue or search and recovery			
7110	Programs	28,000		
	.7180 Catering 8 dist x \$1,500 \$12,000.00			
	.7190 Refreshments 8 dist x \$2,000 \$16,000.00			
	<u>\$28,000.00</u>			
7710	Insurance Premiums	2,647		
	.7765 Policy Payment			
	Regular Status Comm (\$81,000 + \$40,386.60)/100*\$0.41 497.69			
	Double Holiday Comm (\$46,500 + \$23,184.90)/100*\$0.41 285.71			
	Regular Status Civ (\$42,000 + 19,555.20)/100*\$0.41 252.38			
	Double Holiday Civ (\$22,000 + \$10,476)/100*\$0.41 133.15			
	<u>1,168.92</u>			
	.7767 Worker's Comp			
	Regular Status Comm (\$81,000)/100*\$0.77 623.70			
	Double Holiday Comm (\$46,500)/100*\$0.77 358.05			
	Regular Status Civ (\$42,000)/100*\$0.77 323.40			
	Double Holiday Civ (\$22,500)/100*\$0.77 173.25			
	<u>1,478.40</u>			
TOTAL		30,647		30,647



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*
 Robert Willie, Accounting Manager
 Office of the Controller

Date: March 17, 2021

Subject: Legislation- Department of Navajo Criminal Investigations

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

1. The balance of the UUFB is \$28,533,151 as of March 17, 2021.
2. This request is for unmet needs for the program in the amount of \$1,244,913 to the Navajo Department of Criminal Investigations. The requested budget includes overtime, holiday pay and fringe benefits, travel costs, office supplies, building space, telephone services and wireless charges, catering/refreshment and insurance.
3. This request would be considered **RECURRING** for operational unmet needs therefore would need waiver language to utilize the Undesignated, Unreserved Fund Balance.

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

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



MEMORANDUM

TO: Reviewers/Office of Legislative Counsel

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

DATE: March 24, 2021

SUBJECT: Supplemental request for the Department of Navajo Criminal Investigations in the amount of \$1,244,913 from the Undesignated, Unreserved Fund Balance (UUFb).

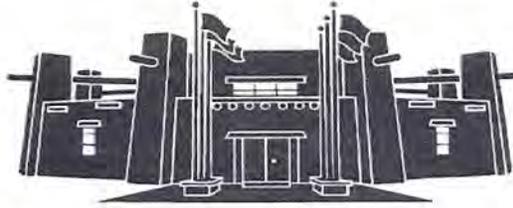
Pursuant to 12 NNC 820 (M) OMB reviewed the subject document and provides the following information. This budget request was forwarded by the Office of Legislative Counsel.

1. Because of the limited availability of funds, OMB advises the Branch Chiefs to prioritize all supplemental funding proposals pursuant to the FY 2021 Budget Instructions Manual (Section XII, D), and the Appropriations Act. This activity should be completed by the branches to determine priorities.
2. OMB recommends compliance with the Navajo Nation Appropriations Act regarding Supplemental Appropriations (Section 820, L). This has not been done. Compliance includes:
 - a. Branch Chief's concurrence of the supplemental request (NN President).
3. Per the FY21 BIM (Section XII, D) states the appropriate Branch Chief shall review and provide recommendations. In this case, because the Department of Criminal Investigations is organizationally located in the Division of Public Safety, which is under the Executive Branch, the Branch Chief is the President.
4. Further, the signators of the Budget Forms are acknowledged to be the manager/supervisor of the program and business unit as well as the Division or Branch Chief. In this case, it would be the Corrections Director and Public Safety Division Director. Instead, Navajo Nation Council Delegates are the signators.
5. The figure for the 6910 object code is not sufficiently explained/justified.

Contact OMB/Lisa Jymm at (928) 871-6230 if there are any questions and/or concerns regarding this memorandum.

xc: OMB file
Jesse Delmar, DPS Division Director
Paulson Chaco, Chief of Staff, OPVP
Pearline Kirk, Controller, OOC
Robert Willie, Manager, General Accounting, OOC





MEMORANDUM

TO : Honorable Otto Tso, Delegate
24th Navajo Nation Council

FROM : Luralene D. Tapahe
Luralene D. Tapahe, Principle Advocate
Office of Legislative Counsel

DATE : March 25, 2021

SUBJECT : AN ACT RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAA'BIK'ÍYÁTI COMMITTEES, AND THE NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$1,244,913.00 FOR THE NAVAJO DEPARTMENT OF CRIMINAL INVESTIGATIONS TO CONTINUE PROVIDING EFFECTIVE SERVICES FOR THE NAVAJO NATION; WAIVING 12 N.N.C. §§ 820 (E), (F), AND (J)

I have prepared the above referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution drafted is legally sufficient. However, as with any legislation, it can be subject to review by the courts in the event of a proper challenge. Also, please understand that the Speaker is authorized to refer this proposed resolution to other committees than those stated in the title.

You are advised and encouraged to review the proposed resolution to ensure it is drafted to your satisfaction. If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment.

If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahe'he'.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0058-21__

SPONSOR: Otto Tso

TITLE: An Act Relating to Resources and Development, Budget and Finance, and Naa'bik'iyáti' Committees, and the Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of \$1,244,913.00 for the Navajo Department of Criminal Investigations to Continue Providing Effective Services for the Navajo Nation; Waiving 12 N.N.C §§ 820 (E), (F), and (J)

Date posted: March 25, 2021 at 9:53PM

Digital comments may be e-mailed to 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.: 0058-21

SPONSOR: Honorable Otto Tso

TITLE: An Act Relating to Resources and Development, Budget and Finance, and Naabik'iyáti' Committees, and the Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of \$1,244,913.00 for the Navajo Department of Criminal Investigations to Continue Providing Effective Services for the Navajo Nation; Waiving 12 N.N.C §§ 820 (E), (F), and (J)

Posted: March 25, 2021 at 09:53 PM

5 DAY Comment Period Ended: March 30, 2021

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	1.) Tyson Yazzie



Legislative Tracking Secretary
Office of Legislative Services

MARCH 31, 2021 9:55 AM
Date/Time

Public Comment to Legislation No. 0058-21

Tyson Yazzie <tyazzie4@asu.edu>

Sat 3/27/2021 12:45 AM

To: comments <comments@navajo-nsn.gov>;

To Whom It May Concern:

I am writing this comment as a member of the public. I am registered with the Klagetoh Chapter. I felt the need to voice my comment because a traditionally "638"-funded program is seeking tribal funding from the UUFB.

To begin with, the legislation may be legally insufficient because it is first referred to the Resources and Development Committee and entirely sidesteps the correct overhead committee which is the Law and Order Committee. Because LOC is the oversight committee to DPS/Dept. of Criminal Investigations, RDC might not have the proper authority to consider this legislation.

Next, the request for supplemental funding is not adequately supported. As its only reason, the legislation makes the general statement that its FY 2021 base funding allocation was "not enough sufficient to meet NDCI's operational demands at all districts due to increased financial burdens resulting from the COVID-19 pandemic." If this statement, without any proof, is enough for a NN program (especially a 638-funded program) to be awarded 1.2 million from the People's general funds, then a long line may form to the Navajo Nation Council. Programs will want to get their slice of the pie knowing that the standard or bar is very low. All you need to do is make a blanket assertion and blame "COVID-19." A lay person might think if NDCI is using COVID-19 as a reason then they must need funding because of high death counts. There must be costs related to autopsies. Yet, only \$165,313 (or 13%) of the 1.2 million requested is slated to be used for contractual services related to autopsies, according to the attached program budget forms. But the program made sure it included \$28,000 for catering and refreshments.

The Navajo Nation Council protects the People's purse. It shouldn't be so lax in shelling out tribal funds coming from the UUFB.

Thank you for considering this public comment.

Tyson Yazzie

e-mail | tyson.yazzie@asu.edu

Ganado, AZ

WARNING: External email. Please verify sender before opening attachments or clicking on links.

**LAW AND ORDER COMMITTEE
24TH NAVAJO NATION COUNCIL**

THIRD YEAR 2021

COMMITTEE REPORT

Mr. Speaker,

The **LAW AND ORDER COMMITTEE** to whom has been assigned:

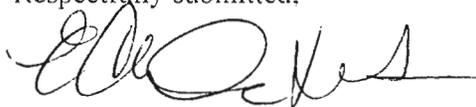
Legislation No. 0058-21: An Act Relating to Resources and Development, Budget and Finance, and Naabik'iyati' Committees, and the Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of \$1,244,913.00 for the Navajo Department of Criminal Investigations to Continue Providing Effective Services for the Navajo Nation; Waiving 12 N.N.C. §§ 820 (E), (F), and (J) – *Sponsor: Honorable Otto Tso*

Has had it under consideration and reports the same with the recommendation that it DO PASS with one amendment as follows:

Page 1; Line 12: ~~RELATING TO RESOURCES AND DEVELOPMENT,~~ LAW AND ORDER,
BUDGET AND FINANCE, ...

And thereafter thence referred to Budget and Finance Committee

Respectfully submitted,



Eugenia Charles-Newton, Chairwoman
Law and Order Committee
24th Navajo Nation Council

Date: April 01, 2021

Amendment 1

Main Motion: Honorable Eugene Tso

Second : Honorable Otto Tso

Vote : 3-0-2 (Presiding Chairwoman not voting)

Main Motion: Honorable Vince James

Second : Honorable Eugene Tso

Vote : 3-0-2 (Presiding Chairwoman not voting)

LAW AND ORDER COMMITTEE
Special Meeting
April 01, 2021

Legislation No. 0058-21: An Act Relating to Resources and Development, Budget and Finance, and Naabik'iyati' Committees, and the Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of \$1,244,913.00 for the Navajo Department of Criminal Investigations to Continue Providing Effective Services for the Navajo Nation; Waiving 12 N.N.C. §§ 820 (E), (F), and (J) – *Sponsor: Honorable Otto Tso*

VOTE TALLY SHEET:

Amendment 1 of 1:

Motion: Eugene Tso Second: Otto Tso Vote: 3-0-2

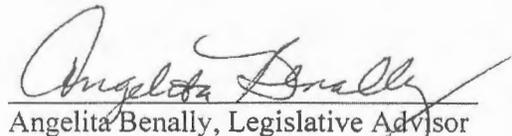
Yea: Vince James; Eugene Tso; Otto Tso
Nay: None
Not Voting: Presiding Chair Eugenia Charles-Newton
Excused: None
Absent: Edmund Yazzie

Main Motion: Vince James Second: Eugene Tso Vote: 3-0-2

Yea: Vince James; Eugene Tso; Otto Tso
Nay: None
Not Voting: Presiding Chair Eugenia Charles-Newton
Excused: None
Absent: Edmund Yazzie



Eugenia Charles-Newton, Chairwoman
Law and Order Committee



Angelita Benally, Legislative Advisor
Office of Legislative Services

24th NAVAJO NATION COUNCIL

Third Year 2021

Mr. Speaker:

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

NAVAJO LEGISLATIVE BILL # 058-21:

An Act Relating to Resources and Development, Budget and Finance, and Naa'bi'iyáti' Committees, and the Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of \$1,244,913.00 for the Navajo Department of Criminal Investigations to Continue Providing Effective Services for the Navajo Nation; Waiving 12 N.N.C §§ 820 (E), (F), and (J) *Sponsored by Otto Tso, Eugenia Charles-Newton, Seth A. Damon, Council Delegates*

has had it under consideration and reports the same with the recommendation that It **Do Pass** with 1 amendment.

AMENDMENT 1:

1. Page 4, Lines 11-15, Insert new Section Five as indicated below:

SECTION FIVE. REIMBURSEMENT TO THE NAVAJO NATION UNRESERVED, UNDESIGNATED FUND BALANCE

The Navajo Nation Council approves any future funding to the Navajo Nation from the United States Treasury, whether through congressional appropriation, or other designation, including the American Rescue Plan Act, for the purpose of COVID-19 relief and recovery to reimburse the Unreserved, Undesignated Fund Balance of the General Fund up to the full amount approved in this Resolution, to the extent allowed by federal and Navajo Nation law. The Navajo Nation Council shall authorize and approve reimbursement to the Unreserved, Undesignated Fund Balance of the General Fund as the initial priority in any future Expenditure Plan Resolutions for COVID-19 relief and recovery.

2. Renumber or re-letter succeeding paragraphs, sections, and exhibits, accordingly, if necessary. 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.

Amendment 1 Motion: Nathaniel Brown Second: Amber K. Crotty Vote: 5-0 Yeas: Nays:

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

Directive: To the Director of the Navajo Department of Criminal Investigations to have updated budget forms available at Naabikiyati Committee meeting

Motion: Amber K. Crotty Second: Elmer P. Begay Vote: 5-0 Yea: Jimmy Yellowhair, Elmer P. Begay, Amber K. Crotty, Nathaniel Brown, Raymond Smith, Jr.

Respectfully submitted,



Jamie Henio, Chairman

Adopted: *[Signature]* Not Adopted: _____
Legislative Advisor Legislative Advisor
6 APRIL 2021

The vote was **5** in favor **0** opposed yeas: *JY EPB AC NB RS* nays:
Main Motion: Jimmy Yellowhair
Second: Elmer P. Begay

BUDGET AND FINANCE COMMITTEE

6 APRIL 2021

Regular Meeting

VOTE TALLY SHEET:

Legislation No. 058-21: An Act Relating to Resources and Development, Budget and Finance, and Naa'biik'iyáti' Committees, and the Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of \$1,244,913.00 for the Navajo Department of Criminal Investigations to Continue Providing Effective Services for the Navajo Nation; Waiving 12 N.N.C §§ 820 (E), (F), and (J) *Sponsored by Otto Tso, Eugenia Charles-Newton, Seth A. Damon, Council Delegates*

Motion: Jimmy Yellowhair

Second: Elmer P. Begay

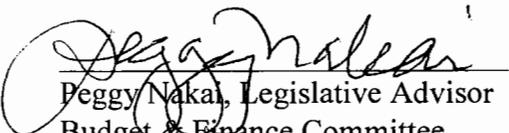
Vote: 5-0, Chairman not voting with 1 amendment

Final Vote Tally:

Jamie Henio		
Raymond Smith Jr.	yea	
Elmer P. Begay	yea	
Nathaniel Brown	yea	
Amber K. Crotty	yea	
Jimmy Yellowhair	yea	



Jamie Henio, Chairman
Budget & Finance Committee



Peggy Nakai, Legislative Advisor
Budget & Finance Committee