



MEMORANDUM

TO: Honorable LoRenzo Bates, *Speaker*
The 23rd Navajo Nation Council

FROM:

A handwritten signature in dark ink, appearing to read "Ben Shelly", is written over a horizontal line.

Ben Shelly, *President*
THE NAVAJO NATION

DATE: March 16, 2015

SUBJECT: **Legislation CMA-06-15: Relating to Budget and Finance, Naabik'íyáti', and the Navajo Nation Council; Approving supplemental funding from the Unreserved, Undesignated Fund Balance in the amount of \$317,891 for the Navajo Nation Election Administration, Business Unit #101021, to fund the continuing 2014 Navajo Nation elections**

As I have stated in my October and December veto message that addressed a similar issue, there is no easy fix to the on-going election issue than a referendum to the Navajo People. An issue as important and decisive as this, it is indeed in the best interest of the Navajo People for a referendum to begin the healing process.

I urge the Navajo Nation Council and the Navajo Election Administration to promptly hold a discussion regarding election events to establish a new timeline, which needs to include the referendum. It is very important that notification of significant election dates is provided to the Navajo People as soon as possible.

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23RD NAVAJO NATION COUNCIL -- First Year, 2015

AN ACTION

RELATING TO BUDGET AND FINANCE, NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$317,891 FOR THE NAVAJO NATION ELECTION ADMINISTRATION, BUSINESS UNIT #101021, TO FUND THE CONTINUING 2014 NAVAJO NATION ELECTIONS

I. FINDINGS

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102 (A); and
- B. Pursuant to 2 N.N.C. § 701 (A)(5), the Naabik'íyáti' Committee is the oversight committee for the Navajo Election Administration; and
- C. Pursuant to 2 N.N.C. § 301 (B)(2), the Budget and Finance Committee is authorized to recommend adoption of resolutions related to the expenditure of the Nation's financial resources; and
- D. Pursuant to 2 N.N.C. § 164 (A)(9), a proposed resolution that requires final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee before it is heard by the Navajo Nation Council; and
- E. The Navajo Nation has an unmet need for continuing to conduct the postponed 2014 Navajo Nation Election; and
- F. The Supplemental Funding will be deposited with the Navajo Nation Election Administration; the Program Budget Summary is attached as Exhibit "A"; and
- G. There being so many Navajo voters who are claiming the disenfranchisement of their votes as a result of Navajo Nation Supreme Court decision and the President requesting that the question of "fluency of Navajo language" requirement be resolved by the Navajo people, it is

important to have the Navajo people decide whether to amend 11 N.N.C. § 8 (A)(4) or not; and

- H. The Navajo Nation hereby finds it is in the best interest of the Navajo People to approve this supplemental funding request.

II. APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED, FUND BALANCE IN THE AMOUNT OF \$317,891 FOR THE NAVAJO NATION ELECTION ADMINISTRATION

- A. The Navajo Nation, having received certification by the Office of the Controller of the balance in the Unreserved, Undesignated Fund Balance, attached as Exhibit "B".
- B. This supplemental appropriation of \$317,891 shall be to the Navajo Election Administration, Business Unit # 101021 and from that amount of funds that exceeds the minimum fund balance of the Unreserved, Undesignated Fund Balance as determined by the Office of the Controller, pursuant to 12 N.N.C. § 820(L). This appropriation shall be first used to have the Navajo voters vote on the referendum question to modify 11 N.N.C. § 8 (A.)(4.) as follows:

"§8. Qualifications for office

A. Qualifications for President and Vice-President are:

4. ~~Must fluently speak and understand Navajo and read and write English; Must be able to speak and understand the Navajo and English language; and this ability shall be determined by the Navajo voter when he/she casts a ballot.~~"

- C. After the certification of the referendum vote by Navajo Election Administration, the Speaker shall call a special session to address the election for Navajo Nation Office of the President.
- D. Notwithstanding provisions of the Election Code, the Navajo Nation Council authorizes the Navajo Election Administration, with the advice and assistance of the Office of Legislative Counsel and the Navajo Department of Justice, to prepare and finalize the appropriate ballot language for purposes of this referendum.

- E. The Navajo Nation hereby approves supplemental funding from the Unreserved, Undesignated Fund Balance in the amount of \$317,891 for the Navajo Election Administration, Business Unit #101021, to fund the postponed 2014 Navajo Nation Election.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 19 in favor and 1 opposed, this 13th day of March 2015.



LoRenzo Bates, Speaker
Navajo Nation Council

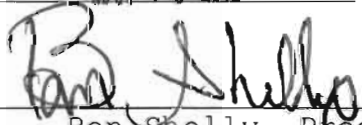
3-13-15

Date

Motion: Honorable Otto Tso
Second: Honorable Tom Chee

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C)(10), on this _____ day of _____ MAR 16 2015 2015.



Ben Shelly, President
~~Navajo Nation~~

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2015 for the reason(s) expressed in the attached letter to the Speaker.

Ben Shelly, President
Navajo Nation

3. I hereby line-item veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10) and 2 N.N.C. §164 (A) (17), on this _____ day of _____, 2015. The justification of my line-item veto is set forth by memorandum.

Ben Shelly, President
Navajo Nation

EXHIBIT

.5210027

PART I. Business Unit No.: 101021		Program Title: Election Administration Office		Division/Branch: Legislative	
Prepared By: Jonah Roanhorse		Phone No.: 928-871-6367		Email Address: jonahroanhorse@navajo-nsn.gov	

PART II. FUNDING SOURCE(S)		Fiscal Year Term	Amount	% of Total	PART III. BUDGET SUMMARY			(C)
		10/1/14 - 09/30/15	317,891.00	100%	Fund Type Code	NNC Approved Original Budget	Proposed Presidential Election Budget	Total (Column B - A)
					2001 Personnel Expenses	874,399	32,193	906,592
					3000 Travel Expenses	78,418	5,176	83,594
					3500 Meeting Expenses	148,394	101,200	249,594
					4000 Supplies	110,102	140,474	250,576
					5000 Lease and Rental	100,606	1,700	102,306
					5500 Communications and Utilities	59,785		59,785
					6000 Repairs and Maintenance	11,160		11,160
					6500 Contractual Services		2,948	2,948
					7000 Special Transactions	110,974	34,200	145,174
					8000 Public Assistance			0
					9000 Capital Outlay			0
					9500 Matching Funds			0
					9500 Indirect Cost			0
TOTAL:						\$1,493,838.00	317,891.00	1,811,729

PART IV. POSITIONS AND VEHICLES		(D)	(E)
Total # of Positions Budgeted:		18	N. A.
Total # of Permanently Assigned Vehicles:		6	N. A.

PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.			
SUBMITTED BY: <i>E. J. Saunth</i> 1-15-15		APPROVED BY: Hon. Kee Allen Begay Jr., Speaker Pro Tem / Date 1/16/15	
Edison J. Wauneka, Executive Director / Date			

PART I. PROGRAM INFORMATION:

Business Unit No.: 101021

Program Name/Title:

Election Administration Office

PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:

2 NNC Sec 876 To Implement and carryout provisions of the election code and conduct elections.

AMENDED

PART III. PROGRAM PERFORMANCE CRITERIA:

1. Program Performance Area:

Voter Turnout

Goal Statement:

To attain voter turnout for general election and special elections

1st QTR		2nd QTR		3rd QTR		4th QTR	
Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual

67,500

54,455

225

225

2. Program Performance Area:

Assist local officials

Goal Statement:

Provide information to chapter officials, delegates and other officials

1,676

165

40

30

3. Program Performance Area:

Maintain data base

Goal Statement:

To register voters, provide information, change voter data

2,000

2,000

3,000

3,000

4. Program Performance Area:

Statistical reporting

Goal Statement:

Reports to NN Council, Standing Committees, Oversight Committees, Chapters, general public

12

116

116

12

5. Program Performance Area:

Assist NBOES

Goal Statement:

Administrative support, reports, resolutions, rules & regulations, code amendments

900

111

111

111

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



Edison J. Wauneka, Executive Director / Date 01-15-15



Hon. Keef Allen Begay, Jr., Speaker Pro Tem / Date 1/16/15

THE NAVAJO NATION
DETAILED LINE ITEM BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION:			
Program Name/Title:		Election Administration Office	Business Unit No.: 101021
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code
2310	2001 PERSONNEL EXPENSES Temporary employees salary and fringe benefits. Temporary 2320 Person - Temporary Full Time Ten (10) Temporary Full Time positions at 320 hours each.	29,578	32,193
2900	Fringe Benefits 2900 Temporary \$29,577.60 x 8.84% = \$2,614.66	2,615	
3110	3000 TRAVEL EXPENSES Mileage for assigned vehicles and travel expenses for staff to tend to program and election activities. Fleet 3113 Mileage 5 B-II Vehicles x 1,200 mi. \$0.34/mi. = 2,040	2,040	5,176
3230	Personal Travel 3240 Per Diem Meals 3250 POV Mileage \$46 x 8 staff x 7 days = 2,576 1,000 mi. x \$0.56/mi. = 560	3,136	
3810	4000 MEETING EXPENSES Poll Officials stipends and training; mileage for CPJ's. Meetings 3811 Stipend - MWL 3813 Mileage 440 PO x \$180/ea. = 79,200 110 CPJ x \$60/ea. = 6,600 110 CPJ x 125 mi. x 2 RT x \$0.56/mi. = 15,400	101,200	101,200
4420	4000 SUPPLIES Chapler office and operational supplies. Postage for absentee ballot mailouts. Printing of ballots, forms, envelopes, xeroxing etc. Office Supplies 4130 General Office Supplies 110 chapters x \$50/ea. = 5,500	5,500	140,474
TOTAL		144,068	279,043

PART I. PROGRAM INFORMATION:			
Program Name/Title:		Election Administration Office	Business Unit No.: 101021
PART II. DETAILED BUDGET:			
(A)	(B)		(D)
Object Code (LOD 6)	Object Code Description and Justification		Total by MAJOR Object Code
	SUPPLIES CONTD		
4450	Postage, Courier, Shipping	1,500 absentee ballots x \$1.40/ea. = 2,100	2,100
4530	Printing/Binding/Photocopying	Ballots: 116,000 x 85% x \$1.09/ea. = 107,474 Forms, envelopes, etc. 1,400 Xeroxing: 20,000 x \$0.10/ea. = 2,000	110,874
	5000 LEASE & RENTAL		1,700
	Rental of other space for election returns and equipment rental.		
5310	Building/Space		
5350	Other Space Rental	WR Sports Ctr. 1,000	1,000
5360	Equipment/Supplies		
5370	Equipment Rental	PA System: 700	7,000
	4000 CONTRACTUAL SERVICES		2,948
6910	Security service for crowd and fire compliance		
	Other Contractual Services		
6916	Security Services	Security Guards: 8 x \$368.50/ea. = 2,948	2,948
	7000 SPECIAL TRANSACTIONS		34,200
	Advertising through print and radio media.		
7410	Media		
7440	Print Advertising	\$2,250 x 4 ea. = 9,000	34,200
7450	Radio Advertising	6 outlets x 168 spots x \$25/ 25,200	
	TOTAL		158,122
			38,848

THE NAVAJO NATION



BEN SHELLY PRESIDENT
REX LEE JIM VICE PRESIDENT

EXHIBIT

tabbles

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MEMORANDUM:

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

FROM : Robert Willie
Robert Willie, General Accounting Supervisor
Office of the Controller

DATE : January 15, 2015

SUBJECT : Updated: UUFB balance

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

1. The balance of the UUFB is \$21,858,630 as of January 14, 2015. There is one legislation from the Special Council Sessions held at the end of December which approved a supplemental request in the amount of \$3.5 million. The final version of this supplemental has not been provided to our office so subsequently the UUFB balance may be reduced by that amount once the final version is received.

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



Undesignated, Unreserved, Fund Balance (UUFB)

January 14, 2015

(Unaudited)

09-30-14 Balance	47,939,125
Min Fund Balance-CJA-07-06	17,592,800

UUFB 10-01-13	<u>30,346,325</u>
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Supplementals

CN-53-14 Phoenix Indian Center	148,325
CD-69-14 - Cameron Chapter	180,120
CD-71-14 - Nahatadzil Shopping Center, Oljato Chapter	5,500,000
CD-72-14- Navajo Transit	600,000
CD-73-14-Grazing, Farm Boards,ENavajoLand Board	1,559,250
CD-75-14-Tonalea/Red Lake Chapter	500,000

UUFB 01-14-15	<u>21,858,630</u>
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