

RESOLUTION OF THE  
BUDGET AND FINANCE COMMITTEE  
OF THE NAVAJO NATION COUNCIL

23<sup>RD</sup> NAVAJO NATION COUNCIL - Fourth Year, 2018

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, BUDGET AND  
FINANCE; RESCINDING RESOLUTION BFAP-14-14 "APPROVING THE  
OFFICE OF NAVAJO LABOR RELATIONS FUND MANAGEMENT PLAN"

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Health, Education and Human Services Committee of the Navajo Nation Council is designated oversight Committee for the Office of Navajo Labor Relations. 2 N.N.C. § 400 (C) (3).
- B. The Budget and Finance Committee of the Navajo Nation Council is empowered with oversight of fund management plans. 2 N.N.C. § 301(B) (14).

SECTION TWO. FINDINGS

- A. The Budget and Finance Committee granted final approval to Resolution BFAP-14-14, "Approving the Office of Navajo Labor Relations Fund Management Plan" on April 11, 2014.
- B. The Office of Navajo Labor Relations has stated that the plan was never activated and is deemed a dormant account, there being no activity or funds in the account. See **Exhibit A.**
- C. The Office of Navajo Labor Relations (ONLR) has requested the rescinding of the Resolution BFAP-14-14. The Division of Human Resources has concurred in that request. See **Exhibit B.**
- D. It is found to be in the best interest of the Navajo Nation for the Budget and Finance Committee to rescind Resolution BFAP-14-14, upon the recommendation of the Health, Education and Human Services Committee as


appropriate ONLR oversight thereby eliminating the ONLR fund management plan.

**SECTION THREE. APPROVAL**

- A. The Health, Education and Human Services Committee of the Navajo Nation Council hereby recommends the rescinding of BFAP-14-14.
- B. The Budget and Finance Committee of the Navajo Nation Council hereby rescinds Resolution BFAP-14-14.

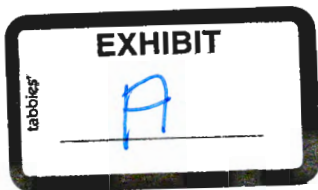
**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Budget and Finance Committee of the Navajo Nation Council at a duly called meeting held at Tse Bonito, Navajo Nation (New Mexico), at which a quorum was present and that the same was passed by a vote of 4 in favor and 0 opposed, this 16<sup>th</sup> day of January, 2018.



Seth Damon, Chairperson  
Budget and Finance Committee

Motion: Honorable Lee Jack, Sr.  
Second: Honorable Leonard Tsosie



BFAP-14-14

RESOLUTION OF THE  
BUDGET AND FINANCE COMMITTEE  
OF THE NAVAJO NATION COUNCIL

22<sup>ND</sup> NAVAJO NATION COUNCIL - Fourth Year, 2014

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND BUDGET AND  
FINANCE; APPROVING THE OFFICE OF NAVAJO LABOR RELATIONS FUND  
MANAGEMENT PLAN

BE IT ENACTED:

The Navajo Nation hereby approves the Office of Navajo Labor  
Relations Funds Management Plan, attached hereto as Exhibit A.

CERTIFICATION

I hereby certify that the foregoing resolution was duly  
considered by the Budget and Finance Committee of the Navajo  
Nation Council at a duly called meeting held at Window Rock,  
Navajo Nation (Arizona), at which a quorum was present and that  
the same was passed by a vote of 3 in favor, 0 opposed, this 11<sup>th</sup>  
day of April, 2014.

Jonathan Nez, Vice Chairperson  
Budget and Finance Committee

Motion: Nelson S. BeGaye  
Second: Danny Simpson

ORIGINAL



## OFFICE OF NAVAJO LABOR RELATIONS

### FUND MANAGEMENT PLAN

#### I. ESTABLISHMENT

There is hereby established the Fund Management Plan, Business Unit Number 114004, for use by the Office of Navajo Labor Relations ("ONLR") within the Division of Human Resources. The Health, Education and Human Services Committee of the Navajo Nation Council shall provide legislative oversight of said program and the plan.

#### II. PURPOSE

The purpose for an ONLR Fund Management Plan is to generate revenue to serve as supplemental funding for daily operating costs. Funds from the revenue account will be used by ONLR to purchase office supplies, materials, equipment, furniture, and maintenance repairs. It will also be used to update computer and repairs. The funds will also utilize to provide services and trainings.

#### III. GENERATION OF REVENUE

A. Revenue to be generated from the following sources:

1. Employment Charge Form Filing Fee at \$25.00 per Employment Charge
2. Labor Organization Certification Fee at \$500.00 per certification
3. Fees to reproduce and/or print materials

- a. Copies: \$.075 copy includes double-sided, letter, legal, 11"x17", and cover stock
  - b. Color copies: \$1.00 copy includes double-sided, letter, legal, 11"x17" and cover stock
  - c. Comb Binding: \$1.00 per comb bind
  - d. Facsimile (Fax): \$1.50 per sheet include incoming and outgoing facsimile
  - e. Transparencies: \$1.00 copy includes color and black ink.
- B. Fees for Navajo Preference in Employment Act ("NPEA") Orientations/Training Sessions \$75.00 per session and provide discount as an incentive for multiple requests for orientation session by same organization, and/or company.
- C. Fees for Conference Room Usage at \$25.00 per half day and \$50.00 for full day.
- D. Fees for NPEA Booklet at \$4.00 per book
- E. Applicable Sales Taxes on revenue generated
- F. Rate Setting Method
- Fees will be based on ONLR's revised Plan of Operation 15 N.N.C. § 205.(L) "To otherwise take all necessary action to accomplish the purposes of the NPEA, including but not limited to the imposition of a reasonable filing fee, as approved by the Health, Education and Human Services Committee, to accompany each individual claim and petition for certification by a labor organization."

G. Expenditure of Funds

The expenditure of funds by ONLR shall be utilized only for the purposes generated, including the following:

1. Purchase of Personal Protective Equipment ("PPE") such as hard hats, safety, steel-toe boots, safety glasses, goggles, gloves, nomex coveralls, safety vests, and cost of certification.
  - a. The PPE are requirements at all job-site inspections including construction, power plants, mining, oil fields and pipelines.
2. Purchase of materials and supplies utilized for NPEA Orientations to include but not limited to projector screens, paper, pens, markers, binding machines, promotional items, flip charts, tables, chairs, and displays.
3. Purchase, maintenance and replacement of copiers, facsimile machines, printers, computer hardware and program software/devices.
4. Copy and printing costs of brochures, NPEA booklets, handouts and training materials.
5. Training and travel expenditures for staff to enhance training and presentation skills.
6. Contractual agreements for maintenance, repair and procurement of ONLR offices at five agencies.
7. Purchase and maintain upgrade of high-speed Internet services for all ONLR agency offices.
8. Purchase of document scanners and maintenance service agreements.

9. Purchase of computer laptops and projectors for PowerPoint presentations on NPEA requirements and workshops.
10. Pay fees for conference rooms, booths, and space rental associated with NPEA orientations, workshops, staff meetings, and conference and job fairs.
11. Report all applicable sale taxes on revenue generated to Navajo Nation Tax Commission Office.

H. Expenditure Assurances

The ONLR assures that the revenues generated through its Fund Management Plan shall not be expended or allocated for uses other than those specifically stated and that all expenditures and their use will comply with applicable Navajo Nation Laws particularly the Navajo Nation Procurement Act. All unexpended revenues generated shall revert to the General Fund at the end of the fiscal year.

IV. RECORDING AND DEPOSITING AND EXPENDITURE OF REVENUES

The recording and depositing of all revenues including sale taxes generated by the ONLR Fund Management Plan shall use the Office of Controller's established internal process for recording and depositing said revenues.

V. BUDGET REQUIREMENT

Each fiscal year the ONLR shall develop a general fund budget utilizing appropriate budget forms provided by the Office of Management and Budget that will include a conservative projection of revenue that may be generated. Additionally, all revenue generated by ONLR shall be credited to the

program's general fund budget upon receipt by the Cashier's Section under the Office of the Controller.

VI. AMENDMENTS

The Budget and Finance Committee may amend the Office of Navajo Labor Relations Fund Management Plan upon recommendations of the Health, Education and Human Service Committee of The Navajo Nation Council and the Office of the Controller as deemed necessary.



**CO-45-12.**

**Amendments to 2 NNC Section 301, et seq.**

**§ 301. Powers**

A. The Committee shall have authority and such powers necessary and proper to carry out the purposes set forth above.

B. The Committee shall have the following enumerated powers:

1. To promulgate rules and regulations relative to contracting, investments and financial matters.
2. To review and recommend to the Navajo Nation Council the budgeting, appropriation, investment and management of all funds.
3. To the extent permitted by federal or Navajo Nation laws and regulations, the Committee shall appropriate, allocate, cancel, re-appropriate and review the use of Navajo Nation funds received including but not limited to all grants, contracts, gifts and other funds from all sources.
4. With prior approval of the President, Speaker and/or Chief Justice to recommend to the Navajo Nation Council amendment of the approved annual budgets by reallocating funds between branches.
5. To coordinate and review all fiscal, financial and investment activities of the Navajo Nation and its enterprises, as well as other agencies, federal, state, regional and private, expending or seeking to expend funds within the Navajo Nation or for the benefit of the Navajo People.
6. To require the presentation and submission of financial reports by any enterprise, authority, or entity chartered or approved by the Navajo Nation Council or its committees.
7. To return unexpended funds to the appropriate funding source in accordance with the Appropriation Act.
8. To promulgate policies and regulations concerning wages, expenditure reimbursement, and fringe benefits for Navajo Nation officials and employees.
9. To require reports from and to monitor the financial performance of all offices, divisions, departments, enterprises, authorities, committees, boards, commissions, or entities having oversight or control over fiscal matters or financial obligations to the Navajo Nation.
10. To receive an annual audit of the accounts of the Navajo Nation by certified public accountants and to present such audit to the Navajo Nation Council.
11. To review the annual budgets of the Bureau of Indian Affairs, the Indian Health Services and other departments and agencies of the United States government and to recommend the approval or disapproval of such budgets.
12. To provide legislative oversight over lending programs, including the promulgation of rules and regulations for lending money to members of the Navajo Nation.

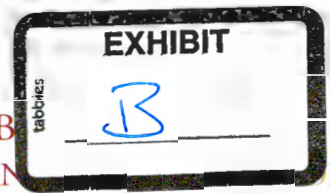
13. To conduct oversight of the functions of the Office of the Controller, the Office of Management and Budget, the Office of the Auditor General, the Office of the Navajo Tax Commission, the Navajo Tax Commission, the Insurance Services Department, the Insurance Services Department, the Insurance Commission and Retirement Services Department and to review, recommend or propose the adoption, amendment or rescission of its Plan of Operation.
14. To approve Fund Management Plans pursuant to the recommendations of the appropriate oversight committee and affected Division or Branch.
15. Authorize, review, approve and accept agreements, including contracts and grants, between the Navajo Nation and any federal, state or regional authority upon the recommendation of the standing committee which has oversight of the division, department or program which has applied for the agreement, or upon recommendation of the Chapter.
16. To continually monitor contracts with state, federal, and regional entities to ensure compliance with applicable laws, regulations and contract terms.
17. To prepare and recommend approval of a committee budget each fiscal year.
18. To approve lease purchase agreements concerning all tribal programs, departments and divisions within all branches of the Navajo Nation government upon recommendation of the Office of the Controller.
19. The Committee shall have the authority to delegate responsibilities and authorities as appropriate for efficiency and streamlining of government processes to the Divisions, Chapters and appropriate entities provided that the Committee first approves rules and regulations governing such delegations and to rescind delegations.
20. To recommend to the Navajo Nation Council the creation of any Division or Department intended to be under the Committee's oversight by adoption of its Plan of Operation; and to rescind that Plan of Operation or an existing Plan of Operation for any Division or Department under the Committee's oversight.



# THE NAVAJO NATION

## MEMORANDUM


RUSSELL B.  
JONATHAN



MENT

AD18 – 249

TO: Honorable Jonathan Hale, Chairperson  
Health, Education and Human Services Committee  
The Navajo Nation Council

FROM:   
Albert Deschine, Delegated Program Manager  
Office of Navajo Labor Relations  
Division of Human Services

DATE: December 5, 2017

SUBJECT: Requesting a Legislation to Rescind BFAP-14-14



The Office of Navajo Labor Relations (ONLR) is hereby requesting the Chairperson of the Health, Education, and Human Services Committee to sponsor a Legislation to rescind Resolution BFAP-14-14, which is the Fund Management Plan of the ONLR.

According to the Memorandum of September 19, 2017, Ms. Rhonda Johnson of the Office of the Management and Budget informs ONLR that since the ONLR Fund Management Plan was not activated it is deemed a dormant account. There is no activity on the account for a long period of time and there are no funds in the account. ONLR has no interest to activate the account.

Based on this justification, please initiate a Legislation to rescind Resolution No. BFAP-14-14.

Thank you for the cooperation.

CONCURRED BY:

  
LaVonne Tsosie, Division Director  
Division of Human Resources

### ATTACHMENTS

Memorandum of October 25, 2017  
Memorandum of September 19, 2017  
Resolution BFAP-14-14

cc: ONLR Chrono Log  
Wenona Benally, AA-ONLR  
Rhonda Johnson, OMB  
HEHSC Member

AD/wmb



**NAVAJO NATION DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL**

*Ethel Billie Branch*  
**Attorney General**

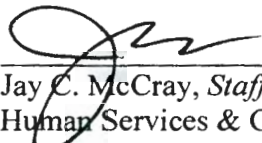
*Rodgerick Begay*  
**Deputy Attorney General**

**ATTORNEY-CLIENT PRIVILEGE**

RECEIVED  
OCT 26 2017  
Office of Navajo Labor Relations

**MEMORANDUM:**

TO : Wenona Benally, *Delegated Program Manager I*  
Office of Navajo Labor Relations  
Division of Human Resources

FROM:   
Jay C. McCray, *Staff Attorney*  
Human Services & Government Unit  
Office of the Attorney General/ NNDOJ

DATE : October 25, 2017

RE : **Legal advice on ONLR Fund Management Plan RFS. No. 17-2190**

On September 19, 2017 the Department of Justice (DOJ) received a Request for Services from the Division of Human Resources - Office of Navajo Labor Relations. DHR-ONLR requested DOJ to provide legal advice on whether DHR-ONLR can or cannot rescind ONLR's current Fund Management Plan.

Pursuant to 2 N.N.C. §301(B)(14) the Budget and Finance Committee is authorized to approve Fund Management Plans upon the recommendations of the appropriate oversight committee and affected Division or Branch. The Health, Education and Human Service Committee serves as the oversight committee of the Office of Navajo Labor Relations. The Budget and Finance Committee Resolution BFMY-38-02 which outlines the criteria for establishing a Fund Management Plan does not provide for dissolution.

The ONLR Fund Management Plan was established by BFAP-14-14. Under BFAP-14-14 purpose of the ONLR Fund Management was to generate revenue to serve as supplemental funding for daily operating costs. The plan was to be implemented by the 2<sup>nd</sup> Quarter of the FY2014. Unfortunately the Fund Management Plan was not fully implemented. The ONLR staff never collected any fees in attempt to fulfill the obligations set forth in the Fund Management Plan.

Memo to: Wenona Benally, *Delegated Program Manager I, ONLR/DHR*  
***RE: Legal advice on ONLR Fund Management Plan RFS. No. 17-2190***  
October 26, 2017  
Page 2 of 2

As explained BFMY-38-02 does not provide a process of dissolving a Fund Management Plan, therefore ONLR would have to follow 2 N.N.C. §301(B)(14). The ONLR will need to petition the Health, Education and Human Service Committee to recommend to the Budget and Finance Committee to dissolve the Fund Management Plan.

JM/l.s.361





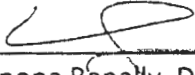
# THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT  
JONATHAN NEZ VICE PRESIDENT

## MEMORANDUM

AD17-1021

TO : NAVAJO DEPARTMENT OF JUSTICE

FROM :   
Wenona Benally, Delegated Program Manager 1  
DHR – Office of Navajo Labor Relations

DATE : September 19, 2017

SUBJECT : Fund Management Plan

The Office of Navajo Labor Relations (ONLR) is seeking advisement on whether or not our department can or cannot rescind its current Fund Management Plan (FMP) rather than submitting a revised format.

Our department personnel have had discussions on whether or not this plan should be revised and implemented during FY 2018, as it was neglected. It is evident that ONLR collected the Proprietary Funds of \$60,000.00, but failed to fulfill its obligation to collect fees for various services as listed in the plan. Due to a report being completed and sent back to OOC, the \$60,000 funding has ceased for FY 2018 and possibly for the future fiscal years contingent upon OOC's procedures.

However, ONLR is being instructed to revise the plan and resubmit through the process to obtain re-approval, but the employees of ONLR are not in agreement and would like to rescind the plan as the projected numbers are outrageous, the plan list fees for a conference room that does not exist, a filing/document fee that would only cause extra hardship to the individuals our office serves, Orientation fee that will limit public awareness and a certification fee that does not exist as the ONLR personnel are not certified trainers or certified personnel to issue specified certification.

Furthermore, upon meeting briefly with Ms. Rhonda Johnson at OMB in regards to the process of revising or rescinding, Ms. Johnson has stated that there is no process to eliminate a FMP to her knowledge and that since the ONLR has not initiated to activate the plan since it was approved, it is considered to be a "doormat" account, which is a plan that was never activated by collecting any fees in any attempt to fulfill the obligations set forth in the FMP although it has been approved.

The ONLR personnel understand that the monies received from this plan is be utilized to purchase items for additional supplies of ONLR, which is already covered under the General Funds being received by the program, so ONLR would like to refrain from adding to any financial hardship that a distressed individual may be experiencing. The ONLR is requesting your advisement before a final decision or process is rendered.

Your recommendation and guidance on this matter is greatly appreciated. Should you have any questions, please do not hesitate to contact me via email: [wmbenally@navajo-nsn.gov](mailto:wmbenally@navajo-nsn.gov) or by calling x. 6801. Thank you.

ATTACHMENT

cc: ONLR Chrono log  
LaVonne Tsosie, DHR Director