LEGISLATIVE SUMMARY SHEET
Tracking No. 0104-20

DATE: April 23, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO LAW AND ORDER COMMITTEE, BUDGET AND FINANCE COMMITTEE, NAABIK'IYATI' COMMITTEE AND THE NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF $55,530.00 (FIFTY-FIVE THOUSAND, FIVE HUNDRED THIRTY DOLLARS) FOR THE NAVAJO-HOPI LEGAL SERVICES PROGRAM TO FUND THE SHORTFALL OF TWO PROFESSIONAL STAFF POSITIONS THROUGH THE END OF FY2020; WAIVING 12 N.N.C. §§ 820 (E) AND 820 (F) OF THE APPROPRIATIONS ACT

PURPOSE: The purpose of this resolution is to approve an appropriation from the UUFB for two professional staff positions at the Navajo-Hopi Legal Services Program.

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

5-DAY BILL HOLD PERIOD: _____
Website Posting Time/Date: 5:42 pm 04-24-20
Posting End Date: 04-29-20
Eligible for Action: 04-30-20

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

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL – Second Year, 2020

INTRODUCED BY

_____

(Prime Sponsor)

TRACKING NO. 0104-20

AN ACTION

RELATING TO LAW AND ORDER COMMITTEE, BUDGET AND FINANCE COMMITTEE, NAABIK'IYATI' COMMITTEE AND THE NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF $55,530.00 (FIFTY-FIVE THOUSAND, FIVE HUNDRED THIRTY DOLLARS) FOR THE NAVAJO-HOPI LEGAL SERVICES PROGRAM TO FUND THE SHORTFALL OF TWO PROFESSIONAL STAFF POSITIONS THROUGH THE END OF FY2020; WAIVING 12 N.N.C. §§ 820 (E) AND 820 (F) OF THE APPROPRIATIONS ACT

BE IT ENACTED:

SECTION 1. AUTHORITY

A. The Law and Order Committee has oversight authority over the Navajo Nation Department of Justice and the Navajo-Hopi Legal Services Program. 2 N.N.C. § 601(C)(1).

B. The Budget and Finance Committee is empowered to review and recommend to the Navajo Nation Council the management of all funds. 2 N.N.C. § 301(B)(2).

OLC No. 20-161-1

C. The Navajo Nation Council established the Naabik'íyáti' Committee as a Navajo Nation standing committee providing that any and as such proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee. 2 N.N.C. §§ 164 (A)(9) and 700(A).

D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A).

E. The Navajo Nation Council has the authority to approve supplemental appropriations. 12 N.N.C. § 820 (L).

F. The Title 12 Finance Act Supplemental Appropriation requirements include:

1. All requests for annual operating funds and supplemental funds shall be submitted to the Office of Management and Budget for budget impact analysis. 12 N.N.C. § 820 (M).
2. When the Controller identifies additional sources of revenues above and beyond the initial or current revenue projections, supplemental appropriations may be approved by the Navajo Nation Council. 12 N.N.C. § 820 (L).
3. Supplemental Appropriations made from non-recurring revenues shall only be made for non-recurring operations or purposes, as set forth at § 820 (F). The Controller of the Navajo Nation shall be responsible for designation recurring and non-recurring revenues. 12 N.N.C. § 820 (L).
4. The Nation shall budget all recurring operating expenses, including capital maintenance, from recurring revenues. Long term debt shall not be used to finance recurring operating expenses. 12 N.N.C. §820 (E).
5. The Navajo Nation Code provides, "[t]he Nation shall restrict non-recurring revenues to budget non-recurring expenditures. In addition, non-recurring revenues will be budgeted only after an examination by the Controller to determine whether or not the revenues are subsidizing an imbalance between recurring revenues and expenditures, and expenditures may be authorized only if a long-term (three-five year) forecast shows that the operating deficit will not continue. Otherwise, non-recurring revenues will be added to the Unreserved,

Undesignated Fund balance. This provision may be amended or waived by a two-thirds vote of the full Navajo Nation Council." 12 N.N.C. § 820 (F).

SECTION THREE. FINDINGS

A. This request for supplemental funding request seeks a supplemental appropriation from the Unreserved, Undesignated Fund Balance in the amount of Fifty-Five Thousand, Five Hundred Thirty dollars ($55,530.00) to assist the Navajo-Hopi Legal Services Program's shortfall to fund two professional staff through the end of FY2020. The supplemental funding proposal and budget documents are attached as **Exhibit A**.

B. The Navajo-Hopi Legal Services Program ("NHLSP") of the Navajo Nation Department of Justice oversees the following tasks: 1) oversee and handle the review and filing of federal appeals of denials of relocation benefit applications; 2) represent NHLSP clients when cases are remanded back to the Office of Navajo and Hopi Indian Relocation (ONHIR) by either the U.S. District Court of Arizona or the U.S. 9th Circuit Court of Appeals; 3) advise and assist the Navajo-Hopi Land Commission with other Settlement Act matters; 4) provide assistance to certified eligible Navajo clients with obtaining their relocation benefits from ONHIR and with post-relocation matters; 5) participate in the re-development and rehabilitation of the former Bennett Freeze Area; and 6) child support cases.

C. If the NHLSP does not fully fund the two professional staff positions, the NHLSP will have to furlough these two positions, which are critical to perform the previously mentioned tasks, and these tasks will have to be referred to outside counsel, which will result in a greater cost to the Navajo Nation, and will hinder the diligent pursuit and protection of the NHLSP's clients claims that are at issue in the U.S. District Court of Arizona or in the U.S. 9th Circuit Court of Appeals.

D. The Executive Branch has completed its Section 164A Review, which is attached as **Exhibit B.**

E. The Office of Budget and Management issued a memorandum, dated March 6, 2020, which satisfies the budget impact analysis required by 12 N.N.C. 820 (M), and is included in **Exhibit B**.

F. The Office of the Controller issued a memorandum, dated March 12, 2020, which satisfies the requirements provided in 12 N.N.C. § 820 (L), and is included in Exhibit **B**.

SECTION 3. WAIVING 12 N.N.C. §§ 820 (E) AND 820 (F) REGARDING MATCHING RECURRING REVENUES WITH RECURRING EXPENSES (12 N.N.C. § 820(E)) AND LIMITING THE APPROPRIATION OF FUNDS FROM THE UNRESERVED, UNDESIGNATED FUND TO NON-RECURRING EXPENDITURES (12 N.N.C. § 820(F))

The Navajo Nation Council hereby waives 12 N.N.C. §§ 820 (E) and 820 (F) to allow UUFB funds to be used for recurring expenditures.

SECTION FOUR. APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF $55,530.00 (FIFTY-FIVE THOUSAND, FIVE HUNDRED THIRTY DOLLARS) FOR THE NAVAJO-HOPI LEGAL SERVICES PROGRAM TO FUND THE SHORTFALL OF TWO PROFESSIONAL STAFF POSITIONS THROUGH THE END OF FY2020

A. This supplemental appropriation of $55,530 (Fifty-Five Thousand, Five Hundred Thirty Dollars) shall be from that amount of funds that exceeds the minimum fund balance of the Unreserved, Undesignated Fund Balance as indicated in the documents in **Exhibit A.**

B. The Navajo Nation hereby approves the supplemental appropriation from the Unreserved, Undesignated Fund Balance to the Navajo-Hopi Legal Services Program, Business Unit 104002, to fund the shortfall of two professional staff positions through the end of FY2020.

Received
FEB 2 6
The Navajo Nation, Wind

Appendix K

EXHIBIT
tabbies
A

THE NAVAJO NATION
SUPPLEMENTAL FUNDING PROPOSAL SUMMARY

PART I. Business Unit No.:	104002	Program Title:	Navajo-Hopi Legal Services Program		
Division/Branch:	Department of Justice	Amount Requested:	$55,530.00	Prepared By:	Susan Eastman, NHLSP Director
Phone No.:	928-283-3301	Email Address:	seastman@nndoj.org		

PART II. REASON FOR REQUEST AND STATEMENT OF NEED:

On June 14, 2019, the Department of Justice's Office of the Attorney General (OAG) approved the Navajo-Hopi Legal Services Program (NHLSP) FY2020 budget (**see Attachment B**) at an estimated and minimal amount because at that time the NHLSP was not fully staffed. Subsequently, two legal professionals (an Attorney Candidate and a Principal Attorney) were hired, and NHLSP now requires supplemental funds to provide for these filled positions through the end of FY2020.

The initial NHLSP FY2020 budget provided for a Senior Attorney position funded at Step 70A (budgeted at $39,946) and a vacant Principal Attorney position funded at Step 72A (budgeted at $72,624). On August 5, 2019, the OAG filled an Attorney Candidate position (by re-classifying the Senior Attorney position) at Step 67A (with an annual salary of $62,857.60), and then, on November 11, 2019, the OAG filed the Principal Attorney position at Step 72C (with an annual salary of $102,148.80). The NHLSP anticipates a budget shortfall for the Attorney Candidate and Principal Attorney positions by early April, 2020, which will result in the layoff of the people who hold these positions; therefore, NHLSP requests supplemental funds in the amount of $55,530 (**see Attachment A**).

The need to continue funding the two professional staff is for NHLSP to: 1) oversee and handle the review and filing of federal appeals of denials of relocation benefit applications; 2) represent NHLSP clients when cases are remanded back to the Office of Navajo and Hopi Indian Relocation (ONHIR) by either the U.S. District Court of Arizona or the U.S. 9th Circuit Court of Appeals; 3) advise and assist the Navajo-Hopi Land Commission with other Settlement Act matters; 4) provide assistance to certified eligible Navajo clients with obtaining their relocation benefits from ONHIR and with post-relocation matters; 5) participate in the re-development and rehabilitation of the former Bennett Freeze Area; and 6) child support cases. Without fully funding the Attorney Candidate and Principal Attorney positions to perform these tasks, these matters will have to be referred to outside counsel, which will result in a greater cost to the Navajo Nation.

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

If this request is not granted, the Navajo-Hopi Legal Services Program will have to lay-off it's Attorney Candidate and Principal Attorney staff since there is no other funding source to support these professional positions through the end of FY2020.

PART IV. AFFIRMATION IS PROVIDED THAT THE PROPOSAL INFORMATION IS COMPLETE AND ACCURATE AND THE APPROPRIATE BRANCH CHIEF RECOMMENDS APPROVAL.

Doreen N. McPaul 2/12/2020

Doreen N. McPaul, Attorney General or
Kimberly A. Dutcher, Deputy Attorney General
REVIEWED BY: Division Director's Signature / Date

4-10-20

RECOMMEND APPROVAL: Branch Chief's Signature / Date

Received
FEB 2 6 2020
Office of Management & Budget
The Navajo Nation, Window Rock, Arizona

Attachment A

Corrected

FY 2020

Received
MAR - 3 2020
Office of Management & Budget
The Navajo Nation, Window Rock, Arizona

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

BUDGET FORM 1

PART I. Business Unit No.: 104002 Program Title: Navajo-Hopi Legal Services Program Division/Branch: Department of Justice

Prepared By: Barbara Calvin Phone No.: 928-871-6228 Email Address: bcalvin@nndoj.org

PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total
GENERAL FUND - UUFB	10/1/19-9/30/2020	55,530.00	100%
TOTAL:		$55,530.00	100%

PART III. BUDGET SUMMARY	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference (Column B + A)
2001 Personnel Expenses	1	208,577	55,034	263,611
3000 Travel Expenses		2,352		2,352
3500 Meeting Expenses				
4000 Supplies	1	4,200		4,200
5000 Lease and Rental				
5500 Communications and Utilities	1	2,716		2,716
6000 Repairs and Maintenance				
6500 Contractual Services				
7000 Special Transactions	1	4,366	496	4,862
8000 Public Assistance				
9000 Capital Outlay				
9500 Matching Funds				
9500 Indirect Cost				
TOTAL		$222,211.00	55,530.00	277,741

PART IV. POSITIONS AND VEHICLES	(D)	(E)
Total # of Positions Budgeted:	3	2
Total # of Vehicles Budgeted:	0	0

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

Susan I Eastman, Principal Attorney
SUBMITTED BY: Program Manager's Printed Name

3/3/2020
SUBMITTED BY: Program Manager's Signature and Date

Doreen N. McPaul, Attorney General or Kimberly A. Dutcher, Deputy Attorney General
APPROVED BY: Division Director/Branch Chief's Printed Name

3/3/2020
APPROVED BY: Division Director/Branch Chief's Signature and Date

Corrected
FY 2020

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

Received
MAR - 3 2020
Office of Management & Budget
The Navajo Nation, Window Rock, Arizona

PART I. PROGRAM INFORMATION:

Business Unit No.: 104002 **Program Name/Title:** Navajo-Hopi Legal Services Program

PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:

GSCJY-35-93: 1993 Plan of Operation: To Assist eligble clients with legal problem arising out from the Navajo-Hopi Settlement Act.

PART III. PROGRAM PERFORMANCE CRITERIA:	1st QTR		2nd QTR		3rd QTR		4th QTR	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Goal Statement:								
Interview clients on pending relocation appeal cases.								
Program Performance Measure:								
Outreach and interview NHLSP clients.	3		3		3		3	
2. Goal Statement:								
Provide information, documents, consultation and advice to outside counsel on federal appeals								
Program Performance Measure:								
Assistance to outside counsel on federal appeals of relocation benefit denials	3		3		3		3	
3. Goal Statement:								
Participate in meetings with Navajo Nation officials,ONHIR and BIA on ONHIR transition/closure								
Program Performance Measure:								
ONHIR Transition Team Meeting	3		3		3		3	
4. Goal Statement:								
Intake clients will receive advice and/or referrals by the Navajo-Hopi Legtal Services Program								
Program Performance Measure:								
Intake services (phone calls or walk-in inquiries on non-relocattion matters).	3		3		3		3	
5. Goal Statement:								
Provide assistance to other DOJ units.								
Program Performance Measure:								
Assistance to DOJ/HSGU/OCP	4		4		4		4	

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

Susan I Eastman, Principal Attorney
Program Manager's Printed Name

3/3/2020
Program Manager's Signature and Date

Doreen N. McPaul, Attorney General or Kimberly A. Dutcher, Deputy Attorney General
Division Director/Branch Chief's Printed Name

3/3/2020
Division Director/Branch Chief's Signature and Date

FY 2020 (corrected)

THE NAVAJO NATION
LISTING OF POSITIONS AND ASSIGNMENTS BY BUSINESS UNIT

BUDGET FORM 3

SUB ACCT	POS NO	JOB TYPE	POSITION TITLE	EMP ID	WRKSITE CODE	FY 2020 ACTUAL G/S	FY 2020 ACTUAL SALARY	FY 2020 PROPOSED HOURS	FY 2020 PROPOSED BUDGET
1003	202262	2145	Senior Attorney	347489	TCA	BD67A	79,892.80	1040	22,111.00
1007	202260	2144	Prin Attorney	243386	TCA	BD72C	94,411.20	216	15,104.00
							TOTAL:		37,215.00

Received
MAR - 3 2020
Office of Management & Budget
The Navajo Nation, Window Rock, Arizona

Corrected

FY 2020

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

BUDGET FORM 4

PART I. PROGRAM INFORMATION:

Program Name/Title: Navajo-Hopi Legal Services Program **Business Unit No.:** 104002

PART II. DETAILED BUDGET:

(A) Object Code (LOD 6)	(B) Object Code Description and Justification (LOD 7)		(C) Total by DETAILED Object Code (LOD 6)	(D) Total by MAJOR Object Code (LOD 4)
	2001 PERSONNEL EXPENSES			55,034
	Employee salary and fringe benefits			
2110	**Regular**			
	Short Fall		37,215	
	.2120 Two Positions Pro-Rated @216Hrs for Principal Attorney and 1040Hrs. Senior Attorney)	37,215		
2900	**.2900 Regular: FRINGE BENEFIT**		17,819	
	2900: Regular $37,215 X 47.88% = $17,818.54	17,819		
	7000 SPECIAL TRANSACTIONS			496
	Office supplies, operating supplies, postage, law library local newspaper for tracking Navajo Nation Legislation.			
7710	**Insurance Premiums**		496	
	.7765 Policy Payment (General Liability) $55,034 / 100 X .30 = $165.10	165		
	.7767 Worker's Compensation (less fringe) $37,215 / 100 x 0.89 = $331.21	331		
		TOTAL	55,530	55,530

Received
MAR - 3 2020
Office of Management & Budget
Navajo Nation, Window Rock, Arizona

Received
FEB 2 6 2020
Office of Management & Budget
The Navajo Nation, Window Rock, Arizona

Attachment B

Attachment B

FY 2020

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

BUDGET FORM 1

PART I. Business Unit No.: 104002 Program Title: Navajo-Hopi Legal Services Program Division/Branch: Department of Justice

Prepared By: Barbara Calvin Phone No.: 928-871-6228 Email Address: bcalvin@nndoj.org

PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total
General Fund	10/1/19-9/30/2020	222,211.00	100%
	TOTAL:	$222,211.00	100%

PART III. BUDGET SUMMARY	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference (Column B - A)
2001 Personnel Expenses	1	199,908	208,577	8,669
3000 Travel Expenses		3,339	2,352	(987)
3500 Meeting Expenses				0
4000 Supplies	1	5,600	4,200	(1,400)
5000 Lease and Rental				0
5500 Communications and Utilities	1	8,880	2,716	(6,164)
6000 Repairs and Maintenance				0
6500 Contractual Services				0
7000 Special Transactions	1	4,484	4,366	(118)
8000 Public Assistance				0
9000 Capital Outlay				0
9500 Matching Funds				0
9500 Indirect Cost				0
TOTAL		$222,211.00	222,211.00	0

PART IV. POSITIONS AND VEHICLES	(D)	(E)
Total # of Positions Budgeted:	3	3
Total # of Vehicles Budgeted:	0	0

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

Kimberly A. Dutcher, Deputy Attorney General
SUBMITTED BY: Program Manager's Printed Name

Kimberly A. Dutcher 6/14/19
SUBMITTED BY: Program Manager's Signature and Date

Doreen N. McPaul, Attorney General
APPROVED BY: Division Director/Branch Chief's Printed Name

Doreen N McPaul 6/14/19
APPROVED BY: Division Director/Branch Chief's Signature and Date

FY 2020

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

BUDGET FORM 2

PART I. PROGRAM INFORMATION:

Business Unit No.: 104002 **Program Name/Title:** Navajo-Hopi Legal Services Program

PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:

GSCJY-35-93: 1993 Plan of Operation: To Assist eligble clients with legal problem arising out from the Navajo-Hopi Settlement Act.

PART III. PROGRAM PERFORMANCE CRITERIA:

	1st QTR		2nd QTR		3rd QTR		4th QTR	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Goal Statement: Interview clients on pending relocation appeal cases.								
Program Performance Measure: Outreach and interview NHLSP clients.	3		3		3		3	
2. Goal Statement: Provide information, documents, consultation and advice to outside counsel on federal appeals								
Program Performance Measure: Assistance to outside counsel on federal appeals of relocation benefit denials	3		3		3		3	
3. Goal Statement: Participate in meetings with Navajo Nation officials,ONHIR and BIA on ONHIR transition/closure								
Program Performance Measure: ONHIR Transition Team Meeting	3		3		3		3	
4. Goal Statement: Intake clients will receive advice and/or referrals by the Navajo-Hopi Legtal Services Program								
Program Performance Measure: Intake services (phone calls or walk-in inquiries on non-relocattion matters).	3		3		3		3	
5. Goal Statement: Provide assistance to other DOJ units.								
Program Performance Measure: Assistance to DOJ/HSGU/OCP	4		4		4		4	

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

Kimberly A. Dutcher, Deputy Attorney General
Program Manager's Printed Name

Kimberly A. Dutcher 6/14/19
Program Manager's Signature and Date

Doreen N. McPaul, Attorney General
Division Director/Branch Chief's Printed Name

Doreen N. McPaul 6/14/19
Division Director/Branch Chief's Signature and Date

FY 2020

The Navajo Nation
Listing of Positions and Assignments by Business Unit

DPM VERIFICATION 6/17/2019 DATE

BUDGET FORM 3

SUB ACCT	POS NO	JOB TYPE	POSITION TITLE	EMP ID	WKSITE CODE	FY 2019 ACTUAL G/S	FY 2019 ACTUAL SALARY	FY 2020 PROPOSED HOURS	FY 2020 PROPOSED BUDGET PERIOD		FY 2020 PROPOSED BUDGET
104002			NAV-HOPI LEGAL SVCS PRGM								
1003	202262	2145	SR ATTORNEY	VACANT	TCA	AS70A	79,892.80	1,040	10/01/2019	09/30/2020	39,946.00
1006	210608	1291	LEGAL SECRETARY	21035	TCA	AR59B	28,475.20	2,080	10/01/2019	09/30/2020	28,475.00
1007	202260	2144	PRIN ATTORNEY	VACANT	TCA	AS72A	94,411.20	1,600	10/01/2019	09/30/2020	72,624.00
						2110 SUBTOTAL:					141,045.00
						BUSINESS UNIT TOTAL:					141,045.00

PART I. PROGRAM INFORMATION:

Program Name/Title: Navajo-Hopi Legal Services Program Business Unit No.: 104002

PART II. DETAILED BUDGET:

(A) Object Code (LOD 6)	(B) Object Code Description and Justification (LOD 7)		(C) Total by DETAILED Object Code (LOD 6)	(D) Total by MAJOR Object Code (LOD 4)
	2001 PERSONNEL EXPENSES			208,577
	Employee salary and fringe benefits			
2110	Regular			
	.2120 One position @ 2080 hours (Legal Secretary)	28,475	141,045	
	.2120 Two Positions Pro-Rated @ 1600Hrs for Principal Attorney and 1040Hrs. Senior Attorney)	112,570		
2900	.2900 Regular:		67,532	
	2900: Regular $141,045 X 47.88% = $67,532.34	67,532		
	3000 TRAVEL EXPENSES			2,352
	Lodging, meals, private vehicle mileage and daily rental of tribal vehicle to attend meetings, hearings, mandatory CLE, to meet with clients and perform field investigations. Per diem rate vary by destination and include computer repair and maintenance by Department of Justice.			
3230	Travel Expenses		2,352	
	.3240 Per diem rates for the following anticipated trips:			
	$51/day x 14x 1 staff = $714.00	714		
	3250 Lodging rates for the following anticipated trips:			
	$93/might x 2 trips to Window Rock x1 staff = $186.00 $93.00/night 2 staff.	558		
	3260 POV @ 6,000 miles x .18/miles x 1 staff = $1,080.00	1,080		
		TOTAL	210,929	210,929

PART I. PROGRAM INFORMATION:

Program Name/Title: Navajo-Hopi Legal Services Program Business Unit No.: 104002

PART II. DETAILED BUDGET:

(A) Object Code (LOD 6)	(B) Object Code Description and Justification (LOD 7)		(C) Total by DETAILED Object Code (LOD 6)	(D) Total by MAJOR Object Code (LOD 4)
	4000 SUPPLIES			4,200
	Office supplies, operating supplies, postage, law library local newspaper for tracking Navajo Nation Legislation.			
4120	**Office Supplies**			
	.4130 General Office Supplies		2,350	
		2,350		
4410	**Operating Supplies**		1,850	
	.4420 General Operating Supplies	700		
	.4450 Postage, Shipping, Pacer Fees	800		
	.4549 Legal Law books periodicals, subscriptions (AZ Rules of Court, Gallup Independent).	350		
	5500 COMMUNICATION AND UTILITIES			2,716
	Navajo Nation telephone services and voice mail; internet services for 5 station plus Electricity and Propane for 2 office buildings.			
5520	**Telephone**		1,696	
	.5530 Basic Services; $141.33/Month for 12 Months X 1 location = $1,695.96	1,696		
5570	**Internet**		1,020	
	.5580 DSL: 85/month X 12 = $1,020.00	1,020		
		TOTAL	6,916	6,916

PART I. PROGRAM INFORMATION:

Program Name/Title: Navajo-Hopi Legal Services Program Business Unit No.: 104002

PART II. DETAILED BUDGET:

(A) Object Code (LOD 6)	(B) Object Code Description and Justification (LOD 7)		(C) Total by DETAILED Object Code (LOD 6)	(D) Total by MAJOR Object Code (LOD 4)
	7000 SPECIAL TRANSACTIONS			4,366
	Office supplies, operating supplies, postage, law library local newspaper for tracking Navajo Nation Legislation.			
7510	Training and Professional Dues		2,460	
	.7520 Training FBA Indian Law Conference $325 X 2 = $650.00; NNBA Conference $250 X 2 = $500.00 = $1,150.00	1,150		
	.7550 Mandatory Professional Dues: NNBA 150 X 2 = $300.00; State of Arizona $505 x 2=$1,010.00 = $1,310.00	1,310		
7710	Insurance Premiums		1,906	
	.4420 Property - Contents -41,230 / 1,000 X 0.60 = $24.73	25		
	.7765 Policy Payment (General Liability) $208,577 / 100 X .30 = $625.73	626		
	.7767 Worker's Compensation (less fringe) $141,045 / 100 x 0.89 = $1,255.30	1,255		
		TOTAL	4,366	4,366

FY 2020

THE NAVAJO NATION
SUMMARY OF CHANGES TO BUDGETED POSITIONS

BUDGET FORM 5

PART I. PROGRAM INFORMATION:

Program Name/Title: Navajo-Hopi Legal Services Program

Business Unit No.: 104002

PART II. PERSONNEL/POSITION CHANGES:

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
Type of Change	Sub Acct Object Code	Position Number	Job Type / Class Code	Position Title	Employee ID No. or Vacant	Salary	Fringe Benefit	Total (Col. G + H)
Pro Rate	1003	202262	002145	Senior Attorney	Vacant	39,946	19,126	59,072
Pro Rate	1007	202260	002144	Principal Attorney	Vacant	72,624	34,772	107,396
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								-
					PAGE TOTAL:	112,570	53,898	166,468

EXHIBIT B

Document No. 014231 Date Issued: 02

SECTION 164 REVIEW FORM

Title of Document: Request for Supplemental Funds ($55,530) Contact Name: OFFICE OF ATTORNEY GENERAL

Program/Division: OFFICE OF THE ATTORNEY GENERAL

Email: cgthomas@nndoj.org Phone Number: (928) 871-7510

Division Director Approval for 164A: Doreen N. McPaul 2/25/2020

Check document category; only submit to category reviewers. Each reviewer has a maximum 7 working days, except Business Regulatory Department which has 2 days, to review and determine whether the document(s) are sufficient or insufficient. If deemed insufficient, a memorandum explaining the insufficiency of the document(s) is required.

Section 164(A) Final approval rests with Legislative Standing Committee(s) or Council

☐ **Statement of Policy or Positive Law:**

			Sufficient	Insufficient
1. OAG:		Date:	☐	☐

☑ **IGA, Budget Resolutions, Budget Reallocations or amendments: (OMB and Controller sign ONLY if document expends or receives funds)**

1. OMB:	DBegay – See Memo	Date: 3-6-20	☑	☐
2. OOC:	[signature]	Date: 3/12/2020	☐	☒ recurring
3. OAG:	DMcPaul	Date: 3/19/2020	☒	☐

Section 164(B) Final approval rests with the President of the Navajo Nation

☐ **Grant/Funding Agreement or amendment:**

1. Division:		Date:	☐	☐
2. OMB:		Date:	☐	☐
3. OOC:		Date:	☐	☐
4. OAG:		Date:	☐	☐

☐ **Subcontract/Contract expending or receiving funds or amendment:**

1. Division:		Date:	☐	☐
2. BRD:		Date:	☐	☐
3. OMB:		Date:	☐	☐
4. OOC:		Date:	☐	☐
5. OAG:		Date:	☐	☐

☐ **Letter of Assurance/M.O.A./M.O.U./Other agreement not expending funds or amendment:**

1. Division:		Date:	☐	☐
2. OAG:		Date:	☐	☐

☐ **M.O.A. or Letter of Assurance expending or receiving funds or amendment:**

1. Division:		Date:	☐	☐
2. OMB:		Date:	☐	☐
3. OOC:		Date:	☐	☐
4. OAG:		Date:	☐	☐

Pursuant to 2 N.N.C. § 164 and Executive Order Number 07-2013

NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

DOREEN N. McPAUL
Attorney General

KIMBERLY A. DUTCHER
Deputy Attorney General

MEMORANDUM

TO: 164A Reviewers of Document No. 14231

FROM: _____
Cecelia G. Thomas, Admin. Legal Secretary
NNDOJ/Water Rights Unit

DATE: March 19, 2020

SUBJECT: **Response to OOC Memorandum, dated March 12, 2020, RE: 164-014231-Request for Supplemental Funds ($55,530)**

This Memorandum serves as a response to the Office of the Controller's (OCC) review of Document No. 14231 (*see* OOC's Memo, dated March 12, 2020, RE: 164-014231-Request for Supplemental Funds ($55,530)) that has been deemed insufficient. The Navajo Hopi Legal Services Program (NHLSP) addresses the following:

1) **Finding No. 3 – Request Deemed Insufficient due to RECURRING classification.**

    a. OOC found that NHLSP's supplemental funding request is insufficient because it considers the request to be a recurring cost. To remedy this concern, NHLSP will draft the legislation authorizing this request, through a waiver, to indicate this will not be a reoccurring cost.

The leadership for the Navajo Nation, who will decide the approval of NHLSP's request for supplemental funding, have repeatedly expressed strong support for NHLSP's commitment to securing and protecting the legal interests of the NHLSP clients who are primarily the Navajo people. The shortfall to fund the affected positions will hinder the diligent pursuit and protection of the NHLSP's clients claims that are at issue in the U.S. District Court of Arizona or the U.S. 9th Circuit Court of Appeals.

Your favorable consideration of this response to OCC's findings concerning Doc. 14231 is appreciated. If you have any questions or concerns about this response, please contact our office. Thank you.

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: Pearline Kirk, Controller
Office of the Controller

Date: March 12, 2020

Subject: 164-014231-Request for Supplemental Funds ($55,530)

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

1. The balance of the UUFB is $14,889,146 as of March 11, 2020. Unmet needs amounts for FY2020 Comprehensive Budgets have yet to be determined and if any are approved would also reduce this available balance.
2. This request is for $55,530 for two positions within Navajo-Hopi Legal Services Program Business Unit 104002.
3. This request would be considered **RECURRING** expenses as it is a part of what the office is set up to provide services for.

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 : Executive Order/164 Reviewers

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

DATE : March 06, 2020

SUBJECT : **164(A) Review Document No. 014231**: FY 2020 Supplemental Funding Request for DOJ/Navajo Hopi Legal Services for $55,530 from the Undesignated, Unreserved Fund Balance (UUFB).

Pursuant to Executive Order No. 07-2013, the Office of Management and Budget (OMB) reviewed the proposed document and deems the document sufficient with the following comments:

1. The FY 2020 Budget Resolution, CS-30-19, paragraph N (Section 2) directs the Branch Chiefs to prioritize the unmet needs for the respective Branches for potential supplemental appropriations in accordance with 12 NNC Section 820 (L). Comprehensive planning and the setting of priorities is essential so that limited funds are allocated to the most pressing and urgent Navajo Nation needs. Is this proposal a designated critical need?
2. The Appropriations Act requires that non-recurring funds be used for non-recurring purposes (12 NNC Section 820 (E), (F), (J), and (L). The Controller needs to make this determination.
3. The request could be covered by the FY 2020 Executive Branch $3 Million Carryover per CS-30-19, since it is for a minimal amount. The Office of the President/Vice President should consider this.
4. OMB worked with Department of Justice to correct the budget forms which should be appended to the document.

Contact OMB at (928) 871-6470 if there are any questions and/or concerns regarding this memorandum.

xc: Paulson Chaco, Chief of Staff – Office of the President and Vice President (OPVP)
Christopher T. Bahe, Executive Staff Assistant - OPVP

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576

Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

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

FROM: K A Lowell
Kristen A. Lowell, Principal Attorney
Office of Legislative Counsel

DATE: April 23, 2020

SUBJECT: AN ACTION RELATING TO LAW AND ORDER COMMITTEE, BUDGET AND FINANCE COMMITTEE, NAABIK'IYATI' COMMITTEE AND THE NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF $55,530.00 (FIFTY-FIVE THOUSAND, FIVE HUNDRED THIRTY DOLLARS) FOR THE NAVAJO-HOPI LEGAL SERVICES PROGRAM TO FUND THE SHORTFALL OF TWO PROFESSIONAL STAFF POSITIONS THROUGH THE END OF FY2020; WAIVING 12 N.N.C. §§ 820 (E) AND 820 (F) OF THE APPROPRIATIONS ACT

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

Please ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees' powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. 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).

If the proposed resolution 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.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0104-20__ SPONSOR: Otto Tso

TITLE: An Action Relating To Law And Order Committee, Budget And Finance Committee, NAABIK'IYATI' Committee And The Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of $55,530.00 (Fifty-Five Thousand, Five Hundred Thirty Dollars) For The Navajo-Hopi Legal Services Program To Fund The Shortfall Of Two Professional Staff Positions Through The End Of FY2020; Waiving 12 N.N.C. §§ 820 (E) And 820 (F) Of The Appropriations Act

Date posted: April 24, 2020 at 5:42 PM

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.*